

The City of Concord will acquire by condemnation or negotiated conveyance for the purposes stated above, the property and interest therein described above to the Resolution.

The City Attorney is authorized and directed to acquire by negotiated offer or, in the alternative, institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes, to acquire the properties described above.

Adopted this 9th day of June, 2020.

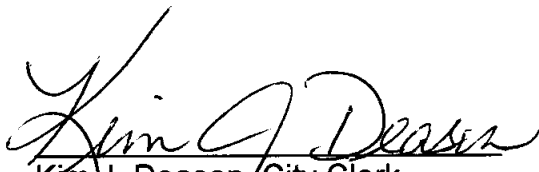
CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

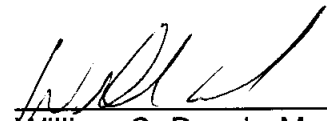
ATTEST: Kim J. Deason, City Clerk

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There being no further business to be discussed, a motion was made by Council Member King and seconded by Council Member Langford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.



Kim J. Deason, City Clerk



William C. Dusch, Mayor

CONCORD CITY COUNCIL
REGULAR MEETING
JUNE 11, 2020

A regular meeting of the City Council for the City of Concord, North Carolina, was held on June 11, 2020, at 6:00 p.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

Mayor Pro-Tem John A. Sweat, Jr.
Council Member Andy Langford
Council Member W. Brian King
Council Member Ella Mae P. Small
Council Member JC McKenzie
Council Member Terry L. Crawford
Council Member Jennifer H. Parsley

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Various Department Directors

* * * * *

Call to Order, Pledge of Allegiance, and Moment of Silent Prayer:

The meeting was called to order by Mayor Dusch followed by the Pledge of Allegiance and a moment of silent prayer.

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Approval of Minutes:

A motion was made by Council Member Crawford and seconded by Council Member Parsley to approve the minutes for the meetings of May 12 and May 14, 2020—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

* * * * *

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to amend the agenda to include a presentation of a Proclamation recognizing the month of June as PTSD Month—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

Presentations:

1. Mayor Dusch read and submitted the following Proclamation recognizing June 2020 as PTSD month.

WHEREAS, Posttraumatic Stress Disorder (PTSD) can occur after a person experiences trauma including, but not limited to the stress of combat, rape, sexual assault, child abuse, bombings, accidents and natural disasters, and affects approximately 8 million adults in the United States annually; and

WHEREAS, PTSD is associated with chemical changes in the body’s hormonal system and autonomic nervous system, and is characterized by symptoms including flashbacks, nightmares, insomnia, avoidance, hypervigilance, anxiety, and depression and

WHEREAS, the brave men and women of the United States Armed Forces, who proudly serve the nation and risk their lives to protect our freedom, deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, between 10 and 30 percent of service members will develop PTSD within a year of leaving combat, while others may not develop symptoms until years later; and

WHEREAS, despite its treatability, many cases of PTSD remain undiagnosed and untreated due to a lack of awareness of this condition and the persistent stigma associated with mental health conditions; and

WHEREAS, raising awareness of this condition is necessary to remove the stigma and to encourage those suffering to seek proper and timely treatment that may save their lives; and

WHEREAS, all citizens suffering from PTSD deserve our consideration, and those who are affected by PTSD from wounds received while protecting our freedom, deserve our respect and special honor.

NOW, THEREFORE, I, William C. Dusch, Mayor and the City Council of the City of Concord, North Carolina, do hereby proclaim the month of June 2020 to be

“Posttraumatic Stress Disorder Month”

to bring awareness to those with PTSD and to encourage people to reach out to their fellow citizens to provide support and remove the stigma associated with this disorder.

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

Persons requesting to be heard:

Norman McCollough addressed the Council in regards to the Coleman Mill rehabilitation project. He stated he would like to speak to the developer and be of assistance with a memorial for Mr. Coleman on the site. Mayor Dusch stated he would pass along the developer’s information to Mr. McCollough.

Tara Benge, PhD, addressed the Council and asked that the Council reconsider the proposed allocation in the FY20-21 budget for the Police Department. She asked that these funds be reallocated to other sources to encourage sustainable living and healing.

Public Hearings: – the public hearings were opened and conducted at the June 9, 2020 Work Session.

The City Attorney explained due to new legislation regarding virtual meetings, all public hearing items were opened and heard at the June 9th Work Session and tabled to the June 11th City Council meeting at which time action would be taken on the item. This allowed for the required 24 hour written comment period for virtual public hearings.

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1. Conduct a public hearing pursuant to N.C. General Statute 159-12 to consider public comments relative to the proposed FY 2020-2021 budget for the City of Concord.

The City Manager submitted his recommended budget to the City Council for consideration. Before adopting the budget ordinance, Council must hold a public hearing. Once the Council holds the public hearing, and considers input, it may adopt the budget ordinance at any time before the end of June 2020.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

There was no one signed in to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member King and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none

A motion was made by Council Member Langford and seconded by Council Member McKenzie to adopt the following FY 2020-2021 Budget Ordinance and FY 2020-2021 Capital Project Ordinance for the City of Concord—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

ORD. #20-66

2020-2021 BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Concord, North Carolina, meeting in open session this 11th day of June 2020 that the following fund revenues and departmental expenditures, together with certain restrictions and authorizations are adopted.

SECTION I. GENERAL FUND: Revenues totaling \$102,168,959 are hereby approved from the following sources:

Ad Valorem Taxes	\$64,037,876
Sales Taxes	18,042,860
Unrestricted Intergovernmental Revenue	5,793,818
Restricted Intergovernmental Revenue	4,148,308
Licenses, Permits and Fees	2,006,300
Sales & Services Revenue	2,865,018
Other Revenues	643,480
Investment Earnings	4,406
Transfer from Capital Reserves	4,626,893
TOTAL	\$102,168,959

A total of \$102,168,959 is hereby authorized to be expended from the departmental accounts of the General Fund as follows:

Governing Body	\$ 268,672
Public Services – Admin.	101,584
City Manager’s Office	844,298
Human Resources	799,853
Wellness Center	257,906
Finance	764,793
Tax	391,115
Legal	409,077
Non-Departmental	6,516,822
Police	25,564,211
Code Enforcement	1,064,477
Communications	2,002,978
Radio Shop	512,654
Fire	24,735,443
Fire – Prevention	1,003,607
Fire – Training	586,906
Emergency Management	207,266

Streets & Traffic	9,066,780
Powell Bill	1,742,764
Traffic Signal Division	1,210,096
Traffic Services	606,824
Solid Waste & Recycling	8,665,496
Cemeteries	737,208
Fleet Services (costs are direct billed)	0
Planning & Neighborhood Development	3,516,910
Transportation Planning	348,820
Economic Development	1,416,803
Parks & Recreation	8,652,817
Parks & Recreation - Aquatics	172,779
TOTAL	\$ 102,168,959

SECTION II. SPECIAL REVENUE FUNDS: Revenues totaling \$8,375,119 are hereby approved comprising Municipal Service District Tax Revenues, Community Development Block Grant Funds and H.O.M.E. Program, Transportation Improvement Fund, \$5 Vehicle Tax – Transit Fund, Housing Assistance Voucher Program, Market Rate Units Fund, and Affordable Housing Revolving Fund.

A total of \$8,375,119 is hereby authorized to be expended from Special Revenue Funds as follows:

Municipal Service District Fund	\$125,707
Housing Assistance Voucher Program Fund	4,955,934
Community Development Block Grant Fund	682,540
H.O.M.E. Consortium Fund	1,479,335
\$5 Vehicle Tax – Transit Fund	390,000
Market Rate Units Fund	65,771
Affordable Housing Revolving Fund	675,832
TOTAL	\$8,375,119

SECTION III. ELECTRIC FUND: Revenues are hereby approved comprised of \$84,008,625 in operating revenues, \$70,000 in non-operating revenues, and \$2,059,282 in retained earnings appropriated. A total of \$86,137,907 is hereby authorized to be expended from the Electric Fund as follows:

Electric Administration	\$3,861,083
Purchased Power	49,271,048
Maintenance - Power Lines	7,878,516
Tree Trimming	1,488,077
Electric Construction	22,035,573
Peak Shaving	115,435
Electric Engineering	1,207,543
Utility Locate Services	280,632
TOTAL	\$86,137,907

SECTION IV. WATER FUND: Revenues are hereby approved comprised of \$25,510,100 in operating revenue, non-operating revenue of \$49,000, and \$5,469,287 in retained earnings appropriated. A total of \$31,028,387 is hereby authorized to be expended from the Water Fund as follows:

Hillgrove Water Plant	\$ 3,544,285
Coddle Creek Water Plant	9,364,278
Waterlines - Operation & Maintenance	18,119,824
TOTAL	\$ 31,028,387

SECTION V. WASTEWATER FUND: Revenues are hereby approved comprised of operating revenues of \$17,510,000 and non-operating revenues of \$2,000. A total of \$17,512,000 is hereby authorized to be expended from the Wastewater Fund as follows:

Wastewater Operations & Maintenance \$ 17,512,000

SECTION VI. STORMWATER FUND: Revenues are hereby approved comprised of \$4,850,375 in operating revenue, \$6,000 in non-operating revenues, and \$199,901 in retained earnings appropriated. A total of \$5,056,276 is hereby authorized to be expended from the Stormwater Fund as follows:

Stormwater Operations & Maintenance \$ 5,056,276

SECTION VII. AVIATION FUND: Revenues are hereby approved comprised of \$5,721,921 in operating revenue, \$89,200 in non-operating revenue, \$1,000,000 in restricted intergovernmental revenues, \$29,500 in licenses, \$1,859,057 in retained earnings appropriated, and a transfer of \$816,046 from the General Fund. A total of \$9,515,724 is hereby authorized to be expended from the Aviation Fund as follows:

Aviation Operating \$9,515,724

SECTION VIII. GOLF COURSE FUND: Revenues are hereby approved comprised of \$1,746,145 in operating revenues, \$18,273 in other revenues, and a transfer from the General Fund of \$940,163. A total of \$2,705,061 is hereby authorized to be expended from the Golf Course Fund as follows:

Golf Course Operating \$2,704,581

SECTION IX. TRANSIT FUND: Revenues are hereby approved comprised of \$315,215 in operating revenues, restricted intergovernmental revenue of \$3,993,998 transfer of \$390,000 from the \$5 Vehicle Tax – Transit Fund, and a transfer from the General Fund of \$267,520. A total of \$4,966,733 is hereby authorized to be expended from the Transit Fund as follows:

Transit Farebox/Local Expense	\$1,347,560
Transit Grant Expense	3,619,173
TOTAL	\$4,966,733

SECTION X. PUBLIC HOUSING FUND: Revenues are hereby approved comprised of \$480,000 in operating revenues, \$100,000 in other revenue, and HUD contributions of \$852,199. A total of \$1,432,199 is hereby authorized to be expended from the Public Housing Fund as follows:

Public Housing Operations \$1,432,199

SECTION XI. DEBT SERVICE (FIRST CONCORD): Revenues are hereby approved comprised of transfers from operating funds in the amount of \$4,199,994. A total of \$4,199,994 is hereby authorized to be expended from First Concord for debt service payments as follows:

2010 LOBS \$878,800
2014 LOBS \$3,321,194

SECTION XII. ENCUMBRANCES AS OF JUNE 30, 2020: Funds appropriated in the 2019-2020 budget and encumbered at June 30, 2020, shall be authorized as part of the 2020-2021 budget appropriation by adoption of this budget ordinance.

SECTION XIII. EMPLOYEE COMPENSATION: In accordance with the provisions of the current Personnel Policy for the City of Concord, a 3.5% contribution to a 401K program is included for all employees except law enforcement. Law enforcement is funded at 5%, as required. Monies have been set aside in each fund for a 1.5% market adjustment to all employees effective July 1, 2020, as well as merit increase opportunities for co-workers. An overall average merit increase of 2% of salaries is authorized in each fund for FY 21. The range for merit increases will be from 1 to 3%, depending on performance.

SECTION XIV. TAX RATE ESTABLISHED: An Ad Valorem Tax rate of \$0.4800 per \$100 property valuation is hereby established as the official tax rate for the City of Concord for the fiscal year 2020-2021. The adopted tax rate is based on an estimated valuation of \$13,935,629,415 (including motor vehicles) and an estimated 96.0 percent collection rate. The revenue neutral tax rate is calculated at \$0.4165.

A Municipal Service District Tax of \$0.23 per \$100 property valuation (other than personal property of public service corporations) is hereby established for revitalization and other services permitted under N.C. General Statute 160A-536 in the Downtown Municipal Service District created July 1, 1989. The adopted MSD rate reflects an estimated valuation of \$53,295,705 with an estimated 96.0 percent collection rate. The revenue neutral tax rate is calculated at \$0.2055.

Allocation of the 2020-2021 tax rates will be as follows:

GENERAL FUND	\$ 0.4800
MUNICIPAL SERVICE DISTRICT	\$ 0.23

SECTION XV. SPECIAL AUTHORIZATION – CITY MANAGER:

- a. The City Manager (or his/her designee if sum is under \$10,000) shall, be authorized to reallocate departmental appropriations among the various objects of expenditures, as he believes necessary.
- b. The City Manager shall be authorized to effect interdepartmental transfers in the same fund, not to exceed 10 percent of the appropriated monies for the department whose allocation is reduced.
- c. Interfund transfers, which are already established in the budget document, may be accomplished without recourse to the Council.
- d. The City Manager, by designation of City Council under NC General Statute 159-13, shall be authorized to appropriate and/or transfer up to \$50,000 in Contingency funds. The transfer must be recorded by budget amendment at the next regularly scheduled City Council meeting.

SECTION XVI. RESTRICTIONS – CITY MANAGER:

- a. The interfund transfer of monies, except as noted in Section XV, Paragraph C and D, shall be accomplished with Council authorization only.

SECTION XVII. UTILIZATION OF BUDGET AND BUDGET ORDINANCE:

This Ordinance includes the 2020-2021 Annual Operating Budget document, which is on file with the City Clerk and adopted as a part of this Ordinance and is incorporated by reference as if fully re-stated herein. The 2020-2021 Schedule of User Fees, Rates and Charges is also included within the Annual Operating Budget document and is thereby adopted under this ordinance.

This Ordinance shall be the basis of the financial operation of the City of Concord during the 2020-2021 fiscal year. The City Manager shall administer the budget, and he shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The Finance Department shall establish records, which are in consonance with the Budget and the Ordinance and the appropriate statutes of the State of North Carolina.

This Ordinance is approved and adopted this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD. #66-68

CITY OF CONCORD, NORTH CAROLINA
 CAPITAL PROJECT ORDINANCE
 BE IT ORDAINED BY THE CITY OF CONCORD, NORTH CAROLINA

The following project expenditures and anticipated fund revenues are hereby appropriated for the construction of the City's various capital projects and funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 1: CAPITAL RESERVE PROJECTS

General Fund – Recreation Capital Reserve Fund 280

Future Project Reserves	\$675,832	
From General Fund (1/2 cent)		\$675,832
	\$675,832	\$675,832

General Fund – Capital Reserve Fund 285

Transfer to Capital Projects	\$6,467,742	
Transfer to General Fund	\$4,241,893	
Transfer to Golf Project Fund	\$100,000	
From Future Project Reserves		\$10,809,635
	\$10,809,635	\$10,809,635

Utility Fund – Capital Reserve Fund 282

Future Water Projects	\$1,090,220	
Future Sewer Projects	\$392,000	
Transfer to Electric Project	\$4,000,000	
Future Electric Projects		\$4,000,000
Transfers from Sewer Fund		\$392,000
Transfers from Water Fund		\$1,090,220
	\$5,482,220	\$5,482,220

Specific future capital projects may be found in the City's Capital Improvement Plan Listing.

SECTION 2: GENERAL FUND CAPITAL PROJECTS

Recreation Projects -Fund 420

Caldwell Park Improvements	\$500,000	
NW Park	\$867,502	
Dorton Park Improvements	\$521,640	
Mountain Bike Trail – Parking	\$195,000	
Academy Rec Center Complex	\$47,000	
Hartsell Park Improvements	\$85,000	
McEachern Greenway– Hospital	\$374,000	
Parking – Logan Multipurpose Center	\$242,000	
HH – Mills at Rocky River Greenway	\$61,460	
HH – Riverwalk Greenway	\$185,000	
From the General Reserve Fund		\$3,078,602
	\$3,078,602	\$3,078,602

General Projects Fund 430

Traffic Calming	\$171,460	
Rutherford Expansion – Fencing	\$78,640	
Union Street Streetscape	\$3,300,500	

247

Joint Communication Facility	\$125,000	
Transfer to General Fund	\$85,000	
Cell Tower Relocation	(\$85,000)	
Future Projects		\$286,460
Transfer from General Reserve		\$3,389,140
	\$3,675,600	\$3,675,600

<u>Fire Projects Fund 426</u>		
Transfer to General Fund	\$300,000	
Fire Station 10	(\$300,000)	
Fire Station #12	\$5,950,000	
Financing Proceeds		\$5,950,000
	\$5,950,000	\$5,950,000

SECTION 3: OTHER FUND CAPITAL PROJECTS

<u>Transportation Projects Fund 423</u>		
Brown Center Road Expansion	\$800,000	
Pedestrian Improvements (Sidewalks)	\$500,000	
Upfit Cabarrus County Facility	\$1,167,232	
I85 Branding	\$200,000	
Future Projects	\$ 88,182	
Concrete Street Reconstruction	\$675,832	
Vehicle Licenses \$5 Fee		\$390,000
From General Fund (.25 cents)		\$337,916
Transfer from General Fund (2 cents)		\$2,703,330
	\$3,431,246	\$3,431,246

<u>Stormwater Projects Fund 474</u>		
Duval Street Culvert	\$1,112,000	
Dylan Place Culvert	\$130,000	
Union Street Streetscape	\$436,000	
Transfer from Stormwater Fund		\$1,678,000
	\$1,678,000	\$1,678,000

<u>Electric Projects Fund 473</u>		
Delivery #4 100kV Hwy 29	\$5,000,000	
Delivery #1 Replacement	\$300,000	
Delivery #4 and Sub E Interconnect	\$1,000,000	
Substation T Hwy 29-W Bypass	\$1,000,000	
Substation U Cabarrus Arena	\$1,000,000	
Substation V Weddington Road	\$1,000,000	
Union Street Streetscape	\$1,108,220	
Substation R Poplar Tent	\$500,000	
Substation S Hwy 601	\$3,510,000	
Electric Operations Center	\$1,500,000	
Future Projects		\$87,000
Transfer from Electric Fund		\$10,331,220
Bond Proceeds		\$1,500,000
Transfer from Utility Reserve Fund		\$4,000,000
	\$15,918,220	\$15,918,220

<u>Water Projects Fund 429</u>	
Raw Waterline - Coddle Creek	\$3,600,000
Poplar Tent 24" Line	\$210,000
Spring Street Line Replacement 8"	\$950,000
Hwy 601 Pump Station Rehab.	\$250,000
Union Street Streetscape	\$878,000
NC73 Water Connection to Charlotte	\$750,000
Poplar Tent – I85 to George Liles	\$200,000
Coddle Creek WTP Dewatering	\$100,000

General Service Dr. Parallel Line 12"	\$64,000	
Zion Church Parallel Line 12"	\$100,000	
Hwy 73 Widening-Poplar Tent to US29	\$400,000	
From Future Project Reserves		\$690,000
System Development Fees		\$1,374,000
Transfer from Water Fund		\$5,438,000
	\$7,502,000	\$7,502,000

<u>Wastewater Projects Fund 421</u>		
Sewer Lining & Manhole Rehab.	\$1,000,000	
Poplar Tent Sewer Ext.- Cobblestone	\$360,000	
Coldwater Creek Outfall to Hwy 49	\$1,783,000	
Coddle Creek Outfall to Sunberry	\$798,000	
Union Street Streetscape	\$234,000	
Future Projects		\$627,500
Bond Proceeds		\$1,783,000
Transfer from Wastewater Fund		\$404,500
System Development Fees		\$1,360,000
	\$4,175,000	\$4,175,000

<u>Golf Projects Fund 475</u>		
Range Netting	\$100,000	
Transfer from General Capital Reserve Fund		\$100,000
	\$100,000	\$100,000

<u>Revolving Housing Projects Fund 370</u>		
Future Housing Projects	\$675,832	
Transfer from General Fund		\$675,832
	\$675,832	\$675,832

SECTION 4: SPECIAL AUTHORIZATION – CITY MANAGER

- e. The City Manager (or his/her designee if sum is under \$10,000) shall be authorized to reallocate departmental appropriations among the various objects of expenditures, as he believes necessary.
- f. The City Manager shall be authorized to effect interdepartmental transfers in the same fund, not to exceed 10 percent of the appropriated monies for the department whose allocation is reduced.
- g. Interfund transfers, which are already established in the capital improvement budget document, may be accomplished without recourse to the Council.
- h. Projects that are complete and inactive for at least one year may be closed without recourse to the Council.

SECTION 5: RESTRICTIONS – CITY MANAGER

- b. The interfund transfer of monies, except as noted in Section 4, Paragraph C, shall be accomplished with Council authorization only.
- c. Any unused funds may be reappropriated to other funds with Council authorization only.

SECTION 6: UTILITIZATION OF CAPITAL IMPROVEMENTS BUDGET

This ordinance shall be the basis of the financial plan for capital improvement projects for the City of Concord during FY 2020-21. The above revenues/expenditures shall extend from year to year until each individual project is completed and closed.

This Ordinance is approved and adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

2. Conduct a public hearing and consider adopting an ordinance annexing five (5) parcels of land located at 3133 Roberta Road, 3233 Roberta Road, 3221 Roberta Road, 3494 Marlboro Dr. SW, and 3610 Shadowcrest Dr. SW., owned by Journey Capitol, LLC.

The applicant is requesting voluntary annexation of +/- 3.325 acres. The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Michael McManus of PresPro Custom Homes. According to the annexation petition, the intent is to obtain water and sewer access for the development of single-family detached dwellings.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

Deb Earl expressed her opposition to the annexation.

Mandy Chavis, PresPro/Journey Capital, spoke in favor of the request. She explained annexation is being requested in order to obtain water and sewer access.

There were no further speakers signed in to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member Small and seconded by Council Member Langford to close the public hearing— the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none

A motion was made by Council Member McKenzie and seconded by Mayor Pro-Tem Sweat to adopt the following annexation ordinance and set the effective date for June 11, 2020—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

ORD. #20-48

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

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

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

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

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

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

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

The subject property is described as:

Physical Address:

3133 Roberta Road, PIN# 5519-42-4642

3233 Roberta Road, PIN# 5519-42-2463

3221 Roberta Road, PIN# 5519-42-3562

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

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

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

Being all of Lots 22, 26, 27 & 28 as shown on the Map drawn by Keith R. Moen entitled "WOLF MEADOW ACRES, SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry. Beginning at the point on the southern right of way of Roberta Rd. at the common corner of Lot #25 and Lot #26, being located S47 degrees 10'22"W a distance of 125.00' from the southern intersection of the right of way of Fountainview Ave. and Roberta Rd., thence along the common property line of lot #25 and lot #26 S42 degrees 49'38" E a distance of 225.00' to a point; thence along the rear property line of lot #26 S47 degrees 10'22" W a distance of 125.00' to a point, common corner of lot #26 and lot #27; thence along the rear property line of lot #27 S47 degrees 10'22" W a distance of 21.79' to a point, common corner of lot #23 and lot #22; thence along the common property line of lot #23 and lot #22 S42 degrees 49'30" E a distance of 225.00' to a point, common corner of lot #23 & lot #22 on the right of way of Marlboro Dr SW., thence with the right of way of Marlboro Dr. SW S47 degrees 10'22"W a distance of 125.00' to a point, being the common property corner of lot #22 and lot #21, thence N42 degrees 49'38" W a distance of 225.00' to a point, being the common property corner of lot #21 and lot #22, thence S47 degrees 10'22"W a distance of 103.20' to a point, being the common property corner of lot #28 and lot #29; thence along the common property line of lot #28 and lot #29 N42 degrees 49'38"W a distance of 225.00' to a point, being the common property corner of lot #28 and lot #29; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point, being the common property corner of lot #28 and lot #27; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point, being the common property corner of lot #26 and lot #27; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point; which is the point of beginning, having an area of 112,501 square feet, 2.583 acres.

Physical Address:

3160 Shadowcrest Dr SW PIN# 5519-41-6872

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

Being all of Lot 76 as shown on the Map drawn by Keith R. Moen entitled "WOLF MEADOW ACRES, SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry. Beginning at a point on the northern right of way of Shadowcrest Dr SW. at the common corner of Lot #75 and Lot #76, thence along the common property line of lot #75 and lot #76 N59 degrees 19'40" W a distance of 225.01' to a point; common corner of lot #75, lot #76, lot #79 and lot #80, thence N47 degrees 10'22" E a distance of 138.00' to a point; being the common corner of lot #76, lot #77 and lot #79, thence S86 degrees 22'52" E a distance of 154.91' to a point on the right of way of Shadowcrest Dr SW; being the common corner of lot #76 and lot #77, thence with the right of way of Shadowcrest Dr SW a curve turning to the right with an arc length of 210.36', with a radius of 437.53', with a chord bearing of S17 degrees 23'36" W, with a chord length of 208.34'; which is the point of beginning, having an area of 32,312.09 square feet, 0.742 acres.

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

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

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

Adopted this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

3. Conduct a public hearing and consider adopting an ordinance amending the Historic Handbook Chapter 5, Section 9, Fences and Walls, as it relates to the allowance of decorative concrete block and other minor clarifications.

The Historic Preservation Commission has proposed to modify the Historic Handbook to clarify prohibited wall materials and to allow decorative concrete block in certain situations.

A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem Sweat to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

There was no one signed in to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Parsley to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none

A motion was made by Council Member Crawford and seconded by Council Member King to adopt the following ordinance amending the Historic Handbook, Chapter 5, Section 9, Fences and Walls—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

ORD.# 20-49

AN ORDINANCE AMENDING THE HISTORIC HANDBOOK CHAPTER 5, SECTION 9, FENCES AND WALLS OF THE CITY OF CONCORD, NORTH CAROLINA

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

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

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

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

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

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

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

Adopted in this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

4. Conduct a public hearing to consider adopting an ordinance amending Articles 5, 7, 8, 9 and 10 of the Concord Development Ordinance (CDO) relative to Group One text changes.

With the adoption of the Concord 2030 Land Use Plan in March, 2018, there are numerous recommendations for future development which may only be achieved with revisions of the CDO. Furthermore, the CDO had not had a major wholesale revision since 2007, and it is necessary to modernize numerous provisions. The City retained Tindale-Oliver to prepare most of the revisions, but staff is preparing some also, and the revisions will be coming for review and adoption in different phases.

Staff has prepared revisions to the Permitted Use table and presented the Conservation subdivision standards which has been previously adopted by Council. Group Two amendments are in process now, and staff is working on several other amendments to the CDO. Most notably, the various review departments are in the process of developing a set of townhome standards (Article 7) which will be forthcoming. This item for the Group One changes was originally on the March Planning and Zoning Commission meeting for discussion but was deferred due to COVID-19. In terms of public outreach and notice, the drafts have been posted on the Planning Department's CDO rewrite webpage with a link to submit comment through the Publicinput.com forum. Notices were also placed on the City website as well as on the City's Facebook page. Additionally, the staff compiled an email list of frequent contacts which included developers and citizens who expressed interest in the ordinance changes through the website. The list consisted of 258 separate contacts and the email contained the link to comment on the CDO revision. Staff received six (6) comments from the public and those are detailed in the staff report that was presented to Planning Commission. After discussion at the May 19 Planning and Zoning Commission meeting, the Commission unanimously recommended several changes to the text of the ordinance and voted to forward the Group One changes to Council to consider adopting.

These changes involve the rewrite of portions of five (5) separate articles of the CDO. Numerous changes are formatting and clarification only, but the most substantive changes occur to Articles 7 and 8. In summary, the major changes involve: Subdivision entry requirements; Introduction of cluster development option; Modernized multifamily design standards; Change of nonresidential design standards to commercial and industrial design standards; Height transition/compatibility requirements; Temporary health care structures; Allowance of very limited complimentary commercial uses in higher density districts as accessory uses; Clarification of street connectivity requirements; and Addition of traffic calming measures.

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

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

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

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

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

SECTION 1: That the following section of Concord Development Ordinance (CDO) Article 5 "Subdivision Plats, Site Plans and Construction Plans," Section 5.5 "Lot Standards", Subsection 5.5.3.D be amended to the following:

D. Restrictions on Block and Cul-de-sac Lengths. The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. In the AG, RE, I-1, and I-2 zoning districts there shall be no maximum block length. In all other zoning districts, the maximum length of any blocks shall be as stated in Section 10.1.3. Cul-de-sac lengths shall be as stated in the Manual. Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

SECTION 2: That the following section of Concord Development Ordinance (CDO) Article 7 "Base Zoning Districts" be deleted in its entirety.

SECTION 3: That the following section of Concord Development Ordinance (CDO) Article 7 "Base Zoning Districts" be rewritten as follows.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member King to reconvene the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

There was no one signed in to speak in favor or in opposition and no written comments were received in favor or opposition to this request. Therefore, a motion was made by Council Member Small and seconded by Council Member Crawford to close the public hearing—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none

A motion was made by Council Member Parsley and seconded by Council Member Crawford to adopt the following ordinance amending Articles 5, 7, 8, 9, and 10 of the CDO relative to Group One changes—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

7.1 GENERAL

7.1.1 PURPOSE

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

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

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7.2 ESTABLISHMENT OF ZONING DISTRICTS

7.2.1 PURPOSE AND INTENT

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

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

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

7.2.2 OVERLAY DISTRICTS

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

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

7.2.3 CONDITIONAL DISTRICTS

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

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

7.2.4 ADDITIONAL ZONING DISTRICTS

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

7.2.5 ZONING AND COMPREHENSIVE PLAN

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

7.3 ZONING MAP

7.3.1 BOUNDARIES OF ZONING DISTRICTS

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

7.3.2 LOCATION OF OFFICIAL ZONING MAP

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

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

7.3.3 OFFICIAL ZONING MAP

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

7.4 DISTRICT BOUNDARIES

7.4.1 ZONING DISTRICT BOUNDARIES

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

7.4.2 BOUNDARY OR LOCATION DISPUTES

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

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

7.5 BASE ZONING DISTRICT PURPOSE STATEMENTS

7.5.1 AGRICULTURAL (AG) DISTRICT

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

7.5.2 RURAL ESTATE (RE) DISTRICT

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

7.5.3 RESIDENTIAL LOW DENSITY (RL) DISTRICT

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

7.5.4 RESIDENTIAL MEDIUM DENSITY (RM-1) DISTRICT

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

7.5.5 RESIDENTIAL MEDIUM DENSITY (RM-2) DISTRICT

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

development. RM-2 provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

7.5.6 RESIDENTIAL VILLAGE (RV) DISTRICT

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

7.5.7 RESIDENTIAL COMPACT (RC) DISTRICT

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

7.5.8 OFFICE AND INSTITUTIONAL (O&I) DISTRICT

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

7.5.9 NEIGHBORHOOD COMMERCIAL (B-1) DISTRICT

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

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

7.5.10 CITY CENTER (CC) DISTRICT

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

7.5.11 LIGHT COMMERCIAL (C-1) DISTRICT

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

7.5.12 GENERAL COMMERCIAL (C-2) DISTRICT

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

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

7.5.13 LIGHT INDUSTRIAL (I-1) DISTRICT

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

7.5.14 GENERAL INDUSTRIAL (I-2) DISTRICT

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

7.6 STANDARDS FOR BASE ZONING DISTRICTS

7.6.1 GENERAL

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

7.6.2 SETBACKS AND HEIGHT STANDARDS

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

A. ENCROACHMENTS

The following features may encroach into a required building setback:

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

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

B. ON STREET FRONTAGE

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

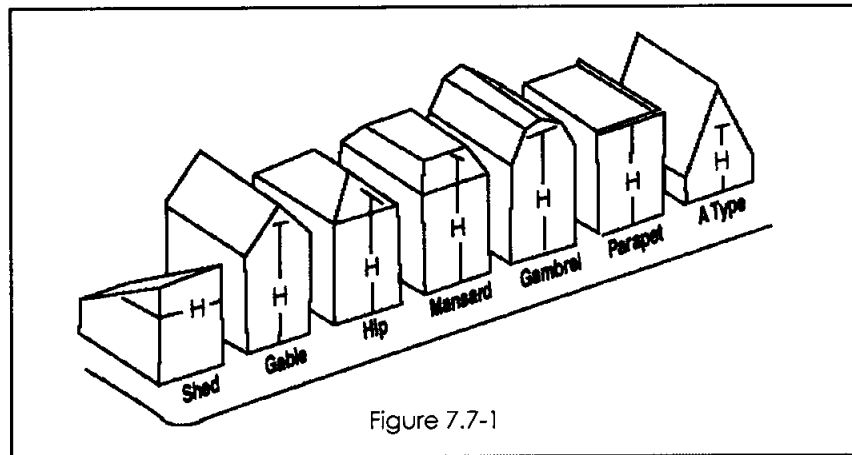
C. REDUCED FRONT YARD SETBACK

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

D. HEIGHT STANDARDS

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

Figure 7.7-1: Measuring Building Height



E. HEIGHT OF ANCILLARY STRUCTURES

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

F. EXCEPTIONS TO HEIGHT RESTRICTIONS.

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

G. HEIGHT TRANSITIONS

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

TABLE 7.6.2 A - DENSITY AND DIMENSIONAL STANDARDS

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

NOTES:

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

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

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

^ See Section 5.5.

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

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

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

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

TABLE 7.6.2 B SETBACKS

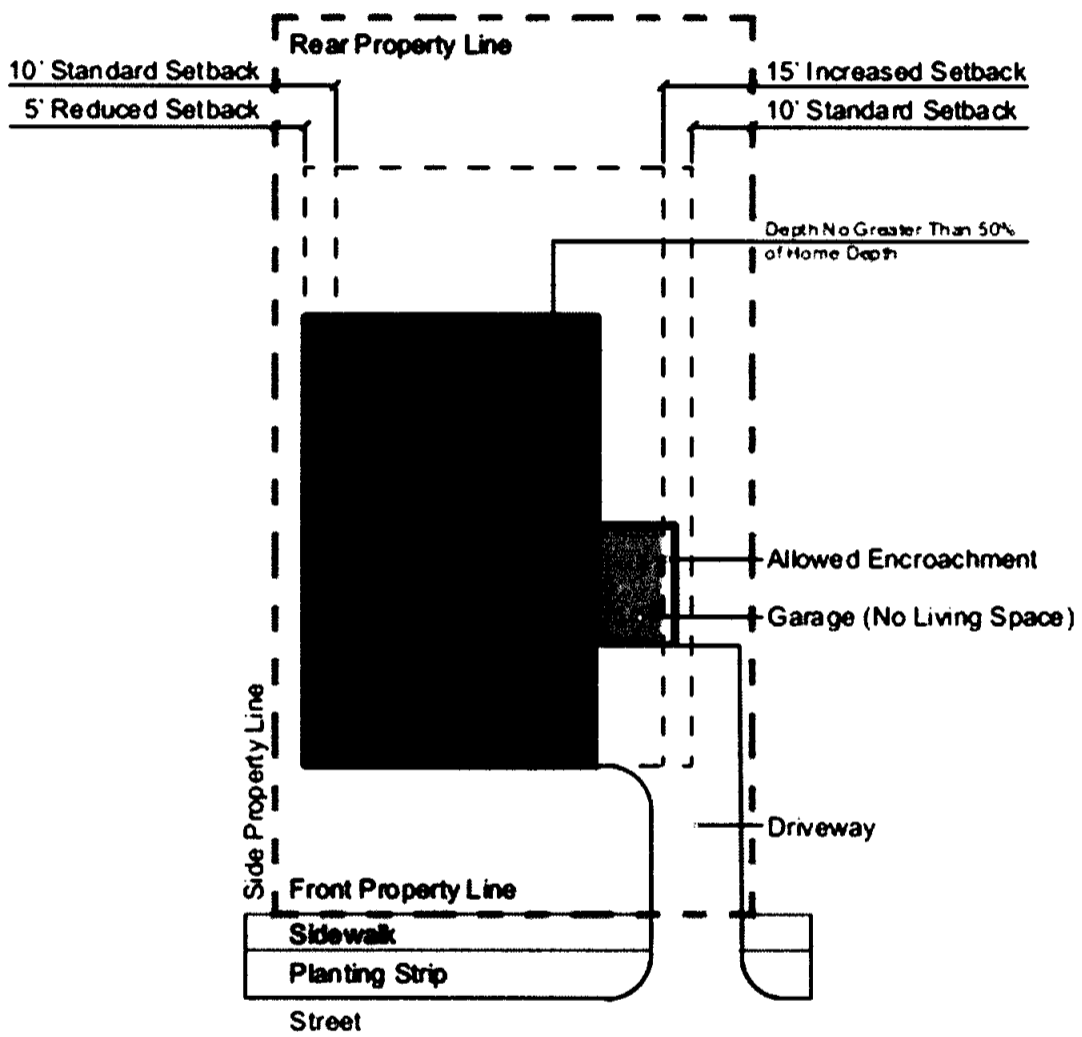
Zoning District	Min. Front Setback (feet)	PRINCIPAL STRUCTURES			ACCESSORY STRUCTURES	
		Max. Front Setback (feet)	Min. Interior Side Setback (feet) ²	Min. Rear Setback (feet)	Min. Interior Side Setback (feet)	Min. Rear Setback (feet)
AG	50	-	20 ²	30	10	10
RE	45	-	20 ²	30	5	5
RL	35	-	15 ²	30	5	5
RM-1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

NOTES:

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

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

Figure 7.7-2 Reduced Setback Allowance



7.7. RESIDENTIAL DESIGN STANDARDS

7.7.1. PURPOSE AND SCOPE

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

7.7.2 SUBDIVISION DESIGN

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

A. Block Elements

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

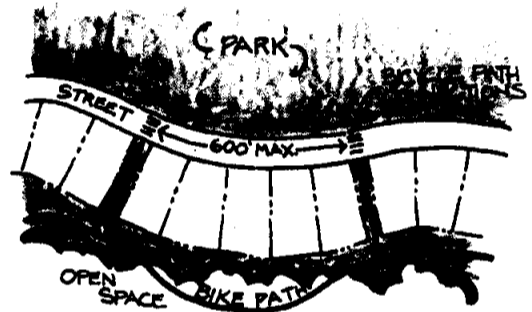


Figure 7.7-3

B. Residential Collector Street

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

C. Subdivision Entries

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

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

7.7.3. HOUSING TYPES

Subdivisions shall specify the allowable types of housing on all lots. Housing types other than conventional detached single-family housing that comply with applicable zoning district standards may be established through the PUD, PRD, or cluster subdivision approval process (as conditional district rezoning) in any base zoning district. Setbacks, densities and lot dimensions for residential development patterns approved through these processes may deviate from the standards of Section 7.6. Deviations to densities may be approved through these

processes provided that they do not exceed the densities specified in the 2030 Land Use Plan.

7.7.4. SITE ELEMENTS

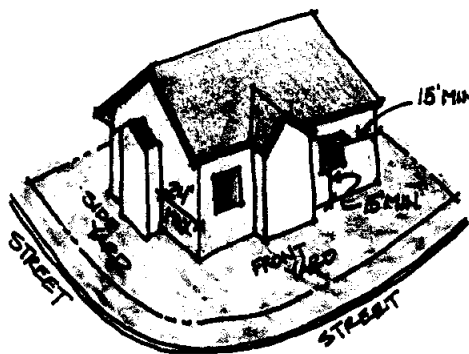
All housing types shall comply with the following site standards. The Administrator, or his designee, may waive individual requirements in this section on a case-by-case basis, provided the intent of this Section is met.

A. Front Yard Fences

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

B. Yard Trees

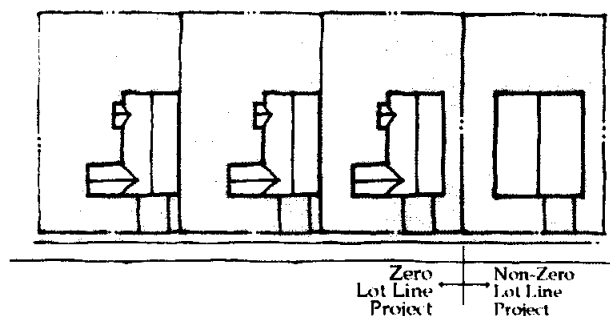
One (1) tree shall be provided within the yard. The tree shall have a minimum size (diameter) of 2-inch caliper at time of planting. Two (2) ornamental trees may be substituted for one (1) tree in a front yard. One (1) additional front yard tree shall be required in any side yard abutting a street. Any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



C. Special Standards for a Zero Lot Line House

1. Zero Lot Line houses approved through the PRD, PUD, conditional zoning or cluster subdivision process, shall include at least one side yard. This reduction shall not be allowed for the street yard on a corner lot or for the side yard adjacent to lots developed with other housing types. (See Figure 7.7-5.)
2. An easement between the two (2) property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four (4) feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five (5) feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. The minimum side setback required by the applicable zoning district shall be provided between any zero lot line development and a conventional single-family or duplex lot as shown in Figure 7.7-6.

Figure 7.7-6: Illustration Showing Zero Lot Line Yards



D. Special Standards for an Alley-Loaded House

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

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

E. Special Standards for a Townhouse

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

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

F. Special Standards for Duplex Lots

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

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

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

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

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

I. Special Standards for Cluster Subdivision

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

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

- c. Townhomes - 2,000 square feet per dwelling unit.
3. **Preservation Areas.** Land located within wetlands, floodways, and stream buffers shall be retained as permanent open space within designated common areas as Preservation Areas.
 4. **Common Areas.** Common Areas, excluding street rights-of-way and buildings, shall comprise not less than 35 percent of the development area. Not more than 50 percent of common areas shall be comprised of Preservation Areas. Common Areas may include space for active or passive recreational facilities, but not more than 20 percent of Common Areas may be used for active recreation. Buffers measuring at least 100 feet in width shall be provided between active recreation facilities and residential lots. Trails are not considered to be active recreation facilities.
 5. **Housing Mix.** The development shall include a mix of dwelling unit types, such as those illustrated in Figure 7.7-5, with not fewer than 40 percent nor more than 80 percent of the dwelling units shall conventional single-family detached dwellings, with the remainder being zero lot line, patio homes, other detached development patterns or attached dwelling units.
 6. **Maintenance of Common Areas.** In conjunction with subdivision approval, the applicant shall provide for the perpetual maintenance of all common and preservation areas in accordance with section 9.13.7 of this CDO.



7.8. STANDARDS FOR MULTI-FAMILY DEVELOPMENTS





7.8.1. PURPOSE

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

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

Figure 7.8-1. Multi-Family Design Principles

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

Design Principles	Examples	
<p>Mobility. Establish a safe and comfortable environment, encouraging walking and bicycling.</p>		
<p>Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development.</p>		

7.8.2. APPLICABILITY

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

7.8.3. RULES OF CONSTRUCTION

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

7.8.4. BULK AND DENSITY STANDARDS

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

7.8.5. OFF-STREET PARKING AND ACCESS STANDARDS

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

A. Access to Public Street(s)

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

B. Off-street Parking

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

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

7.8.6. COMMON OPEN SPACE

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

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

7.8.7 OPEN SPACE CHARACTERISTICS

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

A. Open Space Provisions and Maintenance Plan Required

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

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

B. Spacing and Dimensional Limitations

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

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

C. Use of Stormwater Detention Basins

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

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

D. Preservation of Open Space

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

7.8.8 PEDESTRIAN FACILITIES

A. Sidewalks Required:

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

B. Bus Shelter Required

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

7.8.9 DIMENSIONAL AND DENSITY STANDARDS

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

a Watershed Overlay District exists, the more restrictive requirements shall apply.

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

7.8.10 BUILDING DESIGN

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

- A. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. (See Section 7.10.9.)
- B. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.
- C. Building designs shall be varied so that adjacent buildings are complementary but clearly distinguishable by a combination of design features, such as building shape, building scale, entry designs, plantings, orientation or other design features.
- D. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

7.8.11 UTILITIES AND LIGHTING

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

7.8.12 LANDSCAPING REQUIREMENTS

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

7.8.13 RECYCLING FACILITIES

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

7.8.14 UNIT OWNERSHIP

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

7.8.15 SIGNAGE

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

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

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

7.8.17 MULTI-FAMILY DIMENSIONAL STANDARDS

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

TABLE 7.8.17 - Multifamily Dimensional Standards

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

NOTES:

Multi-family or Single-family attached developments that are allowed (by right or as special use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A. except as specified above. Multi-family or single family attached developments in the O-1 district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of special flood hazard area and stream buffers). Density for multifamily development in the B-1, C-1 and C-2 zoning districts shall be calculated on the 30% of the total land area (less special flood hazard area and stream buffers) and not on the entire parcel.

7.8.18 MULTI-FAMILY BUILDING STANDARDS

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

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

F. Windows and Doors.

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

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

1. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.
2. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.
3. Exterior stairways should employ design features such as insets, reveals, decorative tile, or stucco texturing, and decorative handrails.

4. The use of enclosed staircases is preferred over exterior staircases.
5. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile
6. Exposed prefabricated metal stairs and transparent walls are prohibited.

H. Additional Architectural Elements

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

7.8.19 ACCESSORY STORAGE

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

- A. May be constructed as an accessory to a multi-family development for the exclusive use of residents of the multi-family development.
- B. Shall not be located between the multi-family structure and any public street.
- C. Are limited to a single story in height.

- D. Shall use the same siding materials and be designed to reflect the style of multi-family buildings
- E. Shall use the same roofing materials and have rooflines that reflect those of the multi-family buildings
- F. Shall be provided at the rate of 100 square feet per dwelling unit, but not to exceed more than 200 square feet per dwelling unit.
- G. In lieu of accessory storage in a separate structure, storage may be attached or incorporated into individual dwelling units.

7.9 CENTER CITY (CC) DESIGN STANDARDS

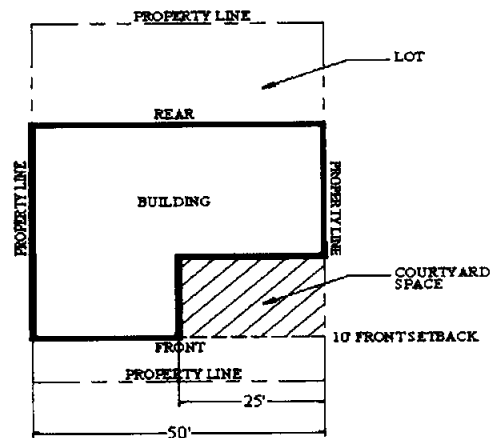
7.9.1 PURPOSE

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

7.9.2 PEDESTRIAN SPACES, BUILDING SETBACKS, AND ENTRIES

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

Figure 7.9-1: Illustration Showing Staggered Setback



- C. Where the pedestrian space is adjacent to the public right of way, there shall be an architectural (or defined) edge that complies with all requirements of the CC District to define the pedestrian space. All buildings shall have their principal entrance opening to a street, sidewalk or pedestrian space such as a courtyard, square or plaza. The principal entrance shall not open onto an off-street parking lot. Pedestrian access from the public sidewalk, street right-of-way or driveway to the principal structure shall be provided through appropriate pedestrian paving and landscaping where required.
- D. Landscaping is required and shall include a combination of trees, groundcover and plants as required by Article 11 of this ordinance; however, the following shall supersede the landscape requirements of Article 11:
1. Within the pedestrian space, one (1) canopy tree must be planted for each 500 square feet; or one (1) ornamental tree for each 250 square feet of created pedestrian space.
 2. A minimum of one (1) ornamental tree is required for any space of 250 square feet or less.
 3. Existing street trees should not be removed as part of the creation of a pedestrian space. Any existing trees or plant material, which is part of a previously approved landscape plan, shall be replaced.
- E. The following permitted amenities within the interior of the non-public pedestrian space include but are not limited to: ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, decorative benches, tables and similar structures.

7.9.3 SIGNAGE

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

7.9.4 GENERAL DESIGN STANDARDS

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

- A. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Section 7.6. Such buildings shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
- B. No “auto-oriented” use(s) as defined herein and allowed in the City Center district pursuant to Table 8.1.8 shall be located within 400 feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, whichever is less.
- C. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the principal building, provided that the principal building is architecturally consistent with the general character of the CC District. For the purposes of this ordinance, brick and/or brick with stucco is considered the general character of the buildings in the Center City.

- D. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
- E. The preferred wall material for structures in the CC district is brick or predominantly brick colored material that is complementary to surrounding structures. The administrator may waive the brick requirements based on certain circumstances included, but not limited to:
 - 1. Stucco may be approved to cover damaged or deteriorated brick.
 - 2. Structural wood may be used as decorative elements as trim, in windows or on doors.

Any waivers beyond the authority of the Administrator shall be subject to approval by the Planning and Zoning Commission.

- F. Metal siding, unfinished concrete block, precast concrete, or split-faced block, shall not be allowed for any building surface unless the Administrator determines that the materials result in a superior design to otherwise allowed materials and the resulting development is compatible with abutting development. The burden of proof relative to superior design and compatibility shall rest with the applicant. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces, and vinyl siding may be allowed as soffit material.
- G. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern) is permitted. All

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

- I. Glass surfaces must be transparent or lightly tinted, allowing views from habitable areas within the building to the street or property line, and allowing passers-by a view into the habitable area of the building. Shelves and/or fixtures shall not obstruct the view to the interior of the building. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
- J. Doors shall be recessed into the face of the building (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- K. Decorative fences such as those constructed of brick and wrought iron are allowed within the CC District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.
- L. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
 - 1. Such appurtenances shall be constructed of material designed to complement the streetscape.
 - 2. In no instance shall these appurtenances utilize internal illuminated backlights in their design or mounting.
 - 3. Awnings shall be made of canvas or treated fabric/canvas material. Awnings may also be made of metal with the following conditions:
 - a. Any awning on a pivotal or contributing historic property in a National Register District or on any property individually listed on the National Register must be consistent with the Secretary of the Interior's Standards.
 - b. Vinyl or Plexiglas awnings are not permitted.
 - c. An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.

- d. Any such appurtenance may extend from the building to up to 80 percent of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City. In addition, the property owner shall carry liability insurance in the amount of \$500,000. The City Attorney's office may ask for verification of this coverage when reviewing encroachment permits.
 - e. Such appurtenances shall be self-supporting. In no case shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of way.
 - f. In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with the growth or maintenance of street trees, or maintenance of streetlights or street signs.
 - g. A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.
- M. Any lot, which becomes vacant through the removal of a structure for any reason must be screened from all abutting public street rights of way in accordance with the provisions of this ordinance or cleared of rubbish and debris and seeded with grass or other appropriate landscaping material. If the lot is to be used for parking, either as a transitional or permanent use, it must meet all the minimum requirements for that use as established by this ordinance.
- N. A site plan is required as per Article 5 along with architectural elevations or perspective drawings.

7.9.5 PROHIBITED ALTERATIONS

In no such case shall any existing window opening be enclosed so as to create a solid wall. In situations where alterations of original windows have been completed prior to the adoption of this Ordinance, restorative measures to return the opening to its original existence shall be made when additions or alterations are made to the existing structure, unless otherwise prohibited by State Building Code.

7.9.6 PARKING CRITERIA

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

- A. In order to maintain a pedestrian friendly street edge, no off-street surface parking shall be permitted between the principal structure and the street right-of-way. Parking is permitted on the sides of buildings, but the maximum width shall not exceed 60 feet (two rows including drive aisle). Such parking shall be screened with landscaping with evergreen plant material that reaches a mature height of no less than three (3) feet. Off-street surface parking areas, which are screened from the view from public streets by the principal buildings, except for the limited view through the driveway providing access to parking, shall provide one (1) ornamental tree and five (5) shrubs for lots with fewer than than 10 spaces. For lots with more than 10 spaces, one (1) shade tree or (2) ornamental trees and eight (8) shrubs shall be required per 10 parking spaces. Plantings for more than 10 spaces shall be calculated proportionately, with one tree or shrub being required for each fraction of 0.5 plant or greater. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- B. The administrator may allow a decorative masonry wall or a combination of a wall with plantings in lieu of parking lot yards if one or more of the following conditions exist:
 - 1. The parking lot contains six (6) or fewer spaces
 - 2. The site on which the parking is located contains a designated historic structure
 - 3. The presence of lot yards complicates deliveries necessary for the day-to-day operations of the principle structure.

7.9.7 LOADING AND UNLOADING AREAS

Where feasible, loading/unloading areas shall be located only in the rear or side yard.

7.9.8 STRUCTURED PARKING FACILITIES

In addition to the above listed requirements, structured parking facilities shall be subject to the following criteria:

- A. Structured parking must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.

- B. In the event that any openings for ventilation, service or emergency access are located at the first floor level in the building wall then they must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must either be occupied retail space or an architecturally articulated wall designed to screen the parking areas of the structure, to encourage pedestrian activity and to provide for urban open space. Parking garages shall be architectural compatible with those in the CC district.
- C. Cars on all levels of a structured parking deck must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.
- D. The design requirements of this section apply to all building walls, which are visible from any public right-of-way.

7.9.9. STREETScape PROTECTION

- A. Any damage to the existing streetscape design, including street trees, by development, use or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the City of Concord, prior to the release of a certificate of occupancy.
- B. The City, the cost of which is to be billed to the owner, including city administrative costs, shall correct any damage not corrected by the owner.

7.9.10 COMPLIANCE

A site plan is required as per Article 5 along with architectural elevations or perspective drawings compiling with the requirements of this Ordinance. In no case shall a Certificate of Compliance (COC) be issued if the design requirements covered in this Ordinance have not been met.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL DISTRICTS

7.10.1 PURPOSE AND SCOPE

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

7.10.2 APPLICABILITY

A. New Construction

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

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

B. Additions to Existing Development

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

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

the project. The burden of proof relative to design quality and compatibility shall rest with the applicant.

C. Redevelopment

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

7.10.3 SIGN REGULATIONS

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

7.10.4 ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment shall be screened from view, or located in such a manner as to not be visible from a public street. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes and antennas shall be screened from view.

7.10.5 ARCHITECTURAL PLANS

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

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

7.10.6 APPROVALS

For new structures greater than 100,000 square feet, the Planning and Zoning Commission shall approve the plans. All other structures shall comply with the requirements of Section 6.1.

7.10.7 COMPLIANCE

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

7.10.8 KEY DESIGN CONSIDERATIONS

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

A. Compatibility

Adjacent buildings within a development shall have compatible scales, bulk, height, architectural styles and roof styles. Development shall use a combination of plantings, buffers and building design to ensure compatibility with adjacent residential development.

B. Proportions

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

C. Termination of Vistas

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

Figure 7.10-1: Termination of Vistas



7.10.9 BUILDING AND SITE DESIGN STANDARDS

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

A. Building Entrance

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

B. Boulevard Entrance

For developments containing total floor area in excess of 80,000 square feet, the principal access into the site shall be a boulevard incorporating a 10-foot wide landscaped center median.

C. Transit Stops

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

D. Outdoor Space

Each site shall be designed to include public pedestrian walkways throughout the development linking all facilities open to the public, which shall include one (1) or more plazas or courtyards with benches, or patios/ seating areas. For developments containing total floor area in excess of 80,000 square feet, at least one (1) outdoor space or site amenity such as a public square, park, or outdoor playground area on the site, or on adjacent land. All features shall be accessible, useable spaces. Outdoor space or design elements may include, but are not limited to:

1. Window shopping walkway
2. Water feature
3. Clock tower
4. Seating walls
5. Benches
6. Courtyards or plazas
7. Fountains
8. Sculpture or public art

The Administrator may approve any other such deliberately shaped area or focal feature or amenity that, in the judgment of the Administrator, adequately enhances such community and public spaces.

E. Sidewalks

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

F. Exterior Materials

Exterior building materials shall include brick, stone, stucco, synthetic stucco, or cement-board or wood siding. Metal and split-faced

concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. Highly reflective materials such as bright finished metal and tinted glass shall not be used as the primary building material. When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco). All windows and doors at the ground floor level on any retail building shall be transparent.

G. Roof Pitch

Flat roofs and roofs with a pitch of less than 3:12 require a parapet wall. Eaves a minimum of one (1) foot from the building face shall profile a pitched roof. Roofing for pitched roofs greater than 6:12 shall be wood, tile, slate, architectural asphalt shingles, or low-reflectivity metal (flat or matte finish). Applied mansard roofs shall not be permitted.

H. Parapet Walls

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

I. Facade/Wall Treatment

Facades shall have a recognizable "base" consisting of (but not limited to): walls, ledges, sills, integrally textured materials (such as stone or other masonry), integrally colored and patterned materials, or planters. Facades shall also have a recognizable "top" consisting of (but not limited to): cornice treatments with integrally textured materials (other than colored "stripes" or "bands"), sloping roofs (with overhangs and brackets), or stepped parapets. All sides of a building and any accessory structure shall utilize materials and design characteristics consistent with those of the front facade. In order to prevent large flat expanses of featureless exterior walls, recesses, projections, columns, offsets, or change in building wall plane shall be required every 50 feet of building wall length. No uninterrupted length of any façade shall exceed 50 feet. Projections, recesses, and decorative columns shall be a minimum of one foot wide and one foot deep. Structural columns supporting a portico, porch, or overhang shall meet these requirements. (See Figures 7.11-2.)

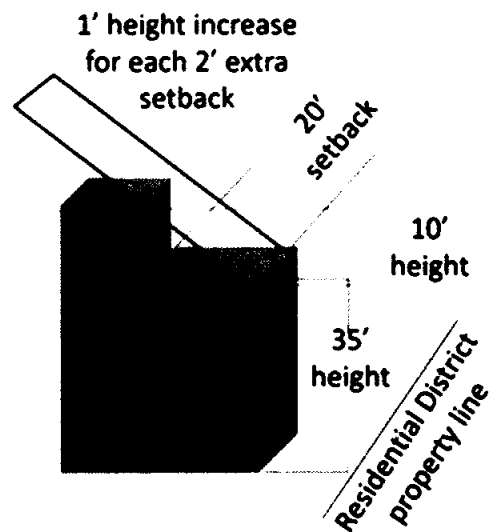
J. Design Elements

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

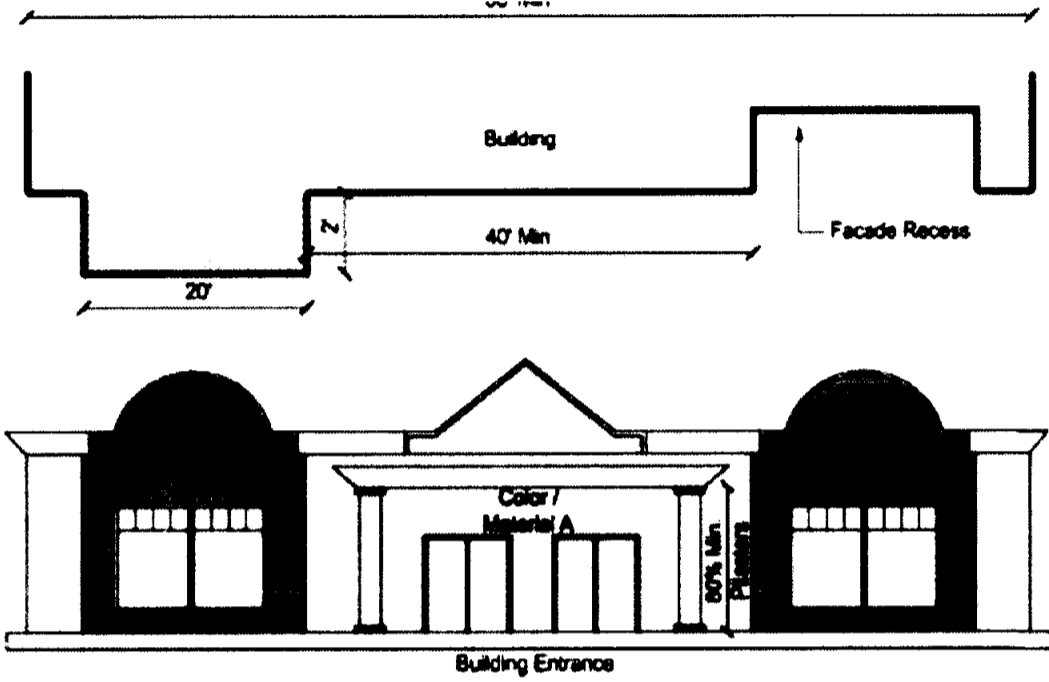
1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods
6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

K. Height Transitions

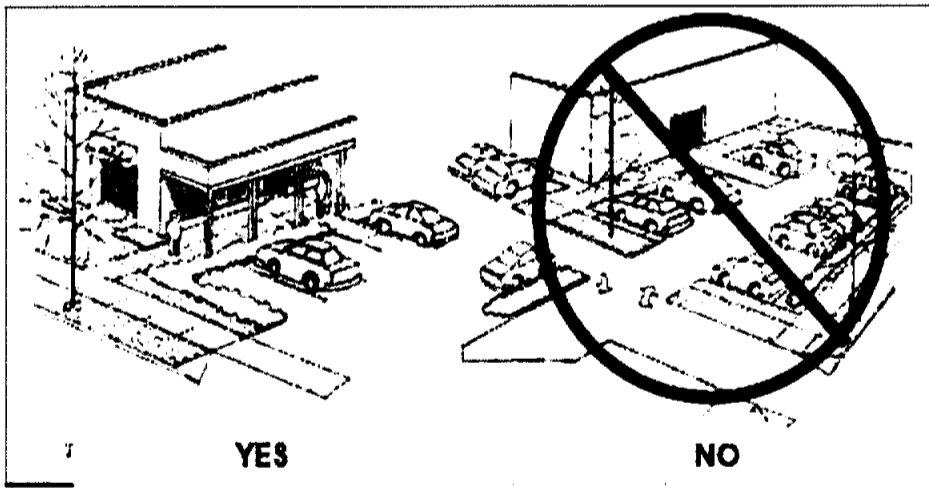
On parcels that abut residential zoning districts, portions of the building exceeding thirty-five (35) feet shall be setback an additional two (2) feet from the required building setback for each foot of height in excess of thirty-five (35) feet. For purposes of this provision, the height transition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



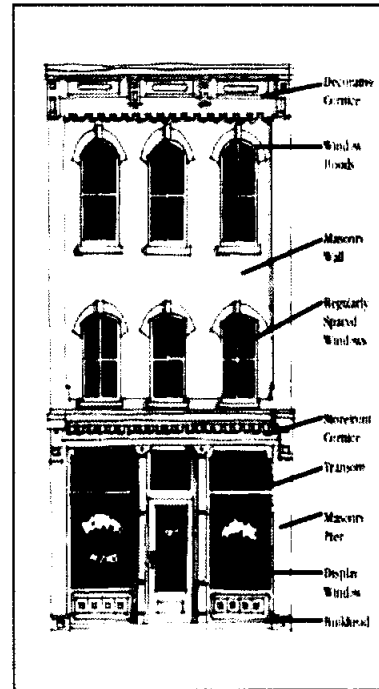
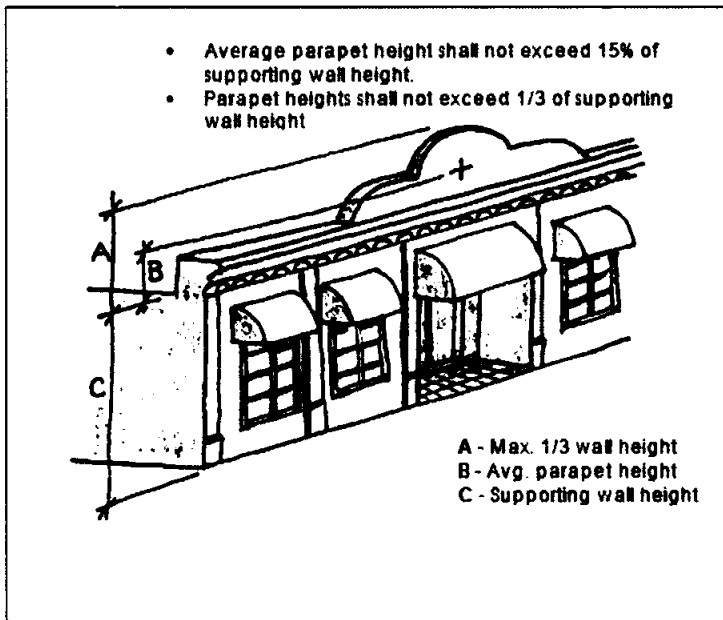
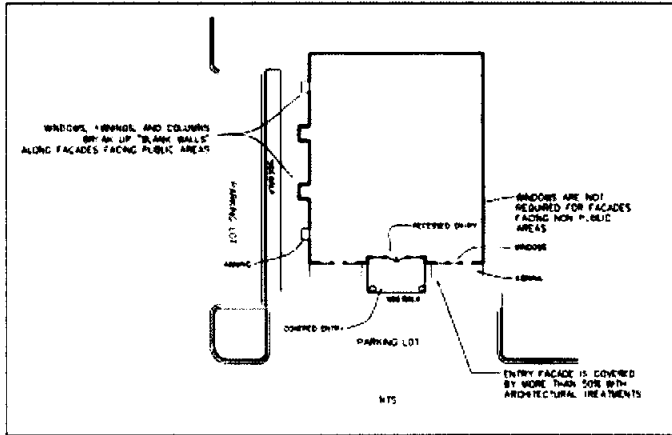
Figures 7.11-2



Note: Material changes may be used in lieu of or in addition to facade offsets



Figures 7.11-2 Continued



7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS

7.11.1 PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of industrial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community

(by creating developments that attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.11.2 APPLICABILITY

A. New Construction

This Section applies to all new construction in I-1 and I-2 districts. The Administrator, or his designee, may allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or infill development upon finding that the purposes of this section are achieved and the modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

B. Additions to Existing Development

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

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

C. Redevelopment

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

7.11.3 SIGN REGULATIONS

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

7.11.4 ELECTRICAL AND SERVICE EQUIPMENT

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

7.11.5 ARCHITECTURAL PLANS

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

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

7.11.6 APPROVALS

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

7.11.7 COMPLIANCE

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

7.11.8 INTERNAL AND EXTERNAL COMPATIBILITY

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

7.11.9 BUILDING AND SITE DESIGN STANDARDS

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

A. Building Entrance

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

B. Boulevard Entrance

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

C. Transit Stops

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

D. Sidewalks

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

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

E. Exterior Materials

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

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

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

The Administrator or his designee may allow modifications to the required materials on a case-by-case basis. The applicant shall document through photo or photo simulations that areas using alternative materials are not visible from public streets or adjacent developments. The burden of proof in justifying alternative materials shall rest with the applicant.

F. Parapet Walls

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

G. Facade/Wall Treatment

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

H. Design Elements

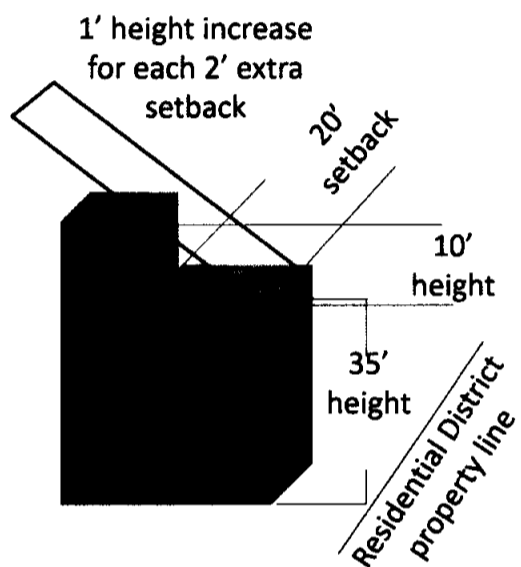
For building facades that are visible from streets external to a development or from internal collector or arterials streets, at least four (4) of the following elements must comprise 15 percent of front façade length:

1. Parapets
2. Cornices
3. Roofline offsets
4. Windows or doors
5. Window hoods

6. Transoms
7. Bulkheads
8. Awnings or canopies
9. Ribs or columns
10. Changes in texture or masonry

I. Height Transitions

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



SECTION 4: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations” be deleted in its entirety.

SECTION 5: That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations” be rewritten as follows.

ARTICLE 8. USE REGULATIONS

8.1 USE TABLE

8.1.1. GENERAL

8.1.2. No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Table 8.1.8

8.1.3. Permitted Accessory Uses are set forth in § 8.4 while permitted Temporary Uses are set forth in § 8.7. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 8.4, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

8.1.4. Notwithstanding any provision of this Article to the contrary, uses which are preempted by state statute may not be listed in the Use Table, and may be permitted in accordance with state law.

8.1.5. Uses in the PUD, PRD, TND, MXD, HPOD and PID districts shall be governed by their respective Sections in this Ordinance and are not included in the Use Table.

8.1.6. The names of uses in the permitted use table and section 8.2.2. are generic and based on common meanings, not on what a use may be called by the public, applicant or owner. The Administrator shall define suggested uses to fit into the definitions found in this Ordinance.

8.1.7. USE TABLE KEY

A. Types of Use

1. USES PERMITTED BY RIGHT (P)

The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

2. PERMITTED USES WITH SUPPLEMENTAL REGULATIONS (PS)

The letters “PS” indicates that the listed use is a use permitted by right within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in the “Standards” column of the use table.

3. SPECIAL USES (S)

The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit in accordance with Article 6.2. Special Uses are subject to all other applicable standards of this Ordinance and any Supplementary Use Regulations which apply to said use.

4. SPECIAL USES WITH SUPPLEMENTAL REGULATIONS (SS)

The letters “SS” indicates that the listed use is a special use within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in “Standards” column of the use table.

B. Uses Not Allowed

A blank cell in the use table indicates that a use is not allowed in the respective district.

C. Use Categories

Characteristics of the various use categories are located in § 8.2.

D. Standards

The “Standards” column on the use table is a cross-reference to any special regulations in § 8.3 below. All uses are also required to comply with the appropriate dimensional standards in Article 7.

E. Outdoor Storage

For any use that will have outdoor storage accompanying the principal use, the standards of 8.3.6. and 8.3.7 shall apply. Screening requirements for solid waste storage areas and containers, and vehicles in need of minor repair are covered separately and are referenced in the use table.

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						IND					Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2		I-1	I-2
OPEN USES																
Agriculture	Animal Production and Support Facilities	P	PS	PS												8.3.2.A
	Crop Production	P	P	P	P	P	P	P						P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, Raw Materials	P													P	
	Farm Supply Store without outdoor storage	P												P	P	
	Farm Supply Store with outdoor storage	P												PS	P	8.3.5.J
	Sawmill/lumber processing	S														
	Swine Farm	S														
	Warehousing and Storage, farm related products	P													P	
	Livestock Auction	PS													PS	8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C
	Borrow Pit	P												P	P	
RESIDENTIAL USES (See 8.2.2(b))																
Household Living	Mixed Use Dwelling/Live-Work Unit															
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P								7.7
	Single Family Attached Dwelling,							PS	PS							7.7 & 7.7.4.1
	Multifamily Dwelling/Apartment							SS	PS							7.8
	Duplex/Triplex							PS	PS							Tables 7.6.2.A & 7.6.2.B
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS	PS							8.3.3.C

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						O-1	B-1	CC	C-1	C-2	IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC						I-1	I-2		
Group Living	Congregate Care Senior Housing															8.3.3.D	
	Group Home	SS	SS	SS	SS	SS	SS	SS								8.3.3.E	
	Family Care Home	PS	PS	PS	PS	PS	PS	PS								8.3.3.E	
	Homeless Shelter/Soup Kitchen															8.3.4.I	
	Social Service Institution															8.3.4.F	
PUBLIC AND CIVIC USES																	
Community Service	Civic, Social and Fraternal Organization																
	Library, Public																
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS								8.3.4.H	
	Convention Center															8.3.4.G	
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS								8.3.4.A	
Educational Facilities	All Educational Facilities, except as listed below																
	School, Boarding															P	
	School, Business															P	
	School, Trade																
	School, Elementary and Secondary	P	P	P	P	P	P	P	P								
Government Facilities	Animal Shelter	SS													PS	PS	8.3.2.B
	Correctional Institution	S															
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	S						P	P	
	Post Office														P	P	
	Visitor Bureau														P		
Medical Facilities	Medical Clinic/Urgent Care																
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P						P	P	
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS						PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P	P									
	Hunting, Fishing, Game Preserve	S															
Passenger Terminals	Air transportation and related support facilities	S												P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL											IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Bus Charter Service, including passenger terminal													P	P	
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand															8.3.4.D
	Public Transportation System	P	P	P	P	P	P	P						P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS								8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS								8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P						P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P						P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S						P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S						P	P	
	Water Treatment Facility	P													P	
	Solar Farm	S														
COMMERCIAL USES																
Indoor Recreation (see 8.3.5.0)	All Indoor Recreation except as listed below															
	Amusement Arcade, indoors only (less than 4 pool tables)															
	Auditorium or Assembly Hall, up to 350 seats															
	Auditorium or Assembly Hall, more than 350 seats															
	Bowling Center															
	Firing & Archery Range, Indoors													P		
	Go-Kart Track													PS		8.3.5.P

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL											IND		Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2			
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio														PS		8.3.5.P	
	Motion Picture Theater, Indoor																	
	Performing Arts Company																	
	Pool Hall, Billiard Parlor (4-16 Pool Tables)																8.3.5.A & City Code Chapter 6, Article II	
	Sexually Oriented Business														PS	PS	8.3.5.B	
	Skating Rink, Indoor														S			
Office	All Offices, except as listed below														P			
	Advertising & Related Services														P	P		
	Bail Bonding Office																	
	Collections Agency																	
	Credit Bureau																	
	Data Processing, News Service																	
	Detective Agency																	
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage														P			
	Engineering, Architect, or Surveyor's Office														P			
	Financial Institution																	
	Industrial Design Service														P			
	Insurance Agency																	
	Legal Service																	
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio														P			
	Scientific Research & Development Service														P			
Stock or Security Brokerage Firm																		
Telemarketing, Call Centers														P				

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						IND								
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards	
	Bank Teller Machine outdoor (Principal or Accessory Use)							P							P	P	
Outdoor Recreation	Amusement Park	P													P	P	
	Baseball Hitting Range, Golf Driving Range																
	Country Club	P	P	P	P	P	P	P									
	Equestrian Boarding Riding Arena, Commercial	P	P														
	Miniature Golf Course																
	Motion Picture Theater, drive-in	S													P		
	Racetrack and Spectator Sports, including racing test track														P	P	
	Recreational Instruction and Camps, Indoor or Outdoor	P													P	P	
Hotel, Motel, Inn	All overnight accommodations except as listed below																
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS									8.3.5.C
	Campground	PS															8.3.5.D
Parking, Commercial	Parking lot or deck, principal use							PS	PS						P		8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below																
	Banquet Home	SS	SS	SS	SS	SS											8.3.5.N
	Private Club																8.3.5.F
	Restaurant, carryout, delivery, no seating																
	Restaurant, drive-thru or drive-in																
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro														PS	PS	8.3.5.O
	Brewery- Large														P	P	
	Winery/Cidery														P	P	8.3.5.O
	Winery/Cidery-Micro														PS	PS	8.3.5.O
	Distillery														P	P	
Retail Sales and Services	All retail sales and service except as listed below																

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL											IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	ABC Store																
	Animal Clinic/Hospital/Kennel	PS													PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding														P		
	Animal Obedience School	SS													PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P															8.3.5.J
	Appliance Sales, Rental and Repair														P		
	Auction Sales Establishment																
	Blueprinting and Drafting Service																
	Building Material Supply no outdoor storage														P		
	Building Material Supply with outdoor storage														P	P	8.3.5.G
	Cemetery Monument Dealer														P		
	Check Cashing Establishment																
	Cleaning and Maintenance Service														P		
	Convenience Store																8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)														P		
	Dry Cleaning Drop Off/Pick Up														P		
	Electronics Sales and Repair														P		
	Event Center																8.3.5.R
	Farmer's Market/Produce Stand	P															8.3.5.I
	Flea Market	P													PS	PS	8.3.5.I
	Floor Covering Store																
	Grocery/Food Store																
	Fortuneteller, Divination, Palmistry																
	Funeral Home														P		
	Internet/Electronic Gaming																8.3.5.L
	Laundromat (self service)																

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						IND							
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Lawn and Garden Supply, Nursery with Outdoor Storage	P												PS		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage													P		
	Massage Therapist													P		
	Pawnshop															
	Photofinishing Laboratory													P	P	
	Printing and Related Support Activities													P	P	
	Shopping Centers, less than 25,000 sq. ft.															
	Shopping Centers, greater than 25,000 sq. ft.															
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage													P		
	Swimming Pool, Hot Tub Sales and Service													P		
	Tattoo Parlor, Body Piercing															8.3.5.K
	Taxidermist															
	Weight Loss Centers															
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H
	Automobile Parts, Tires and Accessories Store													PS		8.3.6.I
	Automobile Repair, Major													PS		8.3.6.H & 8.3.6.I
	Automobile Repair, Minor													PS	PS	8.3.6.D & 8.3.6.I
	Automobile Wash (carwash) including detailing service													P	P	
	Manufactured Home Sales													PS		8.3.6.F

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					IND									
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards	
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings														PS		8.3.6.G
	Truck Stop, Travel Plaza														P		
INDUSTRIAL USES																	
Light Industrial Service	Truck/Construction Equipment Rental														P	P	
	Flex/Office Space														P	S	
	All light industrial service, except as listed below														P		
	Cabinet and Woodwork Shop														P		
	Equipment Supply House, commercial														P	P	
	Food Catering Facility														PS		8.3.7.A
	LP Gas & Heating Oil Dealer														P	P	
	Machine Shop														P	P	
	Musical Instrument Manufacturing														P	P	
	Pest Control Service														P		
	Portable Toilet Service															P	
	Small Engine Repair														P	P	
	Tire Recap and Repair Facility															P	
	Upholstery Shop														P	P	
Warehouse and Freight Movement	Electronic Shopping, Mail Order House														P	P	
	Moving and Storage Facility														P	P	
	Product Distribution Center														SS		8.3.7.F
	Rail Transportation and Support Facilities														P		
	Warehousing and Storage, Non-farm related products														SS		8.3.7.F
	Truck Terminal and Support Facilities															SS	8.3.7.G
Waste Related Service	Hazardous Waste Facility															PS	8.3.7.B
	Sanitary Landfill															PS	8.3.6.B
	Recycling Processing Facility														P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						IND							
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P	
	Solid Waste Management Facility													P	P	
	Junkyard/Salvage Yard														SS	8.3.7.C
Heavy Industrial	All heavy industrial, except as listed below														P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant													P	P	
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
	Metal Plating														P	

8.2 USE CATEGORIES

COMMENTARY: The following use categories are not zoning districts. These categories group uses for regulatory purposes. The names of some use categories (for example, "Commercial") may be similar to names for zoning districts (such as "Commercial, General"). A use listed in the examples below is only permitted in accordance with the use table.

8.2.1. IN GENERAL

A. Approach to Categorizing Uses

The use categories found in the use table in § 8.1.8 are set forth in this Section. Specific uses may be further defined in Article 14, Definitions. The Zoning Administrator may determine that uses not listed in Table 8.1.8. are similar to those uses listed in the Table. Where such similar

permitted use is subject to special use standards or supplemental standards the proposed use shall also be subject to such standards or approval.

B. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts. The Administrator may consult the North American Industry Classification System (NAICS) for further clarification on a particular use.

C. Principal Uses Not Specifically Listed

Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator. The criteria below shall be used to determine both the appropriate category for a use not specifically listed in the Use Table or the examples in the Use Category descriptions, and whether a use is considered principal or accessory.

- A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category.
- B. The relative amount of site area or floor space and equipment devoted to the activity.
- C. Relative amounts of sales from each activity.
- D. The customer type for each activity.
- E. The relative number of employees in each activity.
- F. Hours of operation.
- G. Building and site arrangement
- H. Types of vehicles used and their parking requirements.
- I. The relative number of vehicle trips generated.
- J. Signs.
- K. How the use is advertised.
- L. The likely impact on surrounding properties.

- M. Whether the activity is likely to be found independent of the other activities on the site.

Following a determination that a specific use not listed in these zoning regulations is similar to another listed use, the proposed use shall be subject to any supplemental use standards listed in § 8.3. The Zoning Administrator shall not vary these zoning regulations by adding to or eliminating any use standards in § 8.3 for the proposed use.

Where a use not listed in the use table is found by the Zoning Administrator not to be similar to any other use in the table, the use shall be permitted only following a text amendment of these zoning regulations in accordance with § 3.4, and such a decision shall not be appealed to the Zoning Board of Adjustment .

When considering appropriate districts for a use not listed in the Use Table, the district intent statements in Article 7, Zoning Districts, shall be considered by the Administrator .

D. Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following:

- A. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.
- B. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

COMMENTARY: *Where a use has a specific use standard applied in the use table (such as a minimum site acreage), the standard applies even when that use is part of a development with multiple principal uses.*

- C. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

COMMENTARY: *If a proposed development includes a convenience store, fuel sales and a restaurant, including outparcels, and one of those uses is only permitted by special use permit in the district, then the entire development requires special use permit review and approval.*

- D. Where a use requiring a special use permit lies on a separate legal parcel, only the building containing the use and its separate

parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the Special Use Permit application shall describe the relationship of the outparcel to the remaining site.

COMMENTARY: *For example, where a Self Storage Facility in a C-2 District (requiring a Special Use Permit) is an outparcel within a larger retail development, the Special Use Permit shall review the outparcel only - not the entire development. However, where a Special Use Permit is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use permit review.*

E. Principal Uses

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. The Administrator’s determination whether a use is permitted in a particular zoning district shall be final, subject to appeal to the Zoning Board of Adjustment.

COMMENTARY: *A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.*

F. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use; however, specific accessory uses with parenthetical cross-references in the following tables are permitted subject to additional standards (see §8.4). Some listed accessory uses may also be considered accessory structures.

G. Uses Not Included

The “Uses Not Included” provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

8.2.2 OPEN USE CATEGORIES

A. Agriculture

Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.		
Principal Uses	Accessory Uses	Uses Not Included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Borrow pit Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Animal boarding, outdoor Livestock auction Milk processing plant Plant nursery Plant nursery with landscape supply Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Stable Warehousing and Storage, farm related products	Aircraft landing field or helicopter landing facility (private) Ancillary indoor storage Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 3 meters Dock or pier (noncommercial) Home occupations Housing for ranch or farm labor, including manufactured homes Railroad right-of-way (existing only) Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) Commercial feed lot, livestock slaughtering, processing of food and related products (see Heavy Industrial) Commercial hunting or fishing camp, dude ranch (see Outdoor Recreation) Garden center (see Retail Sales and Service) Riding academy or public stable (see Outdoor Recreation) Recyclable construction material storage, solid or liquid waste transfer or composting, (see Waste-Related Service) Railroad right-of-way, new (see Utilities)

8.2.3. RESOURCE EXTRACTION

Characteristics: Characterized by uses that extract minerals and other solids and liquids from land.		
Principal Uses	Accessory Uses	Uses Not Included
Mining Extraction of minerals Extraction of sand or gravel, borrow pit	Ancillary indoor storage Associated offices Equipment storage Resource processing Stockpiling of sand, gravel, or other aggregate materials	Asphalt plant (see Heavy Industrial) Recyclable construction material storage (see Waste-Related Service) Solid or liquid waste transfer or composting (see Waste-Related Service)

8.2.4. RESIDENTIAL USE CATEGORIES

A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Principal Uses	Accessory Uses	Uses Not Included
Assisted living facility with self-contained individual units that meet the definition of a dwelling unit Guest house Retirement center apartment Short-term rental Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential	Accessory dwelling unit Accessory structure that does not involve the conduct of business on the premises Ancillary indoor storage Dish antenna under 3 meters Dock or pier (noncommercial) Children's play area or equipment Greenhouse or nursery, Personal (no sales) Home occupation In-home care for six or less persons Off-street parking of occupants' registered vehicles Family day care homes Adult day care homes (As licensed by the State of NC) Private community center Public community center affiliated with a public housing agency or department Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Raising of pets Residential leasing office Storage structure, storage garage or open storage area for RV's or boats (manufactured home park or subdivision only)	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Family care homes (see Social Service Institution) Nursing or convalescent home (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. All Group Living Uses not listed below as Principal or Accessory Uses are Social Service Institutions.		
Principal Uses	Accessory Uses	Uses Not Included
Congregate Care Senior Housing Boarding house, rooming house, fraternity, sorority, orphanage Community residential home Family Care Homes Hospice, nursing or convalescent home Monastery, convent Residential assisted living facility without individual self-contained dwelling units	Ancillary indoor storage Associated office Food preparation and dining facility Off-street parking of vehicles for occupants and staff Recreational facility	Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents, Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions) Assisted living facility where individual units meet the definition of a self-contained dwelling unit (see Household Living) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Membership club or lodge (see Indoor Recreation) Residential occupancy of a self-contained dwelling unit by a family on a month-to-month or longer basis (see Household Living) Rehabilitation Centers

8.2.5. PUBLIC AND CIVIC USE CATEGORIES

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not Included
Community recreational facility (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Rural retreat center Senior center Union hall Youth-oriented community service Charitable Club	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area Off-street parking	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Place of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

B. Day Care

Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.

Principal Uses	Accessory Uses	Uses Not Included
Adult day-care program Child care center, nursery school, preschool Intermediate childcare Latch-key program Large Family Day Care Home	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility Off-street parking	Counseling in an office setting (see Office) In-home day care for fewer than six persons (see Household Living: Accessory Use) On-site day care facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

C. Educational Facilities

Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Principal Uses	Accessory Uses	Uses Not Included
Business, driving, vocational, trade and other commercial schools College, community college or university Day facility Martial Arts School Nursing or medical school not accessory to a hospital Public, private, and charter schools School, boarding School, fine arts Seminary	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Before- and after-school day care Cafeteria or other food service Dormitory, housing for students or faculty Health facility Laboratory, library Maintenance facility Meeting area Off-street parking Play area, recreational or sports facility Support commercial (college-operated bookstore, for example)	Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Preschool or nursery school (see Day Care)

D. Government Facilities

Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not Included
Animal Shelter City, county, state, or federal government office Detention center, jail, prison Emergency services, fire, sheriff, or medical station Post office Work camp Visitor Bureaus	Ancillary indoor storage Associated helicopter landing facility Auditorium, meeting room Cafeteria Day care Fleet management Holding cell, infirmary Limited fueling facility Off-street parking Satellite office	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Postal substation (see Retail Sales and Service) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

E. Medical Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not Included
Blood plasma donation center, medical facility, medical or dental laboratory Hospital, out-patient clinic Medical or dental office or chiropractor Medical Clinic	Associated helicopter landing facility Associated office Cafeteria Chapel, ancillary worship space Day care Group living or hospice Housing for staff or trainees Limited support retail Maintenance facility Meeting area Off-street parking Pharmacy Recreational facility Teaching facility Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Rehabilitative clinic (see Social Service Institutions) Urgent care or emergency medical office (see Retail Sales and Service)

F. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not Included
Botanical garden, nature preserve, recreational trail Cemetery, columbarium, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Golf Course, public or private Hunting, Fishing and Game Preserves, commercial Park, community Park, district Park, linear Park, neighborhood Park, regional Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Dock or pier (noncommercial) Maintenance facility Off-street parking Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private, golf course, country club, water park (see Outdoor Recreation) Crematorium (see Light Industrial Service) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water tower, tank, standpipe (see Utilities)

G. Passenger Terminal

Characteristics: Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses Not Included
Airport, heliport Bus passenger terminal, taxi dispatch center, train passenger terminal Scenic and sight-seeing tour Limousine / Chauffeur Service Public Transportation System Taxi Company / Taxi Stand	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited retail Maintenance facility Off-street parking Park-and-ride facility	Private helicopter landing facility accessory to another use (see Agriculture, Medical Facilities or Government Facilities)

H. Places of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, temple	Cemetery, columbarium, day care	Revival or gospel tent

I. Social Service Institutions

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not Included
Alternative- or post-incarceration facility Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents Neighborhood resource center Rehabilitative clinic such as for alcohol or drugs Social service facility, soup kitchen, transient lodging or shelter for the homeless	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Off-street parking Staff residences located on-site	Assisted living facility with individual self-contained dwelling units (see Household Living) Assisted living facility without individual dwelling units, community residential home (see Group Living) Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Educational facility (see Educational Facilities) Philanthropic institution (see Community Service)

J. Utilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not Included
Minor Utilities: On-site stormwater, retention or detention facility Neighborhood-serving telephone exchange, gas or electric installation Pipeline Transportation of Petroleum & Natural Gas Water and wastewater pump station or lift station Water Supply System Major Utilities: Aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank	Control, monitoring, data or transmission equipment Off-street parking Storage	Landfill (see Waste-Related Service) Maintenance yard or building (see Light Industrial Service) Utility office (see Office) TV and radio studio (see Office) Cell phone tower Radio and Television towers Reservoir or water supply (see Parks and Open Areas)

8.2.6. COMMERCIAL USE CATEGORIES

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not Included
Adult entertainment Auditorium /Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Convention center Extreme sports such as paintball, BMX facility or skateboarding facility (indoor) Gymnastic facility, indoor sports academy Go-Kart Track (indoor) Health Club & Fitness Center Amusement Arcade (indoor only) including less than 4 pool tables, bowling alleys, game/amusement arcade Indoor firing range Pool/Billiard Hall or Parlor (4 to 16 tables) Membership club or lodge Movie or other theater Performing Arts Company & Artist Sexually-Oriented Business Skating Rink, indoor	Ancillary indoor storage Associated office Concession Food preparation and dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

B. Office

Characteristics: Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses generally have no external access or signs.		
Principal Uses	Accessory Uses	Uses Not Included
Accounting & Tax Service Advertising & Related Services Architectural, Engineering & Related Services Bail Bonding Office Bank Teller Machines, outdoor (principal or accessory use) Counseling in an office setting Collections Agency Computer System Design & Related Services Consulting Office Counseling Office Credit Bureau Data Processing and News Services Detective Agency Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Employment Agency Engineering, Architect or Surveying Office Environmental Consulting Service Financial Institution Government office Graphic Design Services Industrial Design Services Insurance Agency Interior Design Services Legal Services Motion Picture and Sound Recording Studio Office, general Real Estate Agency Scientific Research & Development Services Stock or Security Brokerage Firm Telemarketing & Telephone Call Centers Television, Radio & Film Studio Travel Agency Utility office	Ancillary storage Cafeteria Health facility Meeting room Off-street parking On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Small retail operation for on-site workers (no external signage) Technical library	Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Bulk mailing service (see Light Industrial Service) Mail-order house (see Wholesale Trade) Medical or dental office (see Medical Facilities) Research, testing, and development laboratory (Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)

C. Outdoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.		
Principal Uses	Accessory Uses	Uses Not Included
Circus ground Drive-in theater Equestrian Boarding & Riding Arenas, commercial Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility (outdoor) Farmers market or flea market (outdoor) Golf course, country club Outdoor recreation activity such as archery range, baseball hitting range, golf driving range, mini-amusement park, miniature golf facility, outdoor firing range, swimming pool, tennis court water park, riding academy or public stable Recreational vehicle (RV) park, campground, commercial hunting or fishing camp, dude ranch Sports academy for active recreational or competitive sports Stadium or arena, dog or horse track, motor vehicle racing track or facility, commercial amphitheater, ballfield Tourist attraction Winter quarters or training quarters Zoo, public or private	Ancillary indoor storage Associated office Caretaker or security person housing Classroom Clubhouse Concession Day care facility Dock or pier Dormitory Equipment storage Food preparation or dining area Jogging, hiking, fitness and other types of trails. Maintenance facility Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter Restaurant	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

D. Overnight Accommodations

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not Included
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Campground	Ancillary indoor storage Associated office Restaurants with or without a bar 5.3.4.M Food preparation and dining facility Laundry facility Meeting facility Off-street parking Restaurant Swimming pool, other recreational facility	Campground, private, hunting/fishing camp, dude ranch, recreational vehicle (RV) park (see Outdoor Recreation) Convention center (see Indoor Recreation) Patient Transient accommodations (see Medical Facilities) Short Term rental (see Household Living) Transient lodging, shelter for the homeless (see Social Service Institutions)

E. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not Included
Parking Lot & Decks, principal use Mixed parking lot (partially accessory to a specific use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

F. Restaurants

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Banquet Home Restaurant, fast-food restaurant, pizza delivery facility, drive-in, take-out, yogurt or ice cream shop Private Clubs Small-scale catering establishment Food Truck, Temporary	Ancillary indoor storage Associated office Deck, patio for outdoor seating or dining Drive-through facility Off-street customer and employee parking Brewery/Winery/Cidery - Micro or Brewpub Valet parking facility Bar (as an accessory use to a restaurant and/or private club)	Bar, tavern (see Indoor Recreation) Recyclable construction material storage (see Waste-Related Service)

G. Retail Sales and Services

Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Sales-Oriented: Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, guns and ammunition, hardware, home improvement, household products, jewelry, medical supplies, monuments, musical instruments, pets and pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, telephones, tobacco and related products, vehicle parts and accessories, videos, full- or self-serve gas, Farmers market or flea market (indoor)</p> <p>Personal Service-Oriented: Animal grooming, animal hospital or veterinarian, with or without animal boarding, doggie day care, obedience school Athletic, tennis, swim or health club Dance, art, martial arts, music or photographic studio or classroom Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Photocopy, blueprint, package shipping and quick-sign service Psychic, fortune teller or medium Security service Taxidermist Urgent care or emergency medical Tattooing or other body art</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Tailor, milliner, upholsterer Locksmith, gunsmith</p>	<p>Ancillary indoor storage Associated office Automatic one bay car wash facility Crematorium (associated with a funeral home) Food preparation and dining area Repackaging of goods for on-site sale Residential unit for security purposes (single unit) Storage of goods</p>	<p>Boarding for horses (see Agriculture, stable) Car wash (see Vehicle Sales and Service) Stand-alone crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial)</p>

H. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not Included
Mini-warehouse, multi-story enclosed storage facility, storage garage	Associated office Outside storage of boats and campers Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

I. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Vehicle Service, Intensive: Alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service</p> <p>Vehicle Service, General: Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, provided such repair is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</p> <p>Full- or self-service car wash</p> <p>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles)</p> <p>Towing and wrecker service</p> <p>Storage Building Display and Sales</p> <p>Manufactured housing sales</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Sale of parts</p> <p>Single-bay, automatic car wash</p> <p>Towing</p> <p>Vehicle fueling</p> <p>Vehicle storage</p>	<p>Earth moving and heavy construction equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

J. Alcoholic Beverage Production

Characteristics: Production and/or distribution of alcoholic beverages such as wine, beer and liquor to include onsite consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Winery/Cidery Winery/Cidery -Micro Distillery Brewery/Brewery-Micro	Restaurant Taproom	Bar Private Club

8.2.7. INDUSTRIAL USE CATEGORIES

A. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Advertising & related services Blueprinting & design services Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Borrow pit Catering establishment, large-scale Cleaning/maintenance services Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Engineering, Architect, Surveying office Health club, fitness & dance studio HVAC, electrical, plumbing, contractor's office Industrial design services Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Movie production facility Pest control service Photo-finishing laboratory Race cars and parts manufacturing Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory Sheet metal shop, machine shop Small engine repair Soft drink bottling Storage area used for manufacturing Welding machine tool repair shop Woodworking, including cabinet makers and furniture manufacturing	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

B. Warehouse and Freight Movement

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not Included
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Commercial packing for fruits and vegetables Outdoor storage yard Parcel services Truck terminal, supply and distribution center, bulk mailing facility Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

C. Waste-Related Services

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not Included
Animal waste processing Landfill Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling Facility Solid or liquid waste transfer or composting Septic Tank Cleaning Service and Vehicle Storage Facility Solid Waste Management Facility Land Clearing and Inert Debris Landfills Junkyards / Salvage Yards	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials derived from mining (see Resource Extraction)

D. Heavy Industrial

Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.		
Principal Uses	Accessory Uses	Uses Not Included
<p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause</p> <p>Animal processing, packing, treating, and storage, livestock or poultry slaughtering, citrus concentrate plant, processing of food and related products, production of chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill</p> <p>Borrow pit</p> <p>Bulk storage of flammable liquids</p> <p>Commercial feed lot</p> <p>Concrete batching and asphalt processing and manufacture</p> <p>Earth moving and heavy construction equipment</p> <p>Landfill, hazardous solid waste</p> <p>Mining (see Resource Extraction)</p> <p>Primary Metal Processing & Manufacturing</p> <p>Tobacco Manufacturing</p> <p>Truck, Heavy Duty; RV & Self-propelled Heavy Construction Equipment, sales, service and rental</p>	<p>Ancillary office</p> <p>Associated office</p> <p>Cafeteria</p> <p>Off-street parking</p> <p>Product repair</p> <p>Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential unit for security purposes (single unit)</p> <p>Day Care facility if part of a service offered by an employer</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</p> <p>Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)</p>

E. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Water softening, commercial Wholesale of food, clothing, auto parts, and building hardware Metal & Pipe Supply, with no outdoor storage Metal & Pipe Supply, with outdoor storage	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Minor fabrication services Off-street parking Product repair Repackaging of goods Residential unit for security purposes (single unit) Showroom Warehouse	Store selling, leasing, or renting consumer, home or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

8.3.1. GENERAL PROVISIONS

A. Applicability

The provisions of this Article are supplemental to the general provisions of the other Articles of the Concord Development Ordinance. All Uses and Structures shall comply with the all other applicable provisions of this Ordinance in addition to the provisions of this Article.

B. Relationship to Use Table

The zoning district in which a particular use is permitted is controlled by Use Table, and in the event of any inconsistency between the provisions of this Section and the Use Table, the provisions of the Use Table shall control.

C. Distance Measurements

All horizontal distance measurements referred to in this Article shall be measured from closest parcel line to closet parcel line, unless otherwise noted.

8.3.2. OPEN USES

A. Animal Production and Support Facilities

1. PURPOSE AND SCOPE

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

2. USE REGULATIONS

The use of land for the keeping of agricultural animals of other livestock shall be permitted as set forth in the use table, subject to the criteria below.

3. AGRICULTURAL ANIMALS

A. No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two (2) acres.

B. On parcels of two (2) acres or more and as set forth in the use table, certain livestock shall be permitted subject to the following provisions:

- C. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than one-hundred fifty feet (150') from a dwelling unit. The provisions of this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.
- D. Not more than one (1) Animal Unit shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- E. No equine stable operated as a principal use shall be within three hundred (300) feet of an existing single-family detached dwelling on a different lot.

B. Livestock Auctions

1. LAND AREA AND SETBACKS

The minimum acreage for a livestock auction facility is 20 acres. A minimum setback of no closer than three hundred feet (300') from a dwelling unit or residential zoned or used property is required.

C. Resource Extraction

1. PURPOSE

To establish consistent guidelines covering review of applications for mining and quarrying operations where an approved site plan is considered necessary to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.

2. APPLICABILITY

The provisions of this Section apply to any mining or extractive uses. The use of land for quarrying and/or mining shall be permitted as set forth in the Use Table subject to the criteria below.

3. COMPLIANCE WITH STATE REGULATIONS

All proposed mining and quarrying activities must conform to the "North Carolina Mining Act of 1971" as amended, (NCGS § 74-46 et seq.) NCAC, Title 15, Chapter 5. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office. Wherever conflicts exist between federal, state, or local laws, the more restrictive provisions shall apply.

4. REVIEW AND APPROVAL

Submission requirements to obtain complete review and approval for mining and quarrying operations on sites with a disturbed area of one acre or more include a special use permit application, a reclamation plan, and a Preliminary Site Plan detailing the minimum general standards as set forth in the City's Technical Standards Manual .

5. SETBACKS

Minimum setbacks in § 7.6 shall apply to the extent of land disturbing activity and the placement of mining machinery or structures.

6. BARRIER REQUIRED

- A. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence, landscaping, existing topographical features or any combination of the above. Existing vegetation may also be considered in accordance with Article 11. The barrier shall be constructed so as to block the view of the extraction operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress. For the purposes of this section, the view shall be defined as a perpendicular linear view from the edge of the property line toward the interior of the mine or quarry site. The Planning & Zoning Commission, through the issuance of a Special Use Permit, shall have the authority to grant exceptions where a barrier as required by this section is not practical or feasible. Landscaping shall be in accordance with Article 11.
- B. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

7. EXEMPTIONS

- A. Earth moving activity disturbing less than one acre of land shall be exempt from the provisions of this Section.
- B. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Section, regardless of the area disturbed.
- C. Borrow pits are exempt from the provisions of this Section.

8.3.3 Residential Uses

A. Single-Family Attached Dwelling

[See § 7.7]

B. Multifamily Dwelling

[See § 7.8]

C. Accessory Dwelling

1. ZONING DISTRICTS

Accessory Dwellings and Accessory Apartments are conditionally permitted in those zoning districts where such use is permitted in accordance with the Use Table.

2. HOUSING STANDARDS

Accessory Dwellings must comply with all applicable local, State and Federal housing codes.

3. NUMBER

Only one (1) Accessory Dwelling or Accessory Apartment shall be permitted per lot.

4. SIZE OF UNIT

The Accessory Dwelling or Accessory Apartment shall not exceed fifty (50) percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.

5. PLACEMENT OF THE ACCESSORY DWELLING ON THE LOT

An Accessory Dwelling shall be sited to the rear of the principal building. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds ten (10) acres in size.

6. SETBACKS

The Accessory Dwelling shall meet all setback requirements as established for principal uses within the zoning district within which it is located.

7. COMPATIBILITY

The exterior of the Accessory Dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance. Manufactured homes shall not be pulled up to or attached to a primary residence and considered an Accessory Apartment or Accessory Dwelling Unit. Manufactured homes, as principal or accessory dwelling units, shall be permitted only in the MH Manufactured Home Overlay District.

8. PARKING

Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory Dwelling or Accessory Apartment.

9. UTILITIES

Where there is no public sanitary sewer service to the Accessory Dwelling unit, County Health Department shall approve sanitary sewer services provided to such Accessory Dwelling unit prior to its construction.

10. OWNER-OCCUPIED RESTRICTION

Accessory dwelling units shall only be allowed on parcels that contain owner-occupied single-family dwelling units that are allowed as a principal permitted use.

D. Group Living

1. APPLICABILITY

The provisions of this Section apply to any Congregate Care Senior Housing or Residential Care Facility. The Provisions of this section shall not apply to a Family Care Home as defined in this Ordinance.

The use of land for a residential care facility shall be permitted as set forth in the Use Table subject to the criteria below.

2. STATE LICENSING

A. Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a group living facility shall have received a license from the State of North Carolina for the operation of such a facility.

3. LOCATION

No group living facility shall be located within one thousand (1,000) feet from any Hazardous Waste Facility.

4. SECURITY FENCING

Group living facilities that provide care to patients who suffer from Alzheimer’s disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five (5) feet, along the perimeter of any portion of the site that is accessible to these patients.

E. Family Care Home

1. CITY REGISTRATION

No family care home shall operate until it has registered its location with the City of Concord Development Services Department. Family care homes must obtain and maintain any and all applicable federal, state, local or other licenses required for such facilities before registering. The registration shall include the address of the residence, the name, address and telephone number of the “operator representative,” and the number of occupants permitted to dwell there. The registration shall also include an affirmation

that the residence is not located in violation of applicable distance separation requirements for such facilities. Any changes in licensure status or designated “operator representative” must be reported to the Development Services Department immediately. For purposes of this section, “operator representative” shall mean an individual who represents the operator or residents of a supportive housing residence or family care home who is responsible for addressing problems with the operation of such a facility, if any, whenever they arise. The “operator representative” may live on-site at the facility or off-site, but must be available to the public.

2. LOCATION

A. No family care home shall be located within 2,100 feet of any other existing family care home established prior to, or after, the effective date of this ordinance. The distance shall be determined by a straight-line measurement from property line to property line.

B. No family care home shall be located within 1,000 feet of any hazardous waste facility (as determined by a straight-line measurement from property line to property line).

3. SECURITY FENCING

Family care or group homes that provide care to patients who suffer from Alzheimer’s disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

F. Temporary Health Care Structures

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

1. Any temporary family healthcare structure shall be limited to one mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a licensed physician.

2. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver’s primary residence. The adult caregiver shall be related by blood, marriage, or adoption

to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.

3. Only one (1) temporary family health care structure shall be permitted on a lot or parcel of land.
4. Temporary family health care structures shall be limited to a maximum of three hundred (300) square feet of gross floor area and shall meet the minimum setback requirements for single family detached dwellings of the zoning district in which they located. Temporary health care structures shall be located behind the front building line.
5. Temporary family health care structures shall not be installed on a permanent foundation.
6. Temporary family health care structures shall be subject to applicable building codes.
7. Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property.
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot.
9. The applicant shall provide evidence of compliance with all requirements of state law and this section on an annual basis as long as the temporary family healthcare structure remains on the property.
10. The City may arrange the inspection of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
11. The following shall be submitted to the City with any application for a temporary family health care structure:
 - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
 - b. Address of the property.
 - c. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with one or more activities of daily living by a licensed physician.
 - d. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
 - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein.

- (2) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.
- (3) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section or State Law.
- (4) A permit for a temporary health care structure may be revoked by the City due to failure of the applicant to comply with any of the above provisions or the provisions of State Law. Additionally, the City may seek injunctive relief or other appropriate actions to ensure compliance with this Section or State Law.

8.3.4 PUBLIC AND CIVIC USES

A. Child Care Center

1. APPLICABILITY

The provisions of this Section apply to any:

- A. Child Care Center.
- B. Family Day Care Homes. Day care homes are also Home Occupations (see Accessory Uses)

2. PERMIT APPLICATION

The following shall be submitted with the application for a Zoning Clearance Permit or Certificate of Compliance:

- A. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).
- B. Such centers shall be enclosed with a fence, with a minimum height of four (4) feet.
- C. The following shall be submitted upon receipt from the N.C. State Licensing Board:
- D. A copy of the N.C. State letter of approval for religious childcare facilities, or
- E. A copy of the N.C. State temporary license (issued for the first six months of operation) and permanent license issued to all childcare facilities, excluding religious childcare facilities.
- F. A letter from the applicant indicating the number of residents that will be cared for and how many staff will be employed.

3. ACCESS AND LOADING/UNLOADING

- A. This provision of this § 8.3.4 shall not apply to Family Day Care Homes.
- B. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of

children. Standards for access and off-street parking/loading are set forth in Article 10.3.

- C. The use shall front a street classified as a collector or a thoroughfare.

B. Animal Shelter, Boarding, Clinic/Hospital Uses

1. APPLICABILITY

The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels. Animal boarding/storage uses shall be permitted as set forth in the Use Table subject to the criteria below.

2. CRITERIA

- A. Facilities for the boarding of all dogs and other household pets shall conform to the following:
- B. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
- C. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.
- D. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.
- E. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

C. Cemetery

1. APPLICABILITY

The provisions of this Section apply to any Cemeteries or crematories as allowed by Table 8.1.8 and subject to the provisions below.

2. CRITERIA

- A. Pursuant to NCGS § 90-210.43, any crematories may be established in commercial or industrial zoned district so long as it is adjacent to a funeral establishment.
- B. Minimum setback for all structures, excluding gatehouses, abutting residentially zoned property is (50) feet from any side or rear property line, (25) twenty-five feet if abutting commercially zoned property, and a minimum of (25) twenty-five feet from any right-of-way. Gatehouses shall be excluded from any minimum building setback.
- C. Minimum setback for any grave or burial plot is fifty (50) feet from any exterior property line, except that any grave or burial

plot shall be allowed within three (3) feet of a property line of an abutting parcel that contains an existing cemetery.

- D. Buffering and Landscaping shall be regulated in accordance with Article 11.

D. Limousine/Chauffeur Service/Taxi Company

1. VEHICLE STORAGE

- A. Automobiles stored on such premises shall be at least fifty (50) feet from any residential district boundary and at least ten (10) feet from any property line. No automobile shall be stored or stand outside of such paved area.
- B. When located within one hundred and fifty (150) feet of a residential zone boundary line, such vehicles shall be stored within an enclosed building or in an area screened on all sides by a opaque wall or fence, or compact evergreens screen not less than six (6) feet in height.
- C. No service or repair of such vehicles shall be conducted on the premises.
- D. The entrance and exits, driveway aisles, parking and storage spaces shall be increased in size to accommodate the size of the vehicle for which the storage is intended.

E. Religious Institution/Place of Worship

1. MULTI PURPOSE CAMPUS:

- A. Religious institutions/places of worship are permitted as shown in the Use Table, provided that additional uses and buildings beyond the sanctuary or other actual place of worship that house other regulated facilities such as schools, gymnasiums, community centers, transient shelters and other associated uses shall be considered multiple principal uses of the property - not accessory to the religious institution or place of worship.

2. RELIGIOUS INSTITUTIONS SHALL:

- A. Be located on a parcel or site that fronts an arterial or collector street (for churches over 350 seats);
- B. Design any accessory child day care center or overnight child care center associated with the religious institution to comply with the standards of Section 8.3.4 A. Child Day Care Center; Pre-School;
- C. The Development Services Director shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000), as

amended. In granting such a modification, the Development Services Director may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

F. Social Service Institution

1. DESCRIPTION

Social Services may include but not be limited to Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility

2. SUPPORTING USES

Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the heated floor area of the principal structure, and shall only be accessed through the principal structure.

G. Convention Center

1. PURPOSE

The purpose and intent of this section is to ensure that future development within close proximity of the convention center will contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.

2. MINIMUM LOT AREA

Be no less than five (5) acres in area;

3. DISTANCE FROM RESIDENTIAL DISTRICT

The building shall be located a minimum of five hundred (500) feet from any residential district, as measured from all property lines; and

4. VEHICULAR ACCESS

Locate all points of vehicular access from an arterial or major collector street. The access points shall be located to minimize vehicular traffic to and through local streets in residential areas.

5. LOCATION

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

- ABC Store
- Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator)
- Accounting & Tax Service
- Advertising & Related Services
- Amusement Arcade, indoors only
- Amusement Park
- Animal Grooming Establishment (no overnight boarding)
- Antique Store
- Architectural, Engineering & Related Services
- Art Dealer
- Art Supply Shop
- Auditorium/Assembly Hall, up to 350 seats
- Auditorium/Assembly Hall, more than 350 seats
- Bakery/Snack Shop, no drive-thru
- Bank Teller Machines, outdoor (principal or accessory uses)
- Barber/ Beauty Shop
- Baseball Hitting Range
- Beauty Supply and Cosmetic Store
- Bed and Breakfast Inn
- Bicycle Sales and Service
- Blueprinting and Drafting Service
- Botanical Gardens/Nature Preserves
- Book Store
- Bowling Center
- Bus Charter Service Company (including passenger terminals)
- Camera and Photography Store
- Candle Shop
- Candy and Nut Store
- Card Shop
- Child Care Center
- China and Tableware Shop
- Clock and Watch Sales and Repair
- Cloth/Piece Goods store
- Clothing and Clothing Accessories
- Clothing Alterations and Repairs
- Coin and Stamp Shop
- Computer System Design & Related Services
- Convention Center
- Costume Rental Shop
- Counseling Office
- Consulting Office

- Country Club
- Craft Studio and Store
- Credit Bureau
- Dance School Studio
- Data Processing and News Services
- Delivery/Courier Service, local, (no commercial vehicles)
- Detective Agency
- Drapery and Linen Shop
- Electronics Sales and Repair
- Electronic Shopping and Mail-Order Houses
- Employment Agency
- Engineering, Architect or Surveying Office
- Environmental Consulting Service
- Extended Stay Lodging Facilities
- Financial Institution (no drive up windows)
- Floral and Christmas Shop
- Florist
- Food Catering Facility
- Food Store, (excluding convenience stores)
- Formal Wear
- Funeral Home
- Furniture & Home Furnishings store
- General Merchandise Store (less than 25,000 sq. ft.)
- Gift, Novelty and Souvenir Store
- Glass and Mirror Shop
- Golf Course, public or private
- Golf Driving Range
- Governmental Buildings (excl. correctional institutions)
- Graphic Design Services
- Gun and Ammunition Sales
- Gunsmith
- Hardware Store
- Health Club & Fitness Center
- Hobby, Toy, and Games Stores
- Home Electronics Sales and Repair
- Home Occupations
- Hospital
- Hotel
- Industrial Design Services (general office)
- Insurance Agency
- Interior Design Services
- Jewelry Sales and Repair Store
- Legal services

- Library, public
- Limousine/Chauffeur Service
- Martial Arts School
- Massage Therapist
- Medical clinic
- Medical Supply Shop
- Micro-Brewery (less than 5,000 sq. ft.)
- Miniature Golf Course
- Motel
- Motion Picture and Sound Recording Studio
- Motion Picture Theater, indoor
- Museum
- Music Store
- Nail Store
- Newsstand (principal use)
- Nursery, plants
- Office, general
- Office supplies, Equipment and Stationary Store
- Park, community
- Park, district
- Park, neighborhood
- Park, linear
- Park, regional
- Parking Lot & Decks, principal use
- Performing Arts Company & Artist
- Pet Shop
- Photocopy Service
- Photofinishing Laboratory
- Photography Studio
- Picture Frame Shop
- Post Office
- Postal store and Contract Station
- Printing and related Support Activities
- Public Transportation System
- Real Estate agency
- Recreational Instruction and Camps
- Religious Institution / House of Worship (up to 450 seats)
- Religious Institution / House of Worship (more than 450 seats)
- Restaurant
- School, boarding
- School, business or trade
- School, private & parochial

- School, public, elementary & secondary
- School, university or college
- School, fine arts
- Scientific Research & Development Services
- Sewing, Needlework & Piece Goods Store
- Shoe Sales and Repair Shop
- Shopping Center, less than 25,000 sq. ft.
- Shopping Center, 25-100,000 sq. ft.
- Shopping Center, over 100,000 sq. ft.
- Skating Rink, indoor
- Social Assistance (excl. child care centers)
- Sporting Goods Store
- Stationery Shop
- Stock or Security Brokerage Firm
- Tanning Salon
- Television, Radio & Film Studio
- Tobacco Shop
- Travel Agency
- Trophy & Plaque Shop
- Video Rental & Sales
- Visitor Bureaus
- Wedding Chapel

H. Museums and Non-Profit Foundation Offices

1. MUSEUM IN RESIDENTIAL DISTRICTS

For a museum to be located in any residential district, the structure must have a direct link with an individual who inhabited the structure or event that transpired in the structure.

2. NON-PROFIT FOUNDATION IN A RESIDENTIAL DISTRICT

For non-profit foundation office to be located in any residential district, there must be a documented historic link between the structure and the non profit foundation wishing to set up the non-profit foundation office.

3. DESIGN

The structure must remain residential in character and may not be altered in a way that detracts from the surrounding neighborhood and must meet all CDO and any overlay district requirements.

I. Homeless Shelter/Soup Kitchen

Homeless shelters/soup kitchens shall have a minimum lot area of one (1) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

8.3.5. COMMERCIAL USES

A. POOL HALL, BILLIARD PARLOR

Pool or billiard parlors having a minimum of four but not more than sixteen pool or billiard tables, shall have, under the same roof and developed integrally with the pool or billiard parlor, an eating establishment with full restaurant kitchen and dining facilities, including a minimum of 36 seats for dining tables and/or booths.

1. Obscuring View of Interior

It shall be unlawful for any person to place or keep any kind of stain, paint, curtains, or other things on or in front of any glass which obscures the view into any place or building where a pool or billiard hall or parlor is maintained.

B. SEXUALLY ORIENTED BUSINESSES

1. PURPOSE & FINDINGS

A. The City Council of the City of Concord finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of sexually oriented businesses including crime, the protection of the City's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, the protection of the City's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually oriented businesses. Experience in this City as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County*

Commissioners 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

- B. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
1. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;
 2. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;
 3. Sexually oriented businesses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and sexually oriented business operators with respect to potential adult use sites.
 4. The image of the City as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;
 5. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;

6. A reasonable regulation of the location of sexually oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the City; and
 7. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
- C. The City Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.
- D. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:
1. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;
 2. Evidence has demonstrated that performers employed by sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

3. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;
 4. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.
- E. The City Council has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:
1. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;
 2. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and
 3. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.
- F. It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the City.
- G. The City Council desires to protect the rights conferred by the United States Constitution to sexually oriented businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.
- H. The City Council and Planning and Zoning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this proposed Ordinance.
- I. These regulations are authorized by NCGS § 160A-181.1.

2. APPLICABILITY

The provisions of this Section apply to any Sexually-Oriented Business/Adult Establishments. The use of land for a sexually-oriented business or adult establishment shall be permitted as set forth in Table 1.1.2 subject to the criteria below.

3. LOCATION STANDARDS

- A. No sexually-oriented business shall be located within two thousand (2,000) feet of any other sexually-oriented business.
- B. No sexually-oriented business shall be located within two thousand (2,000) feet of a school, day care or adult day care center, public or private recreation center, a church or a park used by the public for recreational purposes.
- C. No sexually-oriented business shall be located within two thousand (2,000) feet of any Residential Zoning District or residentially developed property. The distance shall be measured radially from the subject property to the nearest point of the Residential District or property, whether such district or use is located within the City of Concord or not.

4. SIGNS AND DISPLAYS

Signage shall be regulated in accordance with Article 12, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

C. BED AND BREAKFAST INN

1. LOCATION

Bed and breakfast inns shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. A Historic Preservation Overlay District or;
- B. On a parcel with frontage on a major or minor thoroughfare; or
- C. Within a PUD Planned Unit Development.

2. STRUCTURE

A structure which shall be used for a bed and breakfast inn shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. Off-Street Parking. See § 10.3.
- B. Receptions/Private Parties. No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application.
- C. Room Rental. No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.
- D. Guest Rooms. All guest rooms shall be located within the principal structure.
- E. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit. No cooking facilities shall be permitted in the guest rooms.

- F. Accessory Uses. Accessory uses associated with a bed and breakfast inn include those as set forth in § 8.3.
- G. Area Regulations. Area regulations for minimum lot size, applicable setbacks, building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
- H. Maximum Number of Guest Units. The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be five (5), unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging
- I. Landscaping and Buffering. See Article 11.
- J. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- K. Signage. Signs for bed and breakfast inns shall meet the requirements of the Sign Regulations and the requirements set forth below.
 - 1. Signage shall be limited to one ground sign per establishment.
 - 2. Ground signs identifying bed and breakfast inns shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.
 - 3. No additional advertising signs shall be permitted on the property.

D. CAMPGROUNDS

1. CRITERIA

This section applies to Campgrounds as permitted by the Use Table and subject to the following standards:

- A. Campgrounds shall not be used as permanent residences except for one (1) owner or manager and up to three (3) permanent maintenance personnel.
- B. Towed vehicles within the Campground shall not exceed eight feet (8') in width.
- C. No person, other than the owner or operator shall stay in any Campground more than ninety (90) days per calendar year.
- D. Camp sites shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty five feet (25') in width.

- E. Camp sites shall be spaced so that there is at least: ten feet (10') between sites; eight (8') feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15') feet from property lines.
- F. Parking spaces and interior roadways shall be paved or treated to reduce dust.
- G. Sewage facilities, if provided, shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
- H. All utilities shall be located underground.
- I. At least one public telephone shall be provided.
- J. Walkways to concentrated activity areas (such as bathhouse, restrooms, etc.) within the campground area shall be at least four feet (4') wide with an all weather surface.
- K. All unpaved areas within the campground must have vegetative ground cover, which is adequate to prevent erosion and blowing dust.
- L. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces. The Applicant shall comply with the requirements of the Landscaping Standards.
- M. All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- N. Adjoining residential zoned or developed areas shall be screened by a minimum Class "C" buffer yard as described in Article 11.
- O. Each campground shall provide at least one full time attendant.

E. PARKING DECK

[See Article 7.9]

F. PRIVATE CLUBS

1. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of these regulations, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.
2. No private club shall be established within 1,000 feet of any of the following:
 - A. Any Residential Zoning District, any Elementary School, Middle School, or High School;
 - B. Any Child Care Center or Child Care Facility;
 - C. Any Religious Institution; or
 - D. Any other existing establishment of the same kind.

The distance provisions above shall not apply in the Center City Zoning District.

3. An application for development approval for a private club shall include a floor plan of the building or structure in which the private club is located. The floor plan shall delineate separately the areas of the building or structure, which are used for the dispensing of food and beverages, entertainment, and dancing.

G. BUILDING MATERIAL SUPPLY

General Provisions

In the AG, B-1, , C-1, C-2, I-1 and I-2 districts, outdoor storage areas shall comply with the following.

1. Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 100 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.
2. Outdoor storage areas shall be screened by a Type C buffer yard in accordance with the Article 11. This provision shall not apply to Junk Yards/ Salvage Yards. (see § 8.3.6.B.).
3. Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2.A for the zoning district within which the item is located.
4. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6-D
5. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.
6. The provisions of this § 8.3.5 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

H. CONVENIENCE STORE (WITH OR WITHOUT GASOLINE SALES)

1. APPLICABILITY

The provisions of this Section shall apply to Convenience Stores and Gas Stations as allowed in the Use Table and subject to the provisions below.

2. ACCESSORY USES

The following uses shall be considered accessory to Convenience Stores or Gas Stations:

- A. Car washes.
- B. Gasoline pumps and canopies.
- C. Automatic teller machines (ATM's).

- D. Restaurants located within the Primary Building.
- E. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise, and rental of video tapes and video cassette recorders.

3. APPROVAL CRITERIA

A. LOCATION.

- 1. Principal Structure - The site shall have frontage on a thoroughfare or collector road.
- 2. Service Equipment - No above-grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.

B. MAXIMUM SQUARE FOOTAGE FOR PRINCIPAL STRUCTURE.

- 1. In C-2 District: No maximum.
- 2. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

C. LIGHTING.

- 1. All exterior lights must be shielded to direct light and glare only onto the Lot or Parcel where the convenience store is located, and may be of sufficient intensity to discourage vandalism and theft.
- 2. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

D. SIGNS. See Article 12 Signs.

I. FARMERS MARKET AND FLEA MARKET (OUTDOOR)

1. ACCESS

Direct access to the site shall be provided by major or minor thoroughfares only, as depicted on the most up-to-date version of the City of Concord thoroughfare plan.

2. LOCATION

For outdoor flea markets only, the lot shall be 300 linear feet from any lot located in a residential district.

J. LAWN AND GARDEN SUPPLY, NURSERY WITH OUTDOOR STORAGE, OUTDOOR ANIMAL AND FEED SUPPLY

1. LOCATION

With the exception of the landscape plants offered for sale, all materials shall be contained with a building, except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to

the building and are encircled by a fence of a design which is in harmony with the adjacent building.

2. SCREENING

A solid fence shall be designed as to screen all material and supplies from public view.

K. TATOO PARLOR

1. SEPARATION

Tattoo parlors shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at their closest points.

L. INTERNET/ELECTRONIC GAMING

1. PERMITTED ZONING DISTRICT

Internet/electronic gaming shall be permitted only in the B-1 (Neighborhood Commercial/Office) District and the C-1 (Light Commercial and Office) Districts as accessory uses and the C-2 (General Commercial District) as either a principal or accessory use, subject to the following requirements.

2. ACCESSORY USE

Internet/electronic gaming is allowed as an accessory use to the extent that the use functions are a use accessory, incidental, and subordinate in area, extent, and purpose to the principal use of the premises. Such accessory uses are allowed in convenience stores and restaurants. Accessory uses shall be limited to no more than four (4) individual machines or terminals. Within the B-1 and C-1 zoning districts, internet/electronic gaming is permitted as an accessory use only, and only provided that the associated principal use is permitted within the zoning district.

3. SEPARATION FROM CERTAIN USES

Internet/electronic gaming shall not be located within 200 feet in any direction from other internet/electronic gaming, or from any cemetery, congregate care facility, religious institution, municipal government facilities, including but not limited to municipal public parks, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

4. MAJOR GATEWAY SETBACKS

Internet/electronic gaming shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile from the city limit line. For the purposes of this section, a major gateway is identified as an entry way into the City limits along any of the following transportation corridors: NC-3, NC-73, NC-49, Concord Parkway, US 601, Poplar Tent Road, George W. Liles Parkway, and Christenbury Parkway.

5. MEASUREMENT

All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures. In the event that separate internet/electronic gaming establishments are proposed to be located on the same parcel, measurement shall be from the outer building walls of the proposed use to the outer building walls of the existing use. A survey may be required to verify compliance with this provision.

6. ACCESS AND VISIBILITY

During hours of operation, internet/electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All internet/electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the exterior front of the establishment.

7. AGE RESTRICTIONS

No person or entity engaged in internet/electronic gaming operations shall allow, permit, or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in internet/electronic gaming operations.

8. SIGNAGE

Signage shall meet all the requirements of Article 12 and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulating, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the internet/electronic games shall be displayed prominently within the establishment.

9. COMPLIANCE WITH OTHER REGULATIONS

The internet/electronic gaming establishment shall be subject to City of Concord privilege license fees, and shall be subject to all other standards of the City of Concord and State of North Carolina as applicable.

10. EFFECTIVE DATE

This ordinance shall be effective upon adoption.

M. BODY PIERCING

1. SEPARATION

Body piercing establishments shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at the closest point.

2. SIGNAGE

All signage to comply with Article 12, Signs Regulations.

N. BANQUET HOME

1. LOCATION

Banquet Homes shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. On a parcel with frontage on a major or minor thoroughfare;
- B. On a parcel or combination of parcels in common ownership totaling no less than two (2) acres.

2. STRUCTURE

A residential structure which shall be used for a banquet home shall not be altered in any way that changes its general residential appearance.

3. APPROVAL CRITERIA

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.
- B. Other than event guests, no meals shall be served to the general public.
- C. A Class "C" buffer shall be required adjacent to all residentially zoned or developed properties. For additional landscaping and buffering requirements, see Article 11.
- D. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient

intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded and focused away from any adjoining residential property. A lighting plan illustrating compliance with these requirements shall be submitted as part of the special use permit application.

E. Signage. Signs for banquet homes shall meet the requirements of the Sign Regulations, Article 12, and the supplemental requirements set forth below.

1. Signage shall be limited to one ground sign per establishment.
2. Ground signs identifying banquet homes shall not exceed nine (9) square feet in area, nor four (4) feet in height. Such signs shall not be illuminated.
3. No additional advertising signs shall be permitted on the property.

4. SEPARATION

Banquet homes shall be separated by at least five hundred (500) feet from any existing banquet home. This measurement shall be calculated from property line to property line. Additionally, the minimum separation from the banquet home structure and any adjacent single-family residence shall be at least fifty (50) feet.

O. BREWPUBS AND BREWERIES-MICRO

1. Brewpubs are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

- A. In the CC, PUD and MX districts, a brewpub and shall comply with the regulations for the CC district Section 7.9. and any supplemental regulations associated with a PUD or MX district approval.
- B. No outdoor amplified sound will be permitted after 11:00 pm. All activities shall comply with the City of Concord Noise Ordinance.

2. Breweries-Micro are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:

- A. In the CC district a brewery-micro shall comply with the regulations for the CC district Section 7.9
- B. In the C-1, C-2, CC, MX, and PUD districts brewery-micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.

- C. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the brewery-micro is located within 200 feet of any residential or institutional use.

P. INDOOR RECREATION

- 1. Only one indoor recreation facility (go-kart or fitness/martial arts) shall be permitted per Combined Development and shall be located inside the structure adjacent to the primary entrance road.

Q. FOOD TRUCK

1. LOCATION

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

2. TIME LIMITATIONS

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

R. EVENT CENTER

- A. With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

S. COMMERCIAL USES IN RV AND RC DISTRICTS

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

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

8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES

A. Outdoor Storage and Solid Waste Storage Standards in Residential Zoning Districts

1. GENERAL PROVISIONS

In the RE, RL, RM-1, RM-2, RV, RC, TND, PID, PUD, PRD, CC districts, open storage of junk, salvage or equipment including but not limited to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts is prohibited. The provisions of this paragraph shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in § 13.1, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

B. Outdoor and Solid Waste Storage Standards in Non-Residential Zoning Districts

1. GENERAL PROVISIONS

In the AG, B-1, C-1, C-2, CI, PUD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except that allowed under §§8.3.6 C., 8.3.6 E.

2. LOCATION

Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6.E.

3. SCREENING

Outdoor storage areas shall be screened by a Type C buffer yard in accordance with Article 11. This provision shall not apply to Junk Yards/ Salvage Yards (see § 8.3.6.B.). Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2 A. for the zoning district within which the item is located. Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen outdoor storage areas or operations.

4. STORAGE AS PART OF AGRICULTURAL OPERATIONS

The provisions of this § 8.3.6 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

C. Solid Waste Storage Areas

1. LOCATION

Solid waste dumpsters or other large containers for solid waste storage shall be confined in an enclosed area that is screened on all sides. A solid waste enclosure, large enough to confine solid waste items and dumpster(s), should be of solid opaque construction, with latching gates providing access. The applicant shall indicate on the site plan the choice of materials and color so that the Administrator can determine that they are consistent and compatible with those of the principal building(s) on the site. No solid waste storage area shall be located in any front building yard setback as described in Table 7.6.2 A and 7.6.2 B. or any street yard or buffer yard as set forth in Article 11.

2. MATERIALS

Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, wood or similar material. The applicant shall ensure that the choice of materials and color are consistent and compatible with those of the principal building(s) on the site.

3. CONTAINER TYPE

Solid waste dumpsters or other large containers for solid waste storage shall have a lid to minimize the potential contamination of stormwater runoff.

4. FENCING

Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, are not sufficient materials to screen solid waste storage areas.

5. APPLICATION

The provisions of this § 8.3.6.C. shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

D. Outdoor Storage Standards as Part of Retail Uses

1. GENERAL PROVISIONS

The provisions of this section shall apply to any retail use that includes the sale or storage of merchandise in an open or unenclosed area except as provided in §8.3.5.G. The provisions of this section § 8.3.6.D. shall not apply to the CC district or to sidewalk vendors permitted under the temporary use regulations of § 8.7.

2. DISPLAY LOCATIONS

No booths, stalls, or materials on display may be located within any required setback area. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.

Non-enclosed areas for the storage and sale of seasonal inventory shall be:

- A. permanently defined on an approved site plan;
- B. completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences; and
- C. comprised of materials, colors, and design of screening walls and/or fences which shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.

3. TRUCK TRAILERS

Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.

E. Mini-Warehouse/Self-Service Storage

1. PURPOSE

This Section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. The use of land for mini-warehousing/self-service storage shall be permitted as set forth in the Use Table subject to the criteria below.

2. MINIMUM/MAXIMUM LOT SIZES

- A. Minimum lot size - one (1) acre
- B. Maximum lot size - none in the I-1 and I-2 Districts. All other districts have a maximum lot size of five (5) acres.

3. BUILDING ARTICULATION

- A. The building height shall not exceed 48 feet and comply with the setbacks of Table 7.6.2 B.
- B. A parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.
- C. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, brick, stone, EIFS, etc. and painting of surfaces. Split-faced concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. The colors selected shall be compatible with the character of the neighborhood. Metal may not be used on any

perimeter wall of any building. The front façade of all structures shall comply with Article 7.10.

- D. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public street.

4. LANDSCAPING SCREENING AND BUFFERING

- A. A type “B” buffer yard as prescribed in Article 11 shall be provided around the perimeter of the mini-warehouse development.
- B. Signs or other advertising mediums shall not be placed within the buffer yard.
- C. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and shall conform to the standards and planting requirements of Article 11.
- D. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence, masonry wall, or type no less than eight (8) feet in height. The Administrator may permit a landscaped buffer that provides complete visual screening with a berm in some cases.

5. ON-SITE MANAGER OR SECURITY SYSTEM REQUIRED

No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.

6. COMMERCIAL ACTIVITY PROHIBITED

It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units or other associated activities, or to permit same to occur upon any area designated as a storage warehouse.

7. PROHIBITED USES

- A. No portion of any Mini-Warehouse/self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
- B. Repair of Autos, Boats, Motors and Furniture Prohibited; Storage of Flammable Liquids Prohibited
- C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designated as a mini-warehouse.

All mini-warehouse units shall be made available for inspection by the Fire Marshal for uses of the property for purposes other than dead storage.

8. LIGHTING

All outdoor lights must be shielded to direct light and glare only onto the Lot or Parcel which the Mini Warehouse is located. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

9. OUTSIDE STORAGE

No outside storage shall be permitted except for the storage of recreational vehicles per paragraph 13.d. Outdoor Storage areas shall not be permitted within a required setback or perimeter buffer;

10. ACCESSIBILITY

Vehicular ingress-egress locations into the property shall provide for the safe access of customers and emergency vehicles.

11. OFF-STREET PARKING STANDARDS

A. Location of Customer Parking. Parking shall be provided by parking/driving lanes adjacent to the buildings.

B. Interior Travel Lanes. Interior travel lanes shall have a minimum width of (12) feet for one way travel lanes and (24) feet for two way travel lanes.

C. Off-street Parking. One parking space is required for every 200 storage units with a minimum of two spaces required. The parking spaces shall be provided adjacent to the manager's office.

D. Vehicular Storage. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage so long as it complies with 8.3.6.E.6.

12. ACCESSORY USES

The sale of customary equipment and supplies, such as hand trucks, straps, and tape, are permitted on site.

13. DEVELOPMENT IN C-2 DISTRICTS

Mini warehouse facilities may be developed in C-2 zoning districts provided that visibility from the public right-of-way is minimized. This standard may be accomplished through a combination of landscaping, screening, fences/walls or through the placement of an intervening use between the public right-of-way and the mini-warehouse use.

F. Manufactured/Modular Home and Storage Building Sales

1. APPLICABILITY

The provisions of this Section shall apply to any tract of land designed or intended for the display and sale of bulky items including manufactured homes, modular homes, and/or enclosed storage (accessory) buildings and boats.

2. CRITERIA

- A. Site Plan Requirements.** In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Section) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.
- B. Setbacks.** All display pads shall be located at least thirty (30) feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with the underlying district.
- C. Type of Manufactured Home.** All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
- D. Required Paving.** All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Display, storage and repair areas may be gravel.
- E. Storage and Repair Areas.** Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views.
- F. Sidewalks.** Four (4) foot wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
- G. Signs.** Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.
- H. Display Pads.** All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120 percent of

the structure's footprint. Display pad may be paved and/or graveled.

- I. **Manufactured or Modular Home Display Areas.** A minimum separation of at least ten (10) feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes which are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
- J. **Storage Building Display Areas.** A minimum separation of at least five (5) feet shall be maintained between display pads.
- K. **Landscaping Requirements.** In addition to the landscaping requirements found elsewhere in this Ordinance, the display area for manufactured and modular home sales shall include the installation of one ornamental tree or shade tree, two medium shrubs and six small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

G. Motor Vehicle and Boat Sales, Lease, Rental

1. APPLICABILITY

The provisions of this Section shall apply to any Automobile/Boat Sales or Rental establishment as allowed by the Use Table.

2. ACCESSORY USES

- A. In addition to the accessory uses set forth in § 8.4, the following accessory uses are permitted for any Automobile/Boat Sales Establishment:
- B. Sales, office, parts, service, storage, and body shop facilities accessory to new Automobile/Boat Sales establishments.
- C. Storage, body shop, washing, fueling, painting facilities, and air quality certification.
- D. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the City. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.

3. DISPLAY AREA

- A. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For sales or rental operations occupying space in a combined development of 25,000 square feet or less, a maximum of six vehicles for sale shall be stored or displayed on site. For sales or rental operations occupying space in a combined development of more than 25,000 square feet, the maximum number of vehicles shall be restricted by the available spaces on site that are in excess of the off-street parking requirements established in Article 8.
 - B. For purposes of this Section, a paved surface shall not be considered "continuous" if it is separated by a Type A buffer yard (as set forth in Article 11) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve (12) or more than eighteen (18) feet in width for every one hundred fifty (150) feet in buffer yard length.
 - C. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
 - D. Paved areas reserved for the storage or display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of §10.3. No vehicle for sale shall occupy a required space per § 10.3.
- H. Outdoor Storage of Junk or Non-Operating Vehicles**
- 1. For outdoor display of vehicles for sale, see § (8.3.6.G).
 - 2. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as part availability, prevent repair in within the five day period) All screening shall follow the requirements below.
 - 3. Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.
 - 4. **SCREENING REQUIREMENTS**
 - A. **SCREENING LOCATION** - Storage areas shall be completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences and placed outside of all site triangles.

- B. COVERED STORAGE AREA** - Covered storage areas shall be composed of materials and colors that are compatible with those used on the principal structure.
- C. CUSTOMARY MATERIALS** - Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, brick, or products designed to resemble these materials. If a structure exists on the property, design of screening walls and/or fences shall be compatible with those used on the principal structure. Where specific materials are specified for particular types of screening fences or walls, all other fence materials are prohibited (i.e. in a Conditional District)
- D. FINISHED SIDE TO OUTSIDE** - Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (i.e. one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.
- E. UNIFORMITY OF MATERIALS ON A SINGLE LOT SIDE** - All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.
- F. LANDSCAPE SCREENING** - Landscaping is required in front of screened areas facing public right of ways and along conforming residentially zoned property boundaries that touch the subject tract. Fences and walls that exceed two-and-one-half (2½) feet in height and are located within twenty (20) feet of a public right-of-way shall meet the following landscaping standards:
- One (1) evergreen shrub shall be installed for each five (5) feet of frontage along the public right -of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of the fence that faces the public right-of-way. The minimum shrub size shall be 3' at the time of planting.
- G. INTEGRATION WITH OTHER REQUIRED LANDSCAPING** - Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter landscape buffers provided the standards in Article 11, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.
- H. MAINTENANCE REQUIRED** - All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed,

or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

5. SIGHT TRIANGLES AND SIGHT DISTANCE TRIANGLES

Fences and walls shall not be placed in site triangles and shall comply with the TSM.

6. PROHIBITED FENCES

A. CHAIN LINK AND METAL-SLAT FENCING - Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all zone districts, except the Industrial zone districts, when the landowner can demonstrate through a security plan that such fencing is necessary to maintain public safety or on-site security.

B. BARBED WIRE AND ABOVE GROUND ELECTRIFIED FENCES PROHIBITED - Barbed wire fences and above ground electrified fences are prohibited in all zone districts. Underground electric fences designed for control of domestic animals are permitted.

C. DEBRIS, JUNK, ROLLED PLASTIC, SHEET METAL, PLYWOOD, OR OTHER WASTE MATERIALS - Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

I AUTOMOBILE REPAIR (MAJOR/MINOR)/TIRE SALES

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

8.3.7 INDUSTRIAL USES

A. Catering

1. APPLICABILITY

A. The provisions of this Section shall only apply to any Catering operation as a Home Occupation (see §8.5)

2. MAXIMUM AREA.

A. Area set aside for catering as a home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.

3. OUTDOOR STORAGE

- A. No outdoor storage or display of items associated with catering as a home occupation is permitted.

4. OPERATION.

- A. Catering as a home occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Catering as a home occupation is not permitted in a detached garage or in any other accessory structure.

- B. All food items created as part of a catering home occupation shall be served and consumed at locations other than the home.

- C. In accordance with § 8.5, no more than one (1) non-resident shall be employed on site. All other persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:

- do not work at or on the site of the dwelling;
- do not report to work at or near the dwelling;
- do not go by the dwelling to pick up orders, supplies or other items related to the catering home occupation;
- do not report to the dwelling for pay;
- do not associate with the dwelling in a manner which could be interpreted as part of a normal employer/employee relationship.

- D. Catering home occupation activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district in which it is located

- E. Only one vehicle owned by the operator of the home occupation and used in coordination with the business may be stored on site. This does not preclude occasional deliveries by parcel post or similarly sized vehicles consistent with normal use of the property for residential purposes that do not impede the safe flow of traffic.

5. COMPLIANCE WITH OTHER REGULATIONS.

- A. All catering home occupations shall comply with all applicable Federal, State and local regulations.

B. Hazardous Waste Facilities / Sanitary Landfill

1. PURPOSE AND INTENT

The purpose and intent of this Section is to provide supplementary guidance and standards for the issuance of permits for hazardous

waste facilities. State law restricts the extent to which local zoning may regulate hazardous waste facilities. To the extent not preempted by NCGS § 130A-293, et seq. hazardous waste facilities shall be permitted only in the zoning districts indicated in the Use Table.

2. CRITERIA

Consistent with NCGS § 130A-293, no zoning compliance permit shall be approved until a special use permit application has been approved. Prior to the filing of any application for a zoning compliance permit, the designated North Carolina state agency shall examine the criteria for issuance of a special use permit and shall submit its recommendation to the North Carolina Environmental Management Commission. No special use permit or zoning compliance permit shall be issued unless the applicant first:

- A. Obtains a permit from the State of North Carolina; and
- B. Obtains a franchise from the City of Concord pursuant to NCGS § 160A-319; and
- C. Submits a copy of the State permit and all applications to the Administrator.

C. Junkyard / Salvage Yard

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a North Carolina route except the following:

- 1. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and regulations contained in this ordinance.
- 2. No yard or storage lot shall be placed or maintained within a required yard setback or buffer.
- 3. No material may be stacked so that it is visible off of the site.
- 4. All existing junk yards and salvage yards shall be in compliance with this ordinance no later than January 1, 2008.

D. Land Clearing / Inert Debris (LCID) Landfills and Storage Yards

1. GENERAL

- A. The owner of the land where the storage yard (temporary or permanent) or landfill is located must notify the Administrator on a prescribed form, duly signed, notarized, and recorded as per section (b) below. The operator of the landfill, if different from the land owner, shall also sign the notification form.

- B. The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Administrator.

2. FOR LANDFILLS ONLY

When the land on which the Land Clearing and Inert Debris Landfills sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

An individual permit is required for the construction or expansion and operation of a Land Clearing and Inert Debris (LCID) landfill or storage yard when:

- A. The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the City of Concord solid waste management plan as approved by the Division of Solid Waste Management, and
- B. The total disposal area is greater than one-half acre in size.

3. PERMITS

Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.

- A. Landfills that are currently permitted as demolition landfills are required to comply with the following:
 - 1. Only waste types as described in section 2.A. above may be accepted for disposal, as of the effective date of this ordinance unless otherwise specified in the existing permit.
 - 2. Operations must be in compliance with the Operational Requirements for LCID Landfills (below).
 - 3. Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 2012 or cease operations and close in accordance with this ordinance.
 - 4. Existing storage yards shall comply with all the requirements of this Ordinance by July 1, 2007 or cease operation and close in accordance with this ordinance.

4. SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID)LANDFILLS AND STORAGE YARDS

- A. The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:
1. Facilities or practices, shall not be located in the 100-year floodplain.
 2. Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
 3. Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 or at the offices of the Administrator, where copies can be obtained at no cost.
 4. Facilities or practices shall not damage or destroy an archaeological or historical site.
 5. Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve
 6. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
 7. It must be shown that adequate suitable soils are available for cover, either from on or off site.
- B. Land Clearing and Inert Debris landfills and storage yards shall meet the following surface and ground water requirements:
1. Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.
 2. Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.
 3. Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
 4. Waste in landfills and storage yards with a disposal area greater than one-half acre shall be placed a minimum of four

feet above the seasonal high water table, except where an alternative separation is approved by the Division.

5. Waste in landfills and storage yards with a disposal area less than one-half acre shall be placed above the seasonal high water table.
- C. The facility shall meet the following minimum buffer requirements:
 1. 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
 2. 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
 3. A Type D [See Art. 11] buffer is required, but may be adjusted as necessary to insure adequate protection of public health and the environment.
- D. The facility shall meet all requirements of any applicable zoning ordinance.

E. Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards

1. Land Clearing and Inert Debris (LCID) landfills and storage yards shall meet the following operational requirements:
 - A. Operational plans shall be approved and followed as specified for the facility.
 - B. The facility shall only accept those solid wastes which it is permitted to receive.
 - C. Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
 - D. For landfills ONLY; Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
 - E. For landfills ONLY; 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The City may require further action in order to correct any condition which is or may become injurious to the public health, or a nuisance to the community.
 - F. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
 - G. For landfills ONLY; Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days

or 120 calendar days upon completion of any phase of landfill development.

- H. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill or storage yards is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- I. Access roads shall be of all-weather construction and properly maintained.
- J. Surface water shall be diverted from the working face and shall not be impounded over waste.
- K. Solid waste shall not be disposed of or placed in water.
- L. Open burning of solid waste is prohibited.
- M. The concentration of explosive gases generated by the facility shall not exceed:
- N. Twenty-five percent of the lower explosive limit for the gases in facility structures.
- O. The lower explosive limit for the gases at the property boundary.
- P. Leachate shall be properly managed on site through the use of current best management practices.
- Q. Should the City deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under 15A N.C.A.C. 13B.0601 and .0602.
- R. A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number.

2. Approval Process

- A. Site Plan Approval is required. See the Site Plan Approval requirements in Article 5.
- B. Zoning Map Amendment and Special Use Permit are required, if applicable. Refer to the Use Table in § 8.18 and the procedures for zoning map amendments in Art. 3.
- C. Zoning Clearance. No demolition landfill shall be established until a zoning clearance permit is obtained from the Administrator.
- D. Duration of Permit. A zoning clearance permit shall be effective for a twelve-month period. The demolition landfill is presumed to be an adjunct to an ongoing construction process and, as such, is permitted only for the life of the construction project. The Administrator shall renew the zoning clearance if a written finding is made that the construction project is ongoing.

- E. Application Requirements. In addition to the requirements for a site plan found at §5.4 the following information must be submitted at the time of application for such permit:
- Survey. A survey showing the exact location of the proposed demolition landfill or storage yards within the entire project.
 - Contents of Landfill. A statement detailing all contents of the landfill or storage yard.
 - Reclamation of Landfill Area. A statement detailing the plans for reclaiming the landfill at the end of its use.
 - Future Building Plans. A statement describing plans for future building, if any, on the landfill or storage yard site.
3. **Additional Application Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards (i.e. in addition to site plan info)**
- A. The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:
1. Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.
 2. A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.
 3. Any other information pertinent to the suitability of the proposed facility.
- B. The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:
1. Entire property or portion thereof owned or leased by the person providing the disposal site.
 2. Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.
 3. Historical or archaeological sites, if any.
 4. Park, scenic, or recreation area boundaries, if any.
 5. Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and

sewer utilities, septic fields, and storm drainage features.

6. Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
7. Wetlands, if any.
8. Boundary of the proposed waste area.
9. Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.
10. FOR LANDFILLS ONLY: Proposed excavation, grading, and final contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
11. Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.
12. Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans.
13. A minimum of two cross-sections, one each along each major axis, per operational area showing:
 - Original elevations.
 - Proposed excavation.
 - Proposed final elevations.
14. A copy of the operational plan approved by NC DENR under 15A NCAC § 13B.0566

F. PRODUCT DISTRIBUTION CENTER, WAREHOUSING AND STORAGE, NON-FARM RELATED PRODUCTS

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

G. TRUCK TERMINALS AND SUPPORT FACILITIES

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate

projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

8.4 Accessory Uses

8.4.1 PERMITTED ACCESSORY USES

- A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts

B. Establishment

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in section 8.8.3-D. Accessory buildings shall not be used for dwelling purposes, except as provided in section 8.3.3-C.

8.4.2. LOCATION

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

8.4.3. HEIGHT

- A. Accessory buildings shall not exceed:
 1. The standard height regulations of the zoning district as set forth in Section 7.6.3 where accessory structure is located within the buildable lot area;
 2. Shall not exceed fifteen (15) feet in height, where accessory structure is located within a principal structure setback yard.

8.4.4. SWIMMING POOLS

A private swimming pool along with incidental installations, such as pumps and filters, is permitted in any residential zoning district provided:

- A. The swimming pool and incidental installations are located in other than the front yard.
- B. If any pool contains at least four hundred fifty (450) square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a

protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.

- C. The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

8.4.5. LIGHTING

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

8.4.6. EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS

- A. The following uses/structures shall be exempt from the provisions of this § 8.4:
 1. Fencing and walls;
 2. Mailboxes;
 3. Plant materials;
 4. Any structure or improvement, once installed, is at grade or less than 1 foot above grade.

8.5 HOME OCCUPATIONS

8.5.1 PURPOSE

A home occupation is permitted as an accessory use in the districts shown in 8.4.1-A and in the PUD, PRD, and TND Districts. The purpose of the home occupation regulations and performance standards are:

- A. to establish criteria for operation of home occupations in dwelling units within residential districts;
- B. to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- C. to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- D. to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- E. to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- F. to enable the fair and consistent enforcement of these home occupation regulations; and
- G. to promote and protect the public health, safety and general welfare.

No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

8.5.2 LIST OF HOME OCCUPATIONS

The following list specifies those occupations that may be conducted at home. The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

- A. Accounting, bookkeeping
- B. Appraisal
- C. Legal services
- D. Real estate sales
- E. Insurance sales
- F. Childcare / Family Daycare Home (see)
- G. Drafting services
- H. Tailoring (dressmaking, alterations, etc.) services
- I. Engineering, architecture and landscape architecture
- J. Financial planning & investment services
- K. Fine arts studio (creation of individual works only, no mass production)
- L. Interior decoration (no studio permitted)
- M. Lawn Care Services
- N. Mail order business (order taking only, no stock in trade)
- O. Musical instruction, voice or instrument
- P. Tutoring
- Q. Office work
- R. Catering (see 8.3.7-A for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)
- S. Similar, low impact endeavor as determined by the Administrator

8.5.3 PERFORMANCE STANDARDS

Home occupations are authorized if they comply with the performance standards set forth in Table 8.6-1. A mark "X" indicates that the performance standard applies in the applicable district.

8.5.4 HOME OCCUPATIONS NOT PERMITTED

The following Uses shall not be permitted as home occupations in Residential Zoning Districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, commercial food preparation (excluding catering pursuant to §8.3.7-A), contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho therapy, or any other use not allowed in accordance with § 8.1.8.

8.5.5 EXEMPT HOME OCCUPATIONS

No Home Occupation Permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this Section, and provided further, that all persons engaged in such activities reside on the premises and the following conditions are satisfied:

- A. artists, sculptors, composers not selling their artistic product to the public on the premises;
- B. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- C. home offices with no client visits to the home permitted;
- D. telephone answering and message services.

8.5.6 UNSAFE HOME OCCUPATIONS

A. If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to § 1.5 of this Ordinance.

8.5.7 EXPIRATION OF HOME OCCUPATION PERMIT

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within thirty (30) days after written notice from the Administrator.

8.6 TABLE 8.6-1

HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy.	x	x
The use shall be conducted entirely within the interior of the residence.		x
The use shall not change the residential character of the dwelling.	x	x
The use shall conform with applicable state and local statutes, ordinances and regulations and is reviewed by Administrator.	x	x
A full-time resident operator shall be employed.	x	x
Obtain permits before operating home occupation, except those exempted under § 5.12.7.	x	x
No more than one (1) non-resident employee shall be permitted.		x
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between the 8:00 AM and 8:00 PM.	x	x
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation	x	x
Music, ¹ art, craft or similar lessons: (12 or fewer clients per day)	x	x
Childcare (maximum of 8 or fewer children); see § 5.16	x	x
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	x	x
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	x	x
Parking shall be provided only in driveway and shall not create hazards or street congestion	x	x

¹ provided all electronically amplified sound is not audible from adjacent properties or public streets.

Outside storage of heavy equipment or material shall be prohibited.		x
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		x
Mechanized equipment shall be used only in a completely enclosed building		x
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	x	x
Deliveries and pickups shall be those normally associated with residential services and shall a. not block traffic circulation b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday	x	x
Accessory Buildings shall not be used for home occupation purposes.		x
Signage shall comply with the following: a. Limited to one sign of four (4) square feet in area. b. Must be mounted flush against the wall of principal dwelling unit c. Shall not be illuminated.	x	x

8.7 Wireless Communications Facilities Generally

8.7.1 Purpose and Applicability

- A. This Section 8.7 applies to all telecommunications facilities except as specifically noted otherwise. Special procedures for qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles are addressed separately in Section 8.9.
- B. The purpose of this section is to:
 - 1. Minimize the impacts of wireless communication facilities (WCFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;
 - 2. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
 - 3. Encourage coordination between suppliers of wireless communication services in the City of Concord;
 - 4. Respond to the policies embodied in the Telecommunications Act of 1996 and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) and in accordance with the rules promulgated by the Federal Communications Commission;
 - 5. Protect the unique natural beauty and rural character of the City while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
 - 6. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the City.
- C. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of telecommunications facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property

- C. In all residential districts, non-qualifying WCFs shall only be permitted on parcels with a minimum lot size of five acres.
- D. Nonconcealed attached non-qualifying WCFs shall only be allowed on transmission towers, buildings, water towers, subject to approval of the Administrator.
- E. In addition to locations authorized for non-concealed, attached WCFs in subsection D., concealed, attached WCFs shall be allowed on transmission towers, buildings, water towers, utility poles in city right-of-way, city utility poles, and light stanchions, subject to approval of the Administrator.
- F. WCFs, wireless support structures, and associated equipment shall be constructed and maintained in conformance with all applicable building code requirements.
- G. WCFs and associated equipment shall not interfere with normal radio and television reception in the vicinity.
- H. Lighting shall not exceed the FAA minimum standard. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- I. Commercial messages shall not be displayed on any WCF.
- J. The WCF equipment compound shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.
- K. The WCF shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

Qualifying WCFs shall not be required to meet the siting requirements listed in subparts A. through D.

8.7.3 DIMENSIONS

When permitted, a WCF shall conform to the following dimensional requirements:

A. Heights

1. Attached WCF: The top of the WCF shall not be more than 20 feet above the building.
2. Freestanding Concealed or Nonconcealed WCF: In all residential zoning districts, the maximum height shall be limited to 25 feet above the allowable building height of the underlying zoning district. In all nonresidential districts the maximum height shall be 199 feet. This measure shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.
3. Mitigation of an existing WCF: The maximum height of a new WCF arising from mitigation shall not exceed 115% of the height of the tallest WCF that is being mitigated, to a maximum height of 199 feet.
4. Regardless of whether the facility is a qualifying WCF or a non-qualifying WCF, in no instance in an area zoned single family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a mitigation waiver or a variance approving a taller utility pole, city utility pole, or wireless support structure. For the purposes of this subsection, single family residential shall mean properties with the following zoning designation, unless otherwise defined by law: RE, RL, RM-1, RM-2, RV, or RC.

B. Setbacks

1. Attached WCF: The building or structure to which the WCF will be attached shall maintain the normal setbacks of the district. The attached, WCF may encroach into the setback not more than 5 feet.
2. Freestanding WCF: Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional eighteen inches for every one-foot of tower height. The approving authority may grant reductions to this setback requirement as a

part of the special use permit approval. Qualifying freestanding WCFs shall be exempt from this provision.

3. Mitigation of an existing WCF: A new WCF approved as mitigation shall not be required to meet setback requirements so long as the new WCF is no closer to any property lines or dwelling units as the WCF being mitigated.

C. Buffers

1. A landscaped buffer shall surround the base of the WCF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator. Grading shall be minimized and limited only to the area necessary for the new WCF.
2. If the proposed WCF is the principal use of the property then landscaping per Article 11, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the WCF equipment compound.
3. If the proposed WCF is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
4. In addition to the required landscape buffer, on sites in residential districts adjoining public rights-of-way an opaque fence shall surround the WCF equipment compound.

D. Aesthetics

1. Concealed attached WCFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
2. Freestanding concealed WCFs shall be designed so as to be compatible with adjacent structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
3. Freestanding non-concealed WCFs, including those used for mitigation, shall be limited to monopole type antenna support structures.

E. Collocation Capacity

New non-qualifying wireless support structures must provide for collocation capacity as set forth herein:

- Freestanding nonconcealed structures up to 120 feet in height shall accommodate at least two antenna arrays.
- Freestanding nonconcealed structures between 121 feet and 150 feet shall accommodate at least three antenna arrays.
- Freestanding nonconcealed structures between 151 feet and 199 feet shall be engineered and constructed to accommodate at least four antenna arrays.

8.7.4 APPLICATION REQUIREMENTS

In addition to all of the requirements of site plan and Special Use Permit review (if required), the following information must be supplied with the site plan and use permit (if required) application for WCFs:

A. For an eligible facilities request:

1. Existing equipment on the wireless tower or base station
2. Proposed new equipment
3. Copy of lease agreement. Such submissions need not disclose financial lease terms.
4. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
5. Application fee

B. For a substantial modification or a new non-qualifying wireless support structure:

1. A complete site plan, certified by a professional engineer or other qualified professional, which demonstrates that the site and the wireless support structure complies as proposed with the standards set forth in this Section 8.7. The site plan shall include:
 - a. Height
 - b. Configuration
 - c. Location
 - d. Mass and scale

- e. Materials and color
 - f. Illumination
 - g. Information addressing the following items:
 - i. The extent of any commercial development within the search ring of the proposed facility
 - ii. The proximity of the antenna support structure to any residential dwellings;
 - iii. The proximity of the antenna support structure to any public buildings or facilities;
 - iv. For a new wireless support structure, certification by a registered engineer that the facility has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated.
2. Identification of the intended user(s);
 3. Documentation from the FAA that the lighting is the minimum lighting required by the FAA;
 4. Documentation that the power output levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards for power density, whichever provides the stricter requirements.
 5. A statement of the number of collocation sites and documentation regarding structural integrity
 6. A copy of the lease agreement. Such submissions need not disclose financial lease terms.
 7. Documentation consisting of a certificate of insurance showing evidence of general liability coverage of at least \$1,000,000 and the certificate shall contain a requirement that the insurance company notify the city 30 days prior to the cancellation, modification, or failure to renew the insurance coverage required.
 8. Certification from a professional engineer that the structure has been designed to and will withstand 100 miles per hour wind velocity.
 9. Relevant FCC licensing;

10. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
 11. Application fee.
- C. In addition to the requirements listed in subsection B. above, for a new non-qualifying wireless support structure:
1. A written report demonstrating applicants' meaningful efforts to secure shared use of existing wireless support structures. Copies of written requests and responses for shared use shall be provided with the application, along with any letters of rejection stating the reasons for rejection. The applicant shall provide information necessary to determine whether collocation is reasonably feasible. Collocation is not reasonably feasible if it is technically or commercially impractical to locate on an existing wireless support structure or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value.
 2. Seismic analysis of the tower, stamped and sealed by a professional engineer or other qualified professional.
 3. Delineation of the fall zone for the structure;
 4. Simulated photographic evidence of the proposed structure's appearance from all residential areas within 1,500 feet, and from other vantage points chosen by the city.
 5. Supplemental information may be required by Section 8.7.4.B.

8.7.5 THIRD PARTY REVIEW

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

8.7.6 MITIGATION

To qualify as WCF mitigation, a proposal shall accomplish a minimum of one of the following:

- A. Reduce the number of overall WCFs;

- B. Reduce the number of nonconforming WCF types; or,
- C. Replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this section.

8.7.7 APPROVAL AUTHORITY

- A. The Administrator shall be responsible for the approval of eligible facilities requests, substantial modifications, concealed attached WCFs, collocations or combining on existing antenna supporting structures, and non-concealed attached WCFs, and mitigation of existing WCFs.
- B. All freestanding non-qualifying WCFs shall be subject to a special use permit. In addition to the requirements for use permits, the approving authority, in determining whether a non-qualifying WCF is in harmony with the area or the effects and general compatibility of a non-qualifying WCF with adjacent properties may consider the aesthetic effects of the non-qualifying WCF as well as mitigating factors concerning aesthetics. The Planning and Zoning Commission may disapprove an application on the grounds that the non-qualifying WCFs aesthetic effects are unacceptable, or may condition approval on changes in non-qualifying WCF height, design, style, buffers, or other features of the non-qualifying WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of non-qualifying WCFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed non-qualifying WCF could be modified to have a less intrusive visual impact. The approving authority, when considering a use permit for freestanding non-qualifying WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the non-qualifying WCF on the health of the public. The documentation required by this section that stipulates that the non-qualifying WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding. If the approving authority determines that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed non-qualifying WCF can be achieved by use of one or more alternative non-qualifying WCF or by one or more non-qualifying WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed non-qualifying WCF application.

8.7.8 EXEMPTIONS

- A. Satellite earth stations (satellite dishes).
- B. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- C. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City, except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.
- D. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- E. Routine maintenance of existing telecommunications facilities, including activities associated with regular and general upkeep of transmission equipment, and the replacement of existing telecommunications facilities with facilities of the same size
- F. Public safety facilities.
- G. Any telecommunications facility below sixty-five (65) feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.
- H. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities as defined in N.C.G.S. Chapter 160A, Part 3E, that are suspended on cables strung between existing utility poles or city utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City rights-of-way and who is remitting taxes under G.S. 105-64.4(a)(4c) or (a)(6).
- I. Any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, to the extent consistent with

applicable codes. This exemption does not apply to a stadium or athletic facility owned or otherwise controlled by the city.

8.7.9 INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS

- A.** In order to facilitate the City's regulation, placement, and construction of WCFs and their interaction with the City's Public Safety Communications Equipment, all applicants requesting a permit for a WCF under this section shall agree in a written statement, to the following:
 - 1. Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
 - 2. Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
 - 3. In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the City's Public safety Communications Equipment.

- B.** When a specific base station is identified as causing RFI with the City's and the County's Public Safety Communications Equipment, the following steps shall be taken:
 - 1. Upon notification by the City and/or County of interference with Public Safety Communications equipment, the owners of the WCF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WCF owner fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take steps to contact the FCC to eliminate the interference.
 - 2. If there is a determination of RFI with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by

the City and/or County to determine the source of the interference.

8.8 TEMPORARY USES

8.8.1 PURPOSE

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Development Services Department is required pursuant to Article 6 of this Ordinance.

8.8.2 APPROVAL CRITERIA

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified below. The following criteria in this Section 8.8.2 shall not apply to Temporary Uses in the Charlotte Motor Speedway Public Interest District (PID), except for (E) Property Line Setbacks.

A. Compatibility With/Effect On Surrounding Area

The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

B. Location (Permission Required)

The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.

C. Traffic

The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly

regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

D. Parking and Access

Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

E. Property Line Setbacks

Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street.

In no case shall items be displayed, or business conducted within the public right-of-way.

This sub-section shall not apply to the CC district.

F. Signs

Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article 13 for specific standards for signs.

G. Number Per Parcel

Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.

H. Period of Time Between Permits

The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that same parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses.

8.8.3 TEMPORARY RETAIL SALES USES (IN ALL ZONING DISTRICTS)

A. Seasonal Sale of Agricultural Products (including Christmas Trees).

Temporary Use Permits are required for all Roadside Stands in nonresidential zoning districts. Such sales are limited to a period of time not to exceed three (3) consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

B. Sale or Display of Food, Beverages, or Merchandise

Such activities may be conducted from a stand, motor vehicle, or from a person in a business or commercial zoning district, outside of the public right of way, for a period of not more than twenty-one (21) consecutive days upon issuance of a temporary use permit per vendor. If the private sidewalk or a pedestrian way is used, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A temporary use permit may be renewed once during a calendar year, for a maximum of forty-two days per calendar year

C. Real Estate Development and Construction-Related Temporary Uses

1. Contractors Office and Equipment/Storage Sheds Accessory to a Construction Project (Residential or Non-Residential).
2. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.
3. Real Estate Office in a Construction Trailer or Temporary Modular Unit
4. Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of 2 years from the time of the recording of the most recent final plat.
5. Real Estate Office in a Model Home Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

D. Single Family Dwelling in Temporary Structure

During the active construction period (after a building or grading permit has been issued) of a construction project involving a nonresidential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the

Certificate of Compliance for a non-residential structure or the first residential unit if within a residential development.

8.8.4 NO RECREATIONAL VEHICLES

No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

8.8.5 AMUSEMENT ENTERPRISES

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days within any ninety (90) day period, which shall not include two (2) consecutive thirty (30) day periods. This classification excludes events conducted in a permanent entertainment facility.

8.8.6 RELIGIOUS EVENTS

- Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days.

8.8.7 SPECIAL EVENTS AND ACTIVITIES

Special events and activities conducted on public property such as school sites and public parks or in a Public Interest Development (PID) District shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency.

8.8.9 SIMILAR AND COMPATIBLE USES NOT SPECIFIED

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Board of Adjustment in accordance with Article 6 of this Ordinance.

8.9. Special Regulations for Eligible Facilities Requests and Collocations Qualifying Wireless Communications Facilities; Access to City Right of Way; Access to City Equipment

8.9.1 ELIGIBLE FACILITIES REQUESTS.

Collocation and eligible facilities requests, as defined in G.S. 160A-400.51 or 47 U.S.C. 1455, shall be processed in accordance with G.S. 160A-400.52, 160A-400.53, and/or federal laws and regulations as appropriate. In approving any eligible facilities request, the City solely intends to comply with a requirement of federal law or state law and not to grant any property rights or interests except as compelled by federal or state law. Without limitation, approval does not exempt applicant from, or prevent City from, opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Policy Act. Collocations are only permitted as provided in CDO Section 8.7.

8.9.2. COLLOCATION OF QUALIFYING SMALL WIRELESS FACILITIES

- A. A Qualifying Small Wireless Facility shall mean, for the purposes of this section, a Small Wireless Facility, as defined in G.S. 160A-400.51, that meets the height requirements of 160A-400.55(b).
- B. Qualifying Small Wireless Facilities are subject to administrative review if collocated (i) in a city right-of-way within any zoning district or (ii) outside the city rights of way on property other than single family residential. Qualifying Small Wireless Facilities are generally subject to the requirements of 8.7 and 8.7.4.
- C. Qualifying Small Wireless Facilities shall only be subject to administrative review and shall not be subject to the Siting Requirements of 8.7.2 A. through D. Applications for Qualifying Small Wireless Facilities shall include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- D. The City shall process Qualifying Small Wireless Facility applications in accordance with the time frames and requirements set forth in G.S. 160A400.54(d).
- E. Collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- F. Applications for Qualifying Small Wireless Facilities shall be subject to a fee as set forth in the City's Adopted Fees, Rates and Charges

schedule, provided that such fee shall be in compliance with G.S. 160A-400.54(d). Applications may be subject to a technical consulting fee, provided that such fee shall be in compliance with G.S. 160A-400.54(f).

- G. An abandoned small wireless facility shall be removed within 180 days of abandonment.

8.9.3 Small Wireless Facilities Standards.

Small Wireless Facilities shall meet the following standards:

- A. To protect the unique aesthetics of the City, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna supporting structures, the City prefers that small wireless facilities be located outside the public right-of-way; collocated on existing non-city utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.
- B. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.
- C. No portion of a small wireless facility, to include a utility pole or city utility pole associated with a small wireless facility, may be placed in the public right-of-way in a manner that: a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or b. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than eight (8) feet above ground level.
- D. An abandoned small wireless facility shall be removed within one hundred eighty (180) days of abandonment.
- E. Small wireless facilities located in designated historic districts or on property designated as a historic landmark shall be required to obtain a Certificate of Appropriateness.
- F. Small wireless facilities, and associated utility poles or city utility poles, shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

- G. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed. All radios, network equipment, and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet, or under a pole-mounted shroud.
- H. The top of a qualifying WCF shall not be more than 10 feet above the building, utility pole, city utility pole, or wireless support structure on which it is collocated.
- I. Utility poles and city utility poles associated with small wireless facilities: Each modified or replacement utility pole or city utility pole shall not exceed (i) forty (40) feet above ground level on property zoned for or used as single family residential property, or in the right-of-way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or fifty (50) feet above ground level on all other property.
- J. Where a new pole must be installed to support a small wireless facility in a city right of way, these additional standards apply:
 - 1. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G.
 - 2. Wireless installations shall be on non-conductive poles.
 - 3. Cabinets should be consistent in size and no larger than standard DOT streetlight signal cabinets.
 - 4. Any new poles installed shall be on an inert material, so as not to rust or corrode and not leach any compounds or toxic substances into the ground.

8.9.4. ACCESS TO CITY RIGHT OF WAY

- A. Subject to GS 160A-400.54 and other applicable requirements, wireless providers may collocate small wireless facilities along, across, upon, or under any City right of way. Subject to GS 160A-400.55 and other applicable requirements, wireless providers may place, maintain, modify, operate, or replace associated utility poles, city utility poles (to the extent required by law), conduit, cable, or related appurtenances and facilities along, across, upon, and under any City right of way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of Qualifying Small Wireless Facilities shall be subject to the review process outlined in Section 8.9.2 or 8.9.3 as applicable; however the City may require additional information to evaluate loading on city utility poles, evaluate the credentials of contractors working on city utility poles, and ensure that proposed replacement poles are consistent and compatible with other city utility poles in the area. If replacement of a city utility pole is necessary to accommodate a small wireless facility, all costs shall be borne by the applicant.

- B. A Wireless Provider may apply to place utility poles in the City rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-ofway, to support the collocation of small wireless facilities. Such applications shall be processed in accordance with Section 8.9.3. Proposals for new utilitypoles may also be evaluated for separation from existing poles in accordance with city policies and procedures.
- C. The City of Concord is an excluded entity as defined under NCGS 160A-40056(i). Nothing in the section shall be construed to require that the City approve collocations on city utility poles or electric poles, and such collocations shall not be permitted except in accordance with City code and policy including, without limitation, the City of Concord Technical Standards Manual.
- D. Applicants for access to City Rights of Way shall comply with policies and procedures for encroachments in City rights of way, including applicable undergrounding procedures.

8.9.5. ACCESS TO CITY UTILITY POLES, CITY-OWNED ELECTRIC POLES, AND OTHER CITY OWNED EQUIPMENT

- A. Nothing herein shall be construed to require that the City provide access to City-owned utility poles, city-owned electric poles, or other City owned equipment except in accordance with City code, City policy, and applicable safety requirements, including without limitation, the City of Concord Technical Standards Manual.

SECTION 6 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.3.14 “Design Standards and Guidelines” Subsection 9.3.14.B “Block Design” be amended to the following:

B. Block Design

Standards

1. Block standards shall apply to all development that contains four (4) acres or more of gross land area.
2. All development shall be arranged in a pattern of interconnecting streets and blocks (Figure 9.3-7 and 11-8), while maintaining respect for the natural landscape and floodplain.
3. Each block face shall range between a minimum of two hundred (200) feet and a maximum of six hundred (600) feet This maximum requirement does not apply along State Roads.
4. The average block face across each development site and the entire mixed use zone district shall be a maximum of five hundred (500) feet. This average does not have to include block lengths along State roads.

5. For block faces that exceed four hundred (400) feet, a lighted mid-block pedestrian pass-through shall be provided connecting opposite sides of block faces. This requirement does not apply along State Roads Pass-through shall remain open at all times.

6. An applicant may submit alternative block standards, provided that such alternative achieves the intent of the above standards and procedures set forth in Alternative Compliance.

SECTION 7 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.11 “Low Impact Development (LID) be deleted in its entirety.

SECTION 8 That the following section of Concord Development Ordinance (CDO) Article 9 “Special Purpose Districts,” Section 9.11 “Low Impact Development (LID) be rewritten as follows.

9.11 Low Impact Development (LID)

The use of LID site design techniques is encouraged in residential and non-residential development throughout the City of Concord. LID is encouraged by allowing innovative site design and flexibility in combination with traditional means of controlling stormwater runoff.

9.11.1 Purpose

The goal of the LID Zoning Overlay is to develop site design techniques, strategies, Best Management Practices (BMPs), and other criteria to store, infiltrate, evaporate, transpire, retain, and detain storm water runoff on the site to replicate pre-development runoff characteristics and mimic the natural and unique hydrology of the site. Because multiple aspects of site development impact the hydrologic response of the site, LID runoff control techniques also can address many aspects of site development. There is a wide array of impact reduction and site design techniques that allow the site designer to create storm water control mechanisms that function in a similar manner to natural control mechanisms. The net result is to resemble as closely as possible, the site’s pre-development hydrology by preserving and/or recreating the watershed’s natural hydrologic functions or water balance between runoff, infiltration, storage, ground water recharge, and evapotranspiration. With the LID approach receiving waters experience little change in the volume, frequency, or quality of runoff or in the base flows fed by ground water and precipitation. Specifically, LID is designed to:

A. Promote storm water management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate,

filter, store, evaporate and detain storm water close to its source;

- B. Protect natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
- C. Protect other properties from damage that could be caused by storm water and sediment during construction activities and post-construction conditions on the development site, while insuring that detention measures do not negatively effect the overall hydrology of the site;
- D. Reduce and disperse, throughout the site, the storm water from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces, and minimize the storm water's impact on the environment;
- E. Protect public safety by minimizing flooding and stream bank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure caused by inadequate stormwater controls; and
- F. Complement and assist in implementing Article 4 (Environmental/Land Disturbing Activities) and the City's current Phase 2 National Pollution Discharge Elimination System (NPDES) Stormwater Permit and NCGS §143-215.1 et seq.

9.11.2 Grading and Clearing Prohibited Without Prior Approval

No land disturbance shall occur on a site proposed for an LID project prior to its approval. Proposed LID projects on recently cleared land shall demonstrate hydrology comparable to its pre-cleared status.

9.11.3 Development Types and Processing Procedures

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

9.11.4 Procedures for LID Approvals

LID projects shall be reviewed by the Development Review Committee (DRC) and processed as a conventional project. Prior to formally submitting an application, the applicant shall schedule a pre-application meeting with the Administrator and the Stormwater Services Director and/or their designees. This meeting is intended to review the proposed development, review the applicable standards and agree upon the methodology and guidelines for review of the proposed development, and to

determine preliminary compliance with the LID standards. Additionally, as part of the pre-application, a meeting on-site shall occur. This meeting is intended to allow the staff to become familiar with the specific site relative to the physical features, and to determine preliminary compliance with the guidelines.

9.11.5 Zoning Map Designation

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

9.11.6 Low Impact Development Stormwater Management Application Materials

For all LID projects, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary. This information may also be incorporated into a preliminary subdivision plat or site plan, as required by Article 5.

- A. An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, tree canopy and other vegetation, natural water bodies, wetlands and sensitive natural communities, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers.
- B. A site plan illustrating the proposed development of the subject property.
- C. A conceptual erosion and sediment control plan that incorporates accepted management practices as required by the State of North Carolina.
- D. A conceptual stormwater management plan identifying the limits of grading, clearing and construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan (or supporting materials) shall also demonstrate how the proposed post-development hydrology of the site compares with the pre-development hydrology. The plan shall demonstrate that the soils best suited for infiltration (if any are present) are retained and that natural areas consisting of tree canopy and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The plan shall also clearly indicate proposed tree protection zones necessary to protect the root systems from construction traffic.

- E. Additional information deemed necessary by the Administrator and/or the Stormwater Services Director as a result of the pre-application meeting.
- F. For reference purposes and technical guidance, the applicant shall refer to “Low Impact Development - A Guidebook for North Carolina,” published in June 2009 (as amended) by the North Carolina Cooperative Extension.

Specific components of the above application materials shall be prepared by an expert team consisting of (but not limited to) a number of following professionals, licensed to practice in the State of North Carolina (as applicable): Architect, Landscape Architect, Civil Engineer, Land Surveyor, Land Planner, Biologist, or Botanist.

9.11.7 General Requirements

- A. The use of LID design approaches is required and shall be implemented to the maximum extent practical given the site’s soil characteristics, slope, and other relevant factors.
- B. All applications for development are subject to Sections 4.2 (Water Supply Source Watershed Protection) and 4.4 (Stormwater Control) and to the following post- construction stormwater management standards and guidelines to ensure that stormwater management approaches that maintain natural drainage patterns and infiltrate precipitation are utilized to the maximum extent practical. Additionally, all LID projects shall meet all minimum standards of the Concord Development Ordinance, unless specified otherwise in Section 9.11. LID projects are also subject to the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.
- C. Construction of all stormwater control measures and devices shall be in accordance with the most recent edition of “The Division of Water Quality Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual). Maintenance of stormwater control measures and devices shall be governed by Section 4.4.6.

9.11.8 Specific Requirements

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

A. Stormwater Analysis

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

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

Hydrologic Fate
Evapotranspiration 69%
Infiltration 29%
Runoff 3%
Source: "Low Impact Development:
A Guidebook for North Carolina- 2009"

B. Compliance With NPDES Phase II Permit

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

1. LID development may be permitted as low density projects if it meets the following criteria:
 - A. No more than two dwelling units per acre or 24% built-upon area;
 - B. Use of vegetated conveyances to the maximum extent practicable;
 - C. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - D. Deed restrictions and protective covenants acceptable to the City are required by the locally issues permit and incorporated by the development to ensure that subsequent development activities maintain the

development (or redevelopment) consistent with the approved plans.

2. High density LID projects shall meet the following criteria;
 - A. Either more than two dwelling units per acre or the total built upon area is more than 24% within a single project area or master planned area;
 - B. The stormwater control measures must control and treat the difference between the pre-development and post-development conditions for the 1-year 24 hour storm. Runoff volume drawdown time must be a minimum of 24 hours, but not more than 120 hours;
 - C. All structural stormwater treatment systems must be designed to achieve 85% average annual removal of total suspended solids;
 - D. Stormwater management measures must comply with the General Engineering Design Criteria For All Projects requirements listed in 15A NCAC 2H.1008(c);
 - E. All built-upon areas are at least 30 feet landward of perennial and intermittent surface waters; and
 - F. Deed restrictions and protective covenants acceptable to the City are required by the locally issued permit and incorporated by the development to ensure that subsequent development activities maintain the development (or redevelopment) consistent with the approved plans.

C. Compliance with Low Impact Development Design Standards and Guidelines

Standards are statements that express the development and design intentions of this bylaw. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the City of Concord when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed and alternative standards that meet the intent of the Ordinance and aid in achieving the required post-development hydrologic balance specified in Section 9.11.8 (A) may be considered by the Administrator and the Stormwater Director. These options shall be clearly stated in the application materials, and will be reviewed with the applicant at the pre-application meeting.

Proposed LID projects shall demonstrate substantial compliance with the following four sets of standards. It is recognized that some of these individual guidelines are applicable either only to

single family residential or commercial/multifamily development. It is also recognized that each individual guideline may not be feasible or necessary to comply with each standard and to achieve the hydrologic balance specified in Section 9.11.8(A). Additionally, all LID projects shall meet the minimum requirements of Article 4.

Standard 1: Vegetation and Landscaping

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

Guideline 1.1. Utilize two-track surfaces with grass in-between drive aisles for driveways, “turf-stone” type pavers and pervious asphalt/concrete systems for overflow parking areas or shoulders, and landscape medians within roads, parking lots and other drivable or walkable surfaces to provide for water infiltration.

Guideline 1.2. Design parking lot and roadway landscaping to function as part of the development’s stormwater management system utilizing vegetated islands with bioretention functions.

Guideline 1.3. Incorporate existing natural drainage ways and vegetated channels within street rights-of-way and parking areas, as an alternative to standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration, and direction to the appropriate drainage areas on site, as applicable.

Guideline 1.4. Divert water from the majority of downspouts on each structure away from driveway surfaces and into bioretention areas, rain gardens or other devices (such as rain barrels or cisterns) to capture, store, and infiltrate stormwater on-site, for future landscape watering. This guideline shall be clearly specified on the site plan/subdivision plat, and shall be indicated on the plot plan prior to issuance of a zoning clearance permit.

Guideline 1.5. Utilize vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) as specified in Section 4.43, on land held in common.

Standard 2: Development on Steep Slopes

Development on steep slopes equal to or in excess of 25% shall be sited and constructed, and slopes stabilized to minimize risks to surface and ground waters and to protect neighboring properties from damage. For the purposes of these regulations, slope shall be calculated as a ratio of horizontal distance to vertical distance, multiplied by one hundred (100). In instances where the property contains distinct sections of differing slope, the slope of each distinct section may be calculated separately. Calculation of slope will be discussed at the on-site meeting with staff that is required as part of the pre-application process.

Guideline 2.1. Minimize development, re-grading and clearing of vegetation on land where the slope is greater than 25%.

Guideline 2.2. Encourage development of home sites, subsurface sewage systems and parking areas on the flattest portion of the site, provided that the flattest portion of the site is not environmentally sensitive, such as a 100 year floodplain, floodway or wetland.

Guideline 2.3. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance.

Standard 3: Reduce Impervious Surfaces

Stormwater shall be managed through land development strategies that reduce impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

Guideline 3.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform to safety and traffic concerns and requirements. For local streets right of ways in the range of forty (40) feet wide should be considered with as little as eighteen (18) foot wide road cross sections, provided that these sections have a minimum passable way of twenty (20) feet with reinforced shoulders. Alternatives to typical curb and gutter should be considered and curb and gutter should be eliminated altogether, as feasible on a case by case basis. Any other minimum rights-of-way widths and pavement/gravel widths will be evaluated for other type of cross section classifications as well. Design for specific terrain classifications shall be consistent with the most recent version of the North Carolina Department of Transportation (NCDOT) Subdivision Manual. If the right-of-

way width is not sufficient for utilities placement, additional easements may be necessary elsewhere on the site. Sidewalks may be permitted on only one side of new streets. When pedestrian areas are provided in an alternate location, they should be constructed of permeable materials.

Guideline 3.2. Reduce the total length of residential streets by utilizing some of the following design principles: reducing lot widths by incorporating narrower housing styles and utilizing “flag lots” or “pie-shaped lots”, shared driveways and access easements to reduce total lot frontage. Maximum driveway widths may also be reduced on a case-by-case basis. New developments shall meet the minimum connectivity ratio required in Section 10.2.6 (Street Connectivity Requirements), unless exempted as specified in Section 10.2.6(F).

Guideline 3.3. Minimize the number of residential street cul-de-sacs and incorporate vegetated islands (as common open space) to reduce total impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turn-around areas that require less impervious area, such as “hammerheads”. Rain gardens (vegetated depressions) should be considered in the vegetated islands, and shall be constructed below the subgrade in order to prevent failure of the road structure.

Guideline 3.4. Reduce driveway lengths on a case-by-case basis by reducing or eliminating front building and side yard setbacks. Reduced setbacks shall be considered at the time of site plan or preliminary plat approval and shall be part of the approval of the zoning overlay.

Guideline 3.5. Utilize shared driveways for multiple building sites, and construct driveways only to the minimum width permitted for the specific use, as specified in the Technical Standards Manual (TSM).

Guideline 3.6. Use permeable pavement or gravel for parking stalls, sidewalks, driveways and bike/pedestrian trails. Overflow parking (facilities with more than the minimum number of spaces, but less than the maximum number of spaces specified in Section 10.3) and parking for assembly uses shall also utilize permeable pavement or turf.

Guideline 3.6. Design impervious areas that are “disconnected” or non-contiguous that minimize transfer of stormwater from one impervious area to another, in order to more efficiently disperse stormwater throughout the site.

Guideline 3.7. Utilize shared parking for uses with different peak demand periods. Maximum parking limits shall apply, in accordance with Section 10.3 (Parking and Loading)

Guideline 3.8. Reduce building footprints by building more than one habitable floor level, and when possible, construct buildings to the maximum permissible building heights. Buildings may also be constructed with parking inside of the building footprint by placing some or all of the living space over the parking.

Guideline 3.9. Maximize retention of vegetative cover by grading and clearing only enough land area to accommodate the individual building footprints and street networks. The general areas of grading, clearing and vegetation retention shall be indicated on the conceptual grading and clearing plan. Grading and clearing on individual lots shall be reviewed at the time of permit issuance to insure reasonable compliance with the conceptual grading and clearing plan.

Standard 4: Low Impact Integrated Management Practices (LIMPs)

Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source. All stormwater controls shall be compliant with Article 4, the most recent version of “The Division of Water Quality Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual) and the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit issued by the State of North Carolina.

Guideline 4.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that treat runoff from storms of one inch or less and collect runoff and allow for short-term ponding and slow infiltration. Utilize drainage swales as an alternative to standard curb and gutter.

Guideline 4.2. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.



Guideline 4.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to water bodies provide erosion control, sediment filtering and habitat. Utilize level spreaders and plunge pools to disperse water throughout the site in lieu of discharge into a single point source.

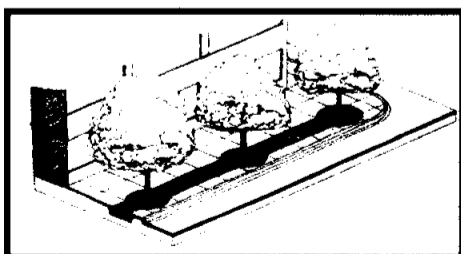
Guideline 4.4. Utilize shallow grass-lined channels to convey and store runoff.



Guideline 4.5. As an option, incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane. It is recognized that rooftop gardens will not be feasible in every proposed LID project.

Guideline 4.6. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts, for future use for landscape watering. Rain barrels or cisterns shall be utilized on greater than fifty percent (50%) of the overall number of downspouts within the project. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system. The areas of the site or lots where rain barrels and cisterns shall be utilized shall be indicated on the conceptual plans. At the time of permit application for individual structures, the locations shall be specifically indicated on the required plot plan.

Guideline 4.7. Evaluate soils on the site post-grading, and if necessary, amend in areas of proposed planting by adding minerals, pea gravel and organic materials to increase its capacity to properly drain, while still being able to absorb moisture and sustain vegetation. The commitment to evaluate the soils shall be placed on the preliminary site plan / subdivisions plat and the soil evaluation information shall be provided to the staff prior to, or during submission of construction plans. It is recommended that amended soils be re-tested annually and re-amended as necessary.



Guideline 4.8. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

Guideline 4.9. Utilize numerous and smaller detention and retention areas dispersed throughout the site, in lieu of larger detention and retention areas, in order to encourage a balance of infiltration and evapotranspiration throughout the site.

9.11.9 Tree Protection Guidelines

The clustering of existing trees and native vegetation should be incorporated into all LID site and building designs in order to protect natural and environmentally sensitive areas, open spaces, trees vegetation, natural terrain and drainage. Retained trees shall be credited towards the minimum landscaping and buffering requirements specified in Article 11. All retained trees that are proposed to be credited toward meeting the minimum requirements of Article 11 shall be clearly identified by species and size on the proposed site plans. Individual trees located within areas that are not proposed to be credited toward meeting the requirements of Article 11 are not required to be identified by species and size.

Clearing of trees on the site shall be the minimum necessary to support construction of the streets and infrastructure, and the driveways and building pads for each structure. The areas of tree removal shall be clearly indicated on the overall site plan for the development, and on subsequent site plans submitted for individual permits.

Removed trees exceeding ten (10) inches diameter at breast height (dbh) shall be replaced at a rate of one-half inch for each inch removed, within the overall project boundary, provided that such replacement practice meets acceptable horticultural and forestry standards. To the greatest extent possible, replacement trees shall be native trees, as illustrated in Table 9.11.11. Alternate species may be substituted upon the approval of the Administrator, provided that evidence is submitted as to their appropriateness. Areas where replacement trees are proposed shall be clearly indicated on the project site plan and on subsequent site plans submitted for individual permits. In lieu of conducting an inventory of individual trees to be removed at the initial site plan stage, the inventory may be conducted during the construction plan stage.

In order to provide maximum design flexibility in subdivision development, replacement trees may be transferred to a different parcel (or proposed parcel) from where trees were removed, provided they are planted within the overall project boundary.

9.11.10 Recommended Plants

LID projects have a potentially wide range of growing conditions throughout a site, including rain garden areas which alternate between wet and dry, detention and retention pond areas which will have predominately moist soils and individual building sites, which are generally well-drained. Soil types may also vary greatly within a project boundary. As a result, a wide variety of plants can be considered for LID projects based upon the above factors.

Suggested plants for LID projects are illustrated in Table 9.11.11. Many of these plants are native to the region and most are available at local nurseries. Other species may be substituted upon approval of the Administrator, provided that evidence is submitted as to their appropriateness.

The specific plant species selected should be suited to the specific environment. For example, drought tolerant plants should be selected for rain garden areas, and plants that tolerate extended periods of flooding should be selected for detention areas.

The type and placement of plants shall also be consistent with the “The Division of Water Quality 2007 Stormwater Best Management Practices Manual” (NCDENR Stormwater BMP Manual), as amended.

**Table 9.11.10
Trees**

<p>American Holly – <i>Ilex opaca</i> Blackjack Oak – <i>Quercus marilandica</i> Black Cherry – <i>Prunus serotina</i> Blackgum – <i>Nyssa sylvatica Marsh</i> Black Walnut – <i>Juglans nigra</i> Black Willow – <i>Salix Nigra</i> Butternut Hickory – <i>Carya cordiformis</i> Button Bush – <i>Cephalanthus occidentalis</i> Dogwood – <i>Cornus</i> Flowering Dogwood – <i>Cornus Florida</i> Green Ash – <i>Fraxinus pennsylvanica</i> Holly – <i>Ilex spp.</i> Hop Tree – <i>Ptelea trifoliata</i> Ironwood or American Hornbeam – <i>Carpinus caroliniana</i> Laurel Oak – <i>Quercus laurifolia</i> Mulberry – <i>Morus rubra</i> Overcup Oak – <i>Quercus lyrata</i></p>	<p>Persimmon – <i>Diospyros virginiana L.</i> Post Oak – <i>Quercus stellata</i> Red Cedar – <i>Juniperus virginiana</i> Red Maple – <i>Acer rubrum</i> River Birch – <i>Betula nigra</i> Sassafras – <i>Sassafras albidum</i> Shumard Oak – <i>Quercus shumardii</i> Silky Dogwood – <i>Cornus amomum</i> Southern Red Oak – <i>Quercus falcata</i> Sugarberry – <i>Celtis laevigata Willd.</i> Swamp Chestnut Oak – <i>Quercus michauxii</i> Swamp Cottonwood – <i>Populus heterophylla</i> Swamp Tupelo – <i>Nyssa biflora Walt</i> Sweet Gum – <i>Liquidambar styraciflua</i> Sycamore – <i>Platanus occidentalis</i> Tulip Tree – <i>Liriodendron tulipifera</i> Water Oak – <i>Quercus nigra</i> White Oak – <i>Quercus alba</i> Willow Oak – <i>Quercus phellos</i> Winged Elm – <i>Ulmus alata</i></p>
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Small Trees and Shrubs	
<p>Alder– <i>Alnus serrulata</i> American Snowbell – <i>Styrax grandifolius</i> Arrowwood – <i>Viburnum dentatum</i> Beautyberry Bush – <i>Callicarpa Americana</i> Blackberry – <i>Rubus spp.</i> Button Bush – <i>Cephalanthus occidentalis</i> Carolina Willow – <i>Salix caroliniana</i> Chokeberry – <i>Aronia arbutifolia</i> Deciduous Holly or Possumhaw– <i>Ilex deducua</i> Doghobble or Fetterbush – <i>Leucothoe racemosa</i> Eastern Sweet Shrub – <i>Calycanthus floridus</i> Elderberry – <i>Sambucus</i> <i>canadensis</i> Groundsel– <i>Baccharias halimifolia</i> Inkberry – <i>Ilex glabra</i> Pawpaw - <i>Asimina triloba</i></p>	<p>Pinxterflower or Wild Azalea – <i>Rhododendron periclymenoides</i> Red Buckeye – <i>Aesculus pavia</i> Red Chokeberry – <i>Aronia arbutifolia /</i> <i>photiania pyrifolia</i> Silky Dogwood– <i>Cornus amomuma</i> Spicebush – <i>Lindera benzoin</i> Tag Alder – <i>Alnus serrulata</i> Umbrella Tree – <i>Magnolia tripetala</i> Virginia Creeper – <i>Parthenociissus</i> <i>quinquefolia</i> Virginia Sweet Spice – <i>Itea virginicus</i> Virginia Willow or Sweetspire – <i>Itea</i> <i>virginica</i> Water Ash – <i>Fraximus caroliniana</i> Wax Myrtle – <i>Myrica cerifera</i> Winterberry – <i>Ilex verticillata</i> Witch Hazel – <i>Hamamelis virginiana</i></p>

Herbaceous Plants	
<p>Alumroot – <i>Heuchera americana</i> American Three-Square – <i>Scirpus</i> <i>americanus</i> Annual Rye– <i>Lolium annua</i> Aromatic Thoroughwort – <i>Eupatorium</i> <i>hyssopifolium</i> Arrow Arum- <i>Peltandra virginica</i> Arrowhead– <i>Sagittaria latifolia atamasco</i> Aster – <i>Aster pilosus</i> Atamasco Lily - <i>Zephyranthes</i> Beaked Panicum – <i>Panicum anceps</i> <i>Panicum clandestinum</i> Big Bluestem – <i>Andropogon gerardii</i> Bladder Sedge – <i>Carex intumescens</i> Black Eyed Susan or Orange Coneflower – <i>Rudbeckia fulgida</i> Blue-Eyed Grass – <i>Sisyrinchium</i> <i>mucronatum var. mucronatum</i> Blue Flag– <i>Iris virginica</i></p>	<p>Jewelweed – <i>Impatiens capensis</i> Joe Pye Weed– <i>Eupcetomum fistulosum</i> Lance-Leaved Tickseed – <i>Coreopsis</i> <i>lanceolata</i> Lizards Tail– <i>Saurus cemuus</i> Little Bluestem – <i>Schizachyrium scoparium</i> Little Joe – <i>Eupatorium dubium</i> Little Sweet Betsy – <i>Trillium cuneatum</i> Lizard's Tail – <i>Saururus cemuus</i> Lobelia – <i>Lobelia puberula</i> Lyre-Leaved Sage – <i>Salvia lyrata</i> Lurid Sedge – <i>Carex lurida</i> Marsh Mallow or Swamp Rose Mallow – <i>Hibiscus moscheutos</i> Marsh Marigold– <i>Bidens spp.</i> May-Apple – <i>Podophyllum peltatum</i> Meadow-Beauty – <i>Rhexia mariana</i> Meadow Violet – <i>Viola papilloinacea</i> Narrowleaf Mountainmint – <i>Pycnanthemum</i></p>

9.11.11 Invasive Exotic Plants

The following plants are not recommended for use within LID projects. These are plants that reproduce exponentially, compete with native species for resources and threaten the biodiversity of the ecosystem.

Vines

Chinese Wisteria (*Wisteria sinensis*)
English Ivy (*Hedra helix*)
Japanese Honeysuckle (*Lonicera japonica*)
Japanese Wysteria (*Wisteria floribunda*)
Kudzu (*Pueraira montana*)
Periwinkle (*Vinca spp.*)
Porcelain Berry (*Ampelopsis brevipedunculata*)

Grasses

Bamboo (*Bambusa spp.*)
Running Bamboo (*Phyllostachys spp.*)

Shrubs

Autumn Olive, Silverberry (*Elaegnus spp.*)
Honeysuckle - Fragrant, Amur, Morrow's, Standish's, Tartarian,
Dwarf (*Lonicera fragrantissima, maackii, morrowii, standishii*
tatarica, xylosteum)
Multiflora Rose (*Rosa multiflora*)
Nandina, Sacred Bamboo (*Nandina domestica*)
Privet, Chinese and Japanese (*Ligustrum spp.*)
Rose of Sharon (*Hibiscus syriacus*)

Trees

Empress/Princess Tree (*Paulownia tomentosa*)
Mimosa (*Albizia julibrissin*)

SECTION 9 That the following section of Concord Development Ordinance (CDO) Article 10 "Development and Design Standards" Section 10.1 "Lot Design Standards" Subection 10.1.3 "Blocks" be amended to the following.

10.1.3. Blocks

The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. The maximum length of any blocks within a subdivision shall not exceed that as shown in Table 10.1-1 (a dash [-] indicates that the requirement is not applicable). Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street.

Table 10.1-1 Block Length Requirements

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

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

2. See Section 9.3.14 for additional requirements.

SECTION 10 That the following section of Concord Development Ordinance (CDO) Article 10 “Development and Design Standards” Section 10.2 “Street Improvement Standards” Subsections 10.2.1 “_Purpose”, 10.2.2 “Street Classification System”, 10.2.4 “Public Streets”, 10.2.5 “Private Streets”, and 10.2.6 “Street Connectivity Requirments” be deleted in their entirety.

SECTION 11 That the following section of Concord Development Ordinance (CDO) Article 10 “Development and Design Standards” Section 10.2 “Street Improvement Standards” Subsections 10.2.1 “_Purpose”, 10.2.2 “Street Classification System”, 10.2.4 “Public Streets”, 10.2.5 “Private Streets”, and 10.2.6 “Street Connectivity Requirments” be rewritten as follows.

10.2. Street Improvement Standards

10.2.1. Purpose

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

10.2.2. Street Classification System

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

- B. The street classification system set forth in Table 10.2-1 is hereby adopted for rural and urban streets. Streets may be further categorized pursuant to the adopted City of Concord Transportation Plan.

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

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

C. Determination Criteria

In determining the classification of a street, factors to be considered include the following existing or proposed features:

1. Facility Geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
2. Access Conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
3. Traffic Characteristics, including average daily traffic volumes (ADT), percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.
4. In applying these factors, the Administrator may also refer to Table 2-1, TSM, Article II, and the sources listed therein, which are hereby incorporated by this reference.

D. Conformity to Adopted Plans

All proposed streets shall conform in alignment to the adopted City of Concord Transportation Plan. The improvement standards of the TSM

shall not apply instead of those shown on the Transportation Plan. , Whenever a tract to be subdivided embraces any part of a collector street or thoroughfare so designated on a plan pursuant to NCGS § 136-66.2 (such as the Concord Transportation Plan), such part of the proposed street or thoroughfare shall be platted by the subdivider in the location and right-of-way width indicated on such plan. Stub streets within previously platted subdivisions shall be extended and the street system aligned thereto and to the Transportation Plan.

10.2.4. Public Streets

- A. Public streets shall be designed and constructed in accordance with the City's TSM, Article II.
- B. All new residential developments shall provide for the installation of traffic calming measure(s) on each residential street within the development where the length of the public street exceeds 1,000 feet. The location and type of traffic calming measure(s) shall be determined by the Planning Department and Transportation Department. Traffic calming measure(s) include but are not limited to traffic circles, roundabouts, bulb-outs, chicanes, median islands, and on-street parking (see Appendix A Traffic Calming Reference Guide of the Traffic Calming Policy for definitions and additional details on these measures).

For public streets in existing neighborhoods, traffic calming measure(s) are implemented in accordance with the Traffic Calming Policy.

- C. Pursuant to NCGS § 136-66.2 where a proposed subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system, the applicant is required to dedicate at least one-half of the land necessary to comply with the minimum right-of-way width requirements referenced in the Transportation Plan and or the City's TSM, Article II, §2, or the applicable regulations of the North Carolina Department of Transportation, whichever is greater.
- D. Where a subdivision abuts an existing street or roadway included in the City or North Carolina Department of Transportation street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of the Transportation Plan and/or the City's TSM, Article II or if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.2.5. Private Streets

- A. Private streets that develop as part of a subdivision, or integrated commercial, industrial, multi-family residential or institutional development shall be designed and constructed to the public street standards set forth in the City's TSM. Private streets that develop

within a new residential subdivision shall also include traffic calming measures in accordance with public street requirements stated in Section 10.2.4, Part B of this Article. Private streets (with established right-of-way) shall be designed in accordance with the standards set forth in Article 10 and the TSM. This section shall not include private access ways/driveways as regulated in 10.3.

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

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

10.2.6. Street Connectivity Requirements

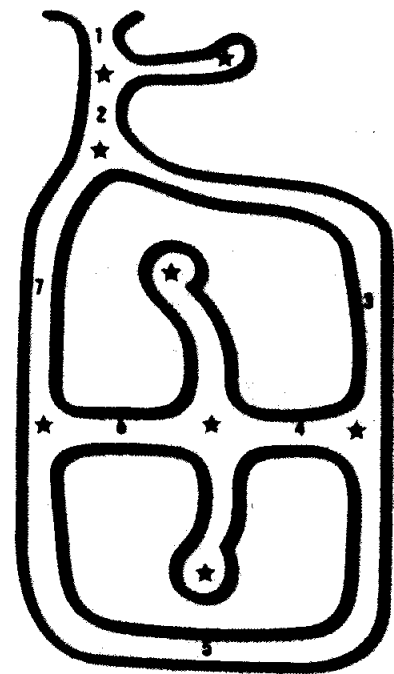
- A. The City Council hereby finds and determines that an interconnected street system is necessary in order to protect the public health, safety and welfare; in order to ensure that streets will function in an interdependent manner; to provide adequate access for emergency and service vehicles; to enhance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

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

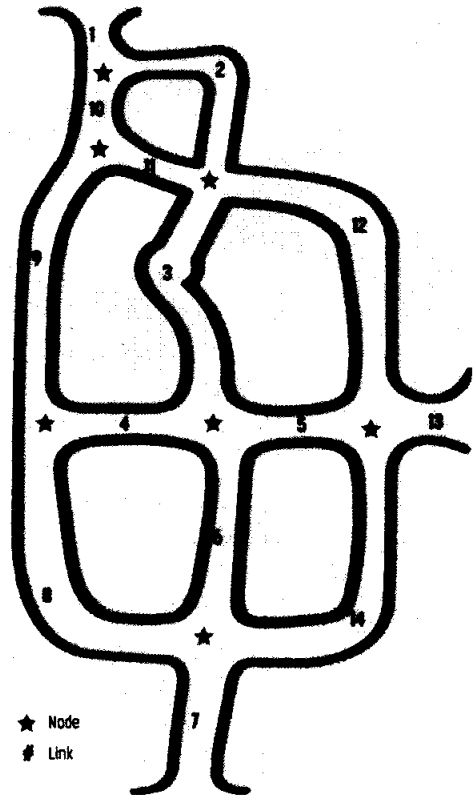
Example 1: Subdivision that does not meet the modified

Example 2: Same development to

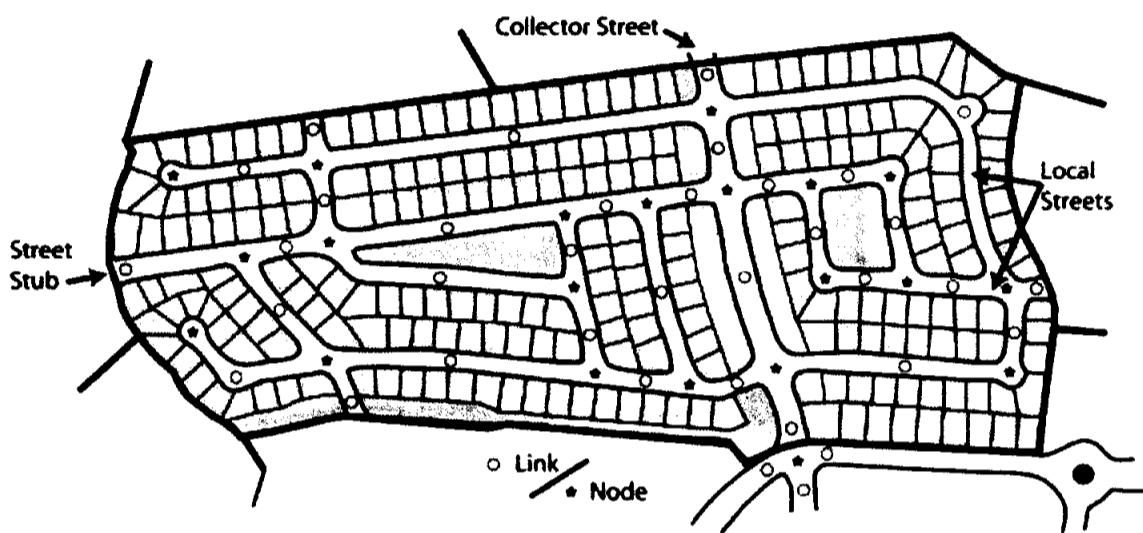
Ratio (7 links/8 nodes = 0.88 ratio)
 meet Ratio (14 links/7 nodes = 2.00)



★ Node
 # Link



★ Node
 # Link



Example 3: Meets Ratio

28 links/17 nodes = 1.65 ratio

- D. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for vehicular and pedestrian traffic.
- E. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 250 feet or one lot width in length, whichever is less. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- F. Exemption. New subdivisions that intend to provide one new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines:
 - 1. No option exists for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors (Cost shall not be considered to be a limiting factor unless the cost of the stub street exceeds 150% of the cost of a street of similar length in the subdivision. Cost estimates must be certified by a registered N.C. engineer.); and
 - 2. Interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on physical constraints of the property to be developed. Constraints include topography, hydrologic features, and no options to connect to adjacent developed sites. Cost shall only be considered as provided in 10.2.6 F.1. immediately above
 - 3. Conservation subdivisions shall also be exempt from the connectivity ratio requirements in part C of this section, provided they have at least two access points that provide connections to distinct roadways and/or an adjacent development

SECTION 12: That all remaining Articles and Sections of this Ordinance be renumbered to include the newly created Articles and Sections.

SECTION 13: That this Ordinance be effective immediately upon adoption.

Adopted in this June 11th, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

Presentations of Petitions and Requests

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

Staff received requests for CARES Act funding from the following two (2) agencies who are meeting immediate resident needs as related to COVID-19 needs: Big Brothers and Big Sisters of Cabarrus County in the amount of \$8,857.51 to be used to aid families in the Logan Community and Cabarrus Health Alliance in the amount of \$7,995 to purchase masks (personal protection equipment to distribute to clients seeking services within clinics and testing sites located in Concord. The masks will be purchased from a Concord based business who has amended their manufacturing practices to now produce PPE items in response to COVID-19.

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Sweat to approve partial appropriation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding in the amount of \$16,852.51 to select public service agencies as they respond to immediate community needs related to COVID-19—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay – none.

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

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

A motion was made by Council Member Langford and seconded by Mayor Pro-Tem Sweat to adopt the following resolution to sale 949 square feet of 96 Chestnut Drive SW to Preferred Homes of Charlotte, LLC for \$313.72 for continued use and HVAC system access.

**RESOLUTION AUTHORIZING CONSIDERATION of NEGOTIATED OFFER,
ADVERTISEMENT, AND UPSET BID**

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell real property by upset bid after the receipt of an Offer to Purchase Property; and

WHEREAS, the City of Concord (“City”) acquired real property at 96 Chestnut Drive SW, PIN 5620-95-4703, Tax ID No. 12-036-0054.00 (“City Parcel”) by North Carolina General Warranty Deed as recorded on November 27, 2007 in Deed Book 7929, at Page 001 of the Cabarrus County Registry; and

WHEREAS Preferred Homes of Charlotte, LLC, a North Carolina limited liability corporation (“Preferred Homes”) owns the neighboring parcel identified as 90 Chestnut Drive SW, PIN 5620-95-4775, Tax ID No. 12-036-0055.00; and

WHEREAS, upon investigation, it was discovered that a portion of the HVAC system used by the tenants of 90 Chestnut Drive SW encroaches upon the City Parcel; and

WHEREAS, Preferred Homes desires to purchase a small portion of the Parent Parcel owned by the City for the purpose of having fee simple ownership of the HVAC system housed on 96 Chestnut Drive SW (“Property”) and is further described as follows:

BEING a 949 Sq. Ft portion of the property identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map titled as "Minor Subdivision Plat, Property of the City of Concord" dated April 9, 2020 and is attached as "Exhibit A" for further reference.; and

WHEREAS, the City received an Offer to Purchase the Property from Preferred Homes for three hundred and thirteen dollars and seventy-two cents (\$313.72); and

WHEREAS, the Buyer have deposited a 5% deposit of \$ 15.69 with the City Clerk;
and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONCORD, THAT:

1. The City Council intends to accept the offer described above through the upset bid procedure outlined in North Carolina General Statute § 160A-269.
2. The Offeror shall submit fifteen dollars and sixty-nine cents (\$ 15.69) as a deposit to be held by the City Clerk; and
3. The City Clerk shall cause to be published a notice of the proposed sale of the Property, that BEING a 949 Sq. Ft portion of the portion of the property identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map titled as "Minor Subdivision Plat, Property of the City of Concord" dated April 9, 2020 and is attached as Exhibit A for further reference and the notice shall describe the property, the amount of the offer, the terms under which the sale is to be made, and the terms under which the offer may be upset.
5. 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.
6. 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.
7. 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.
8. 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.
- 9.. The final sale shall include the following terms:
 - a. The City will convey 949 Square Feet off of 96 Chestnut Drive SW to the Highest Bidder, stated in the Agreement for Purchase and Sale of Real Property.
 - b. The City will convey the property subject to any and all existing public utility easements, restrictions, rights-of-way, protective covenants, zoning laws, conditions, and any ordinance of record.
 - c. The closing shall take place on or before July 13, 2020.
10. 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.
11. The City Attorney is directed to take all necessary steps to complete the sale in the event no upset bids are received. The City Manager is authorized to execute the necessary instruments to effectuate the sale of 949 Sq. Ft of the property

identified as Lot 3 being PIN 5620-95-4703 (Tax ID No. 12-036-0054.00) as shown on map attached as "Exhibit A" in accordance with this resolution.

Adopted this 11th day of June, 2020

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

3. Consider awarding a bid to SRO Builders in the amount of \$122,667.00 to construct a new home at 98 Chestnut Drive SW.

The City of Concord continues to focus on affordable housing with a proposed new home at 98 Chestnut Drive SW. The home will be 1,144 square feet with three bedrooms and 2 bathrooms. This design was selected to compliment the homes within the existing neighborhood, but also for the effective use of interior space. It features an open floorplan, very limited wasted space and well sized bedrooms for the square footage. Energy efficient materials are used to ensure long-term affordability for the homeowner.

Twelve contractors were solicited for bids on the project, with five submitting bids. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

A motion was made by Council Member Crawford and seconded by Council Member Langford to award a bid to SRO Builders in the amount of \$122,667.00 for the construction of a new home at 98 Chestnut Drive SW—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

4. Consider awarding a bid to SRO Builders in the amount of \$118,984 to construct a new home at 524 Allison Street SW.

The City of Concord continues to focus on affordable housing with a proposed new home at 524 Allison Street SW. This home, which is located on the corner of Allison Street SW and Cannon Avenue NW, will use the same two bedroom/one and a half bath plan previous used, but with a few modifications. The square footage for the home has been increased to 991 square feet and a storage building will be constructed on site to match the home.

Staff solicited bids from twelve contractors and received bids from five. The lowest bid, from SRO Builders, is under staff's estimated cost for this home. Funding for the construction will come from the City's allocation for affordable housing.

A motion was made by Council Member McKenzie and seconded by Council Member King to award a bid to SRO Builders, LLC in the amount of \$118,984 for the construction of a new home at 524 Allison Street SW—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

5. Consider approving the allocation of \$385,000 in HOME funding and granting \$300,000 in bond issuance fees, originating from the developer, to Sari & Company for the rehabilitation of Coleman Mill, which will have 152 Affordable Housing Units.

The Coleman-Franklin-Cannon Mill, located at 625 Main Street SW, is one of the most significant pieces of Concord history as it was the nation's first African-American owned and operated textile mill. This mill, which was placed on the National Register of Historic Places, in 2015 creates a unique opportunity for redevelopment.

Representatives from the development group, Sari and Company, have an agreement to purchase the 10.71-acre site. The conditional zoning for this project was approved in

2018. The Developer plans to build approximately 152 units of mixed income housing with a total project cost over \$28,000,000. Their plan includes a multi-purpose room, playground, covered picnic area, swimming pool, exercise room and residential computer center.

They are requesting the \$385,000 in HOME funding for seven (7) units which will be allocated as floating HOME units. These funds will be paid back to the City at 2% interest as the debt service ratio exceeds 1.25%. In addition, Sari and Company request granting the bond issuance fees (originating from the developer), totaling \$300,000, to complete the rehabilitation of the building. Current construction schedule has an approximate start date of January, 2021. This project will be managed by the new non-profit created by the Housing Department, Concord Family Enrichment Association Corporation. The potential revenue for the Non-Profit is \$234,000 average per year.

A motion was made by Council Member Langford and seconded by Council Member McKenzie to approve allocating \$385,000 in HOME funding and granting \$300,000 in bond issuance fees, originating from the developer, to the rehabilitation of Coleman Mill which will have 152 Affordable Housing Units—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

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

Engineering estimated the project work to be \$296,000, placing the project below the formal bid requirements. Bids were opened on May 28, 2020. Five bids were submitted with Ratzlaff Construction being the lowest responsible bidder in the amount of \$304,032.

This is the second phase of the Grounds Shed Expansion funded in a FY19/20 CIP in the amount of \$545,000. The first phase of the project, construction of a mezzanine in the existing Grounds Maintenance Shop in the amount of \$198,000, was approved at the May 14, 2020 City Council meeting. Funding in the amount of \$347,000 is available for this second phase of the project. The 7800 sq. ft. expansion of the Truck/Equipment Shed is needed to provide cover for trucks and equipment currently being stored in the open and to provide room to accommodate the projected growth in the Division resulting from expansion of the Parks & Recreation facilities and greenways.

A motion was made by Council Member King and seconded by Mayor Pro-Tem Sweat to authorize the City Manager to negotiate and execute a contract with Ratzlaff Construction for the construction of a 120' x 65' Truck/Equipment Shed in the amount of \$304,032—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

7. Consider awarding the total bid for the City of Concord's annual street preservation program to NJR Group, Inc and adopt a budget ordinance to appropriate funds from reserve funds.

One of Council's continuing goals is to improve the service levels and delivery of the City's annual street preservation program. Powell Bill receipts and General Fund revenues are being used to fund this work by contracted forces.

Formal bids for this work were opened on May 22, 2020 with NJR Group, Inc. submitting the lowest total bid in the amount of \$5,938,972.58. Work such as patching, leveling, milling, resurfacing, pavement crack and joint sealing, re-striping, re-marking, and re-installation of permanent raised pavement markings work on approximately 121 lane miles of designated streets and other City infrastructure will be performed. Contract Final Completion date is 365 days from the Notice to Proceed.

A motion was made by Council Member McKenzie and seconded by Council Member Parsley to award the total bid and authorize the City manager to negotiate and execute a contract with NJR Group, Inc in the amount of \$5,938,972.58 for the City of Concord's annual streets preservation program and to adopt the following budget ordinance to appropriate funds from reserve funds—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u> Current Budget	Amended Budget	(Decrease) Increase
100- 4370000	Appropriated Fund Balance	\$5,348,035	\$7,522,877	2,174,842
Total				2,174,842

Account	Title	<u>Expenses/Expenditures</u> Current Budget	Amended Budget	(Decrease) Increase
4511-5241000	Powell Bill Street Resurfacing	1,518,981	3,693,823	2,174,842
Total				2,174,842

Reason: To transfer Powell Bill reserves for the resurfacing contract.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

8. Consider approving the Master Plan for Marvin Caldwell Park.

Marvin Caldwell Park, located at 362 Georgia Street SW, is one of the City of Concord's oldest parks located in the southern portion of Concord. The Parks and Recreation Department in accordance with the Comprehensive Parks and Recreation Master Plan and the Open Space Connectivity Analysis contracted with Alfred Benesch Company to develop a new Master Plan, conceptual design and cost estimates for this park to help guide the department and the City's Capital Improvement Plan. The development of the park is anticipated in the next 2-5 years. The master plan seeks to address the following primary components: safety; connectivity; programs, athletics and event; and new amenities

A motion was made by Council Member Small and seconded by Council Member Parsley to approve and adopt the Master Plan for Marvin Caldwell Park—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

9. Consider adopting a budget ordinance amending the General Fund operating budget ordinance for consulting services by Nexsen Pruet, LLC.

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

A motion was made by Council Member King and seconded by Council Member Langford to adopt the following ordinance amending the General Fund operating budget ordinance for consulting services by Nexsen Pruet, LLC—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

ORD.# 20-51

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

<u>Revenues</u>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
100-4370000	Approp. Balance	Fund	5,348,035	5,563,035	215,000
Total					215,000

<u>Expenses/Expenditures</u>					
Account	Title		Current Budget	Amended Budget	(Decrease) Increase
4110-5194000	Contract Services		78,000	293,000	215,000
Total					215,000

Reason: To appropriate fund balance reserves to fund professional service fees associated with Barber-Scotia research.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

10. Consider making appointments / reappointments to various City of Concord Boards and Commissions and making a reappointment to the CDDC Board of Directors.

A motion was made by Council Member Langford and seconded by Council Member Parsley to make the following appointments/reappointments to various Boards and Commissions and a reappointment to the CDDC Board of Directors—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

ABC Board:

Dr. Wanda White
Scott Padgett

Planning and Zoning Commission:

J. King

Board of Adjustment:

Steve Bradley
Cesar Correa
David Niekamp to regular member status
Chuck Collier as regular member
Coretta Grant as regular member
Phil Jones as alternate member

Historic Preservation Commission

Amy Landis to regular member
Shelby Dry

WSACC

Dave Phillips

SMAC

Barry Hawkins to Group 1
Betty Stocks to Group 2
Jack Stein to Group 3
Kim Greer to At Large

CDDC Board

Josh Smith

11. Consider authorizing the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. for the Parking Expansion project at the Alfred Brown Operation Center.

Informal bids were received for the parking expansion at the Alfred Brown Operation Center. Carolina Siteworks, Inc. was the low bidder with a total bid of \$138,971.80. Work is to include clearing and grubbing, grading, paving, fencing and seeding as necessary.

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Crawford to authorize the City Manager to negotiate and execute a contract with Carolina Siteworks, Inc. in the amount of \$138,971.80 for the Parking Expansion project at the Alfred Brown Operation Center and to adopt the following capital project budget

amendment ordinance—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

ORD.# 20-52

CAPITAL PROJECT ORDINANCE General Capital Projects

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital Projects for Parking at the Brown Operations Center.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
Total				_____

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8800-5811275	BOC Parking	110,000	139,972	29,972
8800-5811275				
8800-5811261	Upper Laydown Yard	700,000	670,028	(29,972)
8800-5811261				
Total				0

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

12. Consider adopting a resolution requesting NCDOT to abandon SR-2506 (Old Farm Road).

The majority of Old Farm Road had been within the City limits for some time and recently the final segment was annexed into the City when the property at the corner of Old Airport and Heglar Roads was annexed. The City already maintains roads off Old Farm Road and would like to add Old Farm Road to the City street system.

A motion was made by Council Member Parsley and seconded by Council Member Crawford to adopt the following resolution requesting NCDOT to abandon SR-2506 (Old Farm Road) —the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

RESOLUTION

WHEREAS, all of SR-2506 (Old Farm Road) is located within the corporate limits of the City of Concord and more specifically described as lying between SR-2635 (Old Airport Road) and SR-2636 (Heglar Road); and

WHEREAS, SR-2506 (Old Farm Road) is currently listed by the North Carolina Department of Transportation as part of the state system; and

WHEREAS, it is the desire of the City of Concord to maintain said road for the residents in the City of Concord; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Concord, North Carolina, does hereby request that the North Carolina Department of Transportation abandon said section of SR-2506 (Old Farm Road) from state maintenance to the City of Concord street maintenance system and that any and all public road right-of-way/easement be assigned to the City of Concord.

<u>SR Number</u>	<u>Name</u>	<u>From</u>	<u>To</u>	<u>Length</u>
SR 2506	Old Farm Road	SR 2635	SR 2636	0.49 miles

Adopted this 11th day of June 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

13. Consider approving a modification to the Interlocal Agreement with Cabarrus County administering the Central Area Plan.

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

A motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to approve a modification of the Interlocal Agreement regarding the Central Area Plan to allow the provision of water to 3887 NC Hwy 200 and 1300 Hess Road—the roll

call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

14. Consider accepting a preliminary application from James Garmon.

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

A motion was made by Council Member Parsley and seconded by Council Member Small to accept the preliminary application and have the owner proceed to the final application phase excluding annexation—the roll call vote: Aye – Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay - none.

Consent Agenda:

The consent agenda items were presented for the Council's consideration.

A motion was made by Mayor Pro-Tem Sweat, seconded by Council Member Crawford to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A – removed from the Consent Agenda at the June 9th Work Session

The City Council took action at the June 9th Work Session to remove Consent Agenda Item A from the agenda.

CONSENT AGENDA ITEM B

The encroachment fee for outdoor dining on public property was temporarily suspended effective June 1, 2020.

CONSENT AGENDA ITEM C

The maintenance agreements were approved and the offers of dedication were accepted on the following properties: Boys and Girls Club of Cabarrus County, Beechwood Place, LP, Dalton Woods, LLC, and Dependable Development, Inc.

CONSENT AGENDA ITEM D

The offer of dedication was accepted on the following plat and easements: The Mills Phase 2C Map 3.

CONSENT AGENDA ITEM E

The offer of infrastructure was accepted in the following subdivisions and sites: Shoppes on Derita and Roberta Ridge Ph 1 Map 5.

CONSENT AGENDA ITEM F

The City Manager was authorized to accept the BJA FY 20 Coronavirus Emergency Supplemental Funding from the Office of Justice Programs, US Department of Justice and the following budget amendment was adopted.

ORD.# 20-53

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4357500	CARES Act Funding	0	34,597	34,597
Total				<u>34,597</u>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5800100	CARES Act Expenditure	0	34,597	34,597
Total				<u>34,597</u>

Reason: BJA FY20 Coronavirus Emergency Supplemental Funding.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM G

The following general fund operating budget amendment was adopted to recognize grant funding for the Fire Department.

ORD.# 20-54

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4603000	Grants	98,072	111,029	12,957
Total				12,957

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4341-5550000	Equipment	0	0	12,957
Total				12,957

Reason: To recognize the Cannon Foundation Grant Award to the Fire Department.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM H

The following general fund budget ordinance and Transportation project ordinance was adopted to transfer additional funds to the Streetscape Project.

ORD.# 20-55

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	

Total

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4920-5470013	Streetscape Expenses	30,174	17,466	(12,708)
4920-5987000	Transfer to Capital Project	200,000	212,708	12,708
Total				<u>0</u>

Reason: To transfer remaining budget for streetscape expenses to the Transportation Project Streetscape account.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-57

**CAPITAL PROJECT ORDINANCE
Streetscape**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The project authorized is the Union Street Sidewalk Project.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Revenues

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
423-4501100				
423-4501100	From General Fund	16,860,799	16,873,507	12,708
				<u>12,708</u>

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8600 - 5811272				
8600 - 5811272	Streetscape	10,000	22,708	<u>12,708</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this grant project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM I

The following ordinance was adopted to include an appropriation of CDBG CARES Act funding in the amount of \$400,339 to select public service agencies and organization responding to immediate community needs related to COVID-19.

ORD.# 20-56

GRANT PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby amended:

SECTION 1. The project authorized and amended are the projects included in the CDBG CARE Grant

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the completion of the projects:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
310-4357500				
310-4357500	CARES Act Funding	\$0	\$400,339	\$400,339
Total				\$400,339

SECTION 4. The following amounts are appropriated for the project

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
3117-5800100				
3117-5800100	CARES Act Expenditures	\$0	\$400,339	\$400,339
Total				<u>\$400,339</u>

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the project agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adoption, copies of this grant projects ordinance shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

CONSENT AGENDA ITEM J

The following ordinance was adopted to amend the FT19-20 budget ordinance for the Airport operations to appropriate CARES Act funding received.

ORD.# 20-58

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 11th day of June, 2020, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
680-4357500	CARES Act Funding	0	2,149,846	2,149,846
Total				<u>2,149,846</u>

1)

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>		<u>Amended Budget</u>	<u>(Decrease) Increase</u>
4530-5800100	CARES Act Expenditure	0	2)	2,149,846	3) 2,149,846
Total					2,149,846

Reason: CARES Act funding for reimbursement of COVID-19 related expenses.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

CONSENT AGENDA ITEM K

The following ordinance was adopted to amend the General Fund project ordinance for Oakwood Cemetery.

ORD.# 20-59

CAPITAL PROJECT ORDINANCE General Capital Projects-Oakwood Cemetery

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital projects for Rutherford Expansion.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

		<u>Revenues</u>		
<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
430-4354000	Other Income	326,281	367,065	40,784
430-4354000				
Total				40,784

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

Expenses/Expenditures

<u>Account</u>	<u>Title</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>(Decrease) Increase</u>
8804-5811268	Oakwood Cemetery	180,991	221,775	40,784

8804-5811268

Total

40,784

SECTION 5. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ Valerie Kolczynski, City Attorney

CONSENT AGENDA ITEM L

The following ordinances were adopted to amend the General Fund and the General Capital Project Fund.

ORD.# 20-60

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
100-4501400	From Capital Projects	10,000	0	(10,000)
	Total			(10,000)

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
4540-5351000	Building Maintenance	206,002	196,002	(10,000)
Total				(10,000)

Reason: To reverse moving the Rutherford Trust funds that were not spent on the expansion project, back to the General Fund for operational use at the Rutherford Cemetery.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-62

CAPITAL PROJECT ORDINANCE
General Capital Projects

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained:

SECTION 1. The projects authorized are General Capital projects for Rutherford Expansion.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Revenues

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
Total				0

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

Expenses/Expenditures

Account	Title	Current Budget	Amended Budget	(Decrease) Increase
8804-5811266	Rutherford Cemetery	115,360	125,360	10,000
8804-5811266	Expansion			
8804-5983000	To General Fund	10,000	0	(10,000)
8804-5983000				
Total				0

SECTION 5. Accounting records are to be maintained by the Finance Department

of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 6. Within five (5) days after adopted, copies of this project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 7. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM M

The following ordinance was adopted to reclass Powell Bill personnel costs from the Streets Department.

ORD.# 20-61

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	Revenues		(Decrease) Increase
		Current Budget	Amended Budget	
Total				_____
Account				_____

Expenditures		Current	Amended	(Decrease
Account	Title	Budget	Budget	Increase
4510-5121000	Streets Regular Salaries	\$1,702,042	\$1,317,042	(\$385,000)
4510-5181000	Streets FICA	\$127,011	\$97,011	(\$30,000)
4510-5182000	Streets Retirement-General	\$148,595	\$111,595	(\$37,000)
4510-5183000	Streets Group Insurance	\$282,981	\$219,981	(\$63,000)
4510-5187000	Streets 401K	\$58,113	\$43,113	(\$15,000)
4511-5121000	Powell Bill Regular Salaries	\$0	\$385,000	\$385,000
4511-5181000	Powell Bill FICA	\$0	\$30,000	\$30,000
4511-5182000	Powell Bill Retirement-General	\$0	\$37,000	\$37,000
4511-5183000	Powell Bill Group Insurance	\$0	\$63,000	\$63,000
4511-5187000	Powell Bill 401K	\$0	\$15,000	\$15,000
TOTAL				\$0

Reason: To appropriate salary budget from Streets to Powell Bill.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM N

The following ordinance was adopted to amend the Housing operating budget ordinance for the payment due to the General Fund related to the maintenance building.

ORD.# 20-67

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

i. NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

		<u>Revenues</u>		
Account	Title	Current	Amended	(Decrease)
		Budget	Budget	Increase
690-4501400	Transfer from Project	0	34,397	34,397
<i>Total Revenue Increase (Decrease)</i>				\$34,397

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
	Materials			
1000-5442000	Interest Expense	114,668	113,668	(1,000)
1000-5975000	Transfer to General	3,750	0	(3,750)
1000-5983000	Fund	0	39,147	39,147
<i>Total Exp Increase (Decrease)</i>				<u>\$34,397</u>

Reason: To record loan payments to the General Fund or the new maintenance building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM O

The following resolution and budget ordinances were adopted to increase the loan amount from the General Fund to the Housing Department.

RESOLUTION

WHEREAS: The City of Concord Housing Department (“City Housing”) has previously determined to undertake a project to construct a new maintenance building (the “Project”) and the Finance Director has now presented a proposal for the financing of such Project with a loan from the General Fund.

BE IT THEREFORE RESOLVED, AS FOLLOWS:

1. The City intends to finance the Project with a loan from the City’s General Fund. The amount financed shall not exceed \$475,000 and the annual interest rate shall not exceed 1.0%, and the financing term shall not exceed one hundred twenty (156) months from the adoption of this resolution.
2. The City Manager is authorized to approve changes to any loan terms previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent express in the forms executed by such officers. This resolution will be held by the City Clerk as part of the City of Concord’s official meetings.
3. Adopting of this resolution is the declaration of the City of Concord’s official intent to loan General Fund money to City Housing for the Project.
4. All prior actions by City officers in furtherance of the purposes of this Resolution are hereby ratified, approved and confirmed. This Resolution shall control and take precedence over all other Resolutions or parts thereof in conflict with this Resolution only for the limited purpose of effecting this Project and only to the extent of the conflict.
5. This resolution shall take effect immediately.

Approved this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

ORD.# 20-63

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	Current Budget	<u>Revenues</u>	Amended Budget	(Decrease) Increase
100-4370000	Fund Balance Appropriated	\$5,347,535.33		\$5,447,535.33	\$100,000
Total					\$100,000

Account	Title	Current Budget	<u>Expenses/Expenditures</u>	Amended Budget	(Decrease) Increase
4190-5988000	Transfer to Housing	\$375,000		\$475,000	\$100,000
Total					\$100,000

Reason: To loan additional funds to Housing Department for construction of new Maintenance Building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

ORD.# 20-64

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13th day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
690-4501100	Transfer from General Fund	\$375,000	\$475,000	\$100,000
Total				\$100,000

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
1000-5558000	Bldgs. & Imprv – Capital	\$375,000	\$475,000	\$100,000
Total				\$100,000

Reason: Additional loan funds from General Fund for construction of new Maintenance Building.

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

CONSENT AGENDA ITEM P

A resolution was adopted to write-off the FY20 delinquent repayment agreement accounts in the amount of \$1,678 to collection losses.

CONSENT AGENDA ITEM Q

The following resolution was adopted to transfer delinquent accounts for the low-rent public housing program to collection losses.

CITY OF CONCORD HOUSING DEPARTMENT LOW-RENT PUBLIC HOUSING PROGRAM COLLECTION LOSSES TRANSFER RESOLUTION

WHEREAS, the Housing Director has submitted a list of Resident’s accounts who has moved out of their dwelling units leaving a balance due; and

WHEREAS, the Housing Director reports that attempts to collect the amounts have been unsuccessful as of this date; and

WHEREAS, the City Council has determined that the transfer of the delinquent accounts can be transferred to collection losses due to unsuccessful attempts to make collections;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Concord does hereby approve the transfer of delinquent accounts for the Low-Rent Public Housing Program to collections losses:

Tenant#	Net Balance
00033046-16	\$233.51
00033036-11	\$1,308.88
00033003-4	\$6.30
00055011-5	\$1,215.62
00011019-7	\$2,542.18
00033012-13	\$781.45
00022045-11	\$560.27
00011039-4	\$529.17
00011025-7	\$1,259.38
00022040-13	\$450.18
00011035-5	\$18.21
00022009-4	\$333.26
00033050-7	\$2,133.63
00022038-9	\$1,434.95
00033047-8	\$403.83
00033049-11	\$2,067.72
00033003-5	\$2,406.78
00055003-3	\$2,475.00
00055005-8	\$198.00
00055007-6	\$307.00
00011026-14	\$1,116.32
00055021-7	\$147.00
00033054-11	\$499.41

\$22,428.05

Adopted this 11th day of June, 2020.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim Deason, City Clerk

CONSENT AGENDA ITEM R

The transfer of delinquent miscellaneous receivable and delinquent airport receivables to collection losses was approved.

CONSENT AGENDA ITEM S

The FY21 Compensation Plan Grade Assignments was adopted.

CONSENT AGENDA ITEM T

The 3% adjustment to the Compensation Plan Grade Assignments was adopted and will be effective in the fourth quarter of FY21.

CONSENT AGENDA ITEM U

An update to Article 6.6, Bereavement Leave, in the Personnel Policies and Procedures Manual was adopted.

CONSENT AGENDA ITEM V

An update to Article 6.7, Military Leave Policy, in the Personnel Policies and Procedures Manual was adopted.

CONSENT AGENDA ITEM W

An update to Article 7.13, Career Development, in the Personnel Policies and Procedures Manual was adopted.

CONSENT AGENDA ITEM X

An update to Article 8.7, Policy Against Harassment, in the Personnel Policies and Procedures Manual was adopted.

CONSENT AGENDA ITEM Y

An update to Article 8.4, Grievance Policy, in the Personnel Policies and Procedures Manual was adopted.

CONSENT AGENDA ITEM Z

The Tax Office collection reports for the month of March 2020 were accepted.

CONSENT AGENDA ITEM AA

The Tax releases/refunds for the month of March 2020 were approved.

CONSENT AGENDA ITEM BB

The monthly report of investments as of March 31, 2020 was accepted.

* * * * *

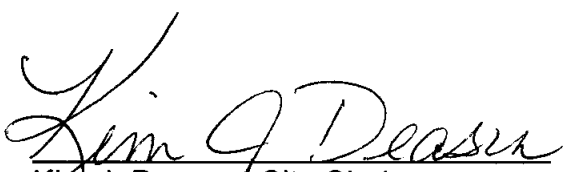
Matters not on the Agenda:

Updates:

- TAC – no update to report
- MTC – no update to report
- Concord/Kannapolis Transit Commission – no update to report
- Centralina Council of Government (CCOG) – no update to report
- WSACC – no update to report
- Public Art Advisory Committee – update provided
- Concord Family Enrichment Association – update provided
- PTT Committee – no update to report
- Barber Scotia Task Force Committee – no update to report

* * * * *

There being no further business to be discussed, a motion was made by Mayor Pro-Tem Sweat and seconded by Council Member Langford to adjourn—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.


 Kim J. Deason, City Clerk


 William C. Dusch, Mayor

CONCORD CITY COUNCIL
SPECIAL MEETING
JUNE 26, 2020

A special meeting of the City Council for the City of Concord, North Carolina, was held on June 26, 2020, at 9:00 a.m. with Mayor William C. Dusch presiding.

Due to COVID-19 and the 6 foot separation requirement, the meeting was conducted electronically via Zoom.

Council members were present as follows:

Members Present:

- Mayor Pro-Tem John A. Sweat, Jr.
- Council Member Andy Langford
- Council Member W. Brian King
- Council Member Ella Mae P. Small
- Council Member JC McKenzie
- Council Member Terry L. Crawford
- Council Member Jennifer H. Parsley

Others Present:

- City Manager, Lloyd Wm. Payne, Jr.
- City Attorney, Valerie Kolczynski
- City Clerk, Kim J. Deason
- Finance Director, Pam Hinson

* * * * *

Consent Agenda:

The consent agenda items were presented for the Council's consideration.

A motion was made by Council Member McKenzie, seconded by Council Member Crawford to approve the following consent agenda items—the roll call vote: Aye: Langford, King, Small, McKenzie, Crawford, Parsley, and Sweat; Nay: none.

CONSENT AGENDA ITEM A

The following ordinance was adopted to amend the Wastewater project budget for the purchase of land easements related to the Quail Haven project.

ORD. #20-69

**CAPITAL PROJECT ORDINANCE AMENDMENT
Wastewater Projects**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted/amended:

SECTION 1. The projects authorized are the projects included for the Havencrest Outfall project.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the completion of the projects: