



DATE: May 19, 2020

CASE: Staff Report for Text Amendments to Articles 5, 7, 8, 9 and 10 (Group One Topics)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

At the February meeting, the staff provided a summary of upcoming amendments to the Concord Development Ordinance (CDO) based upon the adoption of the 2030 Land Use Plan (LUP) in 2018. This item was initially intended to be on the March agenda but was deferred.

One major modification is being requested to the Group One changes since the version that the Commission last received. One of the most discussed items within the Group One changes involve Section 7.7.4.F as they relate to townhomes. Based upon our development activity relative to townhomes, we did not feel that the proposed standards adequately address the concerns. As a result, we request that this section not be considered with the Group One changes. Staff has worked very closely with Engineering, Electrical, Transportation, Stormwater and the Arborist in developing a set of design standards to address these issues. This draft is anticipated to be presented to the Commission next month.p

This revision is part of a wholesale rewrite of the CDO to align it with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

The amendments have been split into two groups, and this set is the first, aka “Group One”. As you recall, changes to the permitted use chart and the new Conservation Subdivision (CS) district have already been approved by Council.

In terms of public outreach and notice, staff compiled an email notification list of frequent contacts which included developers and interested citizens who had expressed interest in the ordinance changes through the website. This list consists of 258 separate persons. The ordinance drafts and executive summary were added to the webpage after the February Planning Commission meeting and these documents were sent to the Commission and Planning Technical Team (PTT) members. The parties on the email contact list were also notified in an effort to solicit feedback. The email stated that comments would be accepted in writing until March 10 and in person at the March Commission meeting. Notice of the changes has also been posted on the City’s relevant social media platforms.

Six comments have been received via email and the webpage, and that engagement summary has been attached to the staff report. Four of the six comments are more policy based as opposed to being directly related to the technical provisions of the ordinance.

Some comments were provided by the Arborist relative to Article 7. These comments include strengthening language about buffer and setback encroachments, maintenance of landscape islands in subdivision entrances and clarification of on-site (not street) trees in subdivisions. Legal has also made comments, most of which are formatting and clarifying in nature. In the event that the Commission decides to forward the Group One amendments to Council for hearing next month, the staff will make these changes, as well as any other changes recommended by the Commission, and will post the draft to the website and send out notices for further discussion.

Attached for reference are the proposed changes to the Ordinance, and the Executive Summary which have both been posted to the website for comment. We have also attached the written comments received by the public. Those comments are addressed below.

1. Why would multifamily development be permitted (with supplemental standards) in C-1, but require a special use permit in C-2?

This item is not part of this change, but occurred in the permitted use chart adoption at the first of the year. The answer, however is that C-1 parcels are typically much smaller and would therefore involve smaller unit yields than C-2. We have a great deal of C-2 land which is contained in larger parcels and feel that SUP review is necessary in order to ensure that commercial land is protected, and that these larger multifamily developments work to truly represent mixed use development in these commercial areas.

2. There is still no plan to address the traffic issues or school overcrowding in the Poplar tent area. Development needs to stop until the infrastructure is in place to handle the additional development. Just STOP. Stop selling us out for revenue. We have been and will continue to fight against further development. And we pay attention to how each member votes. The city has already voted to allow development on wetlands. The city needs to be better stewards of our environment and support the homeowners who actually live here. Just ENOUGH!

This item is not directly related to these ordinance changes, and is related more to policy. Staff will ensure that this feedback is provided to Council.

3. Developments are being approved with too many homes jammed together. More open space between homes, less homes, and larger buffer zones! We need more public parks on the side near Huntersville and a library branch! Just because there's a 200 acre tract of land sitting open

doesn't mean it needs to become 500 apartments and 300 homes. A little more thought put into quality rather than quantity would be nice

This item is not directly related to these ordinance changes, and is related more to policy. Staff will ensure that this feedback is provided to Council.

4. Multi-family development should be targeted close to interstates or major highways as opposed to backfill in areas where more density will create a burden on neighborhood infrastructure.

This item is not directly related to these ordinance changes, and is related more to policy. Staff will ensure that this feedback is provided to Council.

5. Email from William Niblock (March 13) and Ken Foster (March 16)

These comments have been consolidated because they contain one common concern. Both comments raise concerns with Section 7.7.2.C which addresses the proposal that entrance roads for subdivisions with more than 25 lots be required to have an enhanced, divided entrance along with enhanced entry features. The requirement also states that the first driveway may not have access any closer than 120' from the street from which the new street intersects. Mr. Niblock's comments detail the cost issues associated with such a requirement. He cites that such a requirement may cost \$2,000 and would necessitate the loss of lots within the development as the driveways would need to be placed beyond the end of the island. He also states that the requirement for enhanced features at the subdivision entries are very costly and impact the potential for affordable housing.

Mr. Foster suggests making the subdivision entry requirement applicable at the 75 lot threshold and reducing the first entry drive from 120' to 100'.

It should be noted that Section 7.7.2.B states that the main residential collector street coming into a development shall be designed with a median if the street is less than 300' and it refers the reader to the Technical Standards Manual for median standards for driveways. As a result, this section of the CDO has not always been administered in this manner as it lacks clarity. Note that the City Arborist has also cited a potential issue with the maintenance of the landscaping in an island in the event that the homeowner's association is not necessarily active.

The staff acknowledges that these requirements do add cost to the development. The staff does feel that larger subdivisions warrant enhanced entrances. A suggested option is to place the threshold at 100 lots, which is the number of lots where a secondary entrance is required, and to require the enhanced, divided entrance on only one of the proposed entrances (at the choice of the developer). We would also recommend reducing the spacing of the first entry drive to 100' as suggested by Mr. Foster. Additionally, this change may likely help alleviate the concern of the Arborist as larger neighborhoods are more likely to have an active, solvent homeowner's association than a

neighborhood of only 25 homes (and would be more active in landscape maintenance.)

As discussed above, staff will make any changes suggested by the Commission (as well as those detailed by staff) and will post the draft on the website in order to solicit comments prior to the Council hearing. Additionally, if the Commission feels that any of these items in the draft need additional research and discussion, the individual items may be removed and moved to the Group Two changes which will be forthcoming later this year.



DATE: February 18, 2020

CASE: Executive Summary for Articles 5, 7, 8, 9 and 10 (Group One Topics)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Articles 5, 7 and 10 (aka “Group One Topics”). The City adopted the 2030 Land Use Plan (LUP) in 2018 and this revision is part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

Note that the proposed Conservation Subdivision Ordinance (Section 9.13) was part of Group One Topics, and has been adopted separately from these changes. Council adopted this section in January. Furthermore, this summary includes only changes that are deemed to be substantive. Non-substantive changes that are cross-references or clarifiers and do not change the context or meaning of the ordinance are indicated on the attached strike-through. Also note that the illustrated changes do not include the entirety of the Ordinance, only those portions of the Ordinance that are changing, or where additions are occurring.

ARTICLE 7 SPECIAL PURPOSE AND OVERLAY DISTRICTS

7.6.1 A statement has been added to state that some dimensional regulations may be modified in certain instances through approvals of conditional district zoning petitions.

7.6.2.G This section clarifies that multi-family, townhomes or mixed-use structures shall be limited to 35 feet or two stories, if located within 100 feet of a lot used for detached single family residence or a duplex. This requirement is intended to provide for a transition of scale for higher intensity uses that may abut lower density residential areas.

Tables 7.6.2.A&B DENSITY AND DIMENSIONAL STANDARDS This item is the chart (and supporting notes) that summarize the minimum dimensional standards for the zoning districts. The supporting notes principally clarify modified dimensional requirements, but note 4 for Table 7.6.2.B allows for

approval of greater setbacks for structures that occupy an entire block in the Center City (downtown) zoning district. The CC district has a maximum setback of 10 feet, which may not be appropriate for such large structures.

7.7.2.C Subdivision Entries This section sets forth minimum development standards for residential subdivisions, such as fountains and water features, divided entries and prominent art objects.

7.7.3 HOUSING TYPES This section specifies that different housing types may be permissible through PUD, PRD and cluster site subdivision plan approval and that dimensional adjustments may be made on a case by case basis, and that densities are governed through the LUP.

7.7.4 SITE ELEMENTS This section has substantial changes. Items that are deleted include the section on reduced setbacks for side and rear loaded garages (7.7.4.C) and the illustration of different housing types (Figure 7.7.5). The reduced setback section has only been used in one instance and its intended objective can be accomplished through other provisions in the ordinance. The illustrations were non-regulatory, and in our opinion, did not serve a useful purpose. Additions to the section include clarifications for zero-lot line homes, and an allowance for a five-foot reduction of front setbacks for alley-loaded homes (which take access from the rear). Townhomes are also addressed with a requirement for front-loaded townhomes (which do not take access from an alley) to have a minimum lot width at least twice the width of the garage, and rear-loaded units have a minimum width of 20 feet. Additional requirements are that front loaded townhomes have garages recessed 4 feet behind the building front and that rear loaded townhomes may have front setbacks of 10 feet. This 24 foot setback is consistent with the setback requirements for attached single family structures.

The main feature of this section is the allowance for “cluster” subdivisions. These types of developments are similar to the conservation subdivisions (which are intended to be in rural areas subject to voluntary annexation) except that these subdivisions would require somewhat less open space and would actually mandate a mix of housing types. Approval of cluster development would be through the conditional district zoning process (which would require a site plan) and a minimum of 35% of open space is required, as opposed to 12% maximum with conventional zoning. Lot size reductions are allowed to be made in exchange for the increased open space. The housing type mix is proposed to require no less than 40 percent or not more than 80 percent of the dwelling mix may be single family detached. The remaining types may be patio or zero-lot line homes or townhomes. Multi-family would not be permissible through this specific process.

7.8 STANDARDS FOR MULTI-FAMILY DEVELOPMENT This section addresses the design standards for multi-family development. The ordinance includes a set of design principles to govern development of multi-family uses. Specific design standards include a requirement that adjacent buildings are

varied in scale or other design elements to ensure that “cookie cutter” development is avoided. The section also includes a requirement that developments of more than 240 units require provision of accessory storage structures (self-storage) on site.

7.9 CENTER CITY (CC) DESIGN STANDARDS The Center City design standards are proposed to include a section to specifically state that alternative exterior materials may be allowed by the Administrator. However, in such instances, the burden of proof is on the applicant to demonstrate that 1) the alternative materials result in a superior design and 2) the design is compatible with surrounding properties. The revision also removes the “open flags” provision from the ordinance. This was a provision that was never utilized.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL DISTRICTS This section involves design standards for commercial zoning districts. The current ordinance has one set of design standards for all nonresidential zoning districts and it has been found that the current requirements are often not practical for the large structures utilized in industrial development. There is a provision proposed in this section also that allows the Administrator to modify certain sections if the modification results in equivalent or better design, and as with the requirement discussed above in CC zoning, the burden of proof for the modification rests with the applicant.

A sliding scale for redevelopment projects has been proposed with this section. The current ordinance does not address remodeling of a structure, only additions. This scale clarifies that major redevelopment (such as major interior upfit with a change of use) requires some level of compliance with the code. As proposed, when a remodeling project involves a structure less than 5,000 square feet of gross floor area in which the construction cost is more than 25% of the assessed value of the structure, the redevelopment will trigger a requirement that sidewalk will be required on the public street. When a project involves a structure of more than 5,000 sf and a construction cost greater than 25%, curb and gutter are required, along with sidewalks. For larger projects that exceed more than 50% of the assessed tax value, full compliance with section 7.10 is required (exterior materials, etc.) is required, except that nonconformities due to existing rooflines, walls and parking areas may be retained. The assessed value is based upon the Cabarrus County building valuation, and the construction cost is the figure reported on the County building permit application.

Also included is a height transition requirement that requires portions of commercial buildings that abut residential zoning district and exceed 35 feet, be set back an additional two feet for each one foot of height in excess of 35 feet. This measure is an additional tool to ensure compatibility between commercial and residential uses.

7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS As discussed above, the existing nonresidential design standards are not always practical for industrial development, and as a

result, a set of industrial design standards are proposed. As with the commercial design standards discussed previously, the Administrator may allow modifications to individual requirements of the ordinance if the applicant can prove that the modifications result in equal or better design and that the alternative is compatible with properties in the vicinity.

This section requires that new development be compatible with adjacent properties which can be achieved through a combination of building design and landscaping. For developments with more than 250,000 square feet of floor area, and boulevard entrance with a 10-foot-wide center median is required.

Whereas the current ordinance requires all sides of structures to be finished (no bare metal walls), this revision makes an allowance for metal on walls not visible from adjacent property or from public streets (evidence must be provided by the applicant). The standards also allow the use of metal and split face block on walls that are visible but limits those to 20 percent of the wall. Another major change is that “metal wall panels” are added as an allowable building material. The design elements (windows, doors, columns, etc.) are similar to those required in the commercial districts in order to ensure that large expanses of visible building walls are avoided. The height transition requirement in the commercial standards is carried over to the industrial standards.

ARTICLE 8

Section 8.3.3 Temporary Family Health Care Structures A provision for temporary family health care structures has been included in the ordinance. The NC General Statutes mandate that cities allow these uses, which are intended to be utilized by either a person in need of healthcare, or by a caregiver. These uses are accessory to single family residences, are limited to 300 square feet in area, and are subject to a temporary use permit.

Section 8.3.5 COMMERCIAL USES Additions to this section include allowing very limited commercial uses as accessory to multifamily. Commercial uses are limited to 5 percent of the total floor area of the multifamily development and the use has to be on an arterial street (which would preclude commercial within established residential areas). The specific commercial uses are limited to convenience retail, restaurants and uses permissible in O-I, B-1 and C-1 uses.

ARTICLE 9

Section 9.11 Low Impact Development

This section has been amended to specify that all Low Impact Development (LID) projects shall be processed as a conventional zoning and shall not be subject to rezoning.

ARTICLE 10 DEVELOPMENT AND DESIGN STANDARDS

This section includes an amendment to reduce the maximum block length requirements for new residential subdivisions (from 1,800 to 1,000 feet) in order to obtain more connectivity. The section also introduces the language for major

and minor collector streets, as well as local streets as they relate to minimum right-of-way widths. This specific change aligns this section with the terminology in the Technical Standards Manual (TSM).

The section also introduces a new requirement for traffic calming measures. These measures will be reviewed on a case-by-case basis and may be accomplished by traffic circles, bump-outs, medians and on-street parking (for example). The staff has been requesting traffic calming measures with conditional district petitions, but this change will require these measures in by-right projects.

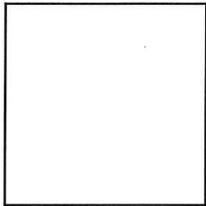
The connectivity ratio (the measure of how well a subdivision connects internally and to adjacent property) has also been amended. The change principally improves the definition of a "link" and "node" in calculating the ratio. The minimum ratio of 1.40 (links divided by nodes) has not changed. The maximum block lengths reductions as discussed above are anticipated to make attaining this ratio easier.

Kevin Ashley

From: Scott Sherrill
Sent: Wednesday, March 11, 2020 7:23 AM
To: Kevin Ashley
Subject: FW: Daily Engagement Summary for Scott Sherrill

From: PublicInput.com Daily Updates <support@publicinput.com>
Sent: Wednesday, March 11, 2020 7:03 AM
To: Scott Sherrill <sherrills@ConcordNC.gov>
Subject: Daily Engagement Summary for Scott Sherrill

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Here are engagement stats from the past 24 hours for your projects and surveys.

CDO Rewrite: Phase II Group 1 Topics

+2 PARTICIPANTS

+2 COMMENTS

Recent Comments

Ken Orndorff Why would multifamily development be permitted (with supplemental standards) in C-1, but require a special use permit in C-2?

10 hours ago

There is still no plan to address the traffic issues or school overcrowding in the Poplar tent area. Development needs to stop until the infrastructure is in place to handle the additional development. Just STOP. Stop selling us out for revenue. We have been and will continue to fight against further development. And we pay attention to how each member votes. The city has already voted to allow development on wetlands. The city needs to be better stewards of our environment and support the homeowners who actually live here. Just ENOUGH!

16 hours ago

Jaime desnDevelopments are being approved with too many homes jammed together. More open space between homes, less homes, and larger buffer zones! We need more public parks on the side near Huntersville and a library branch! Just because there's a 200 acre tract of land sitting open doesn't mean it needs to become 500 apartments and 300 homes. A little more thought put into quality rather than quantity would be nice

3 days ago

Bryan SnyderMulti-family development should be targeted close to interstates or major highways as opposed to backfill in areas where more density will create a burden on neighborhood infrastructure.

4 days ago

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Kevin Ashley

From: William Niblock <wniblock@niblockhomes.com>
Sent: Friday, March 13, 2020 12:46 PM
To: Kevin Ashley
Cc: William Niblock; matthew.jones@forumcap.com; kenfoster@outlook.com; Gary Emblar
Subject: development ordinance rewrite
Attachments: S25v3.pdf; S355v6.pdf

[NOTICE: This message originated outside of the City of Concord email system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Kevin,

I understand the need to update the Development Ordinance and I appreciate the opportunity to give my input. A number of the changes appear to be clarifications and I have no issue with any of them. My primary concern is cost, and with very few exceptions, every time the ordinance is amended it increases the cost of housing. The difference in cost between a new home and an existing home has doubled in the past fifteen years and much of that is due to new regulations and code changes. Every planning director and every elected official that I know of complains about the lack of affordable housing. I hope that in rewriting this ordinance the added costs will be of primary consideration.

The major cost impacts that I see in the rewrite have to do with subdivision entries and traffic calming. The entry requirement alone will cost \$200,000 in a 25 lot neighborhood. That could easily be the bulk of the profit on the sale of 25 lots. The requirement of keeping the driveways a minimum of 120 feet from the intersection is not necessary and is at least 50 feet farther than it needs to be. Take a look at our new neighborhood Kensley. We would lose two lots by taking the first drives from 75' to 120'. Those lots are worth \$91,000 each. Traffic stacking up to get out of a neighborhood would not be a problem until you hit around 100 lots. We are already required to install a second entrance for anything more than 30 lots or we have to sprinkle the homes. The added features, such as gate houses and sculpture and fountains and art work are a cost that small projects cannot support and add very little value and I recommend eliminating that requirement altogether. I understand the desire to slow down traffic but the cost of traffic circles and divided medians is very significant and I would recommend only requiring it on collector roads which would be in large neighborhoods. There are often 1,000 ft roads in relatively small projects and they should be treated differently.

I have included copies of two recently passed Senate bills which limit the authority of municipalities to increase regulations. As the costs to develop increase the development community is more and more willing to challenge unnecessary regulation. Hopefully this rewrite was done with that in mind. Again, I thank you for the opportunity to put my two cents in.

William Niblock

Kevin Ashley

From: Ken Foster <kenfoster@outlook.com>
Sent: Monday, March 16, 2020 7:53 AM
To: Kevin Ashley
Subject: RE: City of Concord Development Ordinance Amendments

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Kevin –

I apologize for being late getting comments back to you on these updates and I do appreciate the opportunity to provide feedback. I have only a few technical comments based on experience in Concord and other jurisdictions:

- Pg 9 – 7.7.2 Should the date of applicability be the date these changes are approved and not September 8, 2005. I do not think this can be retroactive.
- Pg 9 – 7.7.2 C. These requirements are excessive for only 25 lots. For in-fill sites It will make new neighborhoods look out of character with existing neighborhoods. Suggest making the requirement apply to subdivisions over 75 lots and reducing the entry drive from 125 to 100.
- Pg 10 7.7.2 C. 3 – This should be included as one of the options under C. 1. Above.
- Pg 13 – I. 2. – The way this reads a lot can be reduced by 75% (say from 20,000 to 5,000). Is that the intent or is the intent for it to be 75% of the size (from 20,000 to 15,000). If the latter, the wording should change from “reduced by more than 75%” to “reduced to no less than 75%”.
- Pg 32 – 7.11.9 B. – Several of the industrial sites developed recently in Concord would have difficulty meeting this requirement and the median addition will hamper truck access.
- Pg 56 – 10.2.4 B. – Typical residential neighborhoods have several streets over 1,000 ft. so this will overwhelm neighborhoods with traffic calming measures. I would revise the threshold to either collector streets or streets over a certain number of lots.

Thanks again for the opportunity to comment.

Best regards,

Ken Foster, PE
Ridgeline Corporation
PO Box 39
Cornelius, NC 28031
(704) 362-5007
(704) 622-3569 cell
kenfoster@outlook.com

Attachment A: Redlined Edits to the CDO

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

ARTICLE 5: SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

5.5.3. ACCESS.

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

ARTICLE 7: SPECIAL PURPOSE AND OVERLAY DISTRICTS

7.1.1. PURPOSE AND INTENT

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

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

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

7.1.2. OVERLAY DISTRICTS

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

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

7.5.13 LIGHT INDUSTRIAL (I-1) DISTRICT

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

7.6.1 GENERAL

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

7.6.2 SETBACKS AND HEIGHT STANDARDS

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

A. Encroachments

The following features may encroach into a required building setback:

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

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~~D.4.~~ Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;

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~~E.5.~~ Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;

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~~F.6.~~ Uncovered, unenclosed decks, terraces, stoops or porches, but in no case closer than five (5) feet to any property line;

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~~G.7.~~ Fences and Garden/Yard Walls;

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~~H.8.~~ Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with Section 8.4 (Accessory Uses).

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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)

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Figure 7.7-1: Measuring Building Height

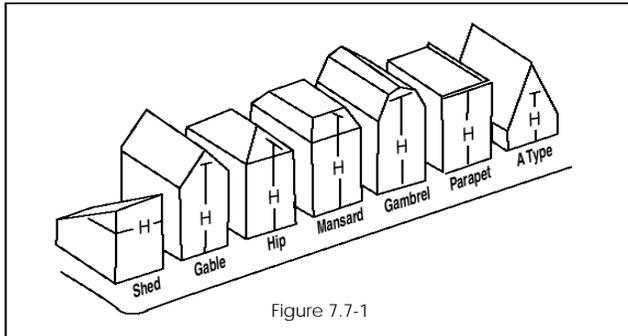


Figure 7.7-1

E. Height of Ancillary Structures

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

F. Exceptions to Height Restrictions.

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

G. Height Transitions.

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

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TABLE 7.6.2 A - DENSITY AND DIMENSIONAL STANDARDS

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

NOTES:

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

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TABLE 7.6.2 B. - SETBACKS

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

NOTES:

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

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7.7.2 SUBDIVISION DESIGN

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

A. Block Elements

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

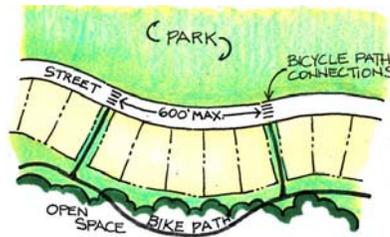


Figure 7.7-3

B. Residential Collector Street

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

C. Subdivision Entries

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

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2. A description of and design specifications for proposed entranceway features shall be provided at the time of submission of the preliminary plat. Maintenance of the subdivision entry features shall be provided by a homeowners association and the applicant shall provide documentation establishing legal and financial responsibility for all entryway features in a form approved by the City Attorney. Additional right-of-way may be required to accommodate entranceway features. The design and location of proposed features within or adjacent to public street rights-of-way shall be approved by the City Council and/or NCDOD, as applicable.
3. All subdivisions entries shall include ground-mounted signs constructed of brick, rock or other textured masonry.

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

7.7.4 SITE ELEMENTS

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

A. Front Yard Fences

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

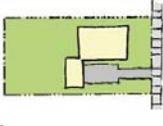
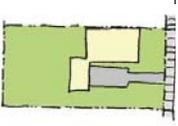
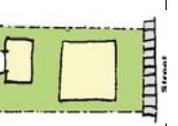
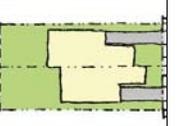
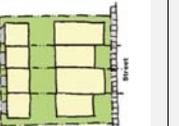
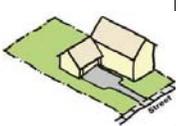
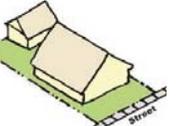
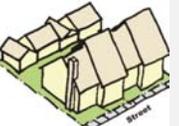
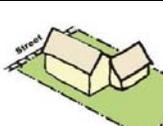
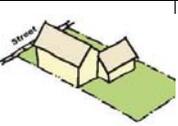
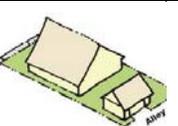
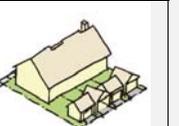
B. Front Yard Trees

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

~~C. Interior and Street Side Setbacks~~

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

Figure 7.7.5: Illustration Showing Housing Types

Single Family Detached	Zero Lot Line House	Alley-Loaded House	Duplex	Triplex, Townhouse
A dwelling unit located on a single lot with yards on each side	A dwelling unit located on a single lot with private yards on three sides. The house has only a single side yard comprising the equivalent of the two side yards of a single family detached house.	A dwelling unit located on a single lot with private yards on all four sides. The house is set much closer to the street than a single family detached house, and alley access is required.	Two attached single family units located on two lots that share a common wall along the lot line, providing for fee simple ownership.	Three or more attached units where the units are lined up in a row and share side walls. Access to garages is from the rear.
PLAN VIEW				
				
FRONT VIEW				
				
REAR VIEW				
				

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

A.1. Zero Lot Line houses approved through the PRD, PUD, conditional zoning or cluster subdivision process, shall include at least one single

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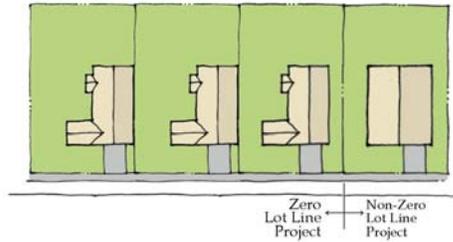
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side yard ~~shall be provided~~. This reduction shall not be allowed for the ~~front street~~ yard on a corner lot or for the side yard adjacent to lots developed with other housing types. (See Figure 7.7-5.)

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Figure 7.7-6: Illustration Showing Zero Lot Line Yards



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

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~~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.

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E. Special Standards for an Alley-Loaded House

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

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

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

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

- ~~1. Side yards are not required for interior townhouses, but street and rear yards shall be provided, and building separation requirements shall be maintained for all townhouse structures.~~
- ~~2. The maximum number of units allowed in a single building is eight (8).~~
- ~~3. Rear loaded townhouses are encouraged.~~
- ~~4. Minimum lot width for townhouses with front loaded garages shall be twice the width of the garage. Minimum lot width for townhouses with rear loaded garages shall be 20 feet.~~
- ~~2-5. Minimum front setbacks for townhouses with front loaded garages shall be 20 feet provided that the garage entry is located at least 2524 feet from the front property line. Minimum front setbacks for townhouses with rear loaded garages shall be 10 feet.~~
- ~~6. Townhouse structures shall be subject to the multi-family design standards in section 7.8.18, C.F.~~

G. Special Standards for Duplex Lots

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

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

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

I. Special Standards for Cluster Subdivisions

The City may approve subdivisions subject to PRD or PUD 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.

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

7.8 STANDARDS FOR MULTI-FAMILY DEVELOPMENTS

7.8.1. PURPOSE

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

- ~~8A.~~ provide design flexibility that fosters creative integration of buildings and common areas and discourages homogenous building design;
- ~~9B.~~ accommodate affordable housing for current and future residents of the City;
- ~~10C.~~ protect the health, safety and general welfare of the general public and occupants of the units;
- ~~11D.~~ protect the property values of surrounding dwelling units;
- E. retain open spaces to protect the environment and provide opportunities for passive and active recreation or residents;
- ~~12F.~~ promote a pedestrian-friendly, walkable streetscape; and
- G. provide for aesthetically pleasing development patterns; and

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

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

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7.8.2. APPLICABILITY

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

7.8.8. PEDESTRIAN FACILITIES

A. Sidewalks Required

- 1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not

limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in the *Manual*.

2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets, which provide access 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 Director of Traffic Engineering. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Concord Traffic Engineer and the North Carolina Department of Transportation (NCDOT).

B. Bus Shelter Required

A bus shelter is required for multi-family development unless the school board system and Concord-Kannapolis Area Transit document in writing that a shelter is not needed. The shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off of children 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.

7.8.10. BUILDING DESIGN

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

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

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

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7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS

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

TABLE 7.8.17 - Multifamily Dimensional Standards-

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

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

7.8.18. MULTI-FAMILY BUILDING STANDARDS

A. Building Length. In attached multi-family projects, buildings longer shall not exceed 160 feet in length. Building facades should be broken up to give the appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms shall be avoided.

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;

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- b. Composite Engineered fiber cement board, wood, as a primary and/or accent material;
 - c. Brick, as primary or accent material;
 - d. Split-faced block, as a primary and accent material;
 - e. Stacked stone, as an accent material;
 - f. Marble, travertine, or other related stone materials as accent materials; and
 - g. Unglazed tile as an accent and/or roofing material;
2. The following materials are prohibited:
- a. Metal or aluminum siding;
 - b. Unfinished concrete block, concrete tilt slab, and painted or white brick or block siding; and
 - c. Vinyl siding (note that vinyl may be used for soffit.
- E. Roofs. Gable, shed, and hip roofs or a mixture of roof types to create articulation and ridgelines is required to break up long roof lines. Large expanses or flat roofs, gambrel or mansard roofs, and A-frame roofs are prohibited.
- F. Windows and Doors.
- 1. Windows shall be rectangular or round headed with various forms.
 - 2. Arches, gateways, entry courts shall be used to shelter doorways.
 - 3. Windows shall be located to minimize views of the private outdoor space of adjacent units' patio areas.
 - 4. Appropriate openings include:
 - a. Bay windows
 - b. French doors
 - c. Multi-lighted windows
 - d. Rectangular windows
 - e. Clerestory windows
 - f. Round windows
 - g. "Greenhouse" windows
 - h. Wood, or simulated wood, single and double doors
 - 5. Windows and doors shall not include:
 - a. Silver or gold window frames;
 - b. Reflective glass;
 - c. Windows flush with wall surface;

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d. Glass doors; or

e. Non-anodized aluminum frame doors.

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

1. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.

2. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.

3. Exterior stairways should employ design features such as insets, reveals, decorative

4. tile, or stucco texturing, and decorative handrails.

5. The use of enclosed staircases is preferred over exterior staircases.

6. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile

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

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H. Additional Architectural Elements

1. All antennas shall be placed in attics or interior of the residence. Developments shall be pre-wired to accommodate cable or satellite reception.

2. Metal, canvas or vinyl awnings of solid accent colors are permitted in moderation.

3. Patio trellises, and other exterior structures may be built of stucco or wood or block, with finishes complying with the overall color palette for the project.

4. Chimneys as an architectural form shall be simple and project from main wall surfaces. Stone or tile accents and articulation details are encouraged.

5. Garage doors should appear to be set into the walls rather than flush with the exterior wall.

~~4-6.~~ Roof mounted mechanical equipment shall be screened from view in a manner consistent with the building façade.

~~2-7.~~ Ground mounted mechanical equipment shall be screened from view with landscaping or solid fencing.

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7.8.19. ACCESSORY STORAGE

Storage structures:

- 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 not encompass more than 200 square feet of floor area per dwelling unit in the multi-family development in which they are located.
- G. For multi-family developments with 240 or more dwelling units, storage space or units with between of at least 100 and 200 square feet per dwelling unit shall be required.

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7.9 CENTER CITY (CC) DESIGN STANDARDS

7.9.1 PURPOSE

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

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

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

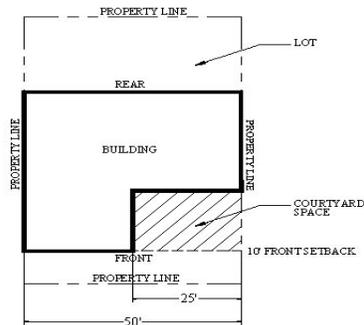
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Figure 7.9-1.) For corner lots, this provision may be used to create a corner public space.

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.

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7.9.4 GENERAL DESIGN STANDARDS

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

- A. The first floor (street level) of any new multi-story building shall be devoted to retail, commercial, and service uses, as listed in Section 7.6. Such buildings shall include said uses along not less than 50 percent of its street frontage. Residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.
- B. No "auto-oriented" use(s) as defined herein and allowed in the City Center district listed pursuant to Table 8.1.8 shall be located within 400 feet of another auto-oriented use, as measured from the exterior boundaries of the buildings, or not more than one shall be located along any single block frontage, which-ever is less.
- C. Accessory structures, additions, remodels and rehabilitation projects shall be designed and constructed using the same general form and materials as the principal building, provided that the principal building is architecturally consistent with the general character of the CC District. For the purposes of this ordinance, brick and/or brick with stucco is considered the general character of the buildings in the Center City.
- D. The design requirements of this section apply to all building walls that are visible from any public right-of-way.
- E. The preferred wall material for structures in the CC district is brick or predominantly brick colored material that is complementary to surrounding structures. The administrator may waive the brick requirements based on certain circumstances included, but not limited to:
 - 1. Stucco may be approved to cover damaged or deteriorated brick.
 - 2. Structural wood may be used as decorative elements as trim, in windows or on doors.Any waivers beyond the authority of the Administrator shall be subject to approval by the Planning and Zoning Commission.
- F. ~~Under no circumstances shall metal siding, unfinished concrete block, precast concrete or split-faced block, or vinyl siding shall not~~ be allowed for any

building surface unless the Administrator determines that the materials result in a superior design to otherwise allowed materials and the resulting development is compatible with abutting development. The burden of proof relative to superior design and compatibility shall rest with the applicant. Split-faced block may be used as an accent material so long as it does not cover more than 20 percent of the total building surfaces, and vinyl siding may be allowed as soffit material.

- G. The first floors of all buildings shall be designed to encourage and to complement pedestrian-scale activity by the use of windows and doors arranged so that the uses are visible from and/or accessible to the street on not less than 50 percent of the length of the first floor street frontage. Not less than 50 percent of the length and 25 percent of the surface of the primary structure(s) shall be in public entrances or windows (including retail display windows). Where windows are used, they shall be transparent. Solid walls shall not exceed 20 feet in length. All street level retail uses with sidewalk frontage shall be furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- H. Window glass shall be recessed a minimum of two (2) inches from the building face rather than flush. Aluminum colored windows or door frames are not permitted. Metal and/or aluminum window or door frames are permitted if trimmed in such a way as to give the appearance of wood. Synthetic material that gives the appearance of wood (i.e. Fiberglass with a wood grain pattern) is permitted. All materials shall be identified on the architectural drawings submitted for review.
- I. Glass surfaces must be transparent or lightly tinted, allowing views from habitable areas within the building to the street or property line, and allowing passers-by a view into the habitable area of the building. Shelves and/or fixtures shall not obstruct the view to the interior of the building. Submitted plans shall clearly indicate the type of glass being used and its reflectivity index.
- J. Doors shall be recessed into the face of the building at least three feet (to provide a sense of entry and to add variety to the streetscape). An entryway shall not be less than one (1) square foot for each 1,000 square feet of floor area, and in all cases shall not be less than 15 square feet.
- K. Decorative fences such as those constructed of brick and wrought iron are allowed within the CC District. Screening fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable except around construction sites. Plywood, sheet metal, fiberglass or other such panel fences are also prohibited. Temporary plywood screening fences shall be allowed during construction.
- L. Canopies, awnings, and similar appurtenances may be constructed over the entrance to any building, and/or over windows subject to the following criteria:
 - 1. Such appurtenances shall be constructed of material designed to complement the streetscape.
 - 2. In no instance shall these appurtenances utilize internal illuminated backlights in their design or mounting.

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3. Awnings shall be made of canvas or treated fabric/canvas material. Awnings may also be made of metal with the following conditions:

~~Article 7.a.~~ Any awning on a pivotal or contributing historic property in a National Register District or on any property individually listed on the National Register must be consistent with the Secretary of the Interior's Standards.

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~~1.b.~~ Vinyl or Plexiglas awnings are not permitted.

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~~2.c.~~ An encroachment agreement is required for awnings or signs that hang over the public rights-of-way.

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~~d. M.~~ Any such appurtenance may extend from the building to up to 80 percent of the width of the sidewalk area in front of the building or nine (9) feet, whichever is less, subject to any encroachment permit which may be required by the North Carolina Department of Transportation, or the City. In addition, the property owner shall carry liability insurance in the amount of \$500,000. The City Attorney's office may ask for verification of this coverage when reviewing encroachment permits.

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~~e. N.~~ Such appurtenances shall be self-supporting. In no case shall supports for such appurtenances extend to the sidewalk and/or ground within the public right of way.

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

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

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

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

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

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

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

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

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

~~Article 10. An Open Flags application shall be submitted to the Concord Downtown Development Corporation (CDDC). The flags and corresponding~~

~~hardware shall be issued to the applicant, subject to review and approval of the application by the CDDC.~~

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

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7.9.6 PARKING CRITERIA

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

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

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

7.10.1 PURPOSE AND SCOPE

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

attract quality jobs and businesses), and implement the goals and polices of the Concord Land Use Plan.

7.10.2 APPLICABILITY

D. New Construction

This Section applies to all new construction ~~on in~~ O-I, B-1, C-1, and C-2, + 1 and + 2 properties districts. In addition to all other regulations within this Ordinance, sites and buildings within the O-I, B-1, C-1, and C-2, + 1, and + 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 he proposed deviation results in a superior design that better achieves the CC district purposes.

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

E. Additions to Existing Development

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

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

F. Redevelopment

1. Small Projects. For redevelopment or remodeling projects involving buildings with less than 5,000 square feet of gross floor area, projects costing 25 percent or more of assessed value shall be required to comply with the City's sidewalk requirements. No more than one project in a 365-day period, on the subject property shall be permissible. For redevelopment or remodeling projects involving buildings with 5,000 square feet or more of gross floor area, projects

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costing 25 percent or more of assessed value shall be required to comply with City requirements for sidewalks, curbs and gutters.

2. Large Projects. For redevelopment or remodeling projects costing more than 50 percent of assessed value, all of the provisions of section 7.10 shall apply except that existing nonconformities due to existing rooflines and the existing locations of walls and parking areas may be retained.
3. Assessed Values. Assessed values shall be the assessed building values in the Cabarrus County tax records.
4. Improvement Values. Improvement values shall be the building permit improvement cost estimates as determined by Cabarrus County.

7.10.8 KEY DESIGN CONSIDERATIONS

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

A. Compatibility

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

B. Proportions

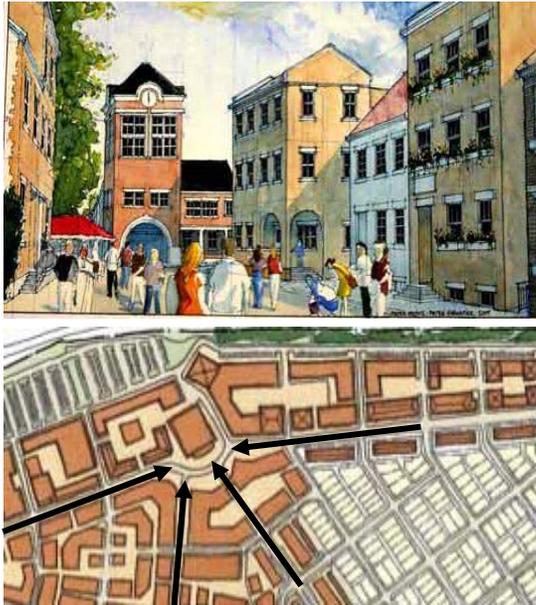
Windows, doors, columns, piers, projections, ribs, awnings, cornices, parapets, eaves, and other building components shall be proportional to the overall scale of the building. Windows should be greater in height than width, unless otherwise required by a specific design feature or architectural style.

C. Termination of Vistas

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

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Figure 7.10-1: Termination of Vistas



~~7.10.9 REQUIRED DESIGN ELEMENTS~~

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

~~7.10.9 7.10.10 BUILDING AND SITE DESIGN STANDARDS~~

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

J. Design Elements

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

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

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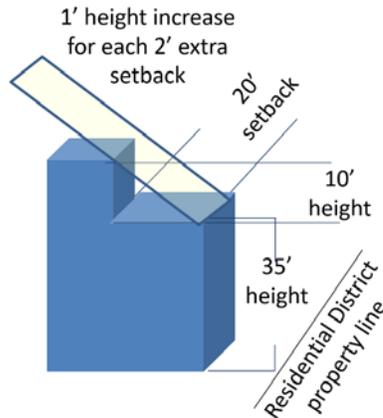
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K. Height Transitions

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



7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS

7.11.1. PURPOSE AND SCOPE

The purpose of this Section is to improve the overall design and appearance of industrial buildings and property. Specifically, these standards are intended to enhance community aesthetics (through the use of quality building design, landscaping, and signage), maintain and strengthen property values, promote Concord as a high quality community (by creating developments that attract quality jobs and businesses), and implement the goals and 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. In addition to all other regulations within this Ordinance, sites and buildings within the I-1, and I-2 zoning districts are regulated in accordance with specific standards as listed below. The Administrator, or his designee, may waive allow modifications to individual requirements of this Section on a case-by-case basis for buildings not fronting on a major or minor thoroughfare or infill development upon finding that the purposes of this section are achieved and the waiver modification results in a project of equal or better design quality. The burden of proof relative to design quality shall rest with the applicant.

B. Additions to Existing Development

Additional construction that is 25 percent or less of the floor area of the existing building shall be subject only to the building setbacks and minimum parking standards. If additional parking is required, parking lot yard landscaping shall be required as set forth is Article 10.

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

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C. Redevelopment

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

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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.

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7.11.4. ELECTRICAL AND SERVICE EQUIPMENT

HVAC and similar types of incidental machinery or equipment 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.

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7.11.5. ARCHITECTURAL PLANS

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

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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.

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7.11.6. APPROVALS

The Administrator shall review and decide on all site plans for industrial development. The Administrator may grant relief from 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.

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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.

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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.

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7.11.9. BUILDING AND SITE DESIGN STANDARDS

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

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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.)

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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.

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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.

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D. Sidewalks

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

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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.

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F. Exterior Materials

Exterior building materials shall 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 or on walls not visible from an existing or

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planned public street or an adjacent parcel located outside the industrial development in which the building is located, and cumulatively may not exceed 20 percent of the area of any individual exterior wall visible from a public street or adjacent development. The applicant shall document through photo or photo simulations that areas using alternative materials are not visible from public streets or adjacent developments. The burden of proof in justifying alternative materials shall rest with the applicant. When two (2) or more materials are used on an exterior wall, the heavier material (e.g., brick) shall be placed below the lighter material (e.g., stucco). All windows and doors at the ground floor level on any retail building shall be transparent.

G. 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.)

H. 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.

I. Design Elements

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

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

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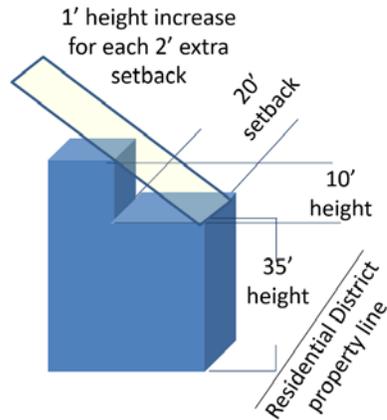
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J. Height Transitions

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



ARTICLE 8: USE REGULATIONS

8.1.3. USE TABLE

[insert revised use table here]

8.3.3 RESIDENTIAL USES

D. Temporary Family Health Care Structures

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

- 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.
- 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

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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. Formatted: Font: Trebuchet MS, Not Bold
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. Formatted: Font: Trebuchet MS, Not Bold
5. Temporary family health care structures shall not be installed on a permanent foundation. Formatted: Font: Trebuchet MS, Not Bold
6. Temporary family health care structures shall be subject to applicable building codes. Formatted: Font: Trebuchet MS, Not Bold
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. Formatted: Font: Trebuchet MS, Not Bold
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot. Formatted: Font: Trebuchet MS, Not Bold
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. Formatted: Font: Trebuchet MS, Not Bold
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. Formatted: Font: Trebuchet MS, Not Bold
11. The following shall be submitted to the City with any application for a temporary family health care structure: Formatted: Font: Trebuchet MS, Not Bold
 - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant. Formatted: Font: Trebuchet MS
 - 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. Formatted: Font: Trebuchet MS
 - 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: Formatted: Font: Trebuchet MS
 - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein. Formatted: Font: Trebuchet MS, 11 pt
 - (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. Formatted: Font: Trebuchet MS, 11 pt

- (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 State Law.

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8.3.5 COMMERCIAL USES

Q. Temporary food trucks

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

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

2. ~~2.~~ TIME LIMITATIONS

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

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R. Commercial Uses in RV and RC districts

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

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- 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.

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ARTICLE 9: SPECIAL PURPOSE AND OVERLAY DISTRICTS

9.3.14 DESIGN STANDARDS AND GUIDELINES

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

A. Blocks, Buildings, and Street Networks

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

1. A block structure that reflects a walkable arrangement and positioning of uses.
2. Building placement, orientation, and design to enhance the pedestrian environment and streetscape within that structure.
3. Internal street patterns that defines block edges, create continuous pedestrian connections, and integrate pedestrian travel with other modes of transportation.

B. Block Design

Standards

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



Figure 9.3-7 - Example of an acceptable block pattern

9.11.3 Development Types and Processing Procedures

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

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

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9.11.4 Procedures for LID Approvals

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

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

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

9.11.5 Zoning Map Designation

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

9.11.8 Specific Requirements

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

A. Stormwater Analysis

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

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

Hydrologic Fate	
Evapotranspiration	69%
Infiltration	29%
Runoff	3%

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

B. Compliance with NPDES Phase II Permit

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

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

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CONSERVATION SUBDIVISIONS (CS) DISTRICT.

Intent.

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

Purposes.

This ordinance is adopted for the following purposes:

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

Applicability and Compliance.

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

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~~Definitions~~

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

~~Common open space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures but may contain historic structures and archaeological sites including Native American mounds, and/or such recreational facilities for residents or drainage fields as indicated on the approved development plan.~~

~~Conservation easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.~~

~~Conservation subdivision. A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible, illustrated in Figure 9.13-2.~~

~~Development envelopes. Areas within which grading, lawns, pavement and buildings will be located.~~

~~Gross acreage. The total area of a parcel prior to creation of the conservation subdivision.~~

~~Homeowners association. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.~~

~~Nonprofit conservation organization. Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.~~

~~Application Procedure and Approval Process~~

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

~~Step 1: Meet with the Planning Director (may be combined with site visit)~~

~~Step 2: Inventory and mapping of existing resources for the site, including the identification of primary and secondary conservation areas~~

~~Step 3: Calculate development potential based on the applicable density~~

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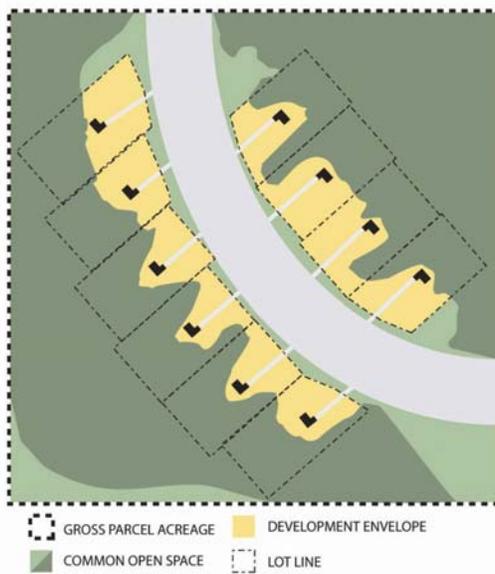
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Step 4: Prepare a concept map of the conservation subdivision for staff review and recommendations

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

Figure 9.13-1: Conservation Subdivisions: Definitions

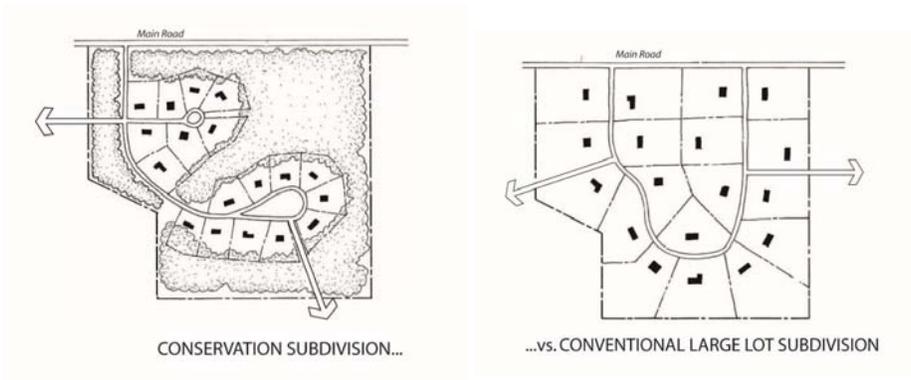


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Figure 9.13 2: Conservation Subdivisions: Design



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Initial Conference.

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

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

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

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ground. The inventory shall include comments on the health and condition of the vegetation.

— Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.

— Known critical habitat areas for rare, threatened or endangered species.

— Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.

— Unique geological resources, such as rock outcrops.

— Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing local, state and national inventories for historic buildings, archaeological sites, and burial sites.

— Site analysis and concept plan. Using the inventory provided in subsection and applying the design standards specified in of this ordinance, the subdividor shall submit a concept plan and site analysis on one or more sheets that shall include at least the following information at a scale of no less than one inch to fifty (50) feet and shall be reviewed in accordance with City subdivision regulations for sketch plans:

— Open space areas indicating which areas are to remain undeveloped and trail location.

— Boundaries of areas to be developed and proposed general street and lot layout.

— Number and type (e.g., single family detached, town home, etc) of housing units proposed.

— Proposed methods for and location of water supply, stormwater management, water quality and sewage treatment.

— Inventory of preserved and disturbed natural features and prominent views.

— Preliminary building envelopes showing areas for lawns, pavement, buildings.

— Proposed methods for ownership and management of open space.

— General location map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

— Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdividor.

— Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.

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

~~— Subdivision Design Features:~~

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

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

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

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

Requirements for Design and Improvements.

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

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

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

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

Performance Standards

General

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

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compliance with City stormwater management and water quality standards.

Residential Lot Requirements

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

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Figure 9.13-3: Conservation Subdivision Standards: Stormwater Management

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Residential Siting Standards

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

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

Residences shall be located and designed to achieve the following goals, to the extent practicable:

Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.

Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.

Prevent downstream impacts due to runoff through adequate on-site storm water management practices.

Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.

Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

Landscaping around residential areas may be necessary to reduce off-site views of residences.

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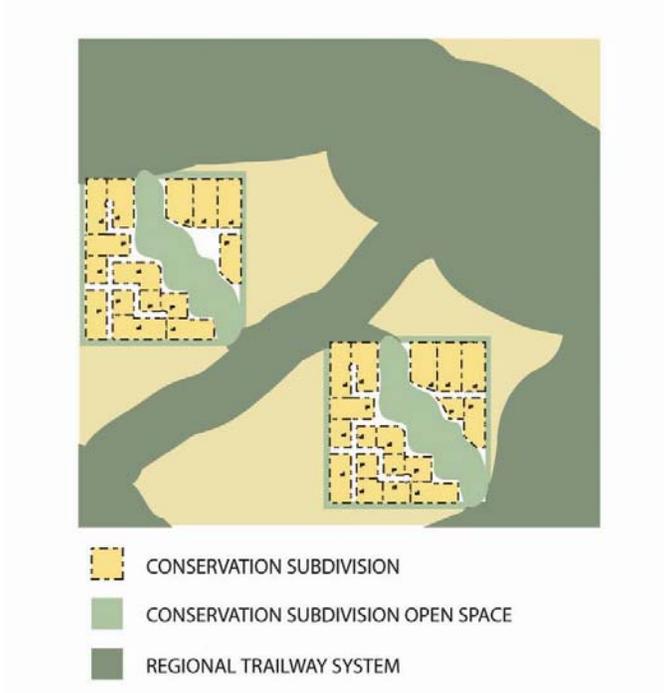
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Figure 9.13.4: Conservation Subdivision Standards: Open Space Connectivity



Density determination within the Conservation Subdivision District.

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

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Table 9.13 1: Open Space Sliding Scale

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

Table Notes:

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

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

Sewage and Water Facilities

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

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

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

Ownership and Maintenance of Open Space and Common Facilities

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

A homeowners' association.

A non-profit conservation organization.

Public dedication to the City

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

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

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

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

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

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

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

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

Management Plan.

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

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

~~The plan shall do the following:~~

- ~~— Designate the ownership of the open space and common facilities.~~
- ~~— Establish necessary regular and periodic operation and maintenance responsibilities.~~
- ~~— Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on going basis.~~
- ~~— Include a land stewardship plan specifically focusing on the long term management of common open space lands, and describing:~~
 - ~~— Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.~~
 - ~~— The proposed end state for each common open space area; and the measures proposed for achieving the end state.~~
 - ~~— Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.~~
 - ~~— The operations needed for maintaining the stability of the resources, including: stormwater management facilities; mowing schedules; weed control; planting schedules; clearing and cleanup; at the City's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.~~

~~In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Section, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The City may enter the premises and take corrective action.~~

~~Management plans can be amended by the owner with the approval of the City.~~

ARTICLE 10: DEVELOPMENT AND DESIGN STANDARDS

10.1.3. Blocks

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

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

Table 10.1-1 Block Length Requirements

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

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.](#)

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10.2. Street Improvement Standards

10.2.1. Purpose

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

10.2.2. Street Classification System

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

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

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

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10.2.4. Public Streets

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

10.2.5. Private Streets

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

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

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

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

10.2.6. Street Connectivity Requirements

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

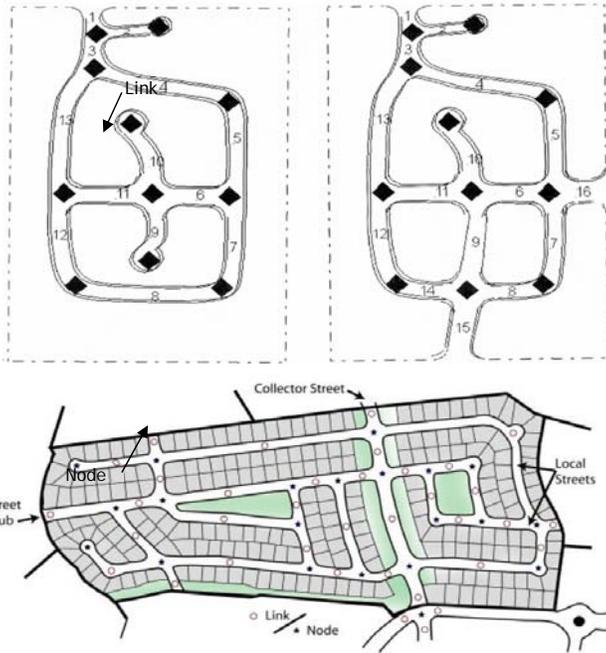
Figure 10.2-1 Examples of Street Connectivity Ratio as applied

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

Example 1: Subdivision that does not meet the Ratio (~~437~~ links/~~448~~ nodes = ~~1.180.88~~ ratio) Example 2: Same development modified to meet Ratio (~~4614~~ links/~~447~~ nodes = ~~1.452.00~~



Example 3: Meets Ratio
 $\frac{3328 \text{ links}}{417 \text{ nodes}} = 1.65 \text{ ratio}$



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

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

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

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