

**CITY OF CONCORD PLANNING & ZONING COMMISSION**  
**Meeting Agenda**  
**Tuesday, June 18, 2024, at 6:00 PM**  
**City Hall Council Chambers - 35 Cabarrus Avenue West**

- I. CALL TO ORDER - Chair**
- II. CHANGES TO THE AGENDA**
- III. APPROVAL OF THE MINUTES - *Motion, second, and vote needed.***
- IV. OLD BUSINESS**
- V. NEW BUSINESS**

**1. Z(CD)-23-23 (Legislative Hearing)**

**Rick Meeks** has submitted a Zoning Map Amendment application for +/- 2.443 acres of property located at 200, 202, 206 Winecoff Rd from C-2 (General Commercial) to I-1-CD (Light Industrial – Conditional District). PIN 5612-82-5157.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Recommend Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Recommend Zoning and LUP Amendment by Motion - *Motion, second, and vote needed.*

**2. Z(CD)-24-23 (Legislative Hearing)**

**Trey Davis** has submitted a Zoning Map Amendment application for +/- 7.329 acres of property located at 1108 Warren C. Coleman Blvd from RM-1 (Residential Medium Density) to I-1-CD (Light Industrial – Conditional District). PIN 5539-56-8697.

- a. Open Public Hearing by Motion - *Motion, second, and vote needed.*
- b. Staff Presentation
- c. Staff Recommendation
- d. Applicant's/Proponent's Testimony
- e. Opponent's Testimony
- f. Close Public Hearing by Motion - *Motion, second, and vote needed.*
- g. Approve Statement of Consistency by Motion - *Motion, second, and vote needed.*
- h. Approve/Deny Zoning Amendment with by Motion - *Motion, second, and vote needed.*

**VI. PETITIONS AND REQUESTS – NO PUBLIC HEARING REQUIRED/PRESENTATIONS AND DISCUSSIONS**

**1. TA-07-24 (Article 4 – Flood Prevention Provisions)**

Consider text amendment to Article 4 the Concord Development Ordinance (CDO) to address and incorporate the terminology and definitions contained within FEMA's latest model ordinance.

- a. Staff Presentation
- b. Commission Guidance-- *Motion, second, and vote needed*

**VII. RECOGNITION OF PERSONS REQUESTING TO BE HEARD**

**VIII. MATTERS NOT ON THE AGENDA**

**IX. ADJOURNMENT**

PLEASE NOTE: IN ACCORDANCE WITH ADA REGULATIONS, ANYONE WHO NEEDS A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE PLANNING & NEIGHBORHOOD DEVELOPMENT DEPARTMENT AT 704-920-5152 AT LEAST TWENTY-FOUR (24) HOURS PRIOR THE MEETING.



**DATE:** June 18, 2024

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

**ACCELA:** CN-RZC-2023-00017

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

**APPLICANT/OWNER:** Rick Meeks

**LOCATION:** 200, 202, 206 Winecoff School Rd.

**PIN#s:** 5612-82-5157

**AREA:** +/- 2.443 acres

**PREPARED BY:** Fred Womble, Senior Planner

**BACKGROUND**

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

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

**HISTORY**

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

**SUMMARY OF REQUEST**

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

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

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

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

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

**COMPLIANCE WITH 2030 LAND USE PLAN**

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

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

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

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

Policy Guidance:

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

*Objective 1.3:*

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

*Goal 4: Ensure compatibility between neighboring land uses.*

*Objective 4.2:*

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

**SUGGESTED STATEMENT OF CONSISTENCY**

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

OR

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

## **SUGGESTED CONDITIONS**

If approval is desired, staff recommends the following conditions:

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

## **PROCEDURAL CONSIDERATIONS**

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



**APPLICATIONS NOT COMPLETED BY THE PUBLISHED APPLICATION  
DEADLINE WILL NOT BE CONSIDERED.**

**Required Attachments / Submittals:**

- 1. Typed metes and bounds description of the property (or portion of property) in a Word document format.
- 2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.
- 3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, a plan drawn to scale (conditional district plan), and elevations if applicable submitted digitally.
- 4. If applicable, proof of a neighborhood meeting (signature page) or receipt from certified letters mailed to adjoining property owners if project increases density or intensity (See Section 3.2.3). Staff will provide further information on this requirement during the required pre-application meeting.
- 5. Money Received by \_\_\_\_\_ Date: \_\_\_\_\_  
 Check # \_\_\_\_\_ Amount: \$ 800.00 (Conditional) or \$600 (Conventional)  
 Cash: \_\_\_\_\_

*The application fee is nonrefundable.*



NORTH CAROLINA  
High Performance Living

Application for  
Zoning Map Amendment

(Please type or print)

Applicant Name, Address, Telephone Number and email address: rmeeles34@gmail.com  
Rick Meeks, 317 Sycamore Ridge Rd NE,  
Concord NC 28025, 704-796-8105

Owner Name, Address, Telephone Number: Roy D Mills Trust, Roy  
D. Mills Revocable Trust 7/13/97, 983 Roy Hartley Rd,  
Lexington, NC 27295, 704-425-0500

Project Location/Address: 200/202/206 Winceoff School Rd  
P.I.N.: 56128251570000

Area of Subject Property (acres or square feet): 2.53 acres

Lot Width: 599.3 Lot Depth: 152

Current Zoning Classification: C-2

Proposed Zoning Classification: I-1-CD

Existing Land Use: Vacant Land

Future Land Use Designation: Mini Storage + Boat/RV Storage

Surrounding Land Use: North Auto Repair + Duke Energy Sub Station South Manufacturing Facility  
East Hair Salon West Mini Storage

Reason for request: To allow mini-storage and boat/RV storage facility

Has a pre-application meeting been held with a staff member? yes

Staff member signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY**

(Please type or print)


1. List the Use(s) Proposed in the Project:

Mini Self Storage  
Boat/RV Storage

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.

  
\_\_\_\_\_  
Signature of Applicant                      Date

\_\_\_\_\_  
Signature of Owner(s)                      Date



**Certification**

*I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.*

Date: 9/25/23

Applicant Signature: [Signature]

Property Owner or Agent of the Property Owner Signature:  
\_\_\_\_\_

The parcel being requested for rezoning is:

Physical Address: 202 WINECOFF SCHOOL RD CONCORD NC 28027

- 206 WINECOFF SCHOOL RD CONCORD NC 28027
- 200 WINECOFF SCHOOL RD CONCORD NC 28027

PIN: 56128251570000

Property Real ID: 04-092 -0016.10

The metes and bounds description below was pulled from the deed. At some point, the parcels were reconfigured and the current property lines don't match the description below. An ALTA survey is being performed and an updated description will be submitted.

**FIRST TRACT:**

**BEGINNING** at an iron stake in the center of the old Concord-Kannapolis Highway, the Southeast corner of the Cabarrus Rescue Squad and runs thence with the center of said Highway South 15-26 East 164.9 feet to an iron stake in the center of said Highway; thence North 83 East 95.1 feet to an iron stake between the northbound and the southbound tracks of Southern Railway; thence a line between said northbound and southbound tracks South 12-27 East 225.2 feet to an iron stake, between said northbound and southbound tracks; thence crossing the old Concord-Kannapolis Highway South 82-41 West 238.5 feet to an iron stake by a water oak stump, corner of Harold L. Mills; thence with the line of Harold L. Mills South 4-04 East 179 feet to an iron stake in the center of Winecoff School Road, Southwest corner of said Mills; thence with the center of Winecoff School Road North 89-53 West 275.6 feet to an iron stake in the center of said road, a new corner; thence a new line North 6-52 West 419.7 feet to an iron stake, corner of B.L. Umberger Estate; thence with the line of said Umberger Estate North 7-03 West 60 feet to an iron stake, corner of said Umberger Estate; thence with the line of said Umberger Estate and the Cabarrus Rescue Squad North 75-06 East 384.7 feet to the **BEGINNING**, containing 4.71 acres as shown on survey by Walter L. Furr, Jr., Registered Land Surveyor, dated November 18, 1966.

**SECOND TRACT:**

**BEGINNING** at an iron stake in the center of Winecoff School Road, a new Corner (said iron stake has a bearing of North 89-53 West 275.6 feet from an iron stake in the center of said road, the Southwest corner of Harold L. Mills) and runs thence a new line North 6-52 West 419.7 feet to an iron stake, corner of B.L. Umberger Estate (said stake has a bearing of South 75-06 West 384.7 feet; thence South 7-03 East 60 feet from an iron stake in the center of the old Concord-Kannapolis Highway, the Southeast corner of the Cabarrus Rescue Squad), and runs thence with said Umberger Estate North 88-08 West 444.9 feet to an iron stake in the line of said Umberger Estate, a new corner; thence a new line South 20-35 East 498.8 feet to an iron stake in the center of Winecoff School Road, a new corner (said stake has a bearing of North 57-17 East 300 feet; thence North 63-49 East 100 feet from an iron stake in the center of said Winecoff School Road, corner of Flowe-Harris Presbyterian Church Property); thence with said Winecoff School Road three lines as follows: 1<sup>st</sup>, North 74-15 East 100 feet to an iron stake; 2<sup>nd</sup>, North 84-54 East 100 feet to an iron stake; and 3<sup>rd</sup>, South 89-53 East 123.7 feet to the **BEGINNING**, containing 4.05 acres, as shown on survey by Walter L. Furr, Jr., Registered Land Surveyor, dated November 18, 1966.

Subject, however, to all recorded and visible right of way.

For reference see Deed Book 370, Page 316 and Deed Book 1185, Page 120, Cabarrus County Registry.

The above-described tracts are identified as being all of parcel nos. 56128243660000 & 56128251570000 by the Cabarrus County Tax Department.

**Names and Addresses of Adjacent Property Owners:**

Account Name: U Lock DST

Mailing Address: PO BOX 71870 SALT LAKE CTY, UT 84171

Physical Address: 220 WINECOFF SCHOOL RD CONCORD NC 28027

Account Name: DUKE POWER COMPANY

Mailing Address: 400 S. TRYON ST ST22M CHARLOTTE, NC 28201

Physical Address: 2804 S MAIN ST CONCORD NC 28027

Account Name: JORDAN RICHARD A  
JORDAN VICKI S WF

Mailing Address: 1711 HIGHWAY 17 S UNIT 1024 SURFSIDE BCH, SC 29575

Physical Address: 2830 S MAIN ST CONCORD NC 28027

Account Name: KEITH HOOGLAND PARTNERSHIP

Mailing Address: 2701 W LAWRENCE AVE STE A SPRINGFIELD, IL 62704

Physical Address: 2920 S Main St, Concord, NC 28027

Account Name: LUCERO MIGUEL ANGEL MARTINEZ

LUCERO JUAN MANUEL MARTINEZ

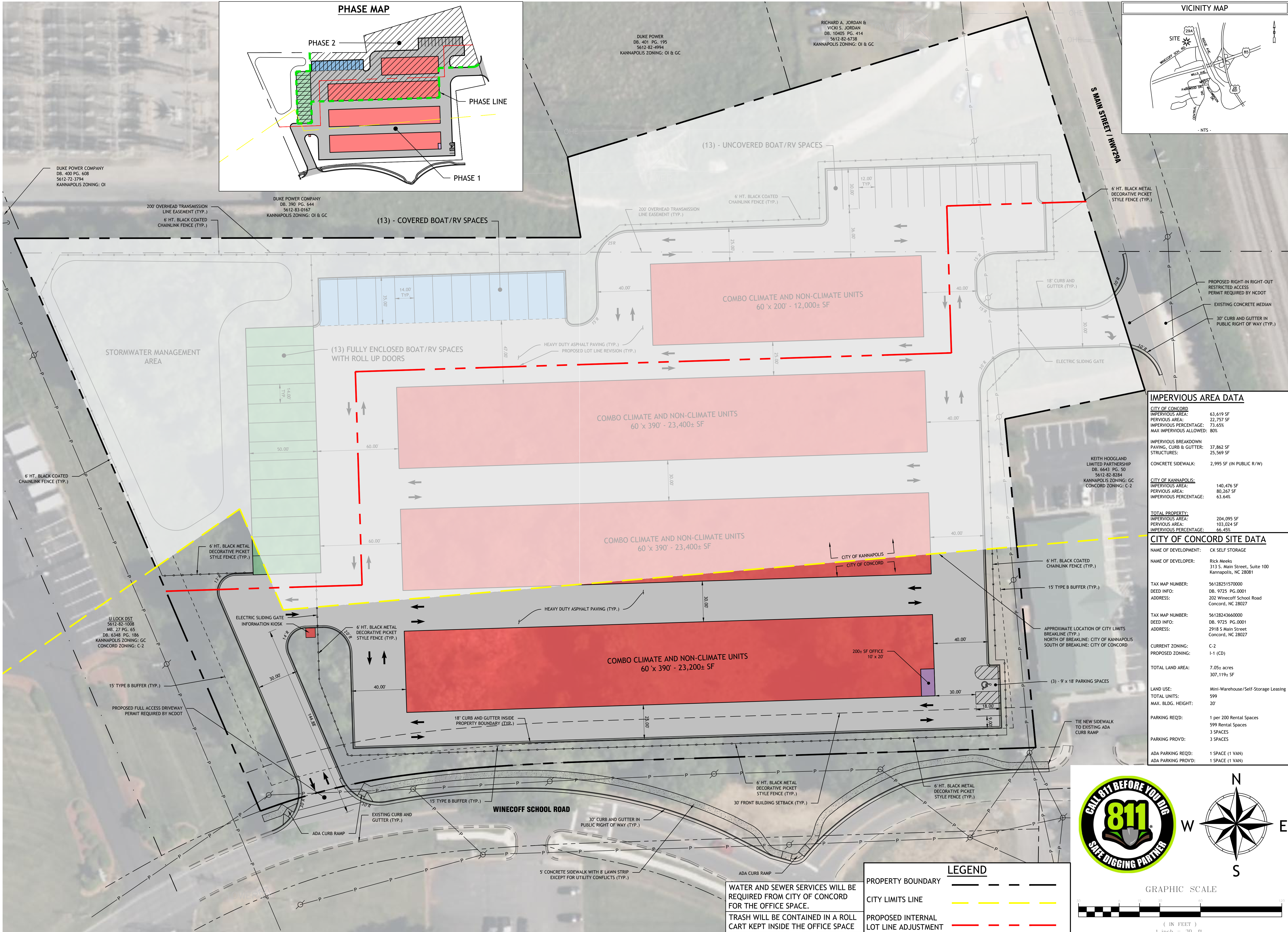
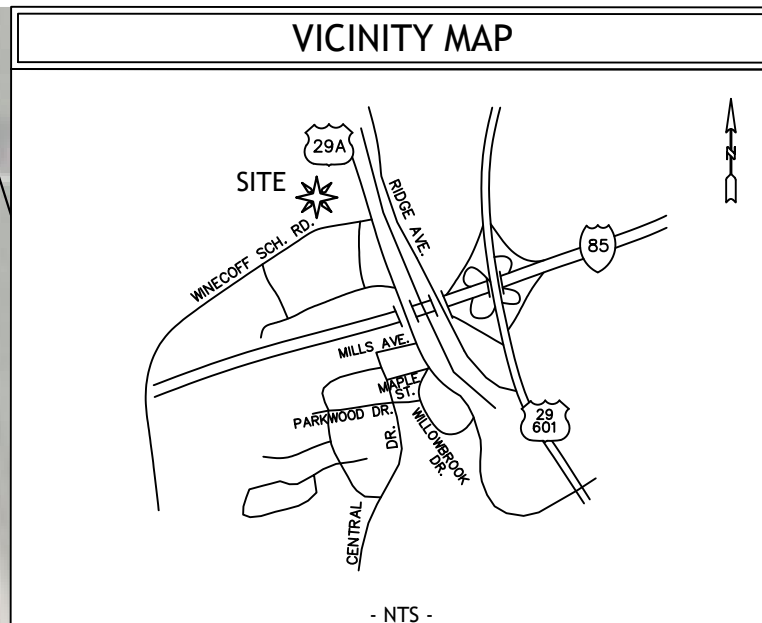
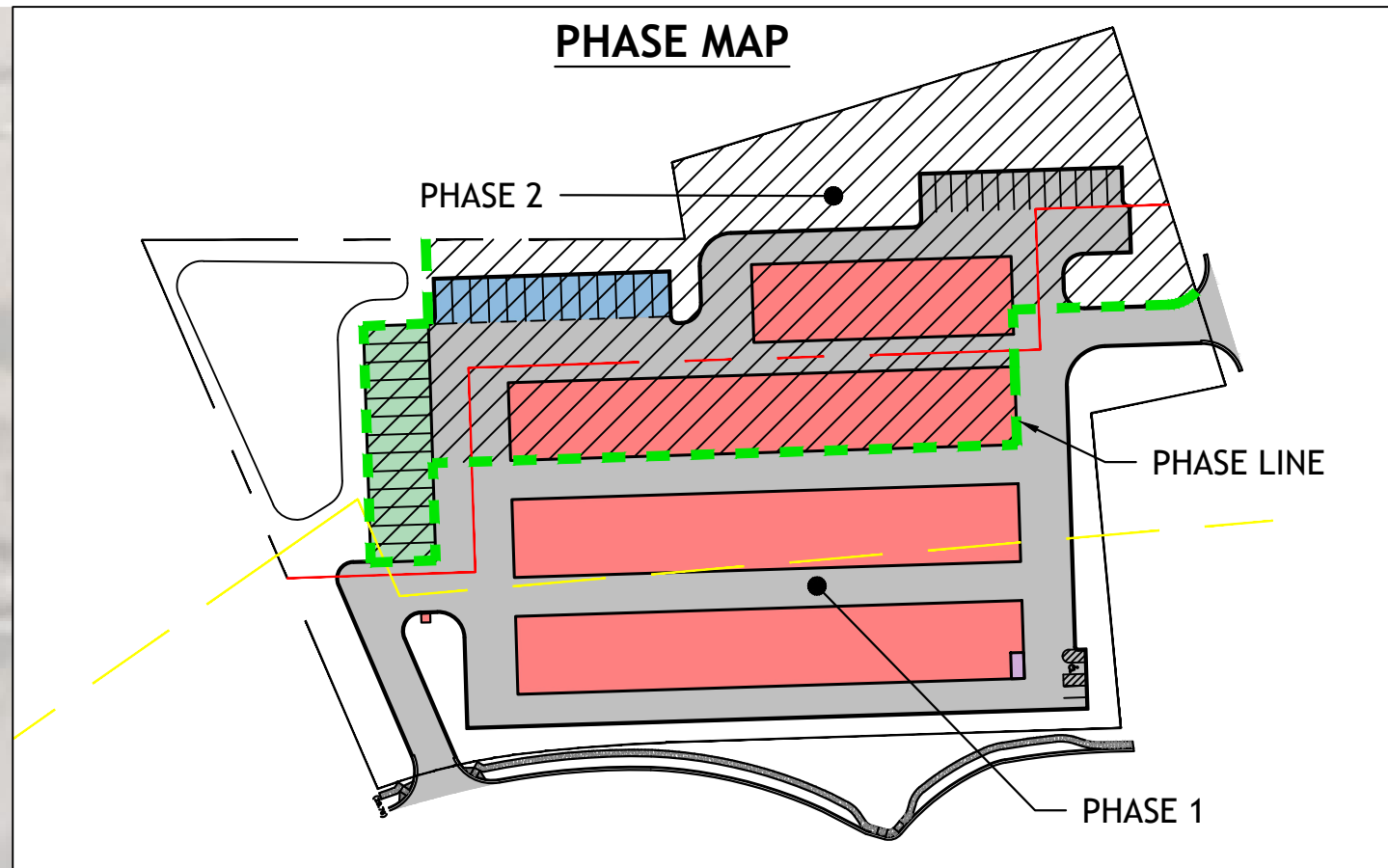
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Physical Address: 2831 S MAIN ST CONCORD NC 28027

Account Name: 3 G MANUFACTURING INC A NCC

Mailing Address: 201 WINECOFF SCHOOL RD CONCORD, NC 28027

Physical Address: 201 WINECOFF SCHOOL RD CONCORD NC 28027



**IMPERVIOUS AREA DATA**

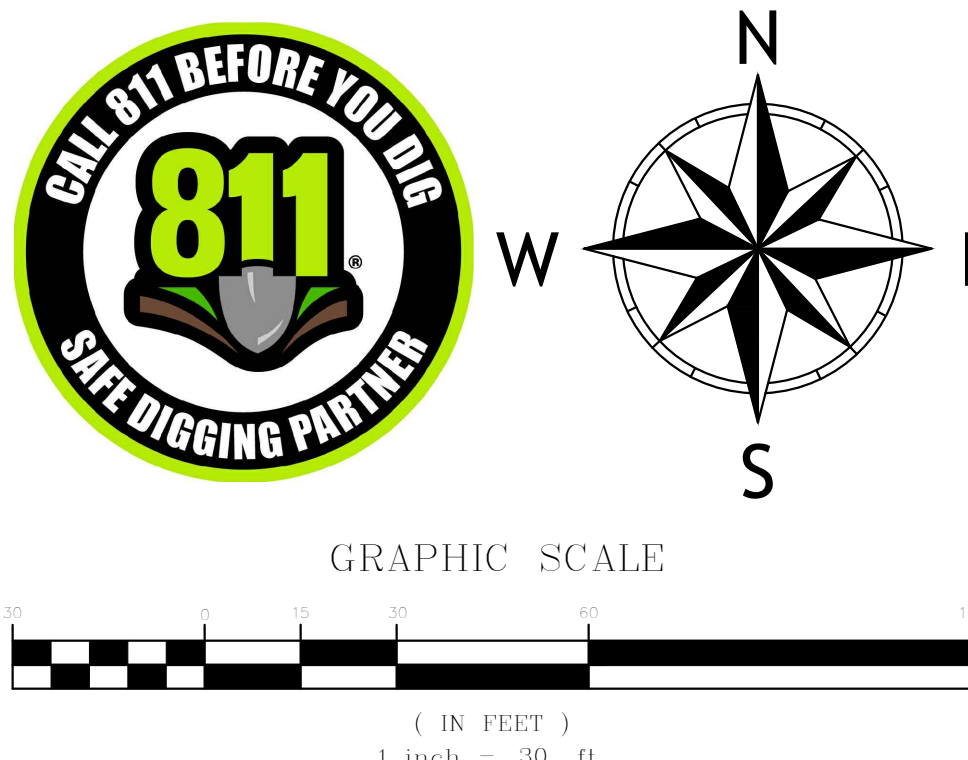
<b>CITY OF CONCORD</b>	
IMPERVIOUS AREA:	63,619 SF
PERVIOUS AREA:	22,757 SF
IMPERVIOUS PERCENTAGE:	73.65%
MAX IMPERVIOUS ALLOWED:	80%
<b>IMPERVIOUS BREAKDOWN</b>	
PAVING, CURB & GUTTER STRUCTURES:	37,862 SF
CONCRETE SIDEWALK:	2,995 SF (IN PUBLIC R/W)
<b>CITY OF KANNAPOLIS</b>	
IMPERVIOUS AREA:	140,476 SF
PERVIOUS AREA:	80,267 SF
IMPERVIOUS PERCENTAGE:	63.64%
<b>TOTAL PROPERTY:</b>	
IMPERVIOUS AREA:	204,095 SF
PERVIOUS AREA:	103,024 SF
IMPERVIOUS PERCENTAGE:	66.45%

**CITY OF CONCORD SITE DATA**

NAME OF DEVELOPMENT:	CK SELF STORAGE
NAME OF DEVELOPER:	Rick Meeks 313 S. Main Street, Suite 100 Kannapolis, NC 28081
TAX MAP NUMBER:	56128251570000
DEED INFO:	DB: 9725 PG: 0001
ADDRESS:	202 Winecoff School Road Concord, NC 28027
TAX MAP NUMBER:	56128243660000
DEED INFO:	DB: 9725 PG: 0001
ADDRESS:	2918 S Main Street Concord, NC 28027
CURRENT ZONING:	C-2
PROPOSED ZONING:	I-1 (CD)
TOTAL LAND AREA:	7.05± acres 307,119± SF
LAND USE:	Mini-Warehouse/Self-Storage Leasing
TOTAL UNITS:	599
MAX. BLDG. HEIGHT:	20'
PARKING REQD:	1 per 200 Rental Spaces 599 Rental Spaces 3 SPACES
PARKING PROVIDED:	3 SPACES
ADA PARKING REQD:	1 SPACE (1 VAN)
ADA PARKING PROVIDED:	1 SPACE (1 VAN)

**LEGEND**

PROPERTY BOUNDARY	---
CITY LIMITS LINE	---
PROPOSED INTERNAL LOT LINE ADJUSTMENT	---



WATER AND SEWER SERVICES WILL BE REQUIRED FROM CITY OF CONCORD FOR THE OFFICE SPACE.  
TRASH WILL BE CONTAINED IN A ROLL CART KEPT INSIDE THE OFFICE SPACE

Project Number: ----  
DWG Name: Main and Winecoff SP-9.dwg  
Drawing Scale: AS NOTED  
Date of Project: ----  
Engineer of Record:  
Christopher L. Price, P.E.  
North Carolina PE# 029755

**bluewater**  
civil design  
bluewater.civil.design, llc  
718 Lowmides Hill Road • Greenville, SC 29607  
www.bluewatercivil.com • info@bluewatercivil.com

Certificates of Authorization:  
SC C04212 - GA PEF005865  
NC P0868 - AL CA4065E

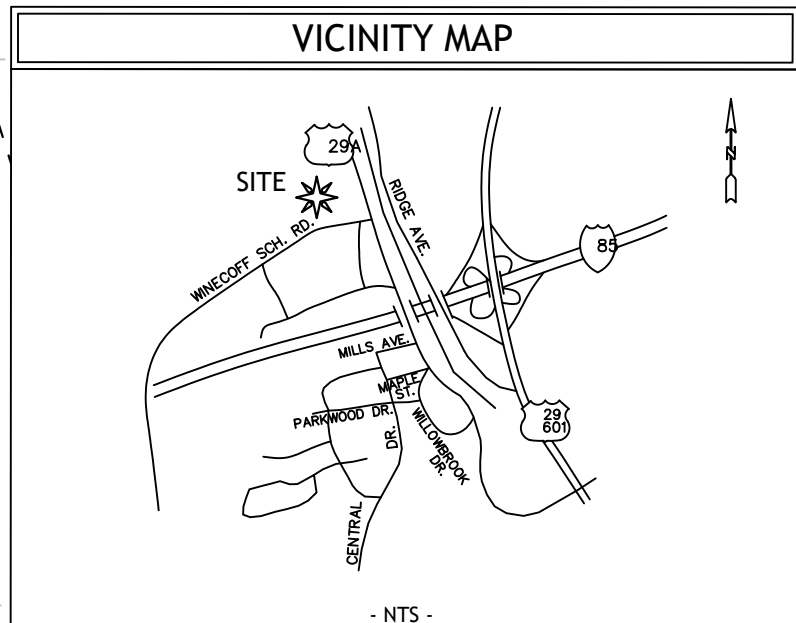
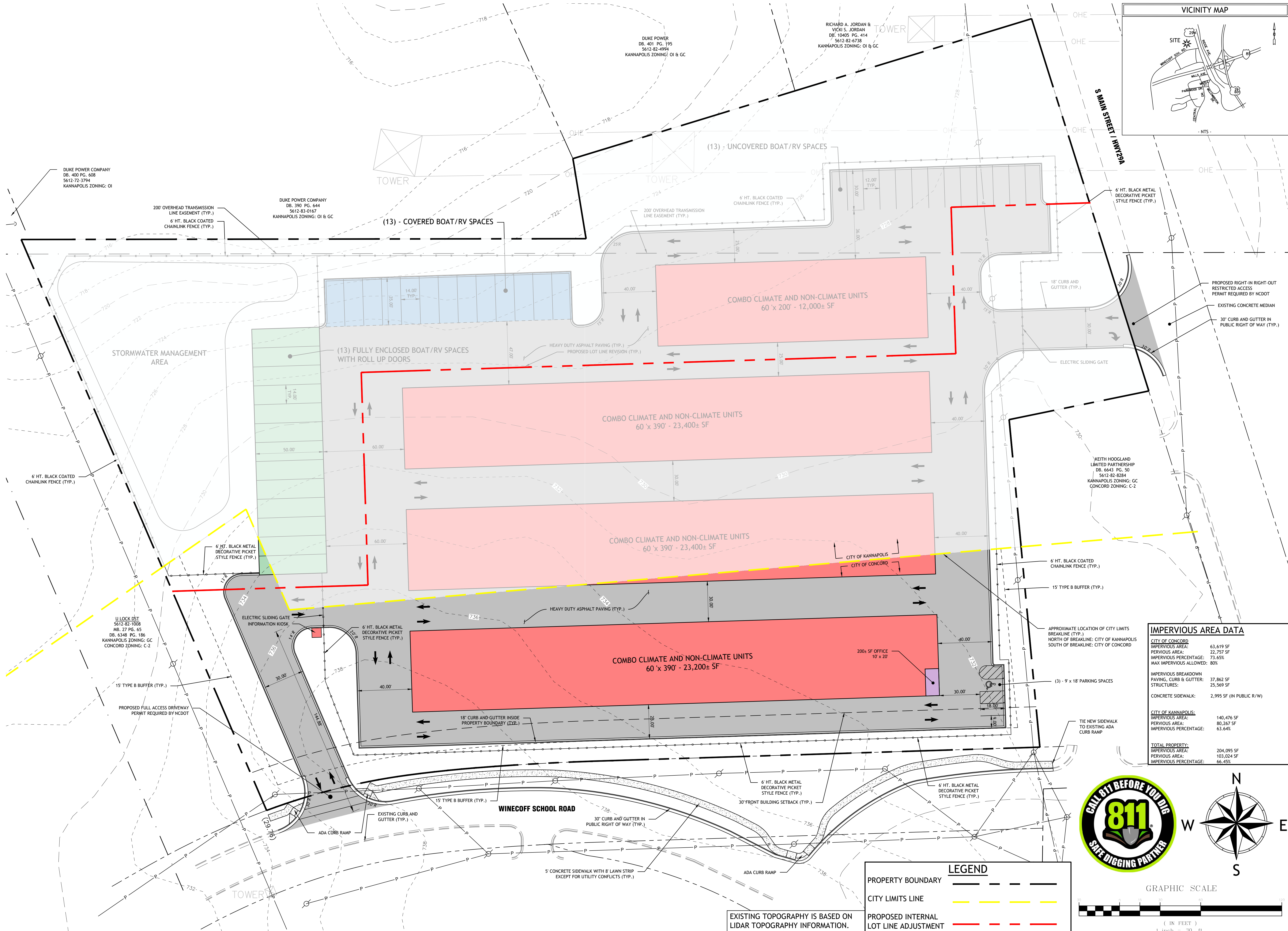
Developer:  
Rick Meeks  
313 S. Main Street, Suite 100  
Kannapolis, NC 28081

**CK SELF STORAGE**  
202 Winecoff School Road, Concord, NC  
2918 S Main Street, Concord, NC

PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	06-16-2023	ISSUED FOR REVIEW
B	02-06-2024	REVISED PER CONCORD COMMENTS

PRELIMINARY SITE PLAN

**SP-9**



**IMPERVIOUS AREA DATA**

<b>CITY OF CONCORD</b>	IMPERVIOUS AREA:	63,619 SF
	PERVIOUS AREA:	22,757 SF
	IMPERVIOUS PERCENTAGE:	73.65%
	MAX IMPERVIOUS ALLOWED:	80%
<b>IMPERVIOUS BREAKDOWN</b>		
PAVING, CURB & GUTTER:		37,862 SF
STRUCTURES:		25,569 SF
CONCRETE SIDEWALK:		2,995 SF (IN PUBLIC R/W)
<b>CITY OF KANNAPOLIS</b>	IMPERVIOUS AREA:	140,476 SF
	PERVIOUS AREA:	80,267 SF
	IMPERVIOUS PERCENTAGE:	63.64%
<b>TOTAL PROPERTY:</b>	IMPERVIOUS AREA:	204,095 SF
	PERVIOUS AREA:	103,024 SF
	IMPERVIOUS PERCENTAGE:	66.45%

**LEGEND**

PROPERTY BOUNDARY	---
CITY LIMITS LINE	---
PROPOSED INTERNAL LOT LINE ADJUSTMENT	---



Project Number: -----  
 DWG Name: Main and Winecuff SP-9.dwg  
 Drawing Scale: AS NOTED  
 Date of Project: -----  
 Engineer of Record: Christopher L. Price, P.E.  
 North Carolina PE# 029755

**bluewater**  
 civil design, llc  
 bluewater.civil.design, llc  
 718 Lowndes Hill Road • Greenville, SC 29607  
 www.bluewatercivil.com • info@bluewatercivil.com

Certificates of Authorization:  
 SC C04212 - GA PEF005865  
 NC P0868 - AL CA4065E

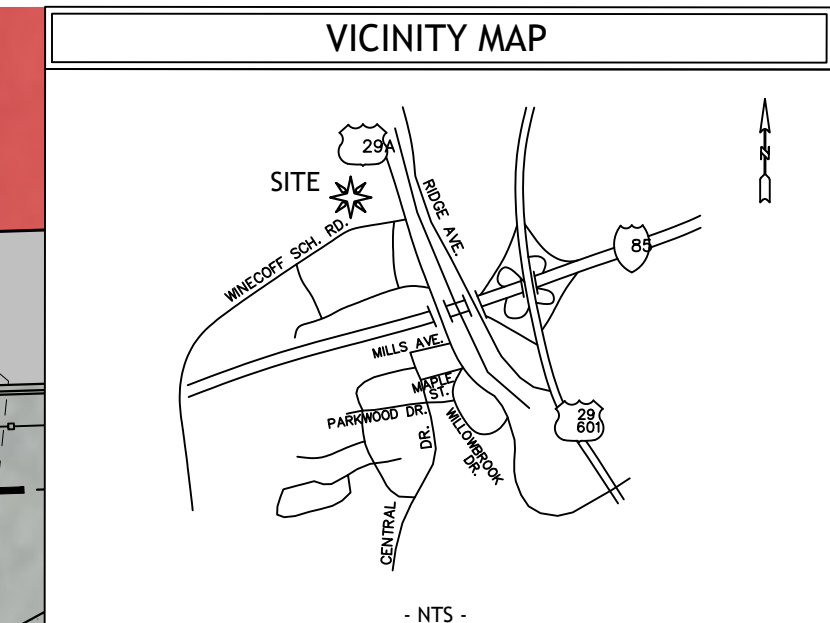
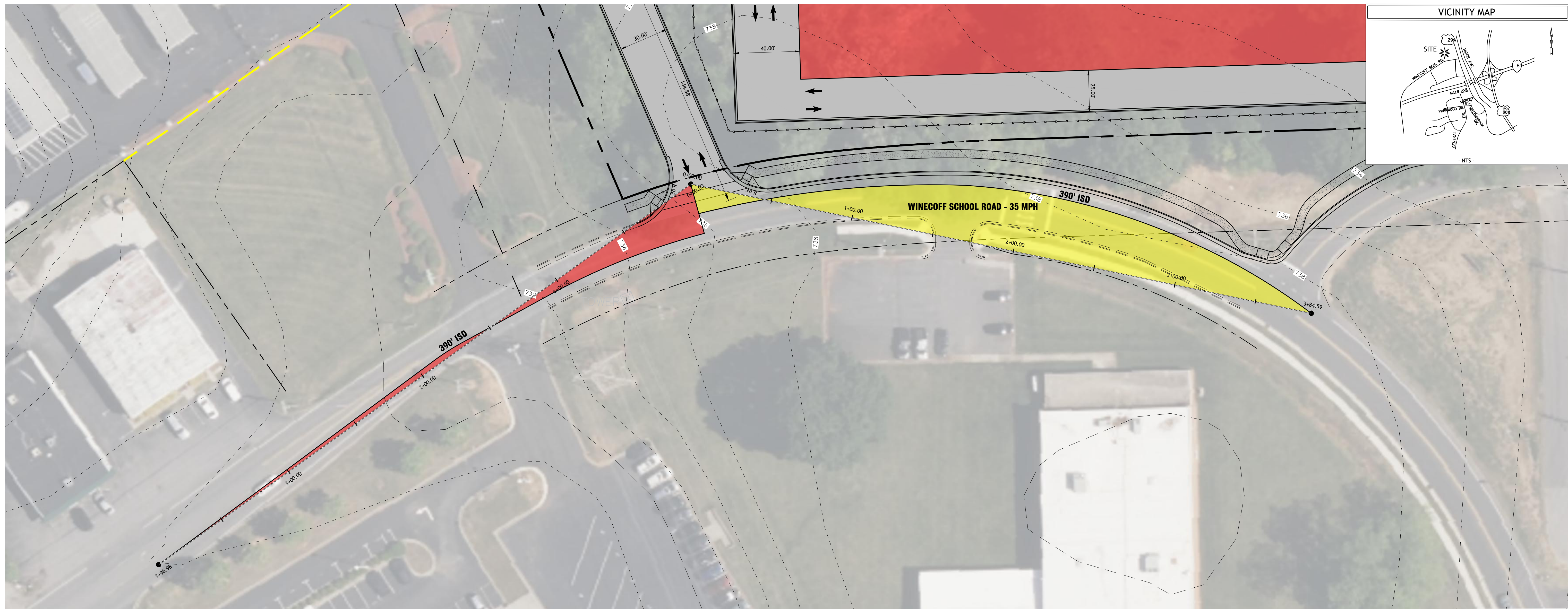
Developer:  
 Rick Meeks  
 313 S. Main Street, Suite 100  
 Kannapolis, NC 28081

**MINI-STORAGE AND BOAT/RV STORAGE**  
 202 Winecuff School Road, Concord, NC  
 2918 S Main Street, Concord, NC

EXISTING TOPOGRAPHY PLAN

**SP-9**

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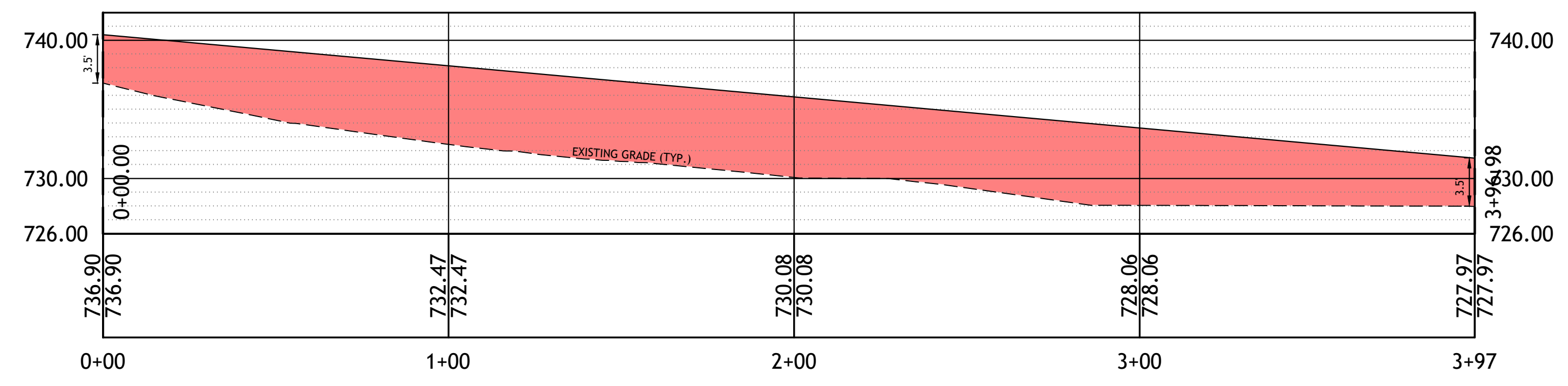
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 Main and Winecuff  
 DWG Name: SP-9.dwg  
 Drawing Scale: AS NOTED  
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 Christopher L. Price, P.E.  
 North Carolina PE# 029755

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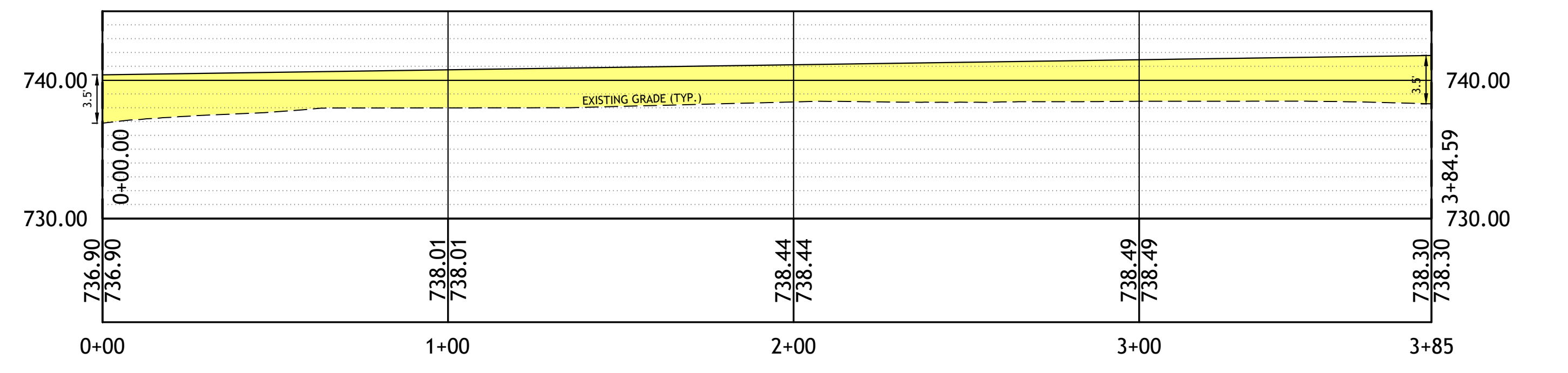
Certificates of Authorization:  
 SC CD4212 - GA PEF005865  
 NC P0868 - AL CA4065E

Developer:  
 Rick Meeks  
 313 S. Main Street, Suite 100  
 Kannapolis, NC 28081

**MINI-STORAGE AND  
 BOAT/RV STORAGE**  
 202 Winecuff School Road, Concord, NC  
 2918 S Main Street, Concord, NC



**SIGHT DISTANCE PROFILE LOOKING RIGHT**  
 Horizontal Scale: 1" = 30'  
 Vertical Scale: 1" = 8'



**SIGHT DISTANCE PROFILE LOOKING LEFT**  
 Horizontal Scale: 1" = 30'  
 Vertical Scale: 1" = 8'

EXISTING TOPOGRAPHY IS BASED ON LIDAR TOPOGRAPHY INFORMATION.

**LEGEND**

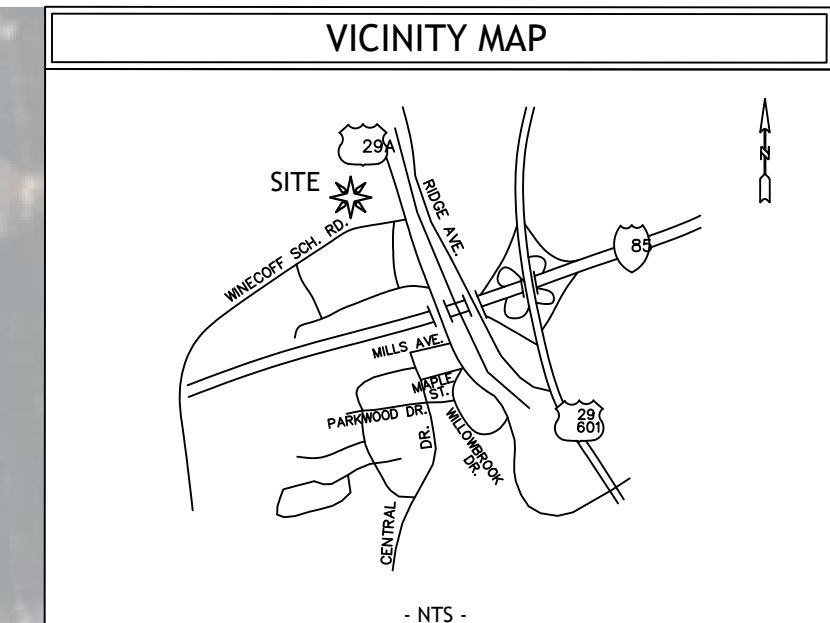
- PROPERTY BOUNDARY
- CITY LIMITS LINE
- PROPOSED INTERNAL LOT LINE ADJUSTMENT

GRAPHIC SCALE  
 ( IN FEET )  
 1 inch = 30 ft.

PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	06-16-2023	ISSUED FOR REVIEW
B	02-09-2024	REVISED PER CONCORD COMMENTS

SIGHT DISTANCE PLAN AND PROFILES

**SP-9**



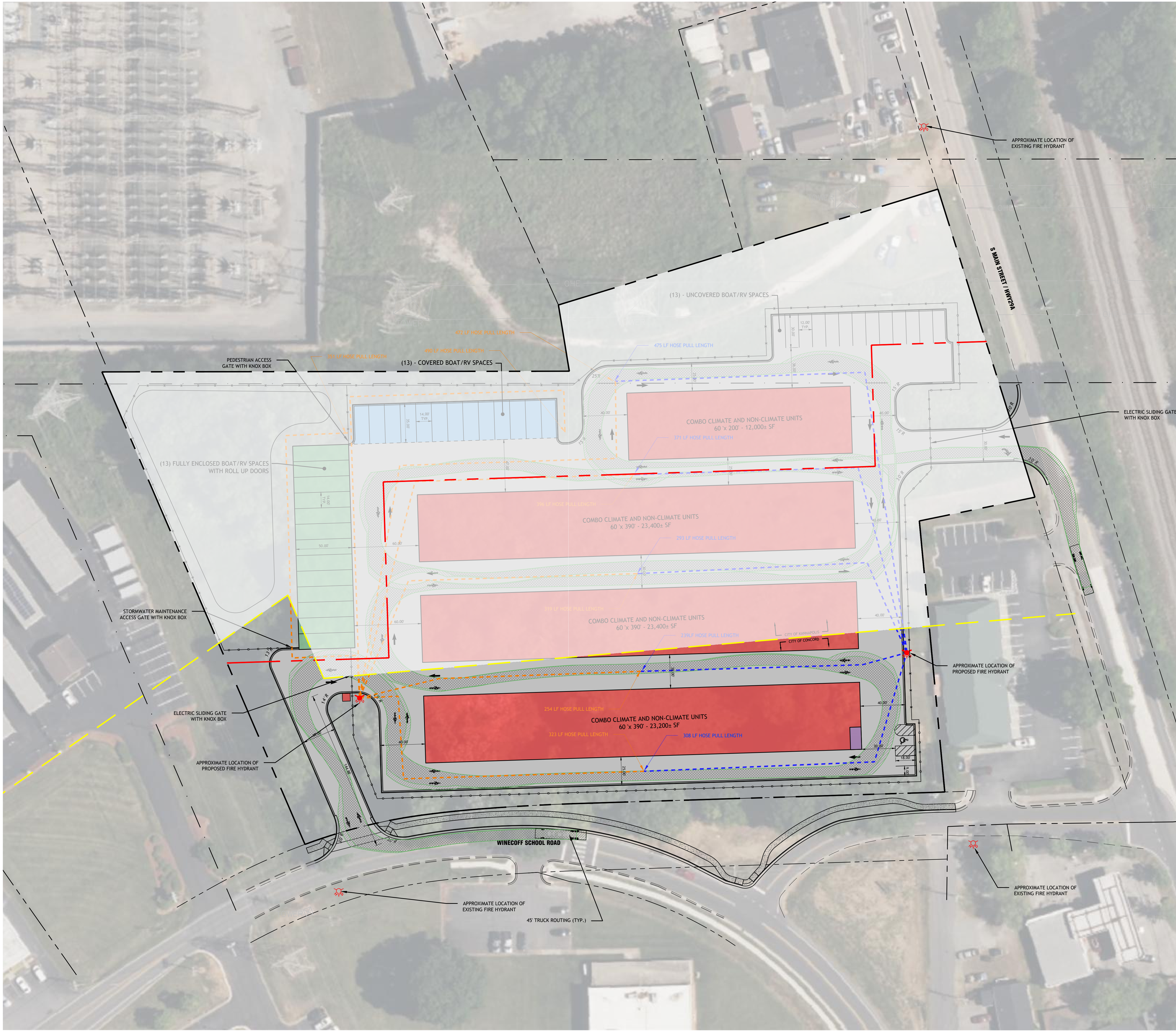
Project Number: ----  
 DWG Name: Main and Winecoff  
 SP-9.dwg  
 Drawing Scale: AS NOTED  
 Date of Project: ----  
 Engineer of Record:  
 Christopher L. Price, P.E.  
 North Carolina PE# 029755

**blue WATER**  
 civil design  
 bluewater.civil.design, llc  
 718 Lowndes Hill Road • Greenville, SC 29607  
 www.bluewatercivil.com • info@bluewatercivil.com

Certificates of Authorization:  
 SC C04212 - GA PEF005865  
 NC P0868 - AL CA4065E

Developer:  
 Rick Meeks  
 313 S. Main Street, Suite 100  
 Kannapolis, NC 28081

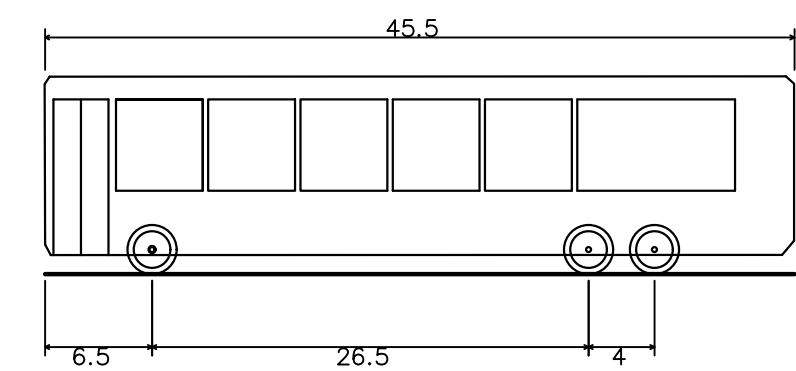
**MINI-STORAGE AND  
 BOAT/RV STORAGE**  
 202 Winecoff School Road, Concord, NC  
 2918 S Main Street, Concord, NC



**FIRE SITE DATA**

LAND USE:	Mini-Warehouse/Self-Storage Leasing
	Boat/RV Storage
TOTAL UNITS:	599
MAX. BLDG. HEIGHT:	20'

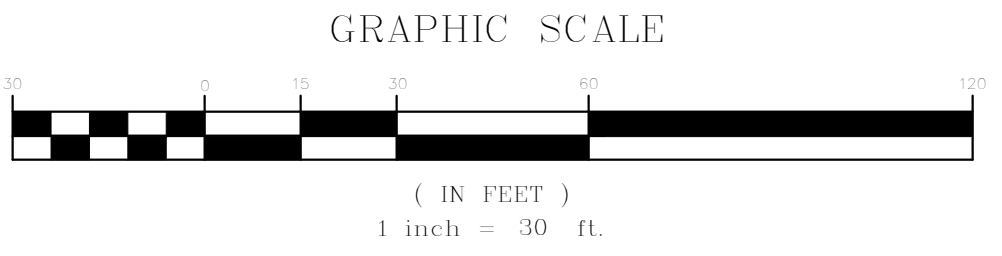
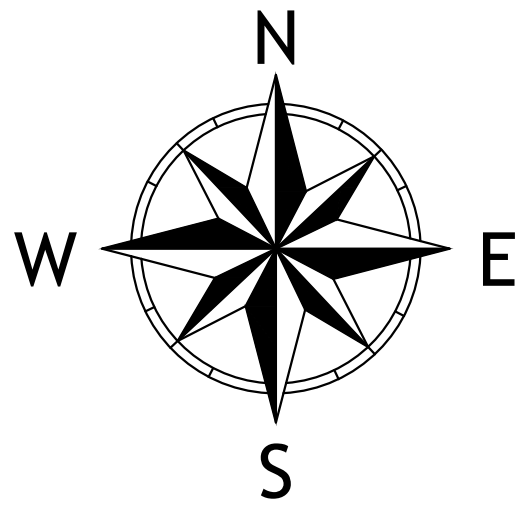
NOTE: BUILDINGS WILL NOT BE SPRINKLED



BUS-45 - Inter City Bus  
 Overall Length 45.500ft  
 Overall Width 6.500ft  
 Overall Body Height 26.500ft  
 Min Body Ground Clearance 4.000ft  
 Track Width 8.500ft  
 Lock-to-lock time 9.00s  
 Max Steering Angle (Virtual) 45.20°

**LEGEND**

PROPERTY BOUNDARY	---
CITY LIMITS LINE	---
PROPOSED INTERNAL LOT LINE ADJUSTMENT	---



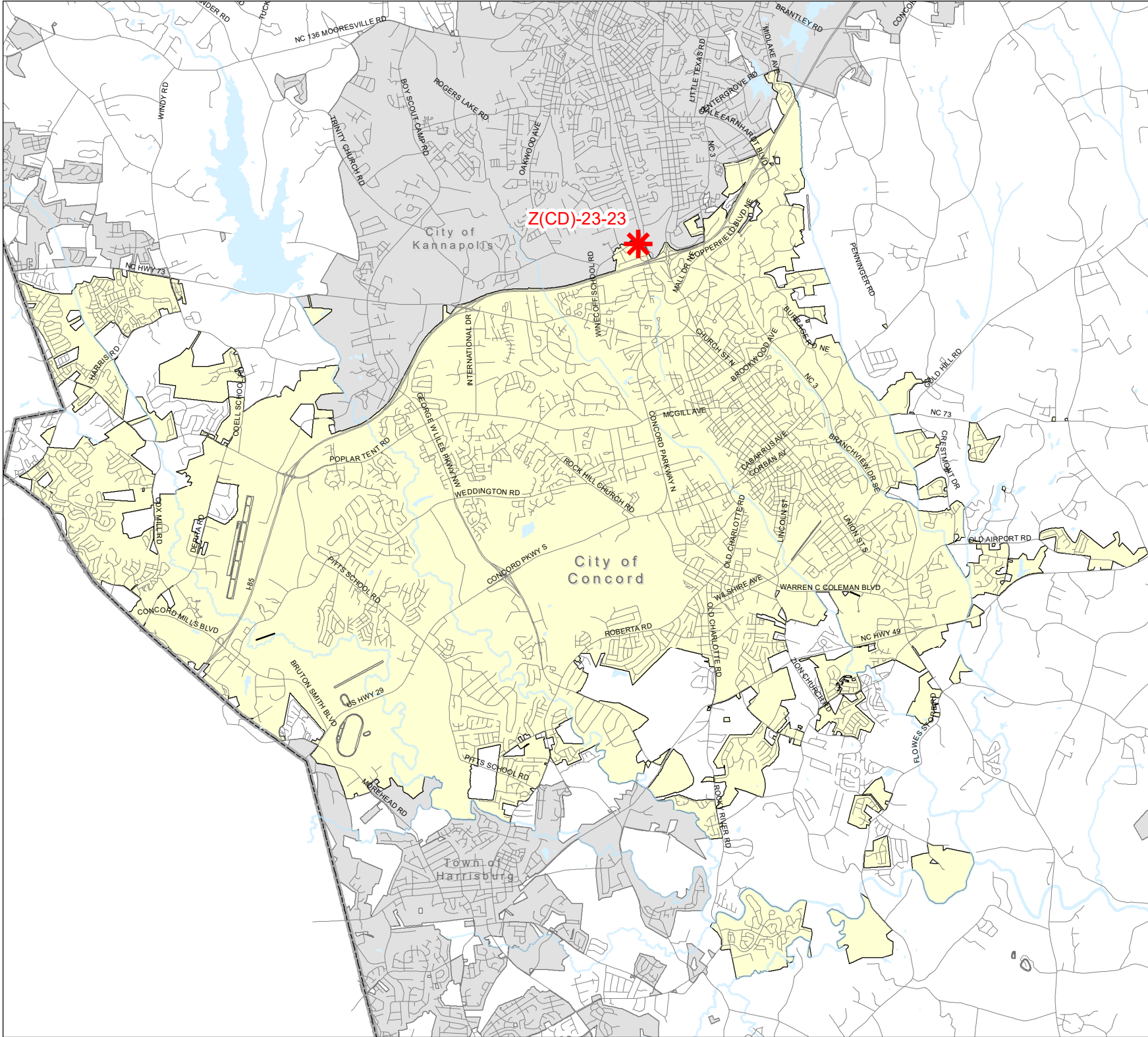
PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	06-16-2023	ISSUED FOR REVIEW
B	02-06-2024	REVISED PER CONCORD COMMENTS







FIRE AND TRUCK ROUTING PLAN

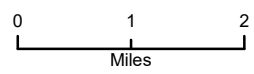
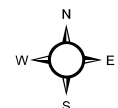
**SP-9**

Z(CD)-23-23

200 Winecoff School Rd



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








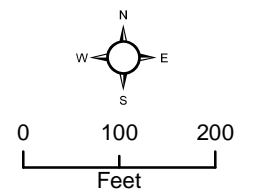
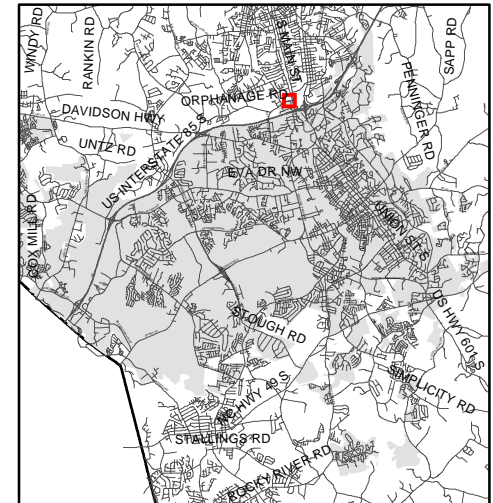
**Z(CD)-23-23  
AERIAL**

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

200 Winecoff School Rd  
PIN: 5612-82-5157



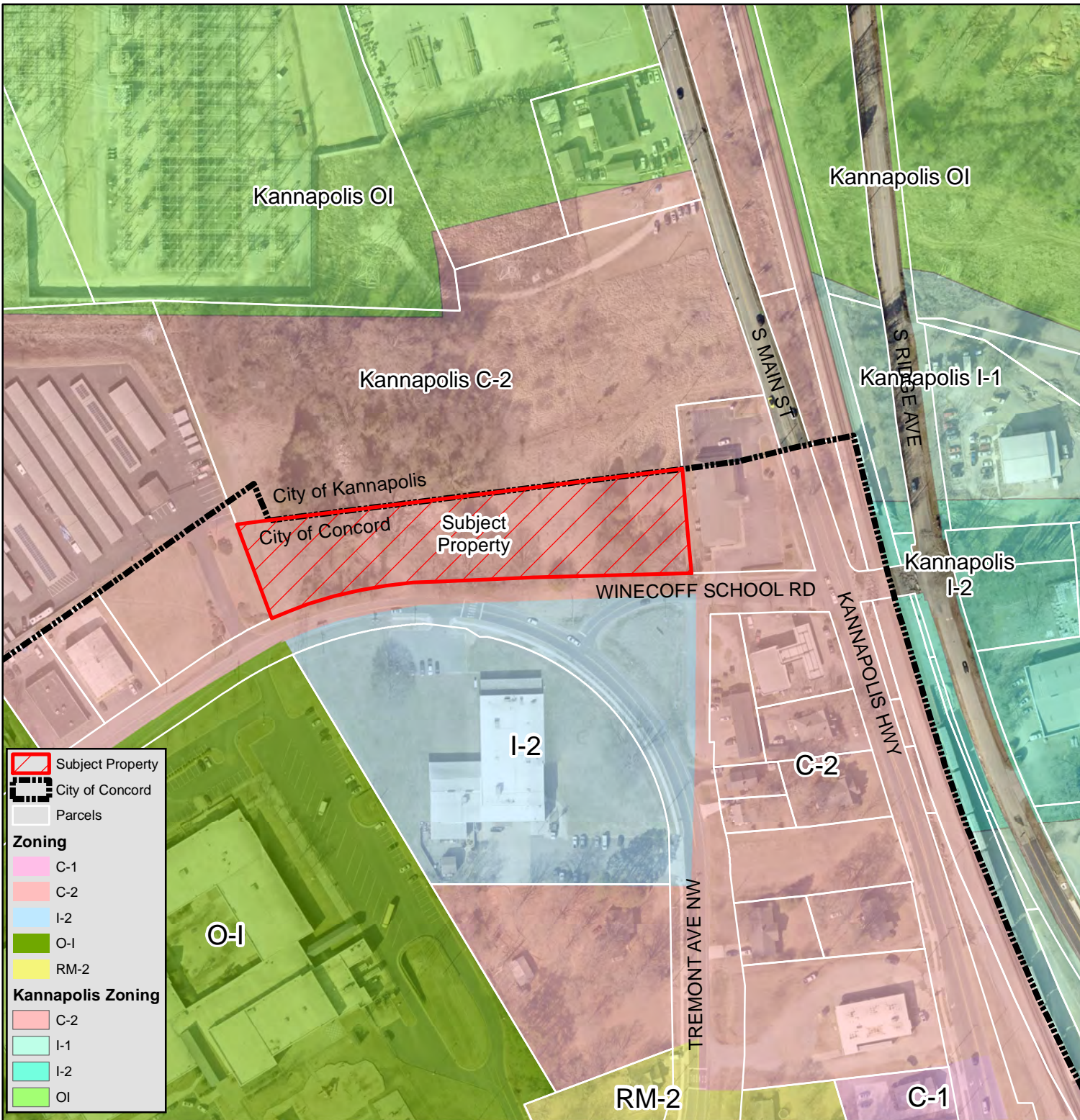
-  Subject Property
-  City of Concord
-  Parcels



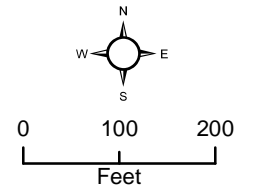
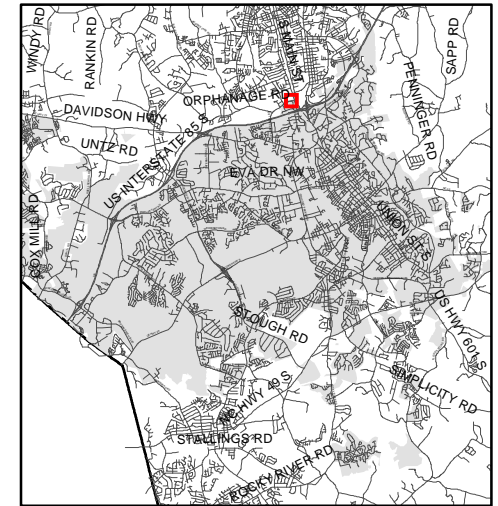
**Z(CD)-23-23  
ZONING**

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

200 Winecoff School Rd  
PIN: 5612-82-5157



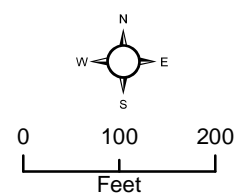
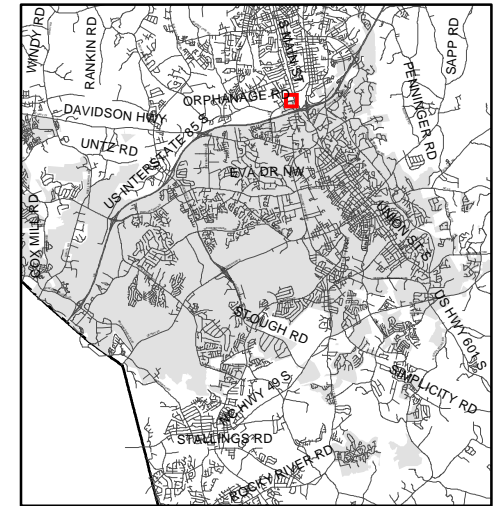
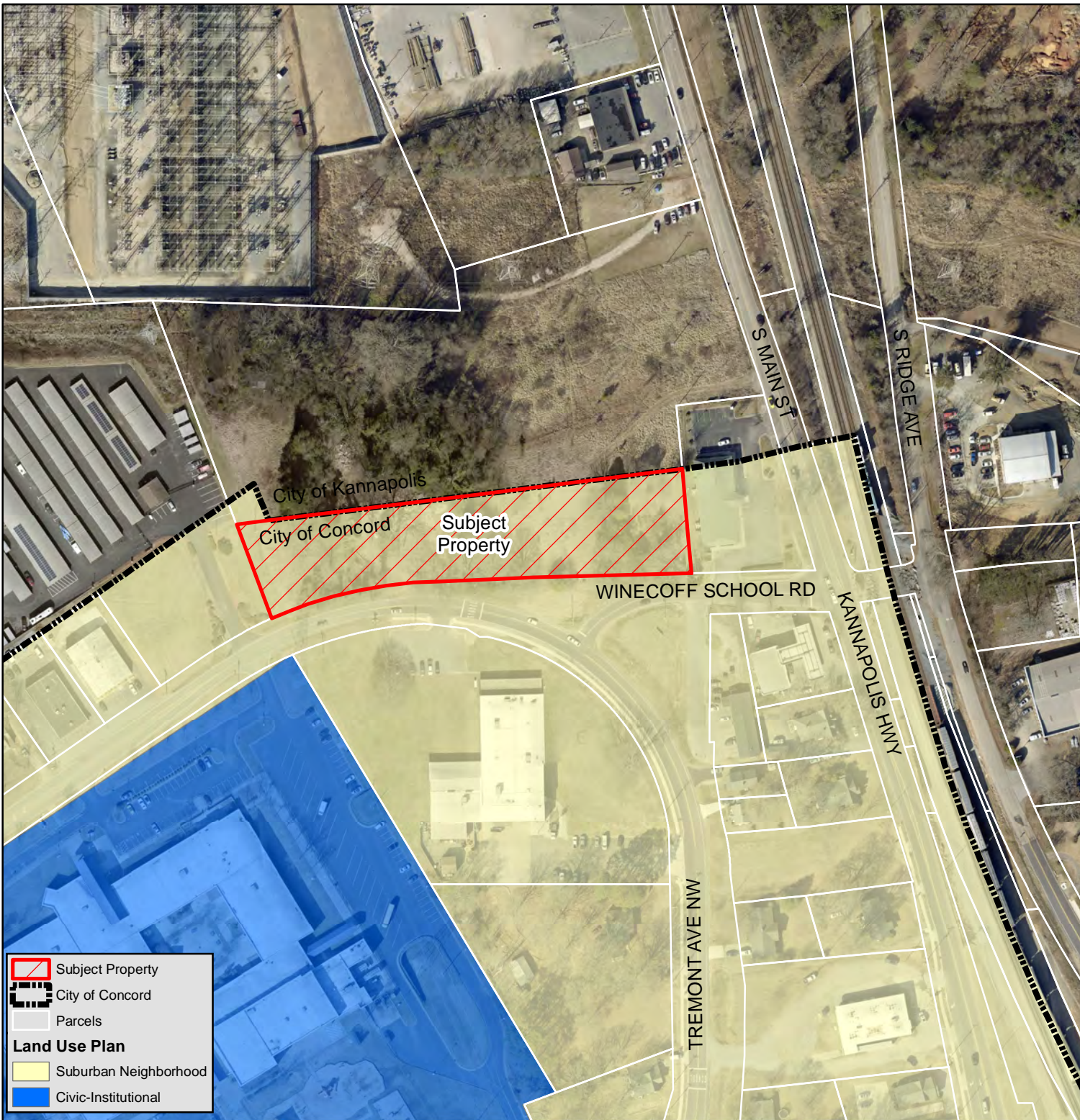
	Subject Property
	City of Concord
	Parcels
<b>Zoning</b>	
	C-1
	C-2
	I-2
	O-1
	RM-2
<b>Kannapolis Zoning</b>	
	C-2
	I-1
	I-2
	O1



**Z(CD)-23-23  
LAND USE PLAN**

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

200 Winecoff School Rd  
PIN: 5612-82-5157





**DATE:** June 18, 2024

**REZONING CASE #:** Z(CD)-24-23

**ACCELA:** CN-RZC-2023-00021

**DESCRIPTION:** Zoning Map Amendment  
RM-1 (Residential Medium Density) to I-1-CD (Light Industrial – Conditional District)

**APPLICANT/OWNER:** Trey Davis, Davis Land Group, LLC

**LOCATION:** 1108 Warren C. Coleman Blvd. S

**PIN#s:** 5539-56-8697

**AREA:** +/- 7.329 acres

**PREPARED BY:** Fred Womble, Senior Planner

**BACKGROUND**

The subject property consists of one parcel totaling +/- 7.329 acres along the southern right-of-way boundary of Warren C. Coleman Blvd. S and is owned by Davis Land Group, LLC.

To the north of the property the zoning is RM-1 (Residential Medium Density) and O-I (Office-Institutional) and the properties are single-family residential and institutional (The Rock Christian Church). The properties to the east are zoned RM-1 (Residential Medium Density) and O-I (Office-Institutional) and are utilized as a religious institution (New Grace Baptist Church) and civic institution (City of Concord Fire Station No.4). The properties to the south are zoned RM-1 (Residential Medium Density) and C-2 (General Commercial) and are vacant. The properties to the west are zoned RM-1 (Residential Medium Density) and I-1 (Light Industrial) and are industrial (KFB Auto & Metal Recycle, LLC) and vacant.

**HISTORY**

The subject property was annexed into the City of Concord on June 30, 1991.

**SUMMARY OF REQUEST**

The applicant is requesting to rezone the subject property from RM-1 (Residential Medium Density) to I-1-CD (Light Industrial – Conditional District) in order to construct a four (4) lot industrial subdivision for small scale flex industrial development buildings. The applicant proposes to develop one of the lots now with a 13,200 sf. flex building. The remaining three (3) lots will be developed later with industrial flex buildings of 10,000 to 15,000 sf. Access to the site is to be provided via an extension of Cumberland Road across Hwy. 601 / Warren C. Coleman Blvd.

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

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

<b>Existing Zoning and Land Uses (Subject Parcel)</b>					
<b>Current Zoning of Subject Property</b>	<b>Zoning Within 500 Feet</b>		<b>Land Uses(s) of Subject Property</b>	<b>Land Uses within 500 Feet</b>	
RM-1 (Residential Medium Density)	<b>North</b>	RM-1 (Residential Medium Density) and O-I (Office-Institutional)	Vacant land	<b>North</b>	Residential and Religious Institution
	<b>South</b>	RM-1 (Residential Medium Density) and C-2 (General Commercial)		<b>South</b>	Vacant
	<b>East</b>	RM-1 (Residential Medium Density) and O-I (Office-Institutional)		<b>East</b>	Religious Institution and Civic Institution
	<b>West</b>	RM-1 (Residential Medium Density) and I-1 (Light Industrial)		<b>West</b>	Vacant and Industrial

**COMPLIANCE WITH 2030 LAND USE PLAN**

The 2030 Land Use Plan (LUP) designates the subject property as “Industrial Employment (IE)”. I-1 (Light Industrial) *is listed* as a corresponding zoning district in the “Industrial Employment (IE)” land use category, and therefore is consistent with the land use plan.

The corresponding zoning districts for the “Industrial Employment” land use category are C-2 (General Commercial), PID (Public Interest District), MX-IB (Mixed Use Industrial/Business Center), I-1 (Light Industrial), and I-2 (General Industrial).

**From the 2030 Land Use Plan – “Industrial Employment” (IE)**

*The intent of the Industrial/Employment (IE) Future Land Use category is to identify those areas that have either already developed as industrial or are suited for additional industrial development due to the presence of infrastructure and access to transportation routes, such as major highways and railroads. These industrial areas should be preserved for employment uses to generate jobs for the community.*

*Industrial uses have already developed in several areas throughout the community, most of which are light industrial in function and impact. The 2030 Plan identifies the need to protect industrial lands, and to encourage additional growth in industrial/employment uses in designated areas, particularly around Concord Regional Airport, and along I-85 between Pitts School Road and Rocky River. Additionally, some light industrial/employment uses are encouraged to locate in Mixed-Use Districts, depending upon their intensity, as identified earlier in this section.*

**Policy Guidance:**

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

*Objective 1.3:*

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

*Goal 4: Ensure compatibility between neighboring land uses.*

*Objective 4.2:*

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

**SUGGESTED STATEMENT OF CONSISTENCY**

- The subject property is approximately +/- 7.329 acres and is zoned RM-1 (Residential Medium Density).
- The subject property was annexed into the City of Concord on June 30, 1991.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as I-1 (Light Industrial) is a corresponding zoning classification to the Industrial-Employment (IE) Land Use Category.
- The zoning amendment is reasonable and in the public interest as it is complementary to the use, design and density with the surrounding land uses.

OR

- The zoning amendment is not reasonable and in the public interest as the design is not compatible with the surrounding land uses.

### **SUGGESTED RECOMMENDATION AND CONDITIONS**

If approval is desired, staff recommends the following conditions:

1. Compliance with “Davis Industrial Subdivision – Rezoning Plan” sheet C200, dated 12/12/2023.
2. Adherence to General Notes as stated on “Davis Industrial Subdivision – Rezoning Plan,” sheet C200, dated 12/12/2023.
3. Adherence to Zoning Conditions, specifically related to uses not permitted, as stated on “Davis Industrial Subdivision – Rezoning Plan,” sheet C200, dated 12/12/2023.
4. Compliance with design standards as stated in “Section 7.11 Supplemental Design Standards and Requirements for Industrial Districts,” in the Concord Development Ordinance (CDO).
5. Future modifications/additions to the approved site plan may require further approval from the Planning and Zoning Commissions.
6. Technical site plan review and approval is required including all approvals from outside local, state, and federal agencies.

### **PROCEDURAL CONSIDERATIONS**

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

**APPLICATIONS NOT COMPLETED BY THE PUBLISHED APPLICATION  
DEADLINE WILL NOT BE CONSIDERED.**

**Required Attachments / Submittals:**

1. Typed metes and bounds description of the property (or portion of property) in a Word document format.
2. Cabarrus County Land Records printout of names and addresses of all immediately adjacent landowners, including any directly across the street.
3. **FOR CONDITIONAL DISTRICT APPLICATIONS ONLY**, a plan drawn to scale (conditional district plan), and elevations if applicable submitted digitally.
4. If applicable, proof of a neighborhood meeting (signature page) or receipt from certified letters mailed to adjoining property owners if project increases density or intensity (See Section 3.2.3). Staff will provide further information on this requirement during the required pre-application meeting.
5. Money Received by \_\_\_\_\_ Date: \_\_\_\_\_  
Check # \_\_\_\_\_ Amount: \$ 800.00 (Conditional) or \$600 (Conventional)  
Cash: \_\_\_\_\_

***The application fee is nonrefundable.***



(Please type or print)

Applicant Name, Address, Telephone Number and email address: \_\_\_\_\_  
Trey Davis, Davis Land Group LLC, 446 Winfield Blvd SE, Concord, NC 28025  
(704) 241- 8924, sfd3lafarm@gmail.com

Owner Name, Address, Telephone Number: \_\_\_\_\_  
Trey Davis, Davis Land Group LLC, 446 Winfield Blvd SE, Concord, NC 28025  
(704) 241- 8924, sfd3lafarm@gmail.com

Project Location/Address: 1108 Warren C. Coleman Blvd., Concord, NC 28025  
P.I.N.: 5539-56-8697

Area of Subject Property (acres or square feet): 5.887 acres

Lot Width: 670 ft Lot Depth: 470 ft

Current Zoning Classification: RM-1

Proposed Zoning Classification: I 1-CD

Existing Land Use: Undeveloped

Future Land Use Designation: Industrial

Surrounding Land Use: North Residential South Religious/Institutional  
East Religious Institutional West Junk Yard

Reason for request: Rezoning of property from RM-1 to I 1-CD

Has a pre-application meeting been held with a staff member? Yes

Staff member signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY**

(Please type or print)

1. List the Use(s) Proposed in the Project:

A 4 lot Industrial subdivision for small scale spec industrial development and buildings ranging from 10,000 to 15,000 sf. Improvements include a single connection to Hwy 601 with a cul de sac.

2. List the Condition(s) you are offering as part of this project. Be specific with each description.

(You may attach other sheets of paper as needed to supplement the information):

Reduce zoning uses permitted on the site to exclude the following:

- Sewage Treatment Facility, Private as permitted by NCDENR
- Sexually oriented Business
- Racetrack and Spectator Sports, including racing test track
- Flea Market
- Rail Transportation and Support Facilities
- Land Clearing, Inert Debris Landfill
- Solid Waste Management Facility

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.



Signature of Applicant

10/12/23  
Date



Signature of Owner(s)

10/12/23  
Date

***Certification***

*I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.*

Date: 10/12/23

Applicant Signature: \_\_\_\_\_

Property Owner or Agent of the Property Owner Signature: \_\_\_\_\_

PROPERTY 1:  
BUILDING DIMENSIONS 220 FT X 60 FT = 13,200 SF  
48 PARKING SPACES PROVIDED, INCLUDING 2 HC SPACES.  
4 BICYCLE SPACES + 1/50,000 SF THEREFORE, 4 SPACES PROVIDED.  
MINIMUM PARKING SPACE REQUIREMENTS FOLLOW TABLE 10.3-1 OF CONCORD DEVELOPMENT ORDINANCE ALLOCATING WAREHOUSE AND STORAGE AS THE LAND USE.  
BIKE PARKING TO FOLLOW CONCORD DEVELOPMENT ORDINANCE FOR FUTURE PARCELS.

THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP 3710553900K

ZONING CONDITIONS:  
THE FOLLOWING 11 USES ARE NOT PERMITTED:  
- SEWAGE TREATMENT FACILITY, PRIVATE AS PERMITTED BY NCDENR  
- SEXUALLY ORIENTED BUSINESS  
- RACETRACK AND SPECTATOR SPORTS, INCLUDING RACING TEST TRACK  
- FLEA MARKET  
- RAIL TRANSPORTATION AND SUPPORT FACILITIES  
- LAND CLEARING, INERT DEBRIS LANDFILL  
- SOLID WASTE MANAGEMENT FACILITY

ZONING: RM-1  
USE: INDUSTRIAL

ZONING: RM-1  
USE: INDUSTRIAL

ZONING: I-1  
USE: UNDEVELOPED

RUFUS KISER & SONS, INC.  
PIN: 5539-56-4872  
TRACT 2, DB. 1780 PG. 44

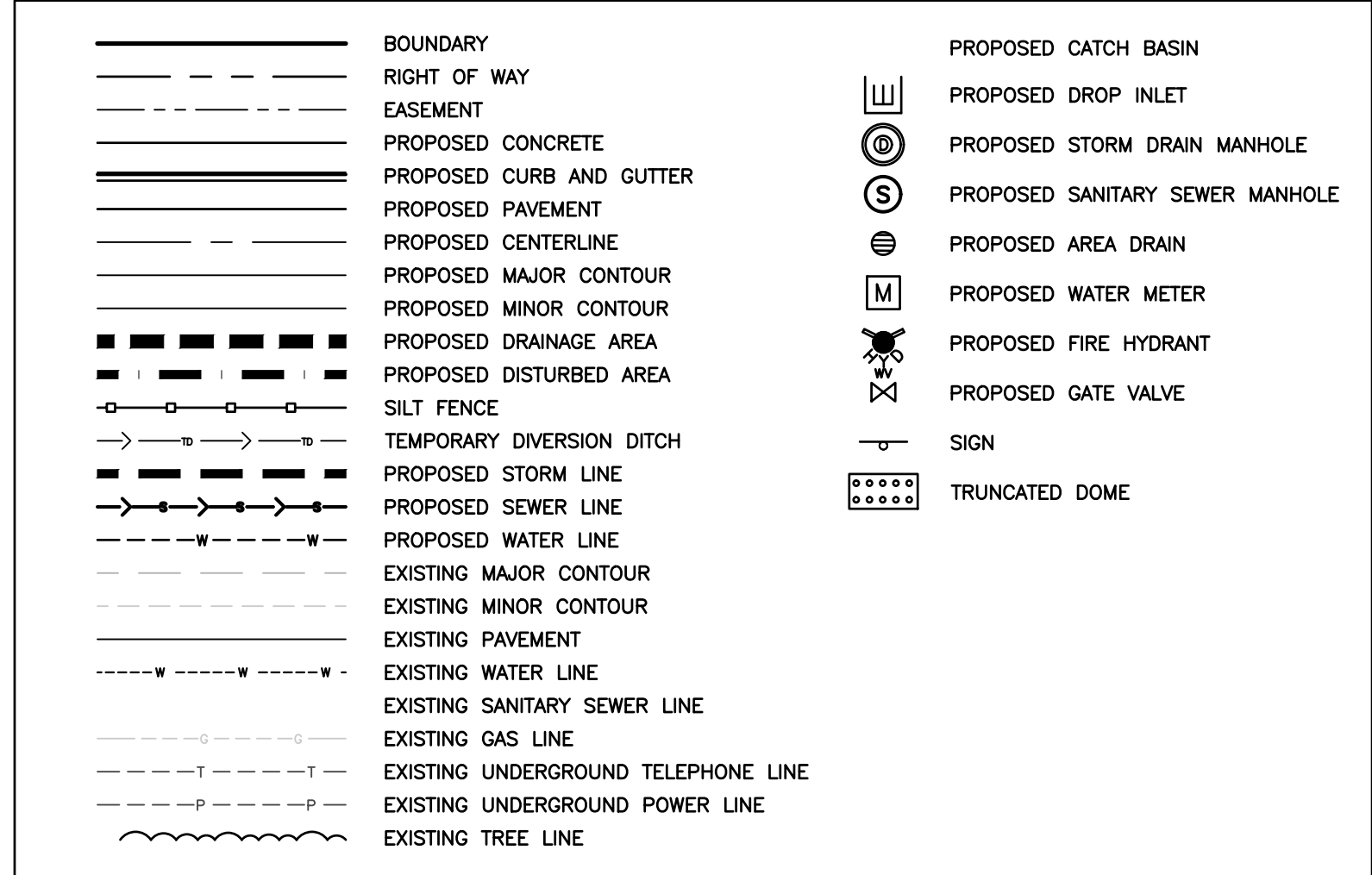
RUFUS KISER & SONS, INC.  
PIN: 5539-56-4568  
NO DEED REFERENCE FOUND

RUFUS KISER & SONS, INC.  
PIN: 5539-56-4201  
TRACT 1, DB. 1780 PG. 44

NEW GRACE BAPTIST CHURCH INC.  
PIN: 5539-56-9209  
DB. 10149, PG. 340  
MB. 62, PG. 19

ZONING: RM-1  
USE: INSTITUTIONAL

LEGEND



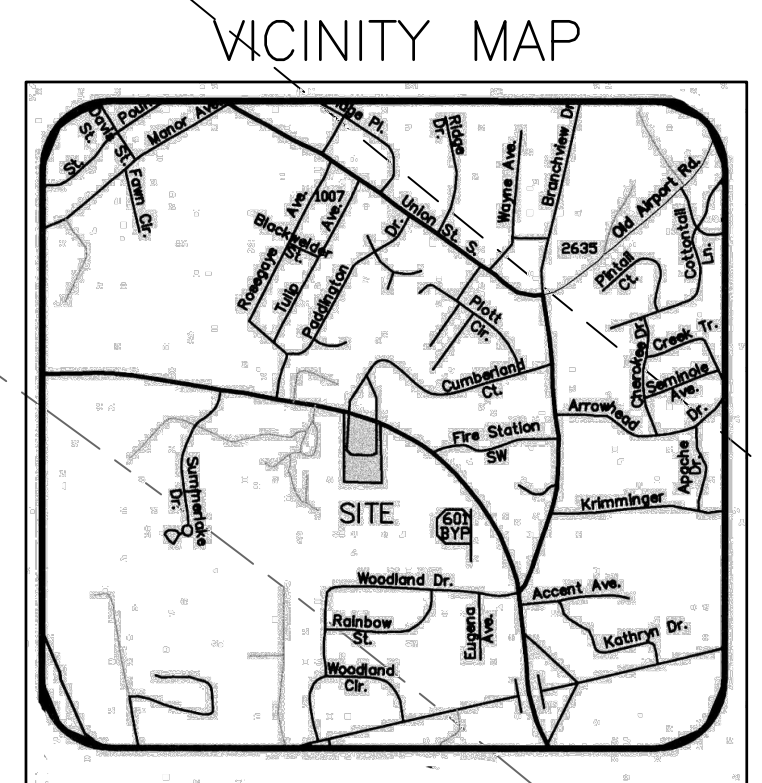
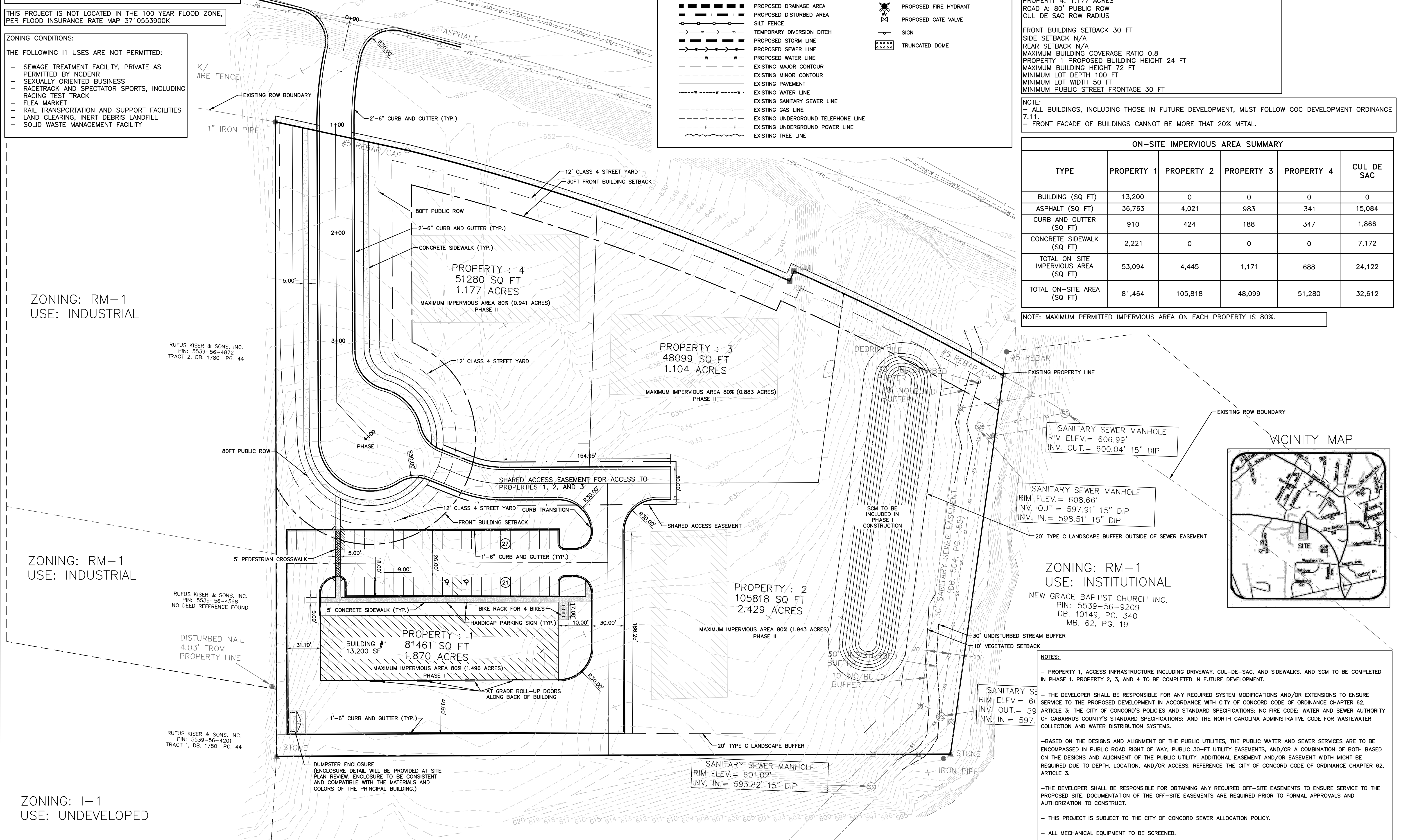
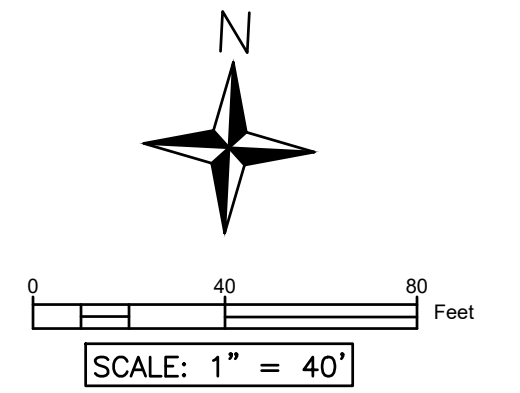
SITE DATA TABLE

PARCEL PIN: 5539-56-8697  
EXISTING ZONING: RM-1  
PROPOSED ZONING: I1-CO  
PROPOSED LOTS:  
PROPERTY 1: 1.870 ACRES  
PROPERTY 2: 2.429 ACRES TO INCLUDE SHARED SCM FOR DEVELOPMENT  
PROPERTY 3: 1.104 ACRES  
PROPERTY 4: 1.177 ACRES  
ROAD A: 80' PUBLIC ROW  
CUL DE SAC ROW RADIUS  
FRONT BUILDING SETBACK 30 FT  
SIDE SETBACK N/A  
REAR SETBACK N/A  
MAXIMUM BUILDING COVERAGE RATIO 0.8  
PROPERTY 1 PROPOSED BUILDING HEIGHT 24 FT  
MAXIMUM BUILDING HEIGHT 72 FT  
MINIMUM LOT DEPTH 100 FT  
MINIMUM LOT WIDTH 50 FT  
MINIMUM PUBLIC STREET FRONTAGE 30 FT

NOTE:  
- ALL BUILDINGS, INCLUDING THOSE IN FUTURE DEVELOPMENT, MUST FOLLOW COC DEVELOPMENT ORDINANCE 7.11.  
- FRONT FACADE OF BUILDINGS CANNOT BE MORE THAN 20% METAL.

ON-SITE IMPERVIOUS AREA SUMMARY					
TYPE	PROPERTY 1	PROPERTY 2	PROPERTY 3	PROPERTY 4	CUL DE SAC
BUILDING (SQ FT)	13,200	0	0	0	0
ASPHALT (SQ FT)	36,763	4,021	983	341	15,084
CURB AND GUTTER (SQ FT)	910	424	188	347	1,866
CONCRETE SIDEWALK (SQ FT)	2,221	0	0	0	7,172
TOTAL ON-SITE IMPERVIOUS AREA (SQ FT)	53,094	4,445	1,171	688	24,122
TOTAL ON-SITE AREA (SQ FT)	81,464	105,818	48,099	51,280	32,612

NOTE: MAXIMUM PERMITTED IMPERVIOUS AREA ON EACH PROPERTY IS 80%.



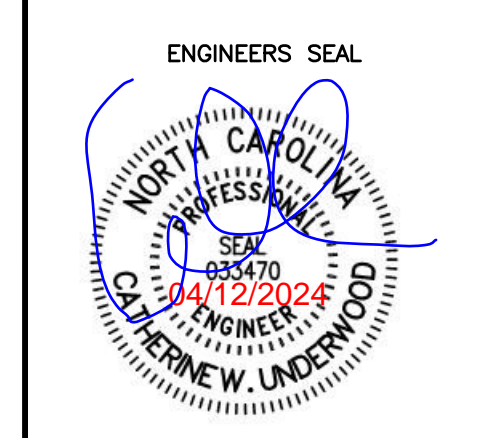
ZONING: RM-1  
USE: INSTITUTIONAL  
NEW GRACE BAPTIST CHURCH INC.  
PIN: 5539-56-9209  
DB. 10149, PG. 340  
MB. 62, PG. 19

NOTES:  
- PROPERTY 1, ACCESS INFRASTRUCTURE INCLUDING DRIVEWAY, CUL-DE-SAC, AND SIDEWALKS, AND SCM TO BE COMPLETED IN PHASE 1. PROPERTY 2, 3, AND 4 TO BE COMPLETED IN FUTURE DEVELOPMENT.  
- THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY REQUIRED SYSTEM MODIFICATIONS AND/OR EXTENSIONS TO ENSURE SERVICE TO THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH CITY OF CONCORD CODE OF ORDINANCE CHAPTER 62, ARTICLE 3; THE CITY OF CONCORD'S POLICIES AND STANDARD SPECIFICATIONS; NC FIRE CODE; WATER AND SEWER AUTHORITY OF CABARRUS COUNTY'S STANDARD SPECIFICATIONS; AND THE NORTH CAROLINA ADMINISTRATIVE CODE FOR WASTEWATER COLLECTION AND WATER DISTRIBUTION SYSTEMS.  
- BASED ON THE DESIGNS AND ALIGNMENT OF THE PUBLIC UTILITIES, THE PUBLIC WATER AND SEWER SERVICES ARE TO BE ENCOMPASSED IN PUBLIC ROAD RIGHT OF WAY, PUBLIC 30-FT UTILITY EASEMENTS, AND/OR A COMBINATION OF BOTH BASED ON THE DESIGNS AND ALIGNMENT OF THE PUBLIC UTILITY. ADDITIONAL EASEMENT AND/OR EASEMENT WIDTH MIGHT BE REQUIRED DUE TO DEPTH, LOCATION, AND/OR ACCESS. REFERENCE THE CITY OF CONCORD CODE OF ORDINANCE CHAPTER 62, ARTICLE 3.  
- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ANY REQUIRED OFF-SITE EASEMENTS TO ENSURE SERVICE TO THE PROPOSED SITE. DOCUMENTATION OF THE OFF-SITE EASEMENTS ARE REQUIRED PRIOR TO FORMAL APPROVALS AND AUTHORIZATION TO CONSTRUCT.  
- THIS PROJECT IS SUBJECT TO THE CITY OF CONCORD SEWER ALLOCATION POLICY.  
- ALL MECHANICAL EQUIPMENT TO BE SCREENED.  
- NOTE, A TIA WILL BE REQUIRED IN ACCORDANCE WITH THE CITY OF CONCORD UDO. A TRIP GENERATION FOR THE PROPOSED IMPROVEMENTS, AS WELL AS THE FUTURE DEVELOPMENT, WILL NEED TO BE PROVIDED TO THE CITY OF CONCORD TRANSPORTATION ENGINEERING DEPARTMENT TO DETERMINE THE SCOPE AND TYPE OF TIA THAT IS REQUIRED. THE TIA NEEDS TO BE REVIEWED AND APPROVED BY THE CITY OF CONCORD TRANSPORTATION DEPARTMENT PRIOR TO SITE PLAN APPROVAL.

REVISION	DATE	DESCRIPTION
1	12/12/2023	REVISION PER CITY COMMENTS DATED 11/14/2023

DAVIS INDUSTRIAL SUBDIVISION  
REZONING PLAN  
1108 WARREN C. COLEMAN BLVD., CONCORD  
DAVIS LAND GROUP LLC  
PROJECT NO. 23046H  
PROJECT MANAGER: NWJ

DAYLIGHT ENGINEERING  
NCBELS LICENSE: P-2772  
165 BRIMLEY AVE. NE, CONCORD, NC 28025 • (980) 234-7500 • WWW.DAYLIGHTENG.COM

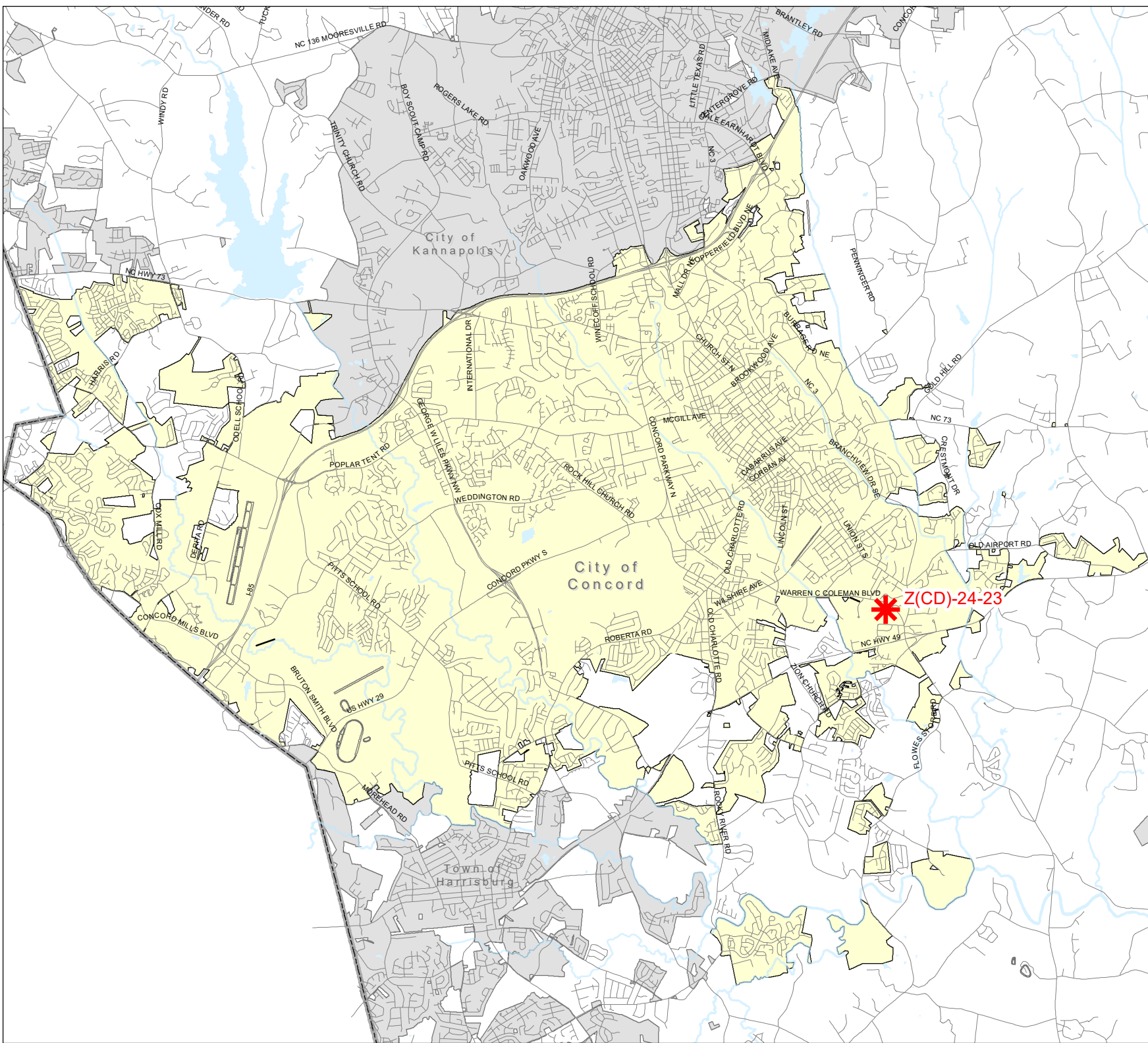
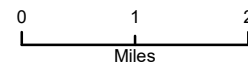
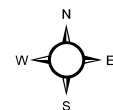


C200

### Z(CD)-24-23

1108 Warren C Coleman Blvd S

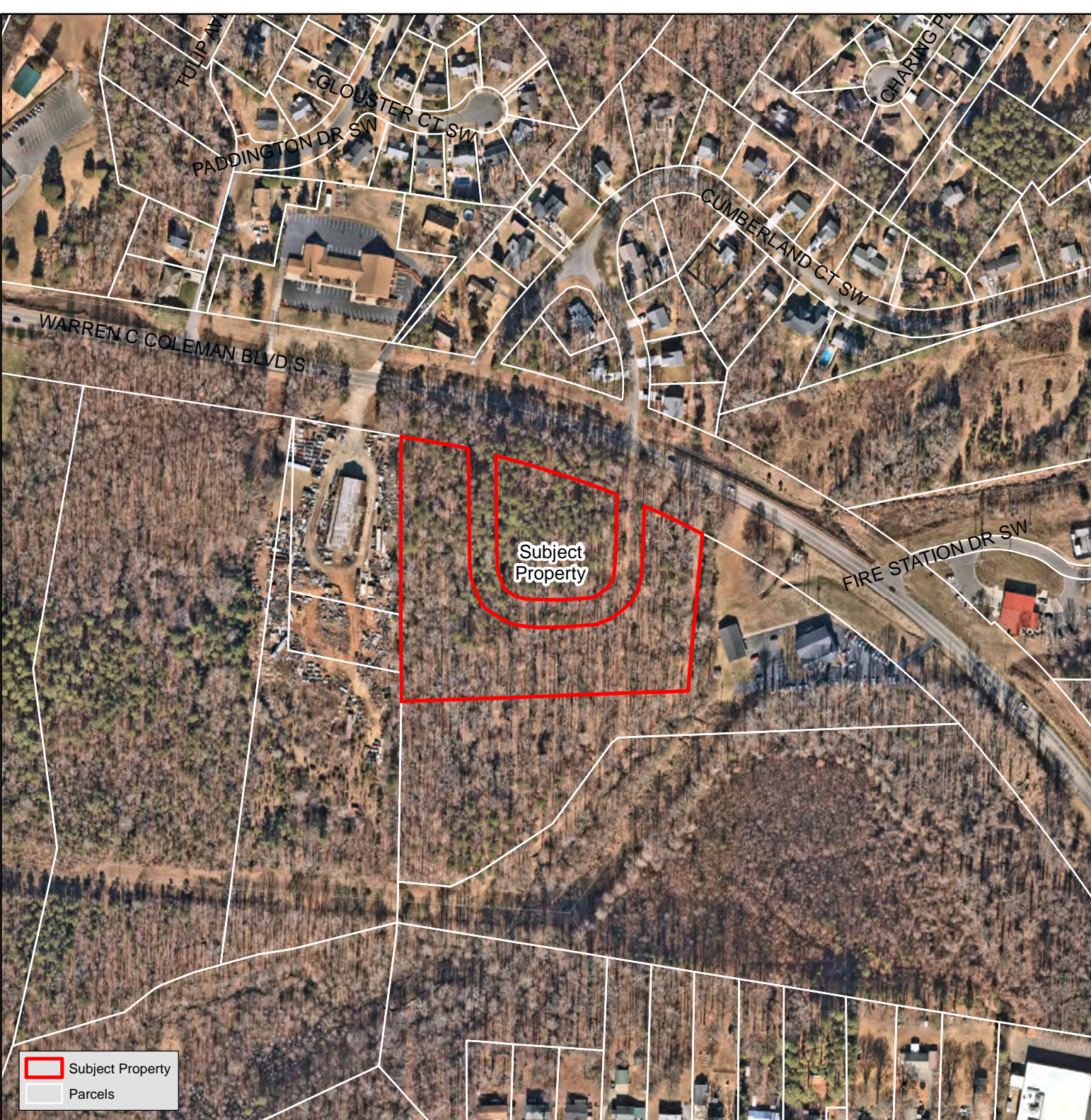
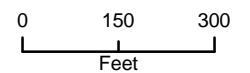
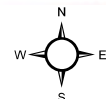
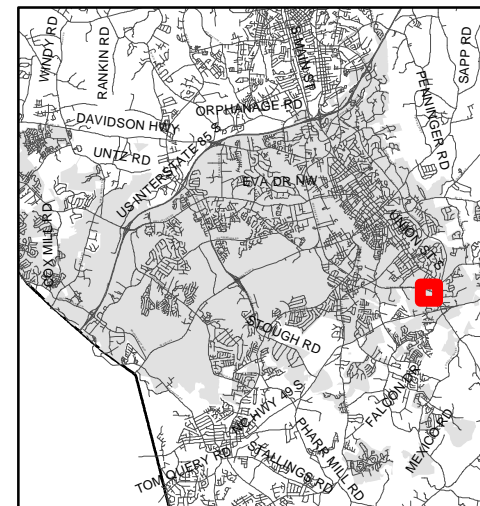
- Case Location
- Streets
- Lakes & Ponds
- Rivers
- Cabarrus Co.
- City of Concord
- Other Municipalities





**Z(CD)-24-23  
AERIAL**

**Rezoning application  
RM-1 (Residential  
Medium Denisty)  
to  
I-1-CD  
(Light Industrial  
- Conditional District)**

1108 Warren C Coleman Blvd S  
PINs: 5539-56-8697

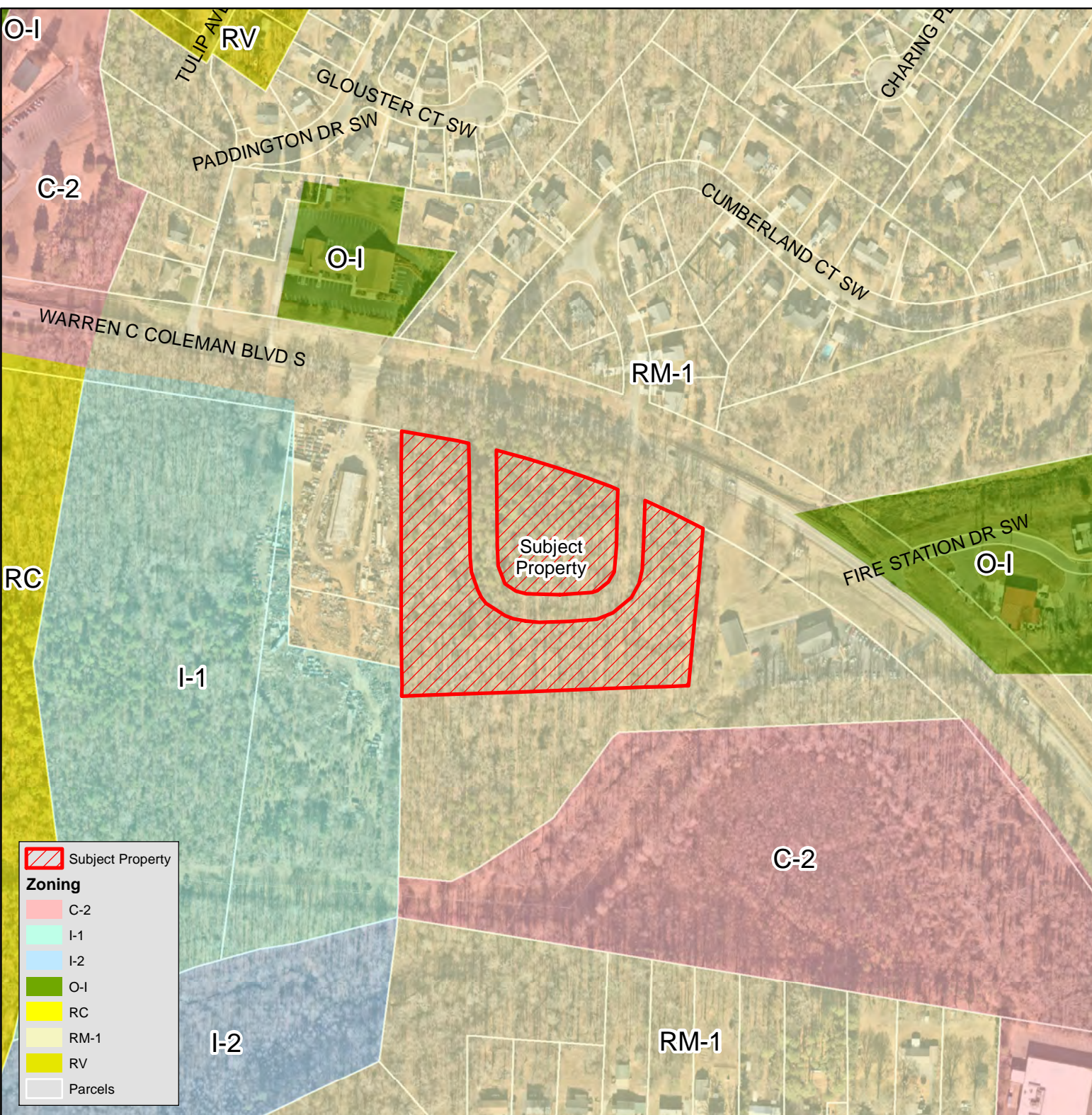
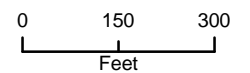
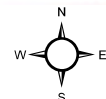
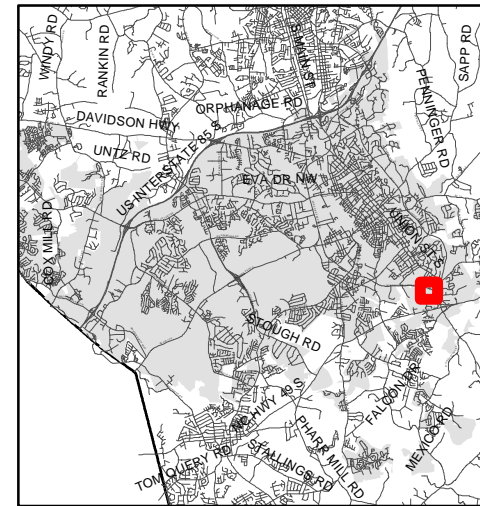



 Subject Property  
 Parcels

**Z(CD)-24-23  
ZONING**









**Rezoning application  
RM-1 (Residential  
Medium Denisty)  
to  
I-1-CD  
(Light Industrial  
- Conditional District)**

1108 Warren C Coleman Blvd S  
PINs: 5539-56-8697



 Subject Property

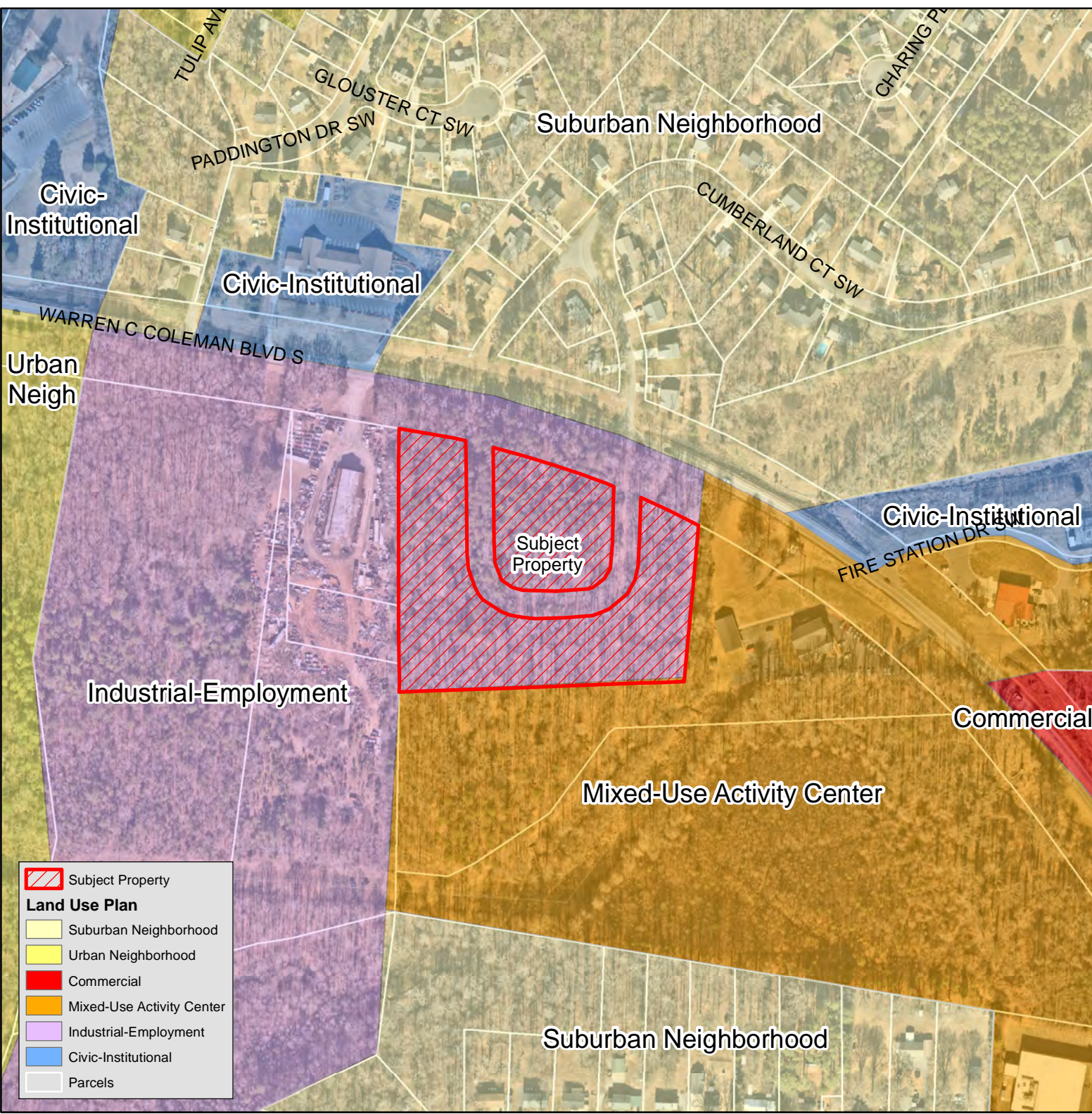
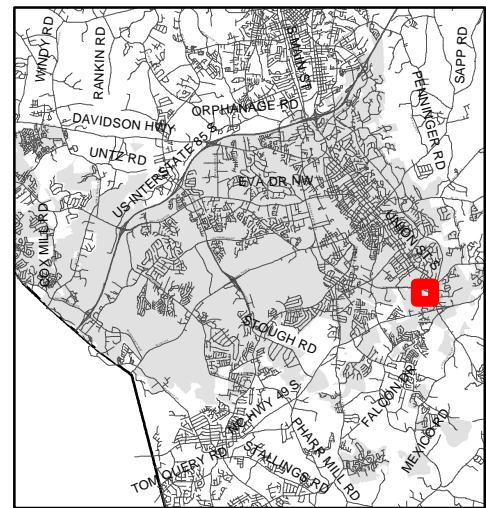
**Zoning**

-  C-2
-  I-1
-  I-2
-  O-1
-  RC
-  RM-1
-  RV
-  Parcels

**Z(CD)-24-23  
LAND USE PLAN**

**Rezoning application  
RM-1 (Residential  
Medium Denisty)  
to  
I-1-CD  
(Light Industrial  
- Conditional District)**

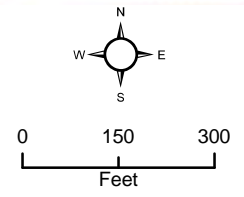
1108 Warren C Coleman Blvd S  
PINs: 5539-56-8697



 Subject Property

**Land Use Plan**

-  Suburban Neighborhood
-  Urban Neighborhood
-  Commercial
-  Mixed-Use Activity Center
-  Industrial-Employment
-  Civic-Institutional
-  Parcels





**DATE:** June 18, 2024

**CASE:** TA-07-24 Text Amendment (Article 4 – Flood Prevention Provisions)

**PREPARED BY:** Kevin Ashley, AICP- Deputy Planning Director

**BACKGROUND**

As the Commission may be aware, the City participates in the Community Rating System (CRS) program, which allows citizens to obtain lower cost flood insurance with the understanding that the City adopt flood prevention regulations that meet or exceed minimum FEMA (Federal Emergency Management Agency) model ordinance requirements. The flood prevention regulations are contained in Article 4 of the Concord Development Ordinance (CDO).

Occasionally, FEMA amends their minimum requirements, particularly relative to definitions and terminology. Additionally, each jurisdiction has a FEMA representative at the State level, who conducts periodic visits and audits to ensure that the minimum requirements are being correctly administered. At the last audit, the City received very high marks, but it was recommended that the we incorporate the terminology and definitions contained within FEMA's latest model ordinance. This amendment includes the model ordinance modifications, and does not result in more stringent requirements for landowners.

This report will highlight those changes and will emphasize those few instances where requirements have changed. As a note, the additions have necessitated that the sections be renumbered. A redline and "strikethrough" document is included to indicate the changes to the ordinance.

**Section 4.7.1:** The model ordinance contains reference to the authorization conferred by the General Statutes and is recommended in the event that a legal challenge is filed.

**Section 4.7.5:** This section contains the definitions as they relate to flood prevention and have been relocated from Article 14. Some of these definitions have different meanings in floodplain terminology than in other sections of the CDO, and it is advisable to move the definitions to Article 4.

**Section 4.7.6.C:** The SFHA (Special Flood Hazard Areas) were officially identified by an agreement between FEMA and State, and this section refers to that agreement, as opposed to a previous set of FEMA flood maps.

**Section 4.7.7.B.2:** The permit requirements section is being clarified to include two new items in permit requirements. These two items have been traditionally

part of a permit application for development in the floodplain, but this change clarifies the requirement.

**Section 4.7.7.B.3:** This section changes the reference to the actual calculation of the flood zones from “mean sea level” to NAVD, which is the vertical datum for surveying in the United States. Additionally, this section expands language for the “as-built” certification after construction to enumerate what documents are required, and to clarify corrective actions in the event of an incomplete application. This section also incorporates the updated abbreviations for the flood zones.

**Section 4.7.7.C:** The duties of the Administrator Section has been amended to clarify the specific duties by adding references to the Federal Water Pollution Control Act, as well as referring to NAVD instead of “mean sea level.” The section also includes minor changes in the wording.

**Section 4.7.8.A:** The Model Ordinance now specifies that new construction complies with a FEMA Technical Bulletin titled “Flood Damage Resistant Materials Requirements”. This section also clarifies that buildings and structures that are in more than one flood hazard area comply with the provisions of the more restrictive zone.

**Section 4.7.8.B:** This section has several changes relative to terminology. Most notably, language is included that new construction must be outside of the SFHA (Special Flood Hazard Area), as well as fill being prohibited within the SFHA. Terminology changes include clarifications on manufactured housing, elevated buildings, additions and improvements and size and cost thresholds for accessory structures. Additional included clarifications involve language on tank inlets, vents and “limited storage” facilities.

**Section 4.7.8.E:** The change to this section involves clarifications relative to manufactured housing requirements.

**Section 4.7.9.D:** This section includes the effective date of the Ordinance.

As discussed above, the changes to Article 4 reflect historical administrative practices and incorporate contemporary terminology as required by FEMA.

The Ordinance is in approval form and may be referred to City Council for public hearing upon consensus of the Commission.

## 4.7 FLOODPLAIN LIFE AND PROPERTY PROTECTION

### 4.7.1 **STAUTORY AUTHORIZATION**

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

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

### 4.7.2 **FINDINGS OF FACT**

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

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

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

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

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

The objectives of this ordinance are to:

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

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

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

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

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

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

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

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

**“Area of Special Flood Hazard”** see **“Special Flood Hazard Area (SFHA)”**.

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

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

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

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

**“Building”** see **“Structure”**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Historic Structure”** means any structure that is:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**“Recreational Vehicle (RV)”** means a vehicle, which is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **4.7.65 GENERAL PROVISIONS**

##### **A. LANDS TO WHICH THIS ORDINANCE APPLIES.**

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

##### **B. ACTIVITIES AND STRUCTURES WITHIN SPECIAL FLOOD HAZARD AREAS**

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

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

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

###### **2. Utilities**

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

##### **C. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

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

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

##### **D. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT (ZCP)**

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

##### **E. COMPLIANCE**

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

**F. ABROGATION AND GREATER RESTRICTIONS.**

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

**G. INTERPRETATION**

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

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

**H. WARNING AND DISCLAIMER OF LIABILITY**

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

**I. PENALTIES FOR VIOLATION**

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

**4.7.76 ADMINISTRATION**

**A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR**

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

**B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS**

**1. Application Requirements**

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

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

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

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

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

### 3. Certification Requirements

#### a. Elevation Certificates

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



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

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

#### **b. Floodproofing Certificate**

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

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

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

- c. If a manufactured home is placed within Zone A, ~~AO~~, AE, ~~AH, AO, or A99~~ or ~~A1-30~~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 4.7.~~87~~(B)(3)(b).
- d. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit (ZCP).
- e. Certification Exemptions. The following structures, if located within Zone A, ~~AO~~, AE, ~~AH, AO~~ or ~~A99-30~~, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - Recreational Vehicles meeting requirements of Section 4.7.~~87~~(B)(6)(a);
  - Temporary Structures meeting requirements of Section 4.7.~~87~~(B)(7); and
  - Accessory Structures less than 150 square feet ~~or less, or \$5,000 or less~~ and meeting requirements of Section 4.7.~~87~~(B)(8).

#### 4. Determinations for existing buildings and structures

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

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

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

#### C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

7. ~~Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 4.7.6(B)(3).
8. ~~Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of 4.7.7(B)(3).~~ Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 4.7.6(B)(3).
9. ~~When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of~~ When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 4.7.7(B)(3) and Section 4.7.8(B)(2).
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 4.7.87(C)(2)(b) in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Section 4.7.65(C), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- ~~13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit (ZCP) file.~~
- 13.44. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
145. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit (ZCP) progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that

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

156. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance or in an illegal or dangerous manner, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
167. Revoke Floodplain Development Permit (ZCP)s as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit (ZCP) by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit (ZCP) mistakenly issued in violation of an applicable State or local law may also be revoked.
178. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
189. Follow through with corrective procedures of Section 4.7.76(D).
1920. Review, provide input, and make recommendations for variance requests.
204. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 4.7.65(C) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
212. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

#### D. CORRECTIVE PROCEDURES

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

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

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

## E. VARIANCE PROCEDURES

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

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



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

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

#### **4.7.7 4.7.8 PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **A. GENERAL STANDARDS**

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

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

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 4.7.76(E)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Section 4.7.76(B)(3).
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for substantial improvements.
15. When a structure is located in ~~multiple flood hazard zones or~~ in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.
16. All fill material within the floodplain shall be cut from an adjacent portion of the floodplain on the same deeded parcel, provided that the soil meets the needed structural requirements. If the soil on the same parcel does not meet the structural requirements, fill material may be taken from another parcel. The net result of cut and fill within the floodplain area shall constitute no net loss to the flood storage capacity of the floodplain. A professional engineer shall certify that the activity or development would not result in an increase in the flood level during a base flood outside property boundaries. If change occurs within property boundaries, applicant will be required to obtain a letter of map amendment from FEMA prior to recording of final plat.
17. New construction is not allowed within the Special Flood Hazard Area.
18. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

**B. SPECIFIC STANDARDS**

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

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

### 3. Manufactured Homes.

- a. ~~New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, (two feet above calculated water surface elevation of the base flood) as defined in Article 14 of this ordinance.~~ New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 4.7.5 of this ordinance. In addition, new construction must be 100 percent outside of the Special Flood Hazard Area.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 4.7.87(B)(4).
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

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

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

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

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

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

## 5. Additions/Improvements.

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

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

**6. Recreational Vehicles.** Recreational vehicles shall either:

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

**7. Temporary Non-Residential Structures.**

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

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

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

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

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

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

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

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

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

- c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4.7.87(B)(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

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

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

d.

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

- a. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.7.87(E) of this ordinance.

- b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.7.87(E) of this ordinance.

- c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.7.87(E) of this ordinance.

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

e.

### C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 4.7.65(C) where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 4.7.87(A) shall apply:

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



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

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

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

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

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

#### E. FLOODWAYS AND NON-ENCROACHMENT AREAS

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

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

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

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

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

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

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

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

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

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

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

#### 4.7.~~98~~ LEGAL STATUS PROVISIONS.

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

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

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

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

##### C. SEVERABILITY

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

##### D. EFFECTIVE DATE

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