

# ARTICLE 5. SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

*Summary: Many new developments require the creation of new lots or subdivisions. Others require detailed plans showing most of the features of the new development, such as buildings, parking lots, landscaping, stormwater ponds, and other features. These are called “site plans.” Subdivisions and site plans are the two most common and complex types of plans for new development. As such, they deserve their own article. All site plans and subdivisions must be designed with the environmental requirements of Article 4 in mind. Before designing a subdivision or site plan, please consult Article 4. Subdivisions are approved in a two-step process. First, preliminary plats are approved (Section 5.2). Preliminary plats must conform to the standards for the creation of new lots found in Section 5.5 and Articles 7 and 9. After approval of a subdivision or site plan-controlled development, technical plans for the installation of roads, sewers, water lines and stormwater control devices must also be approved. These requirements are found in Section 5.6, (Construction Plans). After the installation of the improvements shown in the construction plans, comes the final approval of the subdivision in Section 5.3, (Final Plats). Site plans (Section 5.4, Site Plan-Controlled Development) are required for developments that require hearing by the Planning and Zoning Commission for conditional district zonings or special use permits. If new lots are created, a subdivision and site plan will be required for the same development. Typically, lots are subdivided before commercial construction drawings are generated. The details on the inspection of new utility infrastructure and acceptance of utilities by the City Council are found at Section 5.7 (Construction). References made in this Article to the Manual are to the “City of Concord Technical Standards Manual” or “TSM”.*

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# 5.1. PURPOSE

Changes to the population of an area and use of land affect the demand for infrastructure and services. The purpose of this Article is to promote the safe, functional, and aesthetically pleasing development of property. (See also Article 1 for a further statement of the purpose and intent of this Ordinance.) This Article contains the requirements for subdivision plats (at § 5.2 and 5.3) and site plans (at § 5.4). After obtaining approval of a subdivision plat or site plan, the next step is to obtain approval of construction plans and receive appropriate utility permits (See § 5.6 and Code of Ordinances Chapter 62). Finally, this Article concludes with the general rules and polices governing construction and the acceptance of infrastructure improvements for permanent maintenance by the City in § 5.7. In addition, please see the City of Concord Technical Standards Manual (the Manual) for further requirements about required construction practices and standards. The procedures for obtaining all other development-related permits are found at Article 6. (Permits and Approval Processes).

## 5.1.1. SUBDIVISION DEVELOPMENT.

- A. **Purpose.** In accordance with NCGS § 160D-801 et seq., the purposes of this Section are to:
  - 1. Ensure necessary infrastructure is adequate to serve areas with new development,
  - 2. Ensure municipal services are available to new development,
  - 3. Ensure recreational opportunities are available to new development,
  - 4. Ensure natural resources are protected,
  - 5. Ensure necessary easements are created and provisions are made to allow for the proper maintenance of infrastructure, and
  - 6. Ensure that offers of dedication of infrastructure are properly made and accepted.
  
- B. **Introduction.** Subdivisions are divided into two types, minor and major. Each major subdivision is approved in 4 phases: the preliminary plat, the construction drawings, the final plat, which includes offerings of dedications of easement and rights of way, and last acceptance of any offers to dedicate infrastructure for maintenance such as sewer pipes, sidewalks, water lines, streets and others. Minor subdivisions may not require preliminary plats, at the Administrator’s discretion. The City Engineer or his designees approve construction drawings on the recommendation of the Development Review Committee. Final plats are approved by the staff Administrator on the recommendation of the Development Review Committee (DRC). See Table 5.1 below.

**Table 5.1: Types of Subdivisions and their Approving Body.**

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

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

**5.1.2. APPLICABILITY**

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

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the lot standards in §5.5;

- B. The division of land into parcels greater than ten (10) acres where no right-of-way dedication is required;
- C. The purchase or acquisition of strips of land by a public entity for the widening or opening of streets or for public transportation system corridors, or for providing utilities; and
- D. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots meet or exceed the lot standards in Article 7 and all of the other standards of this ordinance.

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

# 5.2. PRELIMINARY PLAT

## 5.2.1 SIZE AND SCALE.

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

## 5.2.2. CONTENTS.

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

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

- B. Parcel Data.**
1. Existing tract boundaries shown by a heavy line along with all bearings and distances,
  2. Total number of lots existing before the proposed subdivision,
  3. Legal or deed description of the property,
  4. Proposed lot lines with scaled dimensions and lot numbers,
  5. Lines showing the different phases of the subdivision, if applicable,
  6. Names and property identification numbers of adjoining property owners and subdivisions, both of record and proposed (if known), and
  7. Location and size of parcels supporting community services, including but not limited to fire stations, parks, schools, open space areas, etc. and their ownership.
- C. Right-of-Way and Easement Information.**
1. Proposed streets, sidewalks, and pedestrian ways, including vehicular access points, sidewalks, street names, right-of-way widths, pavement widths, centerline curve radii, proposed functional classifications for streets, sight triangle easements and typical cross-sections,
  2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including vehicular access points, sidewalks, right-of-way widths and pavement widths,
  3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
  4. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
  5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
  6. Proposed open spaces, including labels for easements types and widths, and details.
- D. Site Calculations.**
1. Total acreage of tract,
  2. Total number of lots in the subdivision,
  3. Net acreage included in lots,
  4. Number of lots in each phase,
  5. Total acreage of open space, including subtotals for acreage of passive and active open spaces,
  6. Total acreage in street rights-of-way, and
  7. Total linear footage of each individual street center-line, measured from the center of an intersection through the center of the street to the next intersection.

**E. Zoning-Related Data.**

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

**5.2.3. OTHER REQUIRED FORMS AND PLANS.**

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

- A. Completed Street Name and Review Confirmation Sheet,
- B. Completed Stormwater Management Plan as required in Articles 4 and 6.1.
- C. Completed Open Space Provision and Maintenance Plan as required in Article 10 and the location and size of parks, school sites, open space areas, etc. and their ownership, legal instruments showing dedication of open space to a public entity (if necessary), a copy of restrictive covenants regarding open space. Architectural Elevations, in color.
- D. Tree save calculations within open space (if applicable) as required in Section 11.9.

**5.2.4. CONSIDERATIONS FOR APPROVAL.**

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

Approvals of preliminary plats are administrative in nature and decisions regarding approval of a preliminary plat shall be based on the following:

- A. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
- B. Whether the preliminary plat has been prepared in accordance with the standards of this Ordinance; and
- C. The City's ability to provide the proposed development with capacities for utilities, such as wastewater treatment or potable water and other municipal services. Developers are required to install all required utility infrastructure within subdivisions; and
- D. Compliance with street connectivity requirements of Section 10.2.6.

**5.2.5. APPROVAL PROCESS.**

- A. Subdividers shall submit the following to the Planning Department:
  1. A completed preliminary plat application,
  2. A digital copy of the preliminary subdivision plat in pdf form, uploaded to the Plan Review Online Submittal and Access System as detailed on the Planning and Neighborhood Development

- Department's webpage. Preliminary subdivision plats shall be formatted to meet the size, scale, and content requirements of this subsection,
3. Other required forms and plans listed in subsection (3) above must be submitted as a part of this approval process, and
  4. A review fee as specified in the most recent annual Budget Ordinance fee schedule.
- B. The Development Review Committee shall examine the preliminary plat and make a recommendation to the Administrator.
  - C. Incomplete plats and/or plat applications shall be returned to the applicant and will not be reviewed by City staff until revised and resubmitted.
  - D. The applicant shall revise the proposed plat if necessary in accordance with City staff review comments and upload the revised plat along with any another fees or materials that may be required.
  - E. Preliminary subdivision plats that are in accordance with all applicable standards of this Ordinance and the Manual shall be approved by the Administrator upon concurrence of the DRC.
  - F. Once the Administrator has taken action on a preliminary plat, it shall be made a matter of record as follows:
    1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Planning and Neighborhood Development Department.
    2. Approved plats shall be indexed and filed by Planning.
    3. In the event that the preliminary plat is denied, the petitioner may, in accordance with 160D-1403, appeal by filing an action in superior court seeking appropriate declaratory or equitable relief within thirty (30) days from receipt of a written notice as provided by 160D-403(b).
  - G. The preliminary plat shall be valid for three years from the date of approval. A preliminary plat shall become void if work on furtherance of plat has not commenced within the three-year period and a new application will be required to develop the site. Furtherance of the plat shall be defined as grading or approval of construction plans or erosion and sedimentation control plans. If furtherance of the plat has occurred, the plat will remain valid and in force and may be completed in accordance with the approved plan.
  - H. The Administrator may approve an extension of one (1) year for the preliminary plat upon presentation of evidence that the developer is actively working toward furtherance of the plat (such as being involved in

the development of or review of construction plan documents). The developer shall request the extension in writing and shall include evidence as required by the Administrator. The Administrator may consult with the Director of Engineering or other members of the DRC as necessary, and shall respond in writing, citing reasons for approval or denial of the extension.

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

- A. Applicants may submit construction plans to the Planning and Neighborhood Development Department.
- B. Applicants may enter into contract(s) to sell some or all of the land subject to the preliminary plat provided that all of the requirements of N.C. Gen. Stat. §160D-807 are met.

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

If the preliminary plat is modified after approval, the applicant shall repeat the process in Subsection 5.2. After consultation with the City's Engineer(s) the Administrator shall be authorized to approve amendments.

- A. Changes to infrastructure and utility design may be approved through the construction plan approval process in 5.6.

# 5.3. FINAL PLATS

## 5.3.1. SIZE AND SCALE.

Final plats must meet the size requirements of NCGS § 47-30 and the Cabarrus County Register of Deeds: 18"x24" or may be filed electronically at such time as authorized by Cabarrus County and the City of Concord. Final plats shall be prepared at a standard scale for which one (1) inch equals a distance of one hundred (100) feet or less, such as twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet.

## 5.3.2. CONTENTS.

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

### A. General Information.

1. Plat title,
2. Revision number,
3. Legend,
4. Vicinity map depicting the location of the subdivision relative to the municipal limits and the surrounding area,
5. Surveyed boundaries of wetlands, floodways, and one-hundred-year floodplains, and
6. Existing and proposed waterbodies, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100 feet.

### B. Parcel Data.

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

**C. Right-of-Way and Easement Information.**

1. Proposed and existing streets, sidewalks, and pedestrian right-of-ways and easements, including street names and right-of-way widths on subject and adjacent properties,
2. Site triangle easements meeting the standards shown in the *Manual*,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
4. Labeled proposed and existing public and/or private drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, buffer yards, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easement types and widths.

**D. Site Calculations.**

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

**E. Zoning-Related Data.**

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

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

**1. Certificate of Ownership and Offer of Dedication.**

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

BY: \_\_\_\_\_  
Owner Date

NORTH CAROLINA  
CABARRUS COUNTY

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

WITNESS my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

**2. Certificate of Survey and Accuracy.**

I, \_\_\_\_\_, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_, etc.) (other); that the error of closure as calculated by latitudes

and departures is 1: \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_\_, Page \_\_\_\_\_, that this map was prepared in accordance with General Statute § 47-30 as amended.

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

\_\_\_\_\_  
Surveyor License or Registration Number

**3. Certificate of Final Plat Approval.**

I hereby certify that this plat is in compliance with the City of Concord Code of Ordinances. This final plat for the \_\_\_\_\_ Subdivision was approved by the Administrator with the concurrence of the Development Review Committee at their meeting on \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Date \_\_\_\_\_ Planning and Neighborhood Services Director or Designee

**4. Certificate of Acceptance of Offer of Dedication.**

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

\_\_\_\_\_  
Date \_\_\_\_\_ City Clerk

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

State of North Carolina  
County of Cabarrus

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

\_\_\_\_\_  
Review Officer \_\_\_\_\_ Date

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

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

CITY OF CONCORD

\_\_\_\_\_  
NAME OF SUBDIVISION

\_\_\_\_\_  
NAME OF STREETS IN SUBDIVISION

\_\_\_\_\_  
SUBDIVIDER

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

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

Signed:

\_\_\_\_\_  
REGISTERED PROFESSIONAL ENGINEER

\_\_\_\_\_  
REGISTRATION NO.                      DATE

NORTH CAROLINA  
CABARRUS COUNTY

I, \_\_\_\_\_, a notary public for said county and state, do hereby certify that \_\_\_\_\_

\_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 200\_\_.

My commission expires: \_\_\_\_\_  
Notary Public

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

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

\_\_\_\_\_  
Date Director of Engineering

**H. Additional Certificate Required on Final Plats for Exempt Subdivisions.**  
The following certificate shall be provided and signed as indicated by the signature title.

**1. CERTIFICATE OF EXEMPTION PLAT APPROVAL**

I hereby certify that the proposed subdivision is exempt from the City of Concord subdivision ordinance and that the resulting lots meet the minimum standards of the Concord Development Ordinance.

\_\_\_\_\_  
Date Director of Planning and Neighborhood Development or Designee

**5.3.3. CONSIDERATIONS FOR APPROVAL**

**A. No final plat for a major subdivision shall be approved until:**

1. A preliminary plat for the property has been prepared and approved in accordance with Subsection 5.2,
2. Construction plans have been approved in accordance with Section 5.6.5, and

3. All applicable permits and encroachments, including but not limited to those required for infrastructure extensions and driveway connections to streets, have been received.
- B. If a preliminary plat is approved subject to conditions or labeling corrections, the final plat shall not be approved until a corrected copy of the preliminary plat has been filed with the Planning and Neighborhood Development Department.
  - C. Minor variations between the preliminary plat and subsequent final plat(s) are permissible, but the Administrator / Development Review Committee may require the applicant to revise the preliminary plat and re-submit it for approval if construction drawings or a subsequent final plat does not adequately match the approved preliminary plat.
  - D. Completion of all required public improvements shown on the City of Concord approved preliminary plat and construction plans, or posting of a performance security in accordance with 5.7.4.6, the Construction section below, and offering a dedication of the improvements to the City.

#### **5.3.4 APPROVAL PROCESS.**

- A. A digital copy of the final subdivision plat in pdf form, uploaded to the Plan Review Online Submittal and Access System as detailed on the Planning and Neighborhood Development Department's webpage. Two copies of the final plat shall be submitted to the Planning and Neighborhood Development Department after construction plans have been approved in accordance with Sec. 5.6.5. Additionally, all other required forms and plans listed in this subsection shall be submitted.
- B. The Development Review Committee shall conduct a technical review of the final plat within the time specified in the Manual.
- C. Dedication(s) of property to the City shall be considered by the City Council for acceptance of dedication and maintenance.
- D. In the event that the final plat is denied, the petitioner may, in accordance with 160D-1403, appeal by filing an action in superior court seeking appropriate declaratory or equitable relief within thirty (30) days from receipt of a written notice as provided by 160D-403(b).

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

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

### 5.3.6. RECORDATION.

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

# 5.4. SITE PLAN CONTROLLED DEVELOPMENT

## 5.4.1. PURPOSE.

The purpose of this Section is to ensure that proposed site plan-controlled development provide adequate information to ensure constructability and compliance with City regulations. These developments are approved in conjunction with a site-plan controlled zoning petition, such as a Planned Unit Development or a conditional district petition, or in conjunction with a Special Use Permit application. In addition, site development review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent developments.

## 5.4.2. APPLICABILITY.

There are a range of details that may be associated with a conditional zoning: from a “bubble plan” to a more fully designed site plan. The remainder of this subsection outlines the requirements for a variety of levels of details. A site plan designed to the standards below is required to be submitted along with an application for a conditional district rezoning or special use permit. For plans submitted with a lesser degree of detailing, the Planning and Zoning Commission may condition approval on a second hearing to attach a more detailed site plan to the site with applicant consent. Site-plan controlled developments involving residential subdivisions, may also be designed to preliminary plat standards for rezoning hearing.

TABLE 5.2 Types of Site Development and their Approving Bodies

When Required	Review and Approval Process	Approved by:
<u>Conditional district zoning amendments, special use permits</u>	(1) First Review / Approval of Proposed Site Plan	Planning & Zoning Commission
	(2) Technical Site Plan (prepared in accordance with Section 5.6)	Administrator upon the recommendation of the Development Review Committee

### 5.4.3. SITE PLANS.

- A. **Size and Scale.** No specific size requirements apply to site plans. Site plans shall be prepared at a standard scale for which one (1) inch equals a distance of twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet.
- B. **Contents.** Site plans shall depict or contain the information set forth below:
- C. **Minimum Requirements for All Site Plans.**
  - 1. Title,
  - 2. Development Name
  - 3. Developer and Engineer Contact Information
  - 4. Scale
  - 5. A boundary survey and vicinity map showing the property's total acreage, existing and proposed zoning classification(s), location in relationship to major streets, railroads, the date, and a north arrow;
  - 6. Zoning classification and district lines on the site and adjoining properties,
  - 7. Building setbacks.
  - 8. All existing easements, reservations, and rights-of-way;
  - 9. Existing and proposed points of access to public streets and to adjacent property
  - 10. Location of 100 year floodplains and location of proposed stream buffers as specified in Article 4
  - 11. General parking and circulation plans
  - 12. Additional data and information as specified in Article 9, if applicable
  - 13. Existing tract boundaries shown by a heavy line along with all bearings and distances,
  - 14. Legal or deed description of the property,
  - 15. Names and property identification numbers of adjoining property owners and subdivisions, both of record and proposed (if known.) ,
  - 14. Revision number and date,
  - 15. Legend,
  - 16. Existing topography with a minimum four-foot contour interval,
  - 17. Boundaries of wetlands, floodways, and one-hundred-year floodplains (These boundaries shall be surveyed in the final site plan.), Base Flood Elevations, watershed protection overlay districts, critical areas of watersheds, Class 1 streams, Class 2 streams, lakes and impoundments, jurisdictional wetlands, stream buffers,

16. Existing and proposed areas for structures,
  - a. Elevations, if known, or precedent imagery
  - b. Proposed use of all land and structures including the number of residential units and square footage of nonresidential development;
15. Existing and proposed impervious surface area and/or limit, given in square feet,
16. Existing and proposed waterbodies, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100 feet, and
17. Anticipated date of final platting, if relevant.
18. Proposed and required screening and landscaping as specified in Article 11;
  - a. Undisturbed buffer easements,
  - b. Vegetated setbacks,
  - c. Details
  - d. Any proposed tree save areas

**C. Additional Details that may be provided by the applicant or required by Staff or the Planning and Zoning Commission**

The list of details below is not designed to be all-inclusive, but rather to serve as examples that may be required in the evaluation of a site plan-controlled rezoning or special use permit request.

1. Construction limits,
2. Stormwater facility easements,
3. All existing and proposed utilities.
4. All proposed utility connections.
5. Proposed lot lines with scaled dimensions and lot numbers,
6. Lines showing the different phases of the subdivision, if applicable,
7. Location and size of parcels supporting community services, including but not limited to fire stations, parks, schools, open space areas, etc. and their ownership,
8. Proposed streets, sidewalks, and pedestrian ways, including vehicular access points, sidewalks, street names, right-of-way widths, pavement widths, centerline curve radii, site triangles at intersections, proposed functional classifications for streets, and typical cross-sections,
9. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including vehicular access points, sidewalks, right-of-way widths and pavement widths,
10. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, etc., including labels for easement types and widths,
11. Labeled proposed and existing drainage and stormwater controls, including labels for easement types and widths,

12. Labels for buffer easement types and widths, and
13. Proposed open spaces, including labels for easements types and widths.
14. For PUD, TND, TOD or MX districts and conditional uses, total acreage of open space, including subtotals for acreage of passive and active open spaces.
15. Memo describing stream channels as delineated on-site with copies of the Cabarrus County Soil Survey and the applicable 1:24,000 USGS Quadrangle,
16. Traffic Impact Analysis (TIA) in accordance with Chapter 52 of the City Code of Ordinances, and Article 8 of the Technical Standards Manual (TSM).
17. Fire and Life Safety Plan that includes fire apparatus turning overlay, hydrant locations, and hose pull lengths.
18. Maximum proposed building height.
19. Construction type and materials
20. Size of largest building
21. Additional plans, such as acoustical study, illumination/light impact study, if required by the administrator.
22. Additional site details: trash enclosure locations, mailbox clusters, bus shelters, transit stops, loading spaces, typical lot detail.

#### **5.4.4. CONSIDERATIONS FOR APPROVAL.**

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

- A. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
- B. Whether the site plan has been prepared in accordance with the standards of this Ordinance; and
- C. The City's ability to support the proposed development with utilities and other municipal services.
- D. CDO standards for special use permits or rezoning applications as applicable.

#### **5.4.5. APPROVAL PROCESS.**

A. Developers shall submit the following to the Planning and Neighborhood Development Department:

1. A site-plan controlled zoning district application or special use permit application, a site plan adhering to the requirements set forth in this section (5.4), and any supplemental documentation that may be required by City Staff or the Planning and Zoning Commission.
2. A review fee as specified in the most recent annual Budget Ordinance for a site-plan controlled zoning district application or a special use permit.

3. Digital Information. A digital vector file of all impervious surfaces using the coordinate system specified in the Manual or alternatively, a spreadsheet listing each impervious surface as specified in the Manual.

- B. The Development Review Committee shall review the site plan and make a recommendation to the Administrator.
- C. Incomplete site plans shall be returned to the developer and will not be reviewed by City staff until revised and resubmitted.
- D. The developer shall revise the proposed site plan if necessary, in accordance with review comments and re-submit the revised plan along with any other materials that may be required.

**5.4.6. RECORD OF APPROVAL.**

- A. For Special Use Permits, PUD, TND, TOD, or MX Districts and all Conditional district or site-plan controlled zonings, the Administrator shall present site plans that have been approved by City staff to the Planning & Zoning Commission. Once the Planning & Zoning Commission has taken action on the zoning petition or special use permit application and the corresponding site plan, it shall be made a matter of record as follows:
  - 1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with Planning and Neighborhood Development.
  - 3. Approved site plans shall be indexed and filed by Planning and Neighborhood Development.

**5.4.7. EXPIRATION of APPROVAL**

- A. Site plans submitted in conjunction with a conditional district zoning application or special use permit do not expire, but may require amendment if thresholds set forth in the CDO are exceeded.

**5.4.8. ALLOWABLE ACTIVITIES WITH A VALID, APPROVED SITE PLAN.**

- A. Developers may submit a preliminary plat and/or construction plans to the Planning and Neighborhood Development Department.

**5.4.9. REVISIONS OF SITE PLANS AFTER APPROVAL.**

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

- A. Changes in the location, size, or configuration of not more than ten percent (10%) of the total gross square floor area of approved buildings, up to 50,000 square feet, provided that all buildings comply with the requirements of this ordinance and the total number of lots is not increased;
- B. Changes in the location, size, or configuration of open space equivalent to not more than ten percent (10%) of the approved gross open space acreage, provided that the percentage of the subdivision gross land area in open space is not reduced; or
- C. Changes in the location or configuration of proposed streets, driveways and/or parking lots equivalent to not more than ten percent (10%) of the approved total street length, or parking lot area, provided that the number of external access points is not decreased and the minimum street connectivity ratios are maintained.
- D. Changes to infrastructure and utility design shall be approved through the construction plan approval process in 5.6.
- E. If a detailed site plan is not submitted as a component of a conditional district rezoning, City Staff is authorized to approve preliminary plats and construction drawings that adhere to conditions and development standards set forth by the zoning approval. If a detailed site plan is submitted, City Staff is limited to approving variations that do not exceed the thresholds in this subsection (5.4.10) and subsection 3.2.8.1. The Planning and Zoning Commission or City Council may establish that a non-detailed site plan is subject to re-hearing as a condition of the rezoning petition if the applicant consents.

# 5.5. LOT STANDARDS

## 5.5.1. PURPOSE.

This Section establishes standards to guide the design and review of proposed developments, involving the layout or development of lots and their relationship to streets and other public facilities. Lot size and density shall be determined based on the current zoning district of the development as provided in Articles 7 and 9. Lots shall meet or exceed zoning district standards and shall be designed for their potential uses, so that adequate buildable area is provided along with adequate room for required setbacks (see Article 7, Table 7.7-1.) and buffer yards as applicable (see Article 11).

## 5.5.2. APPLICABILITY.

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

## 5.5.3. ACCESS.

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

zoning districts, the maximum length of any blocks shall be as stated in Section 10.1.3. Cul-de-sac lengths shall be as stated in the Manual. Block length shall be measured from the centerline of an intersecting street to the centerline of the next intersecting street or the center point of the terminus of the street..

#### 5.5.4. GENERAL EXCEPTIONS FOR CERTAIN KINDS OF LOTS.

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

#### 5.5.5. OPEN SPACES.

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

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

- A. A buffer yard shall be required along the perimeter of a residential subdivision in order to separate residential lots from:
  - 1. Abutting a thoroughfare; and
  - 2. Abutting non-residential uses.

- B. The buffer yard for abutting non-residential uses shall be designed and landscaped per Article 11 of this Ordinance. The buffer yard for abutting a thoroughfare shall be a Type D buffer as set forth in Article 11 of this Ordinance.
- C. All required buffer yards shall be platted as common areas and may be included as “open space” subject to the standards and criteria as set forth in Articles 10 and 11 of this Ordinance.

# 5.6. CONSTRUCTION PLANS

## 5.6.1. PURPOSE.

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

## 5.6.2. APPLICABILITY.

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

## 5.6.3. SIZE AND SCALE.

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

## 5.6.4. CONTENTS.

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

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

15. Lines showing the different phases of the development, if applicable.
16. Memo describing stream channels as delineated onsite with copies of the Cabarrus County Soil Survey and the applicable 1:24,000 USGS Quadrangle
17. Existing and proposed structures.
18. Construction limits
19. Anticipated date of final platting (if applicable)
20. Proposed lot lines with scaled dimensions and lot numbers (if applicable)
21. Size of largest building
22. Fire apparatus turning radius overlay
23. Solid waste turning radius overlay
24. Height of tallest building
25. Building materials and construction style
26. Related zoning and preliminary plat case numbers (if applicable)
27. Zoning conditions (if applicable)

**B. Parcel Data.**

1. Names and property identification numbers of adjoining property owners and subdivisions and/or other developments, both of record and proposed, if known, and
2. Location and size of parcels supporting community services, such as parks, schools, open space areas, etc. and their ownership (if any are located in the site planned development),
3. Existing tract boundaries shown by a heavy line along with all bearings and distances
4. Existing and proposed easement locations.

**C. Utility and Drainage Information.**

1. Utility location service contact information,
2. Sheet(s) containing both plan views of all proposed waterlines with a center-of-pipe profile of all waterlines with diameters greater than twelve (12) inches at a scale of one inch to forty feet,
3. Sheet(s) containing both plan views of all proposed sanitary sewer lines with a center-of-pipe profile of all proposed sanitary sewer lines at a scale of one inch to forty feet horizontal and one inch equals four feet vertical,
4. Sheet(s) containing both plan views of all proposed stormwater pipes and channels with a center-of-pipe/channel profile of all proposed stormwater pipes and channels at a scale of one inch to forty feet horizontal and one inch equals four feet vertical,
5. And at each crossing of another utility,
6. Existing utilities on and within 100 feet of the development,

7. Note referencing Chapter 62 of the Code of the City of Concord, the WSACC Standard Specifications, and State requirements,
8. Waterline stationing,
9. Sanitary sewer line stationing,
10. Sanitary sewer invert elevations and slopes,
11. Manhole diameters, and
12. Sufficient details.

**D. Transportation Information.**

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

**E. Right-of-Way and Easement Information.**

1. Proposed streets, sidewalks, and pedestrian ways, including street names, right-of-way widths, vehicular access points, sidewalks, pavement widths, centerline curve radii, proposed functional classifications for streets, typical cross-sections, sight triangles, street centerline stationing.
2. Existing streets, sidewalks, and pedestrian ways on subject and adjacent properties, including right-of-way widths, vehicular access points, sidewalks, pavement widths, center-line distance of each street measured from the center of intersection to the next intersection and centerline curve radii,
3. Proposed and existing utility easements, such as water, sanitary sewer, storm sewer, electric, natural gas, telephone, cable, maintenance and access and etc., including labels for easement types and widths,
4. Labeled proposed and existing drainage and stormwater controls, including labels for easement types and widths,
5. Proposed and existing buffers, such as undisturbed buffers, vegetative buffers, etc., including labels for easement types and widths, and
6. Proposed open spaces, including labels for easement types and widths.

**F. CALCULATIONS.**

1. Total number of lots in the subdivision, if applicable,
2. Number of lots in each phase, if applicable,
3. Total acreage of open space, including subtotals for acreage of passive and active open spaces, along with required tree preservation areas as specified in Article 11 (if applicable),
4. Total linear footage of each individual street,
5. Total linear footage of each diameter size of waterline,

6. Peak potable water demand in gallons per minute,
7. Total linear footage of each diameter size of sanitary sewer line,
8. Peak wastewater generated with estimated inflow and infiltration for a 5-year storm event in gallons per minute,
9. The information stated in the Manual for pump station cycle times, storage and associated pump curves,
10. Pavement design calculations and associated AASHTO Soil Classification information for streets to be dedicated to a government.

**G. Electrical Utility Information.**

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

**H. Other Required Forms and Plans.** Depending on the type of development, and

the timing of development, other plans may be required.

1. Approved Street Name and Review Confirmation Sheet,
2. Approved Stormwater Management Plans as required in Article 4.]
3. Approved Open Space Provision and Maintenance Plan as required in Article 10.], and the location and size of parks, school sites, open space areas, etc. and their ownership, legal instruments showing dedication of open space to a public entity (if necessary), a copy of restrictive covenants regarding open space.,
4. Completed Street and Driveway access permit application: approved driveway permit necessary prior to Construction Drawing approval.
5. Completed Traffic Impact Study (TIS), if required.
6. Copy of the approved preliminary subdivision plat, if applicable.
7. Completed architectural plans for multi-family and non-residential development in accordance with Article 7.
8. Third party approvals.
9. Fire and Life Safety Department Confirmation of Acknowledgement and Acceptance

**5.6.5. CONSIDERATIONS FOR APPROVAL.**

- A. **Conformity with Approved Plat.** The number and configuration of lots on construction plans for subdivisions shall match the number and configuration of lots on the subdivision's approved preliminary plat.
- B. **Third Party Permits.** Third party permits, such as driveway permits, utility permits, environmental permits, sedimentation and erosion control permits, must be approved prior to release of the construction drawings for construction.

#### **5.6.6. APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS.**

A. Developers shall submit the following to the Planning and Neighborhood Development Department:

A digital copy of the construction plans (in pdf form) meeting the size, scale, and content requirements of this subsection and the Manual. The plans shall be uploaded to the Plan Review Online Submittal and Access System as detailed on the Planning and Neighborhood Development Department's webpage.

1. Other Required Forms and Plans.
2. Completed Traffic Impact Study in accordance with Article 8 of the TSM and Section 50-125 of the City of Concord Code of Ordinances.,
3. Completed utility permit applications in accordance with Sec. 62-77 of the Code of the City of Concord.
4. A review fee as specified in the most recent annual Budget Ordinance.

B. The Development Review Committee shall examine and review the construction plans.

C. Incomplete plans shall be returned to the developer and will not be reviewed by City staff until revised and resubmitted.

C. The developer shall revise the proposed plan if necessary, in accordance with Development Review Committee comments and re-submit revised copies along with any another fees or materials that may be required.

E. Once the construction plan has been approved by the Director of Engineering or an individual under his/her direct control, it shall be made a matter of record as follows:

1. The reasons for approval, disapproval, or approval with conditions shall be maintained on file with the Engineering Department.
2. Approved plans shall be indexed and filed by the Engineering Department.

#### **5.6.7. REVISIONS OF THE CONSTRUCTION PLAN AFTER APPROVAL.**

A. Deviations from the approved engineering plans and specifications or changes in site conditions shall be submitted in writing by the engineer to the Director of Engineering for written approval prior to any further construction or installation activity.

B. Modifications to the approved plans requiring federal, state, and local regulatory approval shall be the responsibility of the owner, developer, or their contractor and/or engineer. The owner / developer shall assume full responsibility for acquiring the applicable regulatory permits and approvals, prior to further construction or installation activity.

C. The developer shall hold the City and its officers and agents harmless of any

responsibility or liability, upon the failure of the developer or owner to obtain required regulatory approvals prior to further construction activity and the developers' failure to adhere to regulatory requirements during the construction activities.

# 5.7. CONSTRUCTION

## 5.7.1. PURPOSE.

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

## 5.7.2. PRE-CONSTRUCTION RESPONSIBILITIES.

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

## 5.7.3. INSPECTION.

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

All inspections of waterline extensions and sanitary sewer extensions shall be conducted in accordance with Section 62-86 of the Code of the City of Concord. All inspections of stormwater control and treatment

infrastructure shall be conducted in accordance with the *Manual*, Chapter 60 of the Code of Ordinances and Article 4.

#### **5.7.4. CONSTRUCTION RESPONSIBILITIES.**

- A. All improvements required pursuant to these regulations shall be constructed in accordance with the applicable requirements of this Ordinance, and, where applicable, the requirements and authorization of the appropriate state agency, utility company, or local franchisee.
- B. All installations of improvements shall conform to the approved construction plans. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of this Ordinance and shall be remedied in accordance with Section 1.5.
- C. The applicant or the bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.
- D. If necessary, the applicant shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Administrator may take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

#### **E. Contracts for Future Installation of Improvements**

If developments cannot be completed, under certain conditions the City MAY accept a contract and bond for a delay in the installation of certain required improvements in accordance with NCGS § 160D-804(g) and as detailed below.

- 1. The Administrator may delay the requirement for the completion of required improvements (excluding improvements required to provide for emergencies) prior to recordation of the final plat if the applicant enters into an Agreement in which the applicant covenants and agrees to complete all required on-site and off-site public improvements no later than two (2) years following the date upon which the final plat is recorded. Such period may be extended for up to an additional one (1) year period upon its expiration at the discretion of the Administrator.
- 2. At the discretion of the Administrator, the Administrator may recommend an Agreement with the developer for a development containing multiple final plats that specifies the timing and sequence of street, water, wastewater, drainage, and park or open space dedication and improvements. Notwithstanding any

provision in this Ordinance to the contrary, the Infrastructure Development Agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

2. The City Attorney and City Council shall approve all Infrastructure Development Agreements as a legislative decision.

#### **F. Performance Security for Improvements**

1. Whenever the Administrator determines that improvements cannot be completed or installed due to adverse weather conditions or other factors determined to be reasonable by the Administrator, or pursuant to Section 5.7.4(G)(6) below or to an established city policy, a developer may enter into an Agreement with the City. The developer shall be required to provide sufficient security to ensure completion of the required public improvements or private stormwater control measure. The security shall be in the form of an irrevocable letter of credit, surety bond or cash escrow, or another form of guarantee that provides equivalent security.
2. The Director of Engineering shall approve the surety bond, letter of credit or cash escrow in an amount that totals up to 125% of the cost of the improvements in the approved construction plan. The applicant shall provide either a bid from their contractor(s) of record for the Director of Engineering to review and approve or an estimate completed by a professional engineer with reference to average prices for the local market before the amount of the bond is established. The dollar amount shall be sufficient to cover all promises and conditions contained in the Agreement.
3. If security is provided in the form of a cash escrow, the applicant shall deposit with the City Finance Director a cash amount or certified check endorsed to the escrow agent for a face value in an amount not less than the amount specified by the Director of Engineering.
4. The cash escrow account shall accrue to the City for administering the construction, operation, and maintenance of the improvements.
5. Upon completion, as set forth in Section 5.7.9 below, of all improvements as covered by the Agreement, the Director of Engineering (or his/her designee) shall inspect the work. If the Director determines that the work is satisfactory and complete, the security shall be released. The Director shall also require evidence from the developer that all contractors have been paid in full prior to the release of the performance security. The Director shall permit one reduction of the letter of credit or cash escrow upon approval.

6. Without limiting the above, for public roads, streets, sidewalks, street trees, and rights of way, the Director of Engineering may collect a performance guarantee to ensure completion, provided that such project shall not be considered complete except as provided in Section 5.7.9.

**G. Payments - In Lieu of Installation for Curbing, Guttering and Sidewalks Improvements.**

1. In certain cases, upon the request of the applicant, the City may relieve the applicant from the requirement to install curbing, guttering or sidewalks, in return for a payment-in-lieu of the installation. The application procedures and requirements are explained in this sub-section.
2. A written application for a sidewalk, curb, and gutter exception is submitted to the office of the Development Services Department demonstrating:
  - A. That the project meets one or both of the following scenarios:
  - B. Where the topography does not allow for the reasonable or practical installation of sidewalks, curbs, and gutters; and/or
  - C. In instances where the ultimate right-of-way width is not yet determined, and/or
  - D. The developer provides an alternate walkway, trail or greenway that is approved by the Administrator following the recommendation of the Development Review Committee; and
  - E. The developer agrees to pay a fee-in-lieu of the required installation and to provide any required rights-of-way and/or easement dedications.
  - F. The “sidewalk, curb and gutter fee” is set annually in the adopted budget ordinance. The fee is based on actual costs for typical construction during the previous fiscal year, times 110% to cover administrative costs and the cost of inflation.
  - G. The fees collected are held in a Sidewalk, Curb, and Gutter Reserve Account (the “Reserve Account”) administered by the City of Concord.
  - H. The Reserve Account is used only for the construction of sidewalks, curbs, and gutters at locations within the same Sidewalk Maintenance Routes/ Zones as the project where the exception was granted.
  - I. **Failure to Comply with Agreement Terms.** If an Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms

of the Agreement, the Administrator and/or the Director of Engineering may:

1. Declare the Agreement to be in default prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
2. Obtain funds from the surety and complete the public improvements by itself or through a third party;
3. Assign its right to receive funds from the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
4. Exercise any other rights available under the law.

#### **5.7.5. AS-BUILT DRAWINGS AND RECORD DRAWINGS.**

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

#### **5.7.6. CONSIDERATIONS FOR APPROVAL AND ACCEPTANCE.**

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

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

CITY OF CONCORD

\_\_\_\_\_  
 NAME OF DEVELOPMENT

\_\_\_\_\_  
 NAME OF STREETS IN DEVELOPMENT

\_\_\_\_\_  
 DEVELOPER

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

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

Signed:

\_\_\_\_\_  
 REGISTERED PROFESSIONAL ENGINEER

\_\_\_\_\_  
 REGISTRATION NO.                      DATE

NORTH CAROLINA  
 CABARRUS COUNTY

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

WITNESS my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 200\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

### 5.7.7. APPROVAL PROCESS.

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

### 5.7.8. PROCEDURE FOR ACCEPTANCE

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

### 5.7.9. CONDITIONS OF APPROVAL.

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

- A. **Rights-of-Way.** Property owner(s) must offer dedications of rights-of-way of a width approved by the City free of charge and clear of all encumbrances. The specific standards for acceptance of easements shall be subject to the *Manual* and any other adopted policy or manual of the City. All easements shall be in full compliance with this Ordinance prior to acceptance. The City will not accept dedication of any street, road, sidewalk, or public right of way, and no street, road, or public right of way shall be considered complete, until seventy five percent (75%) of the lots in the applicable permitted phase map have been constructed.
- B. **Utilities / Streets / Stormwater Utilities.** When improvements have been constructed in accordance with the requirements and conditions of these regulations and the specifications of this Article, and the applicant has submitted as-built drawings to the Director of Engineering, the City Council may consider acceptance of the improvements for maintenance by the City. All infrastructure including street signs and markings under consideration for addition to the city system shall be in an acceptable state of maintenance as determined by the Director of Engineering upon

the recommendation of the Development Review Committee. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, public way or property therein or adjacent thereto. Dumping of such debris into sewers, onto adjacent property or onto other land in the City is prohibited. The as-built drawings shall include all infrastructure, including those portions of roads and drainage that may be considered private in nature.

- C. **Timing.** All offers of dedication via a subdivision plat or contained on a site plan shall not be accepted until the final plat is approved by the Administrator or Planning & Zoning Commission, and all infrastructure and/or improvements are completed and “as-built” drawings are submitted to the Director of Engineering, and any other conditions imposed by the City Council are met. All utilities and/or infrastructure in a geographic area shall be accepted simultaneously. This sub-section shall not apply to improvements maintained by another entity.
- D. **Private Facilities.** Private streets, roads, travel aisles, parking lots, alleys serving residential, multifamily, commercial, and industrial developments shall not be eligible for acceptance to the City’s street system unless they are designed, built, inspected, and dedicated in accordance with the *Manual* and the requirements of this Ordinance. These provisions shall not relieve the developer or the developer’s agent or contractor of responsibility in notifying the City of completed work and the developer’s request for a City inspection. The agency having jurisdiction shall inspect and approve all completed work prior to the release of any performance guarantees.

#### 5.7.10. POST-CONSTRUCTION RESPONSIBILITIES.

- A. The developer shall be responsible for the material and craftsmanship of all donated infrastructure for a warranty period of one year from the date of ACCEPTANCE in accordance with Section 5.7.8 of the project or the phase of the project.
- B. The City shall have the right to increase the warranty period for atypical construction materials or construction techniques or sub-standard construction
- C. The warranty period shall begin on the date that the City Council accepts ownership of the modification or extension.
- D. This warranty shall include any damages that may arise from construction by other utility companies or homebuilders.
- E. The City shall relieve the developer of their obligation under the warranty

period by performing a one-year warranty inspection, or an inspection at the end of an extended warranty period. Inspections shall include, but are not limited to, a video recording of the interior of all sanitary sewer outfall mains, collection mains, and laterals on a CD, DVD, or equivalent successor media and a recording of the interior of all storm sewer mains, outfalls, and appurtenant items, both within street rights-of-way and in those areas considered to be privately owned and maintained on a CD, DVD, or equivalent successor media. The entire storm drainage system shall be cleaned and be free of mud and debris prior to the video inspection so all defects shall be clearly visible. The mud and debris shall not be discharged into streams or waterbodies, but shall be captured and disposed in a manner acceptable to the City, County, and NCDENR.

F. Any and all defects found at this time that do not conform to the City's standards or this ordinance shall be repaired or replaced at the developer's expense.

G. Any defects in workmanship and/or materials shall be repaired to the satisfaction of the Administrator or Director of Engineering. Developers are required to make all necessary repairs immediately.