

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. After approval of a subdivision or site plan, 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 development) are required for non-residential and more intense residential developments. If new lots are created, a subdivision and site plan may be required for the same development. Typically, lots are subdivided before site plans are made. 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".

TABLE OF CONTENTS

SECTION	PAGE
5.1. PURPOSE	2
5.2. PRELIMINARY PLATS	4
5.3. FINAL PLATS	9
5.4. SITE DEVELOPMENT.....	16
5.5. LOT STANDARDS	23
5.6. CONSTRUCTION PLANS.....	27
5.7. CONSTRUCTION	31

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 site plans (at § 5.3). 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 § 5.4 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 § 5.5. 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 §§ 160A-371 through 160A-376, 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 subdivisions is approved in 4 phases: first the preliminary plat, second the construction drawings third the final plat and last acceptance of any offers to dedicate infrastructure such as sewer pipes, sidewalks, water lines, streets and others. Minor subdivision preliminary plats are approved by the staff Administrator on the recommendation of the Development Review Committee or the Planning & Zoning Commission (major plats only). 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 (minor subdivisions) on the recommendation of the Development Review Committee or the Planning & Zoning Commission 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	(1) Preliminary Plat	Administrator with Development Review Committee
	(2) Final Plat	Administrator with Development review Committee.
Major Subdivision	(1) Preliminary Plat	Planning & Zoning Commission
	(2) Final Plat	Planning & Zoning Commission
Construction Drawings		Director of Engineering with Development Review Committee
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 minor or major subdivision within the jurisdiction of the City of Concord without preparing a preliminary and final plat verifying that all applicable standards are met. Final and preliminary plats shall be prepared for all minor and/or 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:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the lot standards in §5.5;
2. The division of land into parcels greater than ten (10) acres where no right-of-way dedication is required;
3. The purchase of strips of land by a public entity for the widening or opening of streets or for public transportation system corridors; and
4. The division of a tract in single ownership whose entire area is no greater than two (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 §5.5 and all of the other standards of this ordinance.

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

5.2. PRELIMINARY PLATS

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.
- 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.

1. Completed Street Name and Review Confirmation Sheet,
2. Completed Stormwater Management Plan as required in Articles 4 and 6.1.
3. Completed Open Space Provision and Maintenance Plan as required in Article 6.5 [new 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.

5.2.4. CONSIDERATIONS FOR APPROVAL.

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

1. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
2. Whether the preliminary plat has been prepared in accordance with the standards of this Ordinance; and
3. 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.
4. Street connectivity shall meet the requirements of Article 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. The number of copies of the preliminary subdivision plat specified in the Manual. Preliminary subdivision plats shall 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 within the time stated in the

schedule adopted by the Development Review Committee (DRC) or in the *Manual*.

- 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 re-submit revised copies 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 placed on the agenda of the Planning & Zoning Commission, in accordance with the procedures and by-laws of the Commission.
- F. Once the Planning & Zoning Commission 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 Planning.
 - 2. Approved plats shall be indexed and filed by Planning.
- G. One mylar copy of the preliminary plats approved by the Planning & Zoning Commission shall be submitted to the Planning Department. Copies of mylar plats shall not exceed 30 by 40 inches in size.
- H. The preliminary plat shall be valid for three years from the date of Planning & Zoning Commission 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.
- I. 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 Development Services Department.

- B. Applicants may proceed with the preparation of the final plat in accordance with Section 5.3.
- C. Applicants may proceed with site preparation and grading provided that the provisions of the land disturbance article are met and that grading and/or construction plans have been approved.
- D. Applicants may proceed with the installation of required improvements provided that the construction plans are approved in accordance with the provisions of this Ordinance, the Code of the City of Concord, the Concord Technical Standards Manual, and all necessary approvals and permits have received.
- E. 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. § 160A-375 (b) are met.

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

If the preliminary plat is modified after the Planning & Zoning Commission approves it, the applicant shall repeat the process in Subsection 5.2 unless the Administrator or his/her designee has been authorized to approve the amendments and approves those amendments. After consultation with the City's Engineer(s) the Administrator shall be authorized to approve the following amendments:

1. Changes in the location, size, or configuration of not more than ten percent (10%) of the number of approved lots, provided that all lots comply with the applicable zoning district and the total number of lots is not increased;
2. 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
3. Changes in the location or configuration of proposed streets equivalent to not more than ten percent (10%) of the approved total street length, provided that the number of external access points is not decreased and the minimum street connectivity ratios are maintained.
4. Changes to infrastructure and utility design shall 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. 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 _____, 200__.

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 Concord Planning & Zoning Commission / Administrator with the concurrence of the Development Review Committee at their meeting on _____, 2_____.

Date Development Services Director

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. Certificate of Fee Payment.

I hereby certify that all fees for the _____ Subdivision have been paid, or that the fees are not applicable.

Finance Director Date

6. 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, unless infrastructure has been guaranteed in accordance with section 5.7.4.6.2 (Performance Securities for Improvements.)

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

Date

Director of Engineering

5.3.3. CONSIDERATIONS FOR APPROVAL

- A. No final plat 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 Development Services Department.
- C. Minor variations between the preliminary plat and subsequent final plat(s) are permissible as set forth in Section 5.2.7. The Administrator / Development Review Committee may require the applicant to revise the preliminary plat and re-submit it to the Planning & Zoning Commission for approval if 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. The number of copies of the final plat specified in the *Manual* shall be submitted to the Development Services 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 appropriate Development Review Committee shall conduct a technical review of the final plat within the time specified in the *Manual*.
- C. Final plats offering property dedication(s) to the City shall be reviewed by the City Council. Only the City Council may accept dedications of property.

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. 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.** Recorded plats shall be submitted to the City. A true original mylar plat as certified by the Register of Deeds must be returned to the City 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 DEVELOPMENT

5.4.1. PURPOSE.

The purpose of this Section is to ensure that higher density residential and non-residential developments, including structures, utilities, streets, parking, buffers, and open space receive a more detailed review. In general, these developments are reviewed and approved twice, once by the staff Administrator and then by the Planning & Zoning Commission and/or City Council. 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.

No person shall develop, grade, or construct buildings or structures for any site development without making an application for, and receiving approval of, a site plan and complying fully with the provisions of this ordinance and all other state and local laws and regulations. Different kinds of site developments are reviewed and approved by different bodies. The kinds of development each body approves are listed in Table 5.2.

TABLE 5.2 Types of Site Development and their Approving Bodies

When Required	Review and Approval Process	Approved by:
Non-residential developments, any multi-family development	Site Plan	Administrator upon the recommendation of the Development Review Committee
Conditional district non-residential, non-residential structures greater than 100,000 square feet or major subdivisions, Planned Unit Development (PUD), Traditional Neighborhood Development (TND), Transit-Oriented Development (TOD), or Mixed Use (MX) Development, applications for rezoning to a conditional district.	(1) First Review / Approval of Proposed Site Plan	Planning & Zoning Commission
	(2) Final Review / Approval of Site Plan	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. **General Information.**
 - 1. 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 (These boundaries shall be surveyed in the final site plan.),
 - 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 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.
 - 26. All proposed utility connections.
- D. **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,
 - 3. Proposed lot lines with scaled dimensions 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,

E. 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, site triangles at intersections, proposed functional classifications for streets, 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 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.
7. 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.

F. Zoning-Related Data.

1. Zoning classification and district lines on the site and adjoining properties, and
2. Building setbacks.

G. Certificates. The following certificates shall be provided and signed as indicated by the signature title.

1. **Certificate of Site Plan Approval.** Upon approval of the site plan by the appropriate person or body, the applicable certificate below shall be signed on each copy of the plan reflecting such approval:

2. **For PUD, TND, TOD or MX Districts, and Conditional Uses.**

I hereby certify that the City of Concord Planning & Zoning Commission on _____ duly approved this site plan and that this plan is in conformity therein.

Date Development Services Director

3. **For all other Site Plans.** By authority of the City of Concord Development Regulations, this site plan is hereby approved.

Date Development Services Director

Date Director of Engineering

5. Certificate of Acceptance of Offer of Dedication.

I hereby certify that the City Council accepted the offers of dedication shown on this site plan by resolution at a meeting of the City Council held on _____, 2____.

Date City Clerk

5.4.4. Other Required Forms and Plans.

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

1. Completed Street Name and Review Confirmation Sheet,
2. Completed Stormwater Management Plan as required in Article 4,
3. Completed Open Space Provision and Maintenance Plan as required in Article 6.5 (new IV), 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 Architectural Plans in accordance with Article 7
5. Fire and Life Safety Department Confirmation of Acknowledgement and Acceptance,
6. Electric Systems Load Data Sheet,
7. Underground Electric Service Installation Agreement,
8. Address request form and layout plan,
9. Completed water and sewer permit applications in accordance with Chapter 62 Article III,
10. Contract for Utility Service, and
11. Stormwater Replacement Protection Easement and Access Maintenance Agreement in accordance with Sec. 4.4.6.C.
12. Driveway permits.
13. Completed Traffic Impact Study (TIS), acoustical study, illumination/light impact study, if required by the administrator.

5.4.5. CONSIDERATIONS FOR APPROVAL.

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

1. Whether all applicable information has been submitted confirming that the application adheres to all requirements of this Ordinance; and
2. Whether the site plan has been prepared in accordance with the standards of this Ordinance; and
3. The City's ability to support the proposed development with utilities and other municipal services; and

4. All necessary state, local, federal permits or approval.

5.4.6. APPROVAL PROCESS.

- A. Developers shall submit the following to the Development Services Department:
 1. A completed site plan application,
 2. The number of copies of the completed site plan specified in the Manual. Preliminary subdivision plats shall meet the size, scale, and content requirements of this subsection bearing a signed Certificate of Ownership and Dedication,
 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.
 5. Other Required Forms and Plans. Other required forms and plans listed in this subsection,
 6. 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, and
 7. Fee. A review fee as specified in the most recent annual Budget Ordinance fee schedule.
- B. The Development Review Committee shall review the site plan and make a recommendation to the Administrator within the time stated in the schedule adopted by the DRC or in the Manual.
- 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 review comments and re-submit revised copies along with any another materials that may be required.

5.4.7. RECORD OF APPROVAL.

- A. For PUD, TND, TOD, or MX Districts and Conditional Uses. 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 a 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 Development Services.

2. Approved site plans shall be indexed and filed by Development Services.
- B. For All Other Site Plans. Site plans that have been approved by City staff 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 Development Services.
- C. Approved site plans shall be indexed and filed by Development Services.
- D. The site plan shall be valid for two years from the date of approval

5.4.8. EXPIRATION of APPROVAL

- A. SITE PLAN approval expires automatically and simultaneously with the expiration of the zoning clearance permit.

5.4.9. ALLOWABLE ACTIVITIES WITH A VALID, APPROVED SITE PLAN.

- A. Developers may proceed with the preparation of the final plat in accordance with Section 5.4 if dedication of public easement or right-of-way is required.
- B. Developers may submit construction plans to the Development Services Department.
- C. Developers may proceed with site preparation and grading provided that the provisions of the land disturbance article are met and that both grading plans have been approved in accordance with Article 4, and/or construction plans in accordance with § 5.6 below.
- D. Developers may proceed with the installation of required improvements provided that the construction plans are approved in accordance with the provisions of this Ordinance, the Code of the City of Concord, the Concord Technical Standards Manual, and all other necessary state, local and federal approvals and permits.

5.4.10. 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:

1. 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;
2. 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

3. 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.
4. Changes to infrastructure and utility design shall be approved through the construction plan approval process in 5.6.

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 Table 5.5-1. 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 (see Article 7).

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, provided that adequate paved access is available for emergency and public safety vehicles and access;
 - 2. Town home lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the town home lots; and
 - 3. Lots fronting on approved private streets.
- C. **Street Frontage.** Lots shall be designed with adequate frontage for the purpose of providing direct physical access to the property from public streets for vehicles and utilities and for public safety equipment. For proposed subdivisions with frontage on a thoroughfare street, the maximum number of lots to be created shall be limited to five (5) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.
- D. **Restrictions on Block and Cul-de-sac Lengths.** The purpose of this subsection is to discourage long blocks lined with homes and other buildings, which reduces street connectivity and diminishes the efficiency of public and safety services, while increasing distances between residences and non-residential destinations or public gathering places. In the AG, RE, I-1, and I-2 zoning districts there shall be no maximum block length. In all other zoning districts, the maximum length of any blocks shall be as stated in the *Manual*. 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 Table 9.4-2 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 § 6.5 of this Ordinance.

Table 5.5-1 Dimensional and Density Standards

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

(1) Height may be increased by one foot for each one foot of additional building setback up to a maximum height of 200 feet. Setbacks for Unified Development projects shall be measured from the overall project boundaries. A Unified Development is defined as properties developed as a single-use where the developments on all the parcels are necessary to meet the requirement of this ordinance.

Building Setbacks

ARTICLE 5: SUBDIVISION PLATS, SITE PLANS AND CONSTRUCTION PLANS

Zoning District	PRINCIPAL STRUCTURES				ACCESSORY STRUCTURES		NOTES:
	Min. Front Setback (feet)	Max. Front Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)	Min. Interior Sideyard Setback (feet)	Min. Rear Setback (feet)	
AG	50	-	20	30	10	10	<p>* Residences permitted in non-residential districts shall conform to the density and dimensional standards of the RC district.</p> <p>**Rural subdivisions (AG zone) are subject to the additional provisions of Section 5.25.</p> <p>*** Individual duplex lots, as permitted in Table 4.6-1, shall be required 1.5 times the minimum lot area and minimum lot width. Minimum lot depth shall not be required to increase.</p> <p>In the districts where permitted, multi-family and/or single-family attached developments shall only be subject to Columns B, C, , an F. Setbacks for multi-family and single-family attached developments are set forth in Sect. 11.2 of this Ordinance.</p> <p>^ See Sect. 6.6.5 for exceptions.</p>
RE	45	-	20	30	5	5	
RL	35	-	15	30	5	5	
RM-1	25	-	10	25	5	5	
RM-2	25	-	10	25	5	5	
RV	20	-	7	5	5	5	
RC	20	-	7	5	5	5	
B-1	10	-	10	20	10	10	
CC	-	10	-	-	-	-	
O-I	10	-	-	-	-	-	
C-1	10	-	-	-	-	-	
C-2	10	-	-	-	-	-	
CD	30	-	-	-	-	-	
I-1	30	-	-	-	-	-	
I-2	30	-	-	-	-	-	

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.

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).

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,
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 Articles 4 and 6.
3. Approved Open Space Provision and Maintenance Plan as required in Article 6.5 [new 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,
5. Completed Traffic Impact Study (TIS), if required.
6. Copy of the approved preliminary subdivision plat, if applicable.

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.

5.6.6. APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS.

- A. Developers shall submit the following to the Development Services Department:
 - 1. The number of copies of the construction plans meeting the size, scale, and content requirements of this subsection and the *Manual*.
 - 2. Other Required Forms and Plans.
 - 3. Completed Traffic Impact Study in accordance with Article 3, and
 - 4. Completed utility permit applications in accordance with Sec. 62-77 of the Code of the City of Concord.
 - 5. A review fee as specified in the most recent annual Budget Ordinance.
- B. The Development Review Committee shall examine and review the construction plans within the time limit stated in the schedule adopted by the DRC or in the *Manual*.
- C. Incomplete 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 plan if necessary in accordance with Technical Review Committee comments and re-submit revised copies along with any other 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), and
 - 7. 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^[e1] 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 1.6.
- 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. 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. See the next section for the procedures and requirements.
- F. Contracts for Future Installation of Improvements
- G. **Applicability.**
 - 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 one (1) year following the date upon which the final plat is recorded. Such period may be extended for up to an additional six (6) months 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.
 - 3. The City Attorney and City Council shall approve all Infrastructure Development Agreements.
- H. **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, a developer may enter into an Agreement. The developer shall be required to

provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of an irrevocable letter of credit, surety bond or cash escrow.

2. The Director of Engineering shall approve the surety bond, letter of credit or cash escrow in an amount that totals at least 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 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 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 letter of credit or cash escrow 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.
- I. **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 subsection.
 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 signed was indicated by the signature title.
2. **CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS**

CITY OF CONCORD

NAME OF SITE PLAN

NAME OF STREETS IN SITE PLAN

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.

- 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 or site plan 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.

- 1. 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.
- 2. A maintenance guarantee shall be secured by letter of credit, surety bonds, cash escrow in an amount equal to twenty per cent (20%) percent of the cost of the completed improvements.
- 3. The City shall have the right to increase the warranty period for atypical construction materials or construction techniques or sub-standard construction
- 4. The warranty period shall begin on the date that the City Council accepts ownership of the modification or extension.

5. This warranty shall include any damages that may arise from construction by other utility companies or homebuilders.
6. 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.
7. 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.
8. Prior to the expiration of the maintenance guarantee instrument, any defects in workmanship and/or materials are shall repaired to the satisfaction of the Administrator or Director of Engineering. Developers are required to make all necessary repairs immediately.
9. The City shall, upon final acceptance at the end of the applicable warranty period, release the developer's bond of surety or letter of credit.