

DATE: October 15, 2024

CASE: TA-10-24 Text Amendment (Articles 5, 7, 8, 9, 10, 12, & 14 – Clean-up)

PREPARED BY: Kevin Ashley, AICP- Deputy Planning Director

BACKGROUND

Planning staff interacts with the Concord Development Ordinance (CDO) daily and continuously receives feedback from the public about the document. As a result, we have been making notes for minor changes to address clerical errors, provide clarity, increase user efficiency, and comply with the North Carolina General Statutes. This proposed amendment is intended to be principally corrective in nature and this memorandum specifies which CDO Articles are being amended. The attached strike-through document illustrates the exact changes in each Article and Section.

ARTICLES TO BE AMENDED

1. **Article 5 – Subdivision Plats, Site Plans, Construction Plans:** Changes to this article include removing the notarization of the owner certification which is not required by the statutes. This change will also allow for the future electronic recording of exempt and minor plats. Additionally, language has been added to reflect State requirements for the installation of stormwater devices, and a clarification has been added as to acceptable scales of construction plan drawings.
2. **Article 7 – Base Zoning Districts:** Article 7 is being amended to include a clarification as to the location of dimensional standards for townhomes as it can be difficult to locate without assistance. The CDO also requires a 50 foot front and street side setback for multifamily developments of more than 40 units. Staff feels 20' is an appropriate front/street setback for multi-family and is more desirable in an urban setting where the buildings are built closer to the street.
3. **Article 8 – Use Regulations:** Numerous corrective changes are proposed in Article 8. Staff has identified several discrepancies in the use table and proposes to correct those. These include adding trade schools to the I-1/-2 districts (approved in a text amendment in 2010), moving sanitary landfills to the correct waste category, renaming child care center to “day care center” to include adult day care (in compliance with the State definition), and placing cabinet and woodworking shops back in the I-2 district. A change is also proposed in the use table for heavy industrial to add “all other manufacturing, except as listed” and corresponding language is to be added to the use category table. Manufacturing technology is continuously evolving, and this change is intended to assist staff in administration of the ordinance for manufacturing uses that may not be specifically spelled out in Article 8.

Given the need for affordable day care, staff is also proposing a small change to the supplemental use requirements to permit smaller facilities (10 persons) on streets that are not collector or thoroughfares. It should be noted that this change is not applicable to family day centers and that the commercial day care centers would still be required to have the proper nonresidential zoning. Staff has also added a clarification that the approved day care certification from the State will be required.

In terms of supplemental uses for particular uses in Section 8.3, a change is proposed to the accessory dwelling unit (ADU) requirements to remove the requirement that the principal dwelling unit be owner-occupied. This requirement is not advisable given fair housing law. This section is proposed to be updated to clarify that an ADU is permissible only with single family detached units, and not attached (duplexes or townhomes). Additionally, for solid waste storage areas (dumpster enclosures), it is current practice to discourage the use of wood due to deterioration, so wood has been removed as an enclosure material.

Several changes are also proposed under the home occupation requirements. Catering is permissible in most nonresidential districts as well as a home occupation (with standards). The use table erroneously states that the standards are applicable in the nonresidential districts, so the citation is being removed and the whole section is being moved to the home occupation section with a clarification that approval is required from the appropriate health agency (usually the Cabarrus Health Alliance). Additionally, staff have added hair and nail salons (one chair maximum) as an allowable home occupation (with appropriate State licensing) and firearm production as a prohibited home occupation. The home occupation performance standards have been updated to specify that a maximum of two (2) client vehicles are permissible at any one time. For home day cares, the CDO limits the maximum number of children to eight (8), but House Bill 259 (September, 2023) allows up to ten (10), and the performance standards have been updated to state that the maximum permissible number will be in accordance with that particular statute.

4. **Article 9 – Special Purpose and Overlay Districts:** The Neighborhood Infill District (NRD) which accommodates tiny and cottage homes, was created as Section 9.14. For clean-up purposes, staff proposes to move the district requirements to Section 9.5, which is unused.
5. **5. Article 10 – Development and Design Standards:** Staff fields numerous inquiries as to whether required accessible (handicap) parking is included within the total number of parking spaces. It has been our interpretation that the total number of required spaces will include the required number of accessible spaces, and that interpretation needs to be clarified. We have also added a clarification that common open space may not be within the boundaries of individual lots within residential developments. This requirement is located within the open space definition, but it being placed in Section 10.5.7 to assist the reader.
6. **Article 12 Sign Standards:** Section 12.1.5 states that permanent signs for PUDs, TNDs and conditional district zoning shall be reviewed at the site plan stage. This section has created some confusion with developers and the sign review is typically a separate permit and review type, so this statement has been deleted.

Occasionally, topographic challenges or a road widening issue will necessitate the relocation of a sign resulting in the only feasible location being within a street right-of-way. A provision has been added to allow signs within a right-of-way with a valid encroachment permit issued by the maintaining authority. We have also corrected a typographical error in Section 12.4.4, which refers to freestanding signs.

7. **Article 14 – Definitions:** The definition for “trade school” that was approved with the 2010 text amendment has been added.

In summary, these revisions represent mainly corrective changes, or those that are reasonable and simple in nature. The amendment is in approval form and may be forwarded to Council for approval.

Article 5

5.3.2. CONTENTS.

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: _____

5.7.4. CONSTRUCTION RESPONSIBILITIES.

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 issuing a Certificate of Occupancy Compliance or 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 in a time agreed upon by the Administrator.
 - a. For 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.~~b. For regulatory stormwater devices, no later than six (6) months following the date upon which the Certificate of Occupancy Compliance is issued. Such period may be extended for up to ~~an~~ additional six (6) month period upon its expiration at the discretion of the Administrator.

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 twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet and a vertical scale of one (1) inch equals a distance of four (4) feet.

7.7. RESIDENTIAL DESIGN STANDARDS

7.7.4. SITE ELEMENTS

E. Special Standards for a Townhouse

Purpose: The City of Concord recognizes that the physical characteristics of townhouse developments pose a distinct set of service challenges as compared to traditional detached single-family developments. The following standards are intended to provide for 1) the safe movement of vehicles and pedestrians; 2) an adequate amount of resident and visitor parking; 3) the safe provision of public utilities and services; 4) the provision of green space; and 5) the creation of a functional, healthy and sustainable permanent shade tree canopy.

Dimensional standards for Townhouse lots are listed in the notes of Table 7.6.2.A Dimensional Standards.

Townhouses may have vehicular access on a principal street (front-load) or on an alley (rear-load).

7.8.17 MULTI-FAMILY DIMENSIONAL STANDARDS

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



TABLE 7.8.17 - Multifamily Dimensional Standards

Density	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. * 20 feet
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s). 20 Feet
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet for multi-story buildings. 10 feet for single-story buildings containing one (1) or two (2) units.
Common Open Space	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13))
Maximum Building Length	180 feet

NOTES:

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

Article 8

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							P	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade								P	P	P	P	P	P	P	P
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
Waste Related Service	Sanitary Landfill														PS	8.3.6.B
	Recycling Processing Facility														P	
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P	
	Solid Waste Management Facility												P	P	P	
	Junkyard/Salvage Yard														SS	8.3.7.C
	All heavy industrial, except as listed below														P	
	Abrasive Products Manufacturing														P	

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
PUBLIC AND CIVIC USES																
Day Care	Child Day-Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.4.A

8.2.5. PUBLIC AND CIVIC USE CATEGORIES

B. Day Care

Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses Not Included
Adult day-care program <u>Child care</u> center, nursery school, preschool Intermediate childcare Latch-key program Large Family Day Care Home	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility Off-street parking	Counseling in an office setting (see Office) In-home day care for fewer than six <u>persons</u> (see Household Living: Accessory Use) On-site day care facility <u>operated</u> in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

8.3.4 PUBLIC AND CIVIC USES

A. Child Day Care Center

1. APPLICABILITY

The provisions of this Section apply to any:

A. Child Care Center.

A.B. Adult Day Care Center.

B.C. _____ Family Day Care Homes. _____ Day care homes are also _____ Home Occupations (see ~~Accessory-Uses~~ 8.5)

2. PERMIT APPLICATION

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

A. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility (may submit copies).

B. Such centers shall be enclosed with a fence, with a minimum height of four (4) feet (excluding adult day care centers).

C. The following shall be submitted upon receipt from the N.C. State Licensing Board:

D. A copy of the N.C. State letter of approval for religious childcare facilities, or

E. A copy of the N.C. State temporary license (issued for the first six months of operation) and permanent license issued to all childcare facilities, excluding religious childcare facilities.

E.F. A copy of the N.C. Department of Health and Human Services Adult Day Care Certification.

E.G. A letter from the applicant indicating the number of residents persons that will be cared for and how many staff will be employed.

3. ACCESS AND LOADING/UNLOADING

A. This provision of this § 8.3.4.A.3 shall not apply to Family Day Care Homes.

B. Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children. Standards for access and off-street parking/loading are set forth in Section 10.3.

C. The use shall front a street classified as a collector or a thoroughfare, C. if the facility will have 10 or more persons under their care in a day.

8.2.7. INDUSTRIAL USE CATEGORIES

D. Heavy Industrial

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

8.3.3 Residential Uses
 C. Accessory Dwelling

10. ~~ELIGIBILITY OWNER-OCCUPIED RESTRICTION~~

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

8.1.8. Use Table

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
INDUSTRIAL USES																
Light Industrial Service	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A

8.3.7 INDUSTRIAL USES

A. ~~Hold Catering~~

~~1. APPLICABILITY~~

~~A. The provisions of this Section shall only apply to any Catering operation as a Home Occupation (see 58.5)~~

~~2. MAXIMUM AREA.~~

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

~~3. OUTDOOR STORAGE~~

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

~~4. OPERATION.~~

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

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

~~C. In accordance with 5-8.5, no more than one (1) non-resident shall be employed on site. All other persons who are not occupants of the dwelling may be employed in connection with the home occupation provided they:~~

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

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

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

~~5. COMPLIANCE WITH OTHER REGULATIONS.~~

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

B.5.8 CATERING AS A HOME OCCUPATION

1. APPLICABILITY

A. The provisions of this Section shall only apply to any Catering operation as a Home Occupation (see 58.5)

2. MAXIMUM AREA.

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

3. OUTDOOR STORAGE

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

4. OPERATION.

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

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

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

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

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

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

5. COMPLIANCE WITH OTHER REGULATIONS.

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

B. Documentation of approval from Cabarrus Health Alliance or the applicable health agency shall be provided prior to issuance of a home occupation permit for catering.

8.5 HOME OCCUPATIONS

8.5.2 LIST OF HOME OCCUPATIONS

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

- R. Catering (see [8.5.8](#) ~~8.3.7-A~~ for catering as a home occupation standards) (includes home-cooking and preservation of foods for the purpose of selling the products for off-premise consumption)

8.5.4 HOME OCCUPATIONS NOT PERMITTED

The following Uses shall not be permitted as home occupations in Residential Zoning Districts: medical/dental office, motor vehicle repair or similar uses, temporary or permanent motor vehicle display for purposes of sale or lease, restoration or conversion, engine repair, furniture refinishing, gymnastic facilities, studios or outdoor recreation activities, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, firearm or firearm part production or assembly, retail sales, commercial food preparation (excluding catering pursuant to ~~§8.5.83.7-A~~), contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, or any type of physical or psycho therapy, or any other use not allowed in accordance with § 8.1.8.

8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES

C. Solid Waste Storage Areas

1. LOCATION

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

2. MATERIALS

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

3. CONTAINER TYPE

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

4. FENCING

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

5. APPLICATION

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

8.5 HOME OCCUPATIONS

8.5.1 LIST OF HOME OCCUPATIONS

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

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

8.6 TABLE 8.6-1
HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

PERFORMANCE STANDARDS	AG	All other districts
The use shall be clearly incidental and secondary to residential occupancy.	x	x
The use shall be conducted entirely within the interior of the residence.		x
The use shall not change the residential character of the dwelling.	x	x
The use shall conform with applicable state and local statutes, ordinances and regulations and is reviewed by Administrator.	x	x
A full-time resident operator shall be employed.	x	x
Obtain permits before operating home occupation, except those exempted under § 5.12.7.	x	x
No more than one (1) non-resident employee shall be permitted.		x
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between <u>the 8:00 AM and 8:00 PM. Maximum of 2 client vehicles permitted at the same time (excluding music, art, craft, or similar lessons and childcare).</u>	x	x
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation	x	x
Music, ¹ art, craft or similar lessons: (12 or fewer clients per <u>day</u>)	x	x
Childcare (maximum number of children shall be in accordance with N.C.G.S 110-86(3)b and 110-91(7)b(maximum of 8 or fewer children); see 5-5.16 also see 5 8.3.4.A.2	x	x
<u>Hair or Nail Salon (maximum 1 chair and salon license from the North Carolina Board of Cosmetic Art Examiners required prior to issuance of home occupation permit)</u>	<u>x</u>	<u>x</u>
Demonstrate that public facilities and utilities are adequate to safely accommodate equipment used for home occupation	x	x
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials	x	x
Parking shall be provided only in driveway and shall not create hazards or street congestion	x	x

ARTICLE 9 SPECIAL PURPOSE AND OVERLAY DISTRICTS

Summary: This Article provides information on special purpose zoning districts in the City of Concord including Planned Unit Development, Planned Residential Development, Mixed Use Districts, Traditional Neighborhood Districts, Manufactured Home Park District, Public Interest District, Conservation Subdivision, Residential County Originated and Neighborhood Infill Residential. It also includes information on the overlay districts of the Historic Preservation, Airport, Manufactured Home Park, and the Copperfield Boulevard Corridor Overlay District.

9.1 Planned Unit Development (PUD)	2
9.2 Planned Residential Development (PRD)	7 8
9.3 Mixed Use Districts	13 12
9.4 Traditional Neighborhood District (TND)	50 48
9.5 (Hold) Neighborhood Infill Residential District (NRD)	60-
9.6 Manufactured Home Park (MHP) District	61 65
9.7 Public Interest Development (PID) District	62 66
9.8 Historic Preservation Overlay (HPOD) Districts	64 68
9.9 Airport Overlay (AOD) District	74 78
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9.11 Low Impact Development (LID) Standards	81 85
9.12 Residential County Originated	94 98
9.13 Conservation Subdivision (CS) District	95 99
9.14 Neighborhood Infill Residential District (NRD)	109

For the Watershed Overlay Districts - See Article 4. There are three water related overlay districts. The water shed around the Coddle Creek Reservoir (Lake Howell) and Coddle Creek is a WS II watershed, and is discussed at section 4.2. The watershed around Lake Concord is a WS IV watershed and can also be found at section 4.2. All of the rest of Concord is located in the watersheds controlled by the National Pollution Discharge Elimination System Phase II Stormwater Permit issued by the State of North Carolina. Sections 4.3 through 4.7 contain the standards for the balance of Concord outside of the Coddle Creek and Lake Concord watersheds.

ARTICLE 9 SPECIAL PURPOSE DISTRICTS

9.5 Neighborhood Infill Residential (NRD) District.

9.5.1 Intent.

This district is intended to allow for the efficient development and redevelopment of housing in underutilized areas. Neighborhood infill standards provide the opportunity for property owners to achieve more efficient urban-type development that can be achieved through conventional suburban development. These standards provide for a range of different infill housing types that may be deemed appropriate in particular geographic areas on a case-by-case basis.

9.5.2 Purposes.

This ordinance is adopted for the following purposes:

- A. To guide the future growth and development consistently with the comprehensive plan;
- B. To guide site analysis to plan appropriate areas for development of higher density residential development;
- C. To provide for compatible development of housing on underutilized properties by allowing for additional review of individual projects on a case-by-case basis;
- D. To ensure availability of adequate infrastructure for development on smaller parcels;
- E. To ensure that adequate on-street and/or off-street parking and safe vehicular movement is provided;
- F. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- G. To provide buffering adjacent to lower density residential uses; and
- H. To meet demand for varied housing types in an urban setting.

9.5.3 Applicability and Compliance.

The NRD district may be applied only to land designated as Urban Neighborhood by the 2030 Land Use Plan. The NRD district is a site plan-controlled district that requires Planning and Zoning Commission review and approval.

9.5.4 Definitions

- A. Cottage Home: A site-built single-family detached dwelling not exceeding 1,500 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation.**
- B. Cottage Home Development: A neighborhood consisting of cottage homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.**
- C. Tiny Home: A site-built single-family detached dwelling not exceeding 600 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an accessory dwelling unit.**
- D. Tiny Home Development: A neighborhood consisting of tiny homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.**

9.5.5 Application Procedure and Approval Process

NRD developments shall be processed as a conditional district zoning amendment (with a site plan required) and shall follow the procedures established in Section 3.2.

9.5.5.1 Development Types

Following are specific development standards applicable to different types of development that are deemed appropriate as infill projects.

A. Tiny Homes

1. Tiny home developments are permissible subject to the following dimensional requirements. A tiny home that is located on the same lot as a principal dwelling is an accessory dwelling unit (See Section 8.3.3.C). A tiny home on wheels is considered a recreational vehicle and is permissible only as a temporary dwelling in accordance with other applicable sections of this ordinance.

<u>Feature</u>	<u>Minimum Requirement</u>
<u>Maximum Density</u>	<u>18 units per acre</u>
<u>Minimum Street Frontage (overall parcel)</u>	<u>50 feet on a public street</u>
<u>Minimum Lot Size (overall parcel)</u>	<u>10,000 sf</u>

<u>Maximum Lot Size (overall parcel)</u>	<u>2 acres</u>
<u>Minimum number of dwellings</u>	<u>4</u>
<u>Maximum number of dwellings</u>	<u>18</u>
<u>Maximum lot size (if subdivided)</u>	<u>4,000 sf</u>
<u>Minimum lot size (if subdivided)</u>	<u>None</u>
<u>Maximum floor area</u>	<u>600 sf</u>
<u>Minimum lot width (if subdivided)</u>	<u>None</u>
<u>Minimum setback from public street</u>	<u>10 feet</u>
<u>Minimum front setback</u>	<u>5 feet¹</u>
<u>Minimum side setback</u>	<u>5 feet²</u>
<u>Maximum building height</u>	<u>2 stories</u>
<u>Minimum open space</u>	<u>30 percent of overall tract</u>
<u>Perimeter buffer</u>	<u>8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot</u>

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.

2. Ten (10) feet is required between units if the individual units are not subdivided.

2. Tiny homes may be developed either on individually platted lots or within one overall parcel.

3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.

4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home, if elevated.

5. Low Impact Development (LID) measures for stormwater treatment are encouraged.

6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.

7. Common areas may include an amenity structure.

8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.

9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.

10. Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

B. Cottage Homes

1. Cottage home developments are permissible only subject to the following dimensional requirements.

<u>Feature</u>	<u>Minimum Requirement</u>
<u>Maximum Density</u>	<u>18 units per acre</u>
<u>Minimum Street Frontage (overall parcel)</u>	<u>50 feet on a public street</u>
<u>Minimum Lot Size (overall parcel)</u>	<u>15,000 sf</u>
<u>Maximum Lot Size (overall parcel)</u>	<u>2 acres</u>
<u>Minimum number of dwellings</u>	<u>4</u>
<u>Maximum number of dwellings</u>	<u>18</u>
<u>Maximum lot size (if subdivided)</u>	<u>5,000 sf</u>
<u>Minimum lot size (if subdivided)</u>	<u>None</u>
<u>Maximum floor area</u>	<u>1,500 sf</u>
<u>Minimum lot width (if subdivided)</u>	<u>20 feet</u>
<u>Minimum setback from public street</u>	<u>10 feet</u>
<u>Minimum front setback</u>	<u>5 feet¹</u>
<u>Minimum side setback</u>	<u>5 feet²</u>
<u>Maximum building height</u>	<u>2 stories</u>
<u>Minimum open</u>	<u>30 percent of overall tract</u>

<u>space</u>	
<u>Perimeter buffer</u>	<u>8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot</u>

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.
2. Ten (10) feet is required between units if the individual units are not subdivided.

2. Cottage homes may be developed either on individually platted lots or within one overall parcel.

3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.

4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home if elevated.

5. Low Impact Development (LID) measures for stormwater treatment are encouraged.

6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.

7. Common areas may include an amenity structure.

8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.

9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.

10. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

~~9.139.14 NEIGHBORHOOD INFILL RESIDENTIAL (NRD) DISTRICT~~

~~9.14.1 Intent~~

~~This district is intended to allow for the efficient development and redevelopment of housing in underutilized areas. Neighborhood infill standards provide the opportunity for property owners to achieve more efficient urban type development that can be achieved through conventional suburban development. These standards provide for a range of different infill housing types that may be deemed appropriate in particular geographic areas on a case by case basis.~~

~~9.14.2 Purposes~~

~~This ordinance is adopted for the following purposes:~~

- ~~**A.I.** To guide the future growth and development consistently with the comprehensive plan;~~
- ~~**B.J.** To guide site analysis to plan appropriate areas for development of higher density residential development;~~
- ~~**C.K.** To provide for compatible development of housing on underutilized properties by allowing for additional review of individual projects on a case by case basis;~~
- ~~**D.L.** To ensure availability of adequate infrastructure for development on smaller parcels;~~
- ~~**E.M.** To ensure that adequate on street and/or off street parking and safe vehicular movement is provided;~~
- ~~**F.N.** To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;~~
- ~~**G.O.** To provide buffering adjacent to lower density residential uses; and~~
- ~~**H.P.** To meet demand for varied housing types in an urban setting.~~

~~9.14.2 Applicability and Compliance~~

~~The NRD district may be applied only to land designated as Urban Neighborhood by the 2030 Land Use Plan. The NRD district is a site plan controlled district that requires Planning and Zoning Commission review and approval.~~

~~9.14.3 Definitions~~

- ~~**A.E. Cottage Home:** A site built single family detached dwelling not exceeding 1,500 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation.~~

~~**B.F. Cottage Home Development:** A neighborhood consisting of cottage homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.~~

~~**C.G. Tiny Home:** A site built single family detached dwelling not exceeding 600 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an accessory dwelling unit.~~

~~**D.H. Tiny Home Development:** A neighborhood consisting of tiny homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.~~

~~9.14.4 Application Procedure and Approval Process~~

~~NRD developments shall be processed as a conditional district zoning amendment (with a site plan required) and shall follow the procedures established in Section 3.2.~~

~~9.14.4.1 Development Types~~

~~Following are specific development standards applicable to different types of development that are deemed appropriate as infill projects.~~

~~A. Tiny Homes~~

~~**1.11.** Tiny home developments are permissible subject to the following dimensional requirements. A tiny home that is located on the same lot as a principal dwelling is an accessory dwelling unit (See Section 8.3.3.C). A tiny home on wheels is considered a recreational vehicle and is permissible only as a temporary dwelling in accordance with other applicable sections of this ordinance.~~

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	10,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18

Maximum lot size (if subdivided)	4,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	600 sf
Minimum lot width (if subdivided)	None
Minimum setback from public street	10 feet
Minimum front setback	5 feet¹
Minimum side setback	5 feet²
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot)

~~1.2. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.~~

~~2. Ten (10) feet is required between units if the individual units are not subdivided.~~

~~2.12. Tiny homes may be developed either on individually platted lots or within one overall parcel.~~

~~3.13. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.~~

~~4.14. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home, if elevated.~~

~~5.15. Low Impact Development (LID) measures for stormwater treatment are encouraged.~~

~~6.16. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.~~

~~7.17. Common areas may include an amenity structure.~~

~~8.18. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.~~

~~9.19. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.~~

~~10.20.~~ Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

~~B. Cottage Homes~~

~~1.2.~~ Cottage home developments are permissible only subject to the following dimensional requirements:

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	15,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	5,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	1,500 sf
Minimum lot width (if subdivided)	20 feet
Minimum setback from public street	10 feet
Minimum front setback	5 feet ¹
Minimum side setback	5 feet ²
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot

~~1.3.~~ Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.

~~2.4.~~ Ten (10) feet is required between units if the individual units are not subdivided.

~~2.11.~~ Cottage homes may be developed either on individually platted lots or within one overall parcel.

~~3.12. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.~~

~~4.13. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home if elevated.~~

~~5.14. Low Impact Development (LID) measures for stormwater treatment are encouraged.~~

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~~8.17. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.~~

~~9.18. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.~~

~~10.19. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.~~

Article 10

10.3. PARKING AND LOADING

10.3.2. Required Amount of Off-Street Parking

G. Accessible Parking Spaces

The minimum number of accessible parking spaces required for a development shall count toward meeting the minimum vehicular parking requirement.

10.5.7. LOCATION

A. *Distance to Dwellings*

Open space shall be located within one-quarter (1/4) mile radius from each buildable lot within the proposed development. This radius shall be measured in a straight line, without regard for street, sidewalk or trail connections.

B. *Connectivity*

The Administrator may require connection to a community open space network and/or trails system if the proposed development is adjacent to the boundary of an established community public open space as included in the Livable Communities Blueprint for Cabarrus County or any other park, recreation, greenway, or open space plan adopted by the City Council, which are all hereby incorporated by reference as if set forth in their entirety herein.

C. *Accessibility*

Active open space areas shall be accessible to all residents of the development. Accessibility to pedestrians within the proposed development shall be provided by one of the following means. Upon review of the design by the Administrator, additional pedestrian access points may be required.

1. Access shall be provided via frontage on a public street right-of-way containing a sidewalk; or
2. Access shall be provided via a recorded pedestrian easement (minimum 15 feet wide).

D. *Contiguity*

At least sixty percent (60%) of the required open space shall be in a contiguous tract. For the purposes of this Section, contiguous shall include any open space bisected by a residential street (including a residential collector), provided that:

1. A pedestrian crosswalk is constructed to provide access to the open space on both sides of the street; and
2. The right-of-way area is not included in the calculation of the minimum open space required.

E. Open Space in Residential Development

1. Common Open space shall not be divided into private lots

Article 12

12.1. GENERAL PROVISIONS.

12.1.5. SIGN PERMITTING AND REGISTRATION

B. Signage Plan Required

For any lot on which the owner proposes to erect one or more signs requiring a permit or for a combined development or other multi-tenant development, a signage plan shall be required, which includes the following information:

1. An accurate Plot Plan of the lot or parcel, at such scale as the Administrator may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of signs of each type allowed on the lot(s) or parcel(s) included in the plan under this Ordinance; and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
5. ~~Permanent signs for planned unit developments, Traditional Neighborhood Developments and conditional uses shall be reviewed as part of the site plan.~~

12.2. PROHIBITED SIGNS.

12.2.1. APPLICABILITY.

The following signs are expressly prohibited within the City of Concord and its extraterritorial jurisdiction:

- K. Signs placed within or extending into the right-of-way of city and state maintained streets and roads, except those signs erected by a duly constituted government body or which are expressly permitted to be placed within a right-of-way by this Ordinance, ~~or~~ the North Carolina General Statutes, or an encroachment agreement issued by the maintaining authority.

12.4. PERMANENT SIGNS.

12.4.4. FREESTANDING GROUND SIGNS

G. Illumination

Freestanding signs may be illuminated either internally or externally with the exception of freestanding signs within zoning districts where single family residences are a use that is permitted by right, in which case only external illumination of wall freestanding signs is permitted.

Article 14

SCHOOL, BUSINESS OR TRADE - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology schools. (See NAICS 611).

SCHOOL, TRADE- An establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, plumbing, machinery repair and operation, welding, fabrication and the like