

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951, may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160D-601 through 160D-605, 160D-701 through 160D-706, 160D-801 through 160D-808 and 160D-901 through 160D-951 does hereby recognize a need to amend the text of certain articles of the City of Concord Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

**SECTION 1:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.3 Final Plats, Section 5.3.2.F Certificates Required on All Final Plats be amended to the following:

**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

**SECTION 2:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.6 Construction Plans, Section 5.6.3, Size and Scale be amended to the following:

### 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.

**SECTION 3:** That Article 5, Subdivision Plats, Site Plans, Constuction Plans, Section 5.7, Construction, Section 5.7.4.E, Contracts for Future Installation of Improvements be amended to the follwing:

### 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 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.
  - b. For regulatory stormwater devices, no later than six (6) months following the date upon which the Certificate of Compliance is issued. Such period may be extended for up to one additional six (6) month period upon its expiration at the discretion of the Administrator.

**SECTION 4:** That Article 7, Base Zoning Districts, Section 7.7, Residential Design Standards, Section 7.7.4.E, Site Elements, Special Standards for a Townhouse, be amended to the following:

#### 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).

**SECTION 5:** That Article 7, Base Zoning Districts, Section 7.8, Standards for Multifamily Development, Section 7.8.17 Multi-Family Dimensional Standards, Table 7.8.17, be amended to the following:

<b>Density</b>	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
<b>Lot Width and Depth</b>	See Table 7.6.2 A. *
<b>Front Setback or</b>	20 feet
<b>Street Side Setback</b>	20 Feet
<b>Interior Side Setback</b>	20 feet
<b>Rear Setback</b>	20 feet
<b>Separation Between Buildings</b>	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.
<b>Common Open Space</b>	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))
<b>Maximum Building Length</b>	180 feet

**SECTION 6:** That Article 8, Use Regulations, Section 8.1 Use Regulations, Section 8.1.8 Use Table , be amended to the following:

**8.1.8. Use Table**

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2			
<b>OPEN USES</b>																		
Agriculture	Animal Production and Support Facilities	P	PS	PS													8.3.2.A	
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Crop Production Support Activities	P												P	P			
	Farm Product Sales, Raw Materials	P														P		
	Farm Supply Store without outdoor storage	P											P	P	P			
	Farm Supply Store with outdoor storage	P											PS	PS	P		8.3.5.J	
	Sawmill/lumber processing	S																
	Swine Farm	S																
	Warehousing and Storage, farm related products	P														P		
	Livestock Auction	PS														PS		8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS														SS		8.3.2.C
	Borrow Pit	P												P	P			
<b>RESIDENTIAL USES (See 8.2.2(b))</b>																		
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P					





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	
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P			
	Financial Institution								P	P	P	P	P				
	Industrial Design Service								P	P	P	P	P	P			
	Insurance Agency								P	P	P	P	P				
	Legal Service								P	P	P	P	P				
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P			
	Scientific Research & Development Service								P	P	P	S	P	P			
	Stock or Security Brokerage Firm								P	P	P	P	P				
	Telemarketing, Call Centers								P	P	P	P	P	P			
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P		
Outdoor Recreation	Amusement Park	P											P	P	P		
	Baseball Hitting Range, Golf Driving Range											P	P				
	Country Club	P	P	P	P	P	P	P				P	P				
	Equestrian Boarding Riding Arena, Commercial	P	P														
	Miniature Golf Course										P	P	P				
	Motion Picture Theater, drive-in	S											S	P			
	Racetrack and Spectator Sports, including racing test track														P	P	
	Recreational Instruction and Camps, Indoor or Outdoor	P							P	P	P	P	P	P	P		
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P				
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.5.C	
	Campground	PS														8.3.5.D	
Parking, Commercial							PS	PS	PS	PS	P	P	P	P		8.3.5.E	
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P				
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N	
	Private Club										SS		SS			8.3.5.F	
	Food Truck						PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.5.Q	
	Bar, Tavern										PS		PS			8.3.5.T	
	Restaurant, carryout, delivery, no seating									P	P	P	P				
	Restaurant, drive-thru or drive-in											P	P				
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O	
	Brewery- Large													P	P		
	Winery/Cidery													P	P	8.3.5.O	
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O	
	Distillery													P	P		
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P				
	ABC Store											P	P				

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	
	Animal Clinic/Hospital/Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P		
	Animal Obedience School	SS											PS	PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P		
	Auction Sales Establishment												P			
	Blueprinting and Drafting Service								P	P	P	P	P			
	Building Material Supply no outdoor storage											P	P	P		
	Building Material Supply with outdoor storage												PS	P	P	8.3.5.G
	Cemetery Monument Dealer												P	P		
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store									PS	SS	PS	PS			8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P		
	Electronics Sales and Repair										P	P	P	P		
	Event Center										PS	PS	PS			8.3.5.R
	Farmer's Market/Produce Stand	P								PS	PS	PS	PS			8.3.5.I
	Flea Market	P											PS	PS	PS	8.3.5.I
	Floor Covering Store										P	P	P			
	Grocery/Food Store									P	P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											PS	PS		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P			
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage										P	P	P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL					COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1		I-2
	Swimming Pool, Hot Tub Sales and Service											P	P			
	Tattoo Parlor, Body Piercing											PS			8.3.5.K and 8.3.5.M	
	Taxidermist											P				
	Tobacco and Hemp											P				
	Weight Loss Centers								P	P	P	P	P			
Self Service Storage	Self-service storage, including mini-warehouses												PS	PS	8.3.6.E	
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot												PS	PS	8.3.6.H	
	Automobile Parts, Tires and Accessories Store								PS		PS	PS	PS		8.3.6.I	
	Automobile Repair, Major											PS	PS	PS	8.3.6.H & 8.3.6.I	
	Automobile Repair, Minor									PS	PS	PS	PS	PS	8.3.6.D & 8.3.6.I	
	Automobile Wash (carwash) including detailing service											P	P	P		
	Manufactured Home Sales											PS	PS		8.3.6.F	
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings											PS	PS	PS	8.3.6.G	
	Truck Stop, Travel Plaza												P	P		
<b>INDUSTRIAL USES</b>																
Light Industrial Service	Truck/Construction Equipment Rental													P	P	
	Flex/Office Space												P	P	S	
	All light industrial service, except as listed below													P		
	Cabinet and Woodwork Shop											P	P	P	P	
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility								P	P	P	P	P	P		
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine Shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service											P	P	P		
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility														P	
Upholstery Shop												P	P	P		
Warehouse and Freight Movement	Moving and Storage Facility													P	P	
	Rail Transportation and Support Facilities													P		
	Product Distribution Center, Warehousing and Storage, (Non-farm related products) less than 75,000 square feet in floor area													PS		8.3.7.F



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	
	Product Distribution Center, Warehousing and Storage, (Non-farm related products) greater than 75,000 square feet in floor area													SS		8.3.7.F
	Truck Terminal and Support Facilities														SS	8.3.7.G
	Hazardous Waste Facility														PS	8.3.7.B
	Recycling Processing Facility														P	
Waste Related Service	Sanitary Landfill														PS	8.3.6.B
	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
Heavy Industrial	All heavy industrial, except as listed below														P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant											P	P	P		
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
	Metal Plating														P	
	All other manufacturing, except as listed														P	

**SECTION 7:** That Article 8, Use Regulations, Section 8.2 Use Categories, Section 8.2.5.B Public and Civic Use Categories, Section B, Day Care, be amended to the following:

**B. Day Care**

<b>Characteristics:</b> 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.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Adult day-care program Child care center, nursery school, preschool Intermediate childcare Latch-key program	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 persons (see Household Living: Accessory Use) On-site day care facility operated 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)

**SECTION 8:** That Article 8, Use Regulations, Section 8.2 Use Categories, Section 8.2.7.B Industrial Use Categories, Section D, Heavy Industrial, be amended to the following:

<b>Characteristics:</b> 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 general public are limited		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<p>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways 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</p> <p>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 of metals or metal products including enameling and galvanizing, sawmill</p> <p>Borrow pit</p> <p>Bulk storage of flammable liquids</p> <p>Commercial feed lot</p> <p>Concrete batching and asphalt processing and manufacture</p> <p>Earth moving and heavy construction equipment</p> <p>Landfill, hazardous solid waste</p> <p>Mining (see Resource Extraction)</p> <p>Primary Metal Processing &amp; Manufacturing</p> <p>Tobacco Manufacturing</p> <p>Truck, Heavy Duty; RV &amp; Self-propelled Heavy Construction Equipment, sales, service and rental</p> <p>Woodworking, including cabinet and furniture manufacturing</p> <p>All other manufacturing except as listed</p>	<p>Ancillary office</p> <p>Associated office</p> <p>Cafeteria</p> <p>Off-street parking</p> <p>Product repair</p> <p>Repackaging of goods</p> <p>Warehouse, storage</p> <p>Residential unit for security purposes (single unit)</p> <p>Day Care facility if part of a service offered by an employer</p>	<p>Animal waste processing (see Waste-Related Service)</p> <p>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)</p> <p>Store selling, leasing, or renting consumer, home, and business goods (see Retail Sales and Service)</p>

**SECTION 9:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.3.C.10, be amended to the following:

**10. ELIGIBILITY**

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

**SECTION 10:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.4.A be amended to the following:

**A. Day Care Center**

**1. APPLICABILITY**

The provisions of this Section apply to any:

- A.** Child Care Center.
- B.** Adult Day Care Center
- C.** Family Day Care Homes. Day care homes are also Home Occupations (see 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.
  - F. A copy of the N.C. Department of Health and Human Services Adult Day Care Certification
- A letter from the applicant indicating the number of residents 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 if the facility will have 10 or more persons under their care in a day.

**SECTION 11:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, Section 8.3.6 Outdoor Storage and Storage Facilities, Section 8.3.6.C.2 Materials be amended to the following:

#### **2. MATERIALS**

Enclosures shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, 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.

**SECTION 12:** That Article 8, Use Regulations, Section 8.3, Supplemental Regulations for Certain Uses, 8.3.7 Industrial Uses, Section 8.3.7.A, Catering, be deleted in its entirety and the subsequent sections be renumbered.

**SECTION 13:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.2.R be amended to the following:

- R. Catering (see 8.5.8 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)

**SECTION 14:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.1, List of Home Occupations be amended to the following:

#### **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 8.5.8 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
- T. Similar, low impact endeavor as determined by the Administrator

**SECTION 14:** That Article 8, Use Regulations, Section 8.5, Home Occupations, Section 8.5.4, Home Occupations Not Permitted be amended to the following:

#### **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 8.5.8), 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.

**SECTION 15:** That Article 8, Use Regulations, Section 8.5 Home Occupations, be amended to add Section 8.5.8 Catering as a Home Occupation, to read as follows:

#### **8.5.8 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 8.5).

##### **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.

**SECTION 16:** That Article 8, Use Regulations, Table 8.6-1 Home Occupation Performance Standards by Zoning District Home Occupations, be amended as follows:

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

PERFORMANCE STANDARDS	AG	All other districts
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 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).	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, <sup>1</sup> art, craft or similar lessons: (12 or fewer clients per day )	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. ) Also see 8.3.4.A.2.	x	x
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).	x	x
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

Outside storage of heavy equipment or material shall be prohibited.		x
No more than three (3) commercial vehicles are to be stored on site, provided, the vehicles are owned/operated by the residents. No commercial vehicles may be stored on site on a regular basis which are not owned by persons residing on the premises.		x
Mechanized equipment shall be used only in a completely enclosed building		x
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be that is perceptible beyond the property line.	x	x
Deliveries and pickups shall be those normally associated with residential services and shall <ul style="list-style-type: none"> <li>a. not block traffic circulation</li> <li>b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday</li> </ul>	x	x
Accessory Buildings shall not be used for home occupation purposes.		x
Signage shall comply with the following: <ul style="list-style-type: none"> <li>a. Limited to one sign of four (4) square feet in area.</li> <li>b. Must be mounted flush against the wall of principal dwelling unit</li> <li>c. Shall not be illuminated.</li> </ul>	x	x

<sup>1</sup> provided all electronically amplified sound is not audible from adjacent properties or public streets.

**SECTION 17:** That Article 9, Special Purpose and Overlay Districts, Section 9.14 Neighborhood Infill Residential District be deleted in its entirety, and rewritten in Section 9.5 as follows:

## **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.

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 feet <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
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. 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.

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 <sup>1</sup>
Minimum side setback	5 feet <sup>2</sup>
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. 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.

**SECTION 18:** That Article 10, Development and Design Standards, Section 10.3.2, Required Amount of Off-Street Parking, be amended to add 10.3.2.G to add a section titled Accessible Parking Spaces to read as follows:

**G. Accessible Parking Spaces**

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

**SECTION 19:** That Article 10, Development and Design Standards, Section 10.5.7, Location, be amended to add a section titled Open Space in Residential Development to read as follows:

**E. Open Space in Residential Development**

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

**SECTION 20:** That Article 12, Sign Standards, Section 12.2.1 Applicability, Section 12.2.1.K, Location, be amended as follows:

**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, the North Carolina General Statutes, or an encroachment agreement issued by the maintaining authority.

**SECTION 21:** That Article 12, Sign Standards, Section 12.1.15 Sign Permitting and Registration, Section 12.1.5.B, Signage Plan Required, be amended as follows:

**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.

**SECTION 22:** That Article 12, Sign Standards, Section 12.4, Permanent Signs, Section 12.4.4 Freestanding Ground Signs, Section 12.4.4.G., Illumination be amended as follows:

#### 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 freestanding signs is permitted.**SECTION 23:** That Article 14, Definitions, be amended to include definitions for School, Business and School, Trade to read as follows:

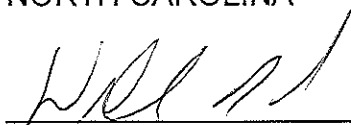
**SCHOOL, BUSINESS** - A school, other than a college or university, which may be operated as a commercial venture, and which provides part-time or full-time education beyond the high school level and does not provide lodging or dwelling units for students or faculty. Includes technical and cosmetology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


**SECTION 24:** That this Ordinance be effective immediately upon adoption.

Adopted on this 14<sup>th</sup> of November 2024.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

  
\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

  
\_\_\_\_\_  
Kim Deason, City Clerk



  
\_\_\_\_\_  
Lerie Kolczynski, City Attorney