

# ARTICLE 8

## USE REGULATIONS

*Summary: This Article establishes uniform criteria for particular uses which are permitted within one or more of the zoning districts as established in Article 7. If the use is listed as a permitted use or special use, the criteria or supplemental standards set forth in this Article must be satisfied before an application for development approval will be approved or issued. These criteria are designed to ensure that the listed uses are compatible with the other permitted uses in the zoning district and to implement the policies of the Comprehensive Plan.*

8.1 USE TABLE .....4

8.2 USE CATEGORIES ..... 13

8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES ..... .34

8.4 ACCESSORY USES ..... 84

8.5 HOME OCCUPATIONS ..... 92

8.6 TABLE 8.6-1 ..... 96

8.7 WIRELESS COMMUNICATION FACILITIES ..... 98

8.8 TEMPORARY USES ..... 109

8.9 SPECIAL REGULATIONS FOR ELIGIBLE FACILITIES ..... 112

## **ARTICLE 8. USE REGULATIONS**

### **8.1 USE TABLE**

#### **8.1.1. GENERAL**

**8.1.2.** No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Table 8.1.8

**8.1.3.** Permitted Accessory Uses are set forth in § 8.5 while permitted Temporary Uses are set forth in § 8.8. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 8.5, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

**8.1.4.** Notwithstanding any provision of this Article to the contrary, uses which are preempted by state statute may not be listed in the Use Table, and may be permitted in accordance with state law.

**8.1.5.** Uses in the PUD, PRD, TND, MXD, HPOD and PID districts shall be governed by their respective Sections in this Ordinance and are not included in the Use Table.

**8.1.6.** The names of uses in the permitted use table and section 8.2.2. are generic and based on common meanings, not on what a use may be called by the public, applicant or owner. The Administrator shall define suggested uses to fit into the definitions found in this Ordinance.

#### **8.1.7. USE TABLE KEY**

##### **A. Types of Use**

##### **1. USES PERMITTED BY RIGHT (P)**

The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.

##### **2. PERMITTED USES WITH SUPPLEMENTAL REGULATIONS (PS)**

The letters “PS” indicates that the listed use is a use permitted by right within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in the “Standards” column of the use table.

##### **3. SPECIAL USES (S)**

The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit in accordance with Article

6.2. Special Uses are subject to all other applicable standards of this Ordinance and any Supplementary Use Regulations which apply to said use.

**4. SPECIAL USES WITH SUPPLEMENTAL REGULATIONS (SS)**

The letters “SS” indicates that the listed use is a special use within the zoning district. However, the use is also subject to specific design regulations as prescribed in § 8.3. The specific reference is indicated in “Standards” column of the use table.

**B. Uses Not Allowed**

A blank cell in the use table indicates that a use is not allowed in the respective district.

**C. Use Categories**

Characteristics of the various use categories are located in § 8.2.

**D. Standards**

The “Standards” column on the use table is a cross-reference to any special regulations in § 8.3 below. All uses are also required to comply with the appropriate dimensional standards in Article 7.

**E. Outdoor Storage**

For any use that will have outdoor storage accompanying the principal use, the standards of 8.3.6. and 8.3.7 shall apply. Screening requirements for solid waste storage areas and containers, and vehicles in need of minor repair are covered separately and are referenced in the use table.

### 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		
OPEN USES																	
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	
Resource Extraction	All Resource Extraction (except borrow pit)	SS														SS	8.3.2.C
	Borrow Pit	P												P	P		
RESIDENTIAL USES (See 8.2.2(b))																	
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P				
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7
	Single Family Attached Dwelling,							PS	PS	PS							7.7 & 7.7.4.1
	Multifamily Dwelling/Apartment							SS	PS	PS	PS	PS	SS				7.8
	Duplex/Triplex							PS	PS								Tables 7.6.2.A & 7.6.2.B
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS									8.3.3.C

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	
Group Living	Congregate Care Senior Housing							PS	PS	PS	PS	PS			8.3.3.D	
	Group Home	SS	SS	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS		8.3.3.E	
	Family Care Home	PS	PS	PS	PS	PS	PS	PS	PS						8.3.3.E	
	Homeless Shelter/Soup Kitchen								SS	SS					8.3.4.I	
	Social Service Institution								SS	SS			PS		8.3.4.F	
<b>PUBLIC AND CIVIC USES</b>																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P		8.3.4.H	
	Convention Center									S	SS	P	P		8.3.4.G	
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS		8.3.4.A	
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			
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			
Government Facilities	Animal Shelter	SS											SS	PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P		
Medical Facilities	Medical Clinic/Urgent Care								P	P	P	P	P			
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														

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		
Passenger Terminals	Air transportation and related support facilities	S											P	P	P		
	Bus Charter Service, including passenger terminal													P	P		
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand											SS	SS	PS			8.3.4.D
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS	PS	SS	SS	PS	P			8.3.4.E	
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P			8.3.4.E	
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P		
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Water Treatment Facility	P												P		P	
	Solar Farm	S															
<b>COMMERCIAL USES</b>																	
Indoor Recreation (see 8.3.5.O)	All Indoor Recreation except as listed below											P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)											P	P	P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P				
	Auditorium or Assembly Hall, more than 350 seats								P	P	S	P	P				
	Bowling Center											P	P	P			
	Firing & Archery Range, Indoors													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		
	Go-Kart Track												P	PS		8.3.5.P	
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P	
	Motion Picture Theater, Indoor										P	P	P				
	Performing Arts Company								P	P	P	P	P				
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II	
	Sexually Oriented Business												PS	PS	PS	8.3.5.B	
	Skating Rink, Indoor											P		P	S		
Office	All Offices, except as listed below								P	P	P	P	P	P			
	Advertising & Related Services								P	P	P	P	P	P	P		
	Bail Bonding Office											P	P				
	Collections Agency								P	P	P	P	P				
	Credit Bureau									P	P	P	P				
	Data Processing, News Service									P	P	P	P				
	Detective Agency								P	P	P	P	P				
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P			
	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				

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	
	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	Parking lot or deck, principal use						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, Temporary										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	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O



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	
Production (see 8.2.6.J)	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			
	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				

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	
	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		
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing												PS			8.3.5.K
	Taxidermist												P			
	Weight Loss Centers								P	P	P	P	P			
<b>Self Service Storage</b>	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E
<b>Vehicle Sales and Service</b>	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H

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	
	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>																
<b>Light Industrial Service</b>	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		
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A
	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	
<b>Warehouse and Freight Movement</b>	Electronic Shopping, Mail Order House													P	P	
	Moving and Storage Facility													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	
	Product Distribution Center													SS		8.3.7.F
	Rail Transportation and Support Facilities													P		
	Warehousing and Storage, Non-farm related products													SS		8.3.7.F
	Truck Terminal and Support Facilities														SS	8.3.7.G
Waste Related Service	Hazardous Waste Facility														PS	8.3.7.B
	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
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	

## 8.2 USE CATEGORIES

*COMMENTARY: The following use categories are not zoning districts. These categories group uses for regulatory purposes. The names of some use categories (for example, "Commercial") may be similar to names for zoning districts (such as "Commercial, General"). A use listed in the examples below is only permitted in accordance with the use table.*

### 8.2.1. IN GENERAL

#### A. Approach to Categorizing Uses

The use categories found in the use table in § 8.1.8 are set forth in this Section. Specific uses may be further defined in Article 14, Definitions. The Zoning Administrator may determine that uses not listed in Table 8.1.8. are similar to those uses listed in the Table. Where such similar permitted use is subject to special use standards or supplemental standards the proposed use shall also be subject to such standards or approval.

#### B. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The Use Categories provide a systematic basis for assigning land uses to appropriate zoning districts. The Administrator may consult the North American Industry Classification System (NAICS) for further clarification on a particular use.

#### C. Principal Uses Not Specifically Listed

Determination of the appropriate category for a proposed principal use shall be made by the Zoning Administrator. The criteria below shall be used to determine both the appropriate category for a use not specifically listed in the Use Table or the examples in the Use Category descriptions, and whether a use is considered principal or accessory.

- A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category.
- B. The relative amount of site area or floor space and equipment devoted to the activity.
- C. Relative amounts of sales from each activity.
- D. The customer type for each activity.
- E. The relative number of employees in each activity.
- F. Hours of operation.
- G. Building and site arrangement
- H. Types of vehicles used and their parking requirements.
- I. The relative number of vehicle trips generated.
- J. Signs.
- K. How the use is advertised.
- L. The likely impact on surrounding properties.

M. Whether the activity is likely to be found independent of the other activities on the site.

Following a determination that a specific use not listed in these zoning regulations is similar to another listed use, the proposed use shall be subject to any supplemental use standards listed in § 8.3. The Zoning Administrator shall not vary these zoning regulations by adding to or eliminating any use standards in § 8.3 for the proposed use.

Where a use not listed in the use table is found by the Zoning Administrator not to be similar to any other use in the table, the use shall be permitted only following a text amendment of these zoning regulations in accordance with § 3.4, and such a decision shall not be appealed to the Zoning Board of Adjustment .

When considering appropriate districts for a use not listed in the Use Table, the district intent statements in Article 7, Zoning Districts, shall be considered by the Administrator .

**D. Developments with Multiple Principal Uses**

Developments with multiple principal uses shall conform to the following:

A. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.

B. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

*COMMENTARY: Where a use has a specific use standard applied in the use table (such as a minimum site acreage), the standard applies even when that use is part of a development with multiple principal uses.*

C. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.

*COMMENTARY: If a proposed development includes a convenience store, fuel sales and a restaurant, including outparcels, and one of those uses is only permitted by special use permit in the district, then the entire development requires special use permit review and approval.*

D. Where a use requiring a special use permit lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use permit review, not the entire project. However, where the separate legal parcel is an outparcel, the Special Use Permit application shall describe the relationship of the outparcel to the remaining site.

**COMMENTARY:** For example, where a Self Storage Facility in a C-2 District (requiring a Special Use Permit) is an outparcel within a larger retail development, the Special Use Permit shall review the outparcel only - not the entire development. However, where a Special Use Permittis proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special use permit review.

#### **E. Principal Uses**

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. The Administrator’s determination whether a use is permitted in a particular zoning district shall be final, subject to appeal to the Zoning Board of Adjustment.

**COMMENTARY:** A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

#### **F. Accessory Uses**

Accessory uses are allowed by right in conjunction with a principal use; however, specific accessory uses with parenthetical cross-references in the following tables are permitted subject to additional standards (see §8.4). Some listed accessory uses may also be considered accessory structures.

#### **G. Uses Not Included**

The “Uses Not Included” provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

## 8.2.2 OPEN USE CATEGORIES

### A. Agriculture

<b>Characteristics:</b> Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, conservation, and the secondary industries associated with agricultural production.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development Borrow pit Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Animal boarding, outdoor Livestock auction Milk processing plant Plant nursery Plant nursery with landscape supply Poultry slaughtering and dressing Retail or wholesale sales of agriculturally-related supplies and equipment Stable Warehousing and Storage, farm related products	Aircraft landing field or helicopter landing facility (private) Ancillary indoor storage Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Dish antenna under 3 meters Dock or pier (noncommercial) Home occupations Housing for ranch or farm labor, including manufactured homes Railroad right-of-way (existing only) Sale of agricultural products U-pick facilities	Animal waste processing (see Waste-Related Service) Commercial feed lot, livestock slaughtering, processing of food and related products (see Heavy Industrial) Commercial hunting or fishing camp, dude ranch (see Outdoor Recreation) Garden center (see Retail Sales and Service) Riding academy or public stable (see Outdoor Recreation) Recyclable construction material storage, solid or liquid waste transfer or composting, (see Waste-Related Service) Railroad right-of-way, new (see Utilities)

### 8.2.3. RESOURCE EXTRACTION

<b>Characteristics:</b> Characterized by uses that extract minerals and other solids and liquids from land.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Mining Extraction of minerals Extraction of sand or gravel, borrow pit	Ancillary indoor storage Associated offices Equipment storage Resource processing Stockpiling of sand, gravel, or other aggregate materials	Asphalt plant (see Heavy Industrial) Recyclable construction material storage (see Waste-Related Service) Solid or liquid waste transfer or composting (see Waste-Related Service)



## 8.2.4. RESIDENTIAL USE CATEGORIES

### A. Household Living

<b>Characteristics:</b> Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<p>Assisted living facility with self-contained individual units that meet the definition of a dwelling unit</p> <p>Guest house</p> <p>Retirement center apartment</p> <p>Short-term rental</p> <p>Single-family detached house, lot line house, traditional house, patio house, villa house, atrium house, two-family house, semi-attached townhouse, townhouse or rowhouse, roof-deck townhouse, stacked townhouse, multiplex, apartment, manufactured home park or subdivision, modular home, upper-story residential</p>	<p>Accessory dwelling unit</p> <p>Accessory structure that does not involve the conduct of business on the premises</p> <p>Ancillary indoor storage</p> <p>Dish antenna under 3 meters</p> <p>Dock or pier (noncommercial)</p> <p>Children’s play area or equipment</p> <p>Greenhouse or nursery, Personal (no sales)</p> <p>Home occupation</p> <p>In-home care for six or less persons</p> <p>Off-street parking of occupants’ registered vehicles</p> <p>Family day care homes</p> <p>Adult day care homes (As licensed by the State of NC)</p> <p>Private community center</p> <p>Public community center affiliated with a public housing agency or department</p> <p>Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool</p> <p>Raising of pets</p> <p>Residential leasing office</p> <p>Storage structure, storage garage or open storage area for RV’s or boats (manufactured home park or subdivision only)</p>	<p>Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations)</p> <p>Family care homes (see Social Service Institution)</p> <p>Nursing or convalescent home (see Group Living)</p> <p>Residential assisted living facility not having individual dwelling units (see Group Living)</p>

## B. Group Living

<b>Characteristics:</b> Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. All Group Living Uses not listed below as Principal or Accessory Uses are Social Service Institutions.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Congregate Care Senior Housing Boarding house, rooming house, fraternity, sorority, orphanage Community residential home Family Care Homes Hospice, nursing or convalescent home Monastery, convent Residential assisted living facility without individual self-contained dwelling units	Ancillary indoor storage Associated office Food preparation and dining facility Off-street parking of vehicles for occupants and staff Recreational facility	Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents, Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions) Assisted living facility where individual units meet the definition of a self-contained dwelling unit (see Household Living) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Transient Accommodations) Membership club or lodge (see Indoor Recreation) Residential occupancy of a self-contained dwelling unit by a family on a month-to-month or longer basis (see Household Living) Rehabilitation Centers

## 8.2.5. PUBLIC AND CIVIC USE CATEGORIES

### A. Community Service

<b>Characteristics:</b> Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Community recreational facility (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Rural retreat center Senior center Union hall Youth-oriented community service Charitable Club	Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area Off-street parking	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Place of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

## 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 Child care 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 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)

## C. Educational Facilities

**Characteristics:** Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Principal Uses	Accessory Uses	Uses Not Included
Business, driving, vocational, trade and other commercial schools College, community college or university Day facility Martial Arts School Nursing or medical school not accessory to a hospital Public, private, and charter schools School, boarding School, fine arts Seminary	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Before- and after-school day care Cafeteria or other food service Dormitory, housing for students or faculty Health facility Laboratory, library Maintenance facility Meeting area Off-street parking Play area, recreational or sports facility Support commercial (college-operated bookstore, for example)	Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Preschool or nursery school (see Day Care)

## D. Government Facilities

<b>Characteristics:</b> Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Animal Shelter City, county, state, or federal government office Detention center, jail, prison Emergency services, fire, sheriff, or medical station Post office Work camp Visitor Bureaus	Ancillary indoor storage Associated helicopter landing facility Auditorium, meeting room Cafeteria Day care Fleet management Holding cell, infirmary Limited fueling facility Off-street parking Satellite office	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Postal substation (see Retail Sales and Service) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

## E. Medical Facilities

<b>Characteristics:</b> Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Blood plasma donation center, medical facility, medical or dental laboratory Hospital, out-patient clinic Medical or dental office or chiropractor Medical Clinic	Associated helicopter landing facility Associated office Cafeteria Chapel, ancillary worship space Day care Group living or hospice Housing for staff or trainees Limited support retail Maintenance facility Meeting area Off-street parking Pharmacy Recreational facility Teaching facility Temporary housing for relatives of patients	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Rehabilitative clinic (see Social Service Institutions) Urgent care or emergency medical office (see Retail Sales and Service)

## F. Parks and Open Areas

<b>Characteristics:</b> Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Botanical garden, nature preserve, recreational trail Cemetery, columbarium, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Golf Course, public or private Hunting, Fishing and Game Preserves, commercial Park, community Park, district Park, linear Park, neighborhood Park, regional Reservoir, control structure, drainage well, water supply water well	Campground (public park only) Concession Dock or pier (noncommercial) Maintenance facility Off-street parking Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private, golf course, country club, water park (see Outdoor Recreation) Crematorium (see Light Industrial Service) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water tower, tank, standpipe (see Utilities)

## G. Passenger Terminal

<b>Characteristics:</b> Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Airport, heliport Bus passenger terminal, taxi dispatch center, train passenger terminal Scenic and sight-seeing tour Limousine / Chauffeur Service Public Transportation System Taxi Company / Taxi Stand	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited retail Maintenance facility Off-street parking Park-and-ride facility	Private helicopter landing facility accessory to another use (see Agriculture, Medical Facilities or Government Facilities)

## H. Places of Worship

<b>Characteristics:</b> Places of assembly that provide meeting areas for religious practice.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Church, mosque, synagogue, temple	Cemetery, columbarium, day care	Revival or gospel tent

## I. Social Service Institutions

<b>Characteristics:</b> Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Alternative- or post-incarceration facility Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents Neighborhood resource center Rehabilitative clinic such as for alcohol or drugs Social service facility, soup kitchen, transient lodging or shelter for the homeless	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Off-street parking Staff residences located on-site	Assisted living facility with individual self-contained dwelling units (see Household Living) Assisted living facility without individual dwelling units, community residential home (see Group Living) Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Educational facility (see Educational Facilities) Philanthropic institution (see Community Service)

## J. Utilities

<b>Characteristics:</b> Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
<b>Minor Utilities:</b> On-site stormwater, retention or detention facility Neighborhood-serving telephone exchange, gas or electric installation Pipeline Transportation of Petroleum & Natural Gas Water and wastewater pump station or lift station Water Supply System <b>Major Utilities:</b> Aeration facility, artesian well, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way (new), transmission tower, waste treatment plant, water pumping facility, water tower or tank	Control, monitoring, data or transmission equipment Off-street parking Storage	Landfill (see Waste-Related Service) Maintenance yard or building (see Light Industrial Service) Utility office (see Office) TV and radio studio (see Office) Cell phone tower Radio and Television towers Reservoir or water supply (see Parks and Open Areas)

## 8.2.6. COMMERCIAL USE CATEGORIES

### A. Indoor Recreation

<b>Characteristics:</b> Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Adult entertainment Auditorium /Assembly Hall, up to 350 seats Auditorium/Assembly Hall, more than 350 seats Convention center Extreme sports such as paintball, BMX facility or skateboarding facility (indoor) Gymnastic facility, indoor sports academy Go-Kart Track (indoor) Health Club & Fitness Center Amusement Arcade (indoor only) including less than 4 pool tables, bowling alleys, game/amusement arcade Indoor firing range Pool/Billiard Hall or Parlor (4 to 16 tables) Membership club or lodge Movie or other theater Performing Arts Company & Artist Sexually-Oriented Business Skating Rink, indoor	Ancillary indoor storage Associated office Concession Food preparation and dining area Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use	Community recreational facility, non-profit (see Community Service) Dance, martial arts, music, art or photographic studio or classroom (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

## B. Office

<b>Characteristics:</b> Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Accessory uses generally have no external access or signs.		
Principal Uses	Accessory Uses	Uses Not Included
Accounting & Tax Service Advertising & Related Services Architectural, Engineering & Related Services Bail Bonding Office Bank Teller Machines, outdoor (principal or accessory use) Counseling in an office setting Collections Agency Computer System Design & Related Services Consulting Office Counseling Office Credit Bureau Data Processing and News Services Detective Agency Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Employment Agency Engineering, Architect or Surveying Office Environmental Consulting Service Financial Institution Government office Graphic Design Services Industrial Design Services Insurance Agency Interior Design Services Legal Services Motion Picture and Sound Recording Studio Office, general Real Estate Agency Scientific Research & Development Services Stock or Security Brokerage Firm Telemarketing & Telephone Call Centers Television, Radio & Film Studio Travel Agency Utility office	Ancillary storage Cafeteria Health facility Meeting room Off-street parking On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Small retail operation for on-site workers (no external signage) Technical library	Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Bulk mailing service (see Light Industrial Service) Mail-order house (see Wholesale Trade) Medical or dental office (see Medical Facilities) Research, testing, and development laboratory (Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)



## C. Outdoor Recreation

<b>Characteristics:</b> Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Such activities may take place wholly outdoors or within a number of outdoor structures.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Circus ground Drive-in theater Equestrian Boarding & Riding Arenas, commercial Executive par three golf course Extreme sports such as paintball, BMX facility or skateboarding facility (outdoor) Farmers market or flea market (outdoor) Golf course, country club Outdoor recreation activity such as archery range, baseball hitting range, golf driving range, mini-amusement park, miniature golf facility, outdoor firing range, swimming pool, tennis court water park, riding academy or public stable Recreational vehicle (RV) park, campground, commercial hunting or fishing camp, dude ranch Sports academy for active recreational or competitive sports Stadium or arena, dog or horse track, motor vehicle racing track or facility, commercial amphitheater, ballfield Tourist attraction Winter quarters or training quarters Zoo, public or private	Ancillary indoor storage Associated office Caretaker or security person housing Classroom Clubhouse Concession Day care facility Dock or pier Dormitory Equipment storage Food preparation or dining area Jogging, hiking, fitness and other types of trails. Maintenance facility Off-street parking Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter Restaurant	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

## D. Overnight Accommodations

<b>Characteristics:</b> Residential units arranged for short term stays of less than 30 days for rent or lease.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Campground	Ancillary indoor storage Associated office Restaurants with or without a bar 5.3.4.M Food preparation and dining facility Laundry facility Meeting facility Off-street parking Restaurant Swimming pool, other recreational facility	Campground, private, hunting/fishing camp, dude ranch, recreational vehicle (RV) park (see Outdoor Recreation) Convention center (see Indoor Recreation) Patient Transient accommodations (see Medical Facilities) Short Term rental (see Household Living) Transient lodging, shelter for the homeless (see Social Service Institutions)

## E. Parking, Commercial

<b>Characteristics:</b> Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Parking Lot & Decks, principal use Mixed parking lot (partially accessory to a specific use, partly to rent for others), short- and long-term fee parking facility Park-and-ride facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

## E. Restaurants

<b>Characteristics:</b> Establishments that prepare and sell food for on- or off-premise consumption.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Banquet Home Restaurant, fast-food restaurant, pizza delivery facility, drive-in, take-out, yogurt or ice cream shop Private Clubs Small-scale catering establishment Food Truck, Temporary	Ancillary indoor storage Associated office Deck, patio for outdoor seating or dining Drive-through facility Off-street customer and employee parking Brewery/Winery/Cidery - Micro or Brewpub Valet parking facility Bar (as an accessory use to a restaurant and/or private club)	Bar, tavern (see Indoor Recreation) Recyclable construction material storage (see Waste-Related Service)

## F. Retail Sales and Services

**Characteristics:** Companies or individuals invol the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses Not Included
<p><b>Sales-Oriented:</b> Store selling, leasing or renting consumer, home, and business goods including but not limited to alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, guns and ammunition, hardware, home improvement, household products, jewelry, medical supplies, monuments, musical instruments, pets and pet supplies, pharmaceuticals, photo finishing, picture frames, plants, postal substation, printed materials, produce, souvenirs, sporting goods, stationery, telephones, tobacco and related products, vehicle parts and accessories, videos, full- or self-serve gas, Farmers market or flea market (indoor)</p> <p><b>Personal Service-Oriented:</b> Animal grooming, animal hospital or veterinarian, with or without animal boarding, doggie day care, obedience school Athletic, tennis, swim or health club Dance, art, martial arts, music or photographic studio or classroom Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Photocopy, blueprint, package shipping and quick-sign service Psychic, fortune teller or medium Security service Taxidermist Urgent care or emergency medical Tattooing or other body art</p> <p><b>Repair-Oriented:</b> Appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Tailor, milliner, upholsterer Locksmith, gunsmith</p>	<p>Ancillary indoor storage Associated office Automatic one bay car wash facility Crematorium (associated with a funeral home) Food preparation and dining area Repackaging of goods for on-site sale Residential unit for security purposes (single unit) Storage of goods</p>	<p>Boarding for horses (see Agriculture, stable) Car wash (see Vehicle Sales and Service) Stand-alone crematorium (see Light Industrial) Large-scale catering (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering (see Restaurants) 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 (see Heavy Industrial)</p>

## G. Self-Service Storage

<b>Characteristics:</b> Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not Included
Mini-warehouse, multi-story enclosed storage facility, storage garage	Associated office Outside storage of boats and campers Residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

## H. Vehicle Sales and Service

<b>Characteristics:</b> Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Vehicle Service, General involve services provided while the customer waits, same day pick-up of the vehicle or customers leaving a vehicle on-site for less than 24 consecutive hours.		
Principal Uses	Accessory Uses	Uses Not Included
<p><b>Vehicle Service, Intensive:</b> Alignment shop, auto body shop, auto upholstery shop, repair of cars, trucks, RVs and boats, towing service</p> <p><b>Vehicle Service, General:</b> Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bedliner installation, provided such repair is within a completely enclosed building (no open service bays, doors, or windows); tire sales and mounting.</p> <p>Full- or self-service car wash</p> <p>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles)</p> <p>Towing and wrecker service</p> <p>Storage Building Display and Sales</p> <p>Manufactured housing sales</p>	<p>Ancillary indoor storage</p> <p>Associated office</p> <p>Sale of parts</p> <p>Single-bay, automatic car wash</p> <p>Towing</p> <p>Vehicle fueling</p> <p>Vehicle storage</p>	<p>Earth moving and heavy construction equipment (see Heavy Industrial)</p> <p>Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture)</p> <p>Vehicle parts sale as a principal use (see Retail Sales and Service)</p>

## I. Alcoholic Beverage Production

<b>Characteristics:</b> Production and/or distribution of alcoholic beverages such as wine, beer and liquor to include onsite consumption.		
Principal Uses	Accessory Uses	Uses Not Included
Winery/Cidery Winery/Cidery -Micro Distillery Brewery/Brewery-Micro	Restaurant Taproom	Bar Private Club

### 8.2.7. INDUSTRIAL USE CATEGORIES

#### A. Light Industrial Service

<b>Characteristics:</b> Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not Included
Advertising & related services Blueprinting & design services Building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Borrow pit Catering establishment, large-scale Cleaning/maintenance services Clothing or textile manufacturing, manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items, electrical items, printing, publishing, and lithography, production of artwork and toys, sign-making Crematorium Engineering, Architect, Surveying office Health club, fitness & dance studio HVAC, electrical, plumbing, contractor's office Industrial design services Janitorial and building maintenance service, exterminator, maintenance yard or facility Laundry, dry-cleaning, and carpet cleaning plants Movie production facility Pest control service Photo-finishing laboratory	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking On-site repair facility Residential unit for security purposes (single unit) Retail or wholesale sales of goods manufactured on-site	Mining (see Resource Extraction) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

**Characteristics:** Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses Not Included
Race cars and parts manufacturing Repair of scientific or professional instruments, electric motors Research, testing, and development laboratory Sheet metal shop, machine shop Small engine repair Soft drink bottling Storage area used for manufacturing Welding machine tool repair shop Woodworking, including cabinet makers and furniture manufacturing		

## B. Warehouse and Freight Movement

**Characteristics:** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses Not Included
Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Commercial packing for fruits and vegetables Outdoor storage yard Parcel services Truck terminal, supply and distribution center, bulk mailing facility Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Day care Dwelling units for short-term use by owners and/or employees, customers or franchisees, provided that units shall not be rented or leased to the public and are located completely within the principal structure. Employee recreational facility Off-street parking Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

### C. Waste-Related Services

<b>Characteristics:</b> Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
<b>Principal Uses</b>	<b>Accessory Uses</b>	<b>Uses Not Included</b>
Animal waste processing Landfill Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling Facility Solid or liquid waste transfer or composting Septic Tank Cleaning Service and Vehicle Storage Facility Solid Waste Management Facility Land Clearing and Inert Debris Landfills Junkyards / Salvage Yards	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials derived from mining (see Resource Extraction)

## 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 general public are limited

Principal Uses	Accessory Uses	Uses Not Included
<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>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>



## E. Wholesale Trade

**Characteristics:** Firms involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not Included
Mail-order house Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Water softening, commercial Wholesale of food, clothing, auto parts, and building hardware Metal & Pipe Supply, with no outdoor storage Metal & Pipe Supply, with outdoor storage	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Minor fabrication services Off-street parking Product repair Repackaging of goods Residential unit for security purposes (single unit) Showroom Warehouse	Store selling, leasing, or renting consumer, home or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

## **8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES**

### **8.3.1. GENERAL PROVISIONS**

#### **A. Applicability**

The provisions of this Article are supplemental to the general provisions of the other Articles of the Concord Development Ordinance. All Uses and Structures shall comply with the all other applicable provisions of this Ordinance in addition to the provisions of this Article.

#### **B. Relationship to Use Table**

The zoning district in which a particular use is permitted is controlled by Use Table, and in the event of any inconsistency between the provisions of this Section and the Use Table, the provisions of the Use Table shall control.

#### **C. Distance Measurements**

All horizontal distance measurements referred to in this Article shall be measured from closest parcel line to closet parcel line, unless otherwise noted.

### **8.3.2. OPEN USES**

#### **A. Animal Production and Support Facilities**

##### **1. PURPOSE AND SCOPE**

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

##### **2. USE REGULATIONS**

The use of land for the keeping of agricultural animals of other livestock shall be permitted as set forth in the use table, subject to the criteria below.

##### **3. AGRICULTURAL ANIMALS**

A. No livestock shall be kept, maintained or stabled within any Residential Zoning District on any lot not exceeding two (2) acres.

B. On parcels of two (2) acres or more and as set forth in the use table, certain livestock shall be permitted subject to the following provisions:

C. All buildings or structures (excluding fences) used to house livestock shall be located so that they are no closer than one-hundred fifty feet (150') from a dwelling unit. The provisions of

this section shall not apply if a dwelling unit is constructed so as to encroach upon an existing livestock use, except that such a livestock use may no longer expand towards a newly established residential use.

- D. Not more than one (1) Animal Unit shall be shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- E. No equine stable operated as a principal use shall be within three hundred (300) feet of an existing single-family detached dwelling on a different lot.

## **B. Livestock Auctions**

### **1. LAND AREA AND SETBACKS**

The minimum acreage for a livestock auction facility is 20 acres. A minimum setback of no closer than three hundred feet (300') from a dwelling unit or residential zoned or used property is required.

## **C. Resource Extraction**

### **1. PURPOSE**

To establish consistent guidelines covering review of applications for mining and quarrying operations where an approved site plan is considered necessary to protect any adjacent residential property from smoke, dust, and noise, and to minimize the effect of scarification of the landscape.

### **2. APPLICABILITY**

The provisions of this Section apply to any mining or extractive uses. The use of land for quarrying and/or mining shall be permitted as set forth in the Use Table subject to the criteria below.

### **3. COMPLIANCE WITH STATE REGULATIONS**

All proposed mining and quarrying activities must conform to the "North Carolina Mining Act of 1971" as amended, (NCGS § 74-46 et seq.) NCAC, Title 15, Chapter 5. The applicant shall, if disturbing more than one acre of land, obtain, or be in the process of obtaining, a mining permit issued by the North Carolina Department of Environment and Natural Resources Regional Office. Wherever conflicts exist between federal, state, or local laws, the more restrictive provisions shall apply.

### **4. REVIEW AND APPROVAL**

Submission requirements to obtain complete review and approval for mining and quarrying operations on sites with a disturbed area of one acre or more include a special use permit application, a reclamation plan, and a Preliminary Site Plan detailing the

minimum general standards as set forth in the City's Technical Standards Manual .

#### **5. SETBACKS**

Minimum setbacks in § 7.6 shall apply to the extent of land disturbing activity and the placement of mining machinery or structures.

#### **6. BARRIER REQUIRED**

A. A barrier shall be provided around the perimeter of a mine or quarry. The barrier shall consist of either an earthen berm, a solid fence, landscaping, existing topographical features or any combination of the above. Existing vegetation may also be considered in accordance with Article 11. The barrier shall be constructed so as to block the view of the extraction operations from any point on an adjacent property line or public right-of-way, except at points of ingress and egress. For the purposes of this section, the view shall be defined as a perpendicular linear view from the edge of the property line toward the interior of the mine or quarry site. The Planning & Zoning Commission, through the issuance of a Special Use Permit, shall have the authority to grant exceptions where a barrier as required by this section is not practical or feasible. Landscaping shall be in accordance with Article 11.

B. The operation shall provide an entrance gate to prevent vehicular access during non-operational hours.

#### **7. EXEMPTIONS**

A. Earth moving activity disturbing less than one acre of land shall be exempt from the provisions of this Section.

B. Site grading, as part of a construction project, moving earth from one area of a lot or development to another shall be exempt from the provisions of this Section, regardless of the area disturbed.

C. Borrow pits are exempt from the provisions of this Section.

### **8.3.3 Residential Uses**

#### **A. Single-Family Attached Dwelling**

[See § 7.7]

#### **B. Multifamily Dwelling**

[See § 7.8]

#### **C. Accessory Dwelling**

##### **1. ZONING DISTRICTS**

Accessory Dwellings and Accessory Apartments are conditionally permitted in those zoning districts where such use is permitted in

accordance with the Use Table.

**1. HOUSING STANDARDS**

Accessory Dwellings must comply with all applicable local, State and Federal housing codes.

**3. NUMBER**

Only one (1) Accessory Dwelling or Accessory Apartment shall be permitted per lot.

**4. SIZE OF UNIT**

The Accessory Dwelling or Accessory Apartment shall not exceed fifty (50) percent of the square footage of the livable area of the primary structure or 1,100 square foot of gross floor area, whichever is less.

**5. PLACEMENT OF THE ACCESSORY DWELLING ON THE LOT**

An Accessory Dwelling shall be sited to the rear of the principal building. In the AG or RE zoning districts, the Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds ten (10) acres in size.

**6. SETBACKS**

The Accessory Dwelling shall meet all setback requirements as established for principal uses within the zoning district within which it is located.

**7. COMPATIBILITY**

The exterior of the Accessory Dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance. Manufactured homes shall not be pulled up to or attached to a primary residence and considered an Accessory Apartment or Accessory Dwelling Unit. Manufactured homes, as principal or accessory dwelling units, shall be permitted only in the MH Manufactured Home Overlay District.

**8. PARKING**

Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory Dwelling or Accessory Apartment.

**9. UTILITIES**

Where there is no public sanitary sewer service to the Accessory Dwelling unit, County Health Department shall approve sanitary sewer services provided to such Accessory Dwelling unit prior to its construction.

**10. OWNER-OCCUPIED RESTRICTION**

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

**D. Group Living**

**1. APPLICABILITY**

The provisions of this Section apply to any Congregate Care Senior Housing or Residential Care Facility. The Provisions of this section shall not apply to a Family Care Home as defined in this Ordinance.

The use of land for a residential care facility shall be permitted as set forth in the Use Table subject to the criteria below.

**2. STATE LICENSING**

A. Prior to submission of an application for a certificate of zoning compliance, an owner/operator of a group living facility shall have received a license from the State of North Carolina for the operation of such a facility.

**3. LOCATION**

No group living facility shall be located within one thousand (1,000) feet from any Hazardous Waste Facility.

**4. SECURITY FENCING**

Group living facilities that provide care to patients who suffer from Alzheimer’s disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five (5) feet, along the perimeter of any portion of the site that is accessible to these patients.

**E. Family Care Home**

**1. CITY REGISTRATION**

No family care home shall operate until it has registered its location with the City of Concord Development Services Department. Family care homes must obtain and maintain any and all applicable federal, state, local or other licenses required for such facilities before registering. The registration shall include the address of the residence, the name, address and telephone number of the “operator representative,” and the number of occupants permitted to dwell there. The registration shall also include an affirmation that the residence is not located in violation of applicable distance separation requirements for such facilities. Any changes in licensure status or designated “operator representative” must be reported to the Development Services Department immediately. For purposes of this section, “operator representative” shall mean an individual who represents the operator or residents of a supportive housing residence or family care home who is responsible for addressing problems with the operation of such a facility, if any, whenever they arise. The “operator representative” may live on-site at the facility or off-site, but must be available to the public.

## **2. LOCATION**

- A. No family care home shall be located within 2,100 feet of any other existing family care home established prior to, or after, the effective date of this ordinance. The distance shall be determined by a straight-line measurement from property line to property line.
- B. No family care home shall be located within 1,000 feet of any hazardous waste facility (as determined by a straight-line measurement from property line to property line).

## **3. SECURITY FENCING**

Family care or group homes that provide care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation, shall provide a security fence, with a minimum height of five feet, along the perimeter of any portion of the site that is accessible to these patients.

## **F. Temporary Health Care Structures**

Temporary family health care structures as defined by state law shall be permitted on lots zoned for and developed with single-family detached dwellings, subject to issuance of a temporary use permit and compliance with the following provisions:

- 1. Any temporary family healthcare structure shall be limited to one mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living, as certified in writing by a licensed physician.
- 2. The property on which the temporary family health care structure will be located shall be owned or occupied by an adult caregiver who provides care for a mentally or physically impaired person and the property shall be used as the caregiver's primary residence. The adult caregiver shall be related by blood, marriage, or adoption to or the legally appointed guardian of the physically or mentally impaired person(s) occupying the temporary family health care structure.
- 3. Only one (1) temporary family health care structure shall be permitted on a lot or parcel of land.
- 4. Temporary family health care structures shall be limited to a maximum of three hundred (300) square feet of gross floor area and shall meet the minimum setback requirements for single family detached dwellings of the zoning district in which they located. Temporary health care structures shall be located behind the front building line.
- 5. Temporary family health care structures shall not be installed on a permanent foundation.

6. Temporary family health care structures shall be subject to applicable building codes.
7. Temporary family health care structures shall be required to connect to any water, sewer, and electric utilities that are serving the principal residence on the property.
8. No signs promoting or advertising the existence of the structure shall be permitted on the structure or on the lot.
9. The applicant shall provide evidence of compliance with all requirements of state law and this section on an annual basis as long as the temporary family healthcare structure remains on the property.
10. The City may arrange the inspection of the temporary family healthcare structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
11. The following shall be submitted to the City with any application for a temporary family health care structure:
  - a. The name and contact information of the proposed caregiver, and the relationship of the caregiver to the physically or mentally impaired proposed occupant.
  - b. Address of the property.
  - c. Written certification of physical or mental impairment of the proposed occupant, including verification that the person requires assistance with one or more activities of daily living by a licensed physician.
  - d. Three copies of a plat drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), which may be prepared by the applicant, and shall contain the following information:
    - (1) The dimensions of the lot, the boundary lines thereof, and the area of land contained therein.
    - (2) The dimensions, height and distance to all lot lines of any existing structure on the lot and of the proposed temporary family health care structure.
    - (3) Temporary family health care structures shall be removed from the property within sixty (60) days from the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this Section or State Law.
    - (4) A permit for a temporary health care structure may be revoked by the City due to failure of the applicant to comply with any of the above provisions or the provisions of State Law. Additionally, the City may seek injunctive relief or other appropriate actions to ensure compliance with this Section or State Law.



### **8.3.4 PUBLIC AND CIVIC USES**

#### **A. Child Care Center**

##### **1. APPLICABILITY**

The provisions of this Section apply to any:

- A. Child Care Center.
- B. Family Day Care Homes. Day care homes are also Home Occupations (see Accessory Uses)

##### **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.
- 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 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 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.

#### **B. Animal Shelter, Boarding, Clinic/Hospital Uses**

##### **1. APPLICABILITY**

The provisions of this Section shall apply to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals and kennels. Animal boarding/storage uses shall be permitted as set forth in the Use Table subject to the criteria below.

##### **2. CRITERIA**

- A. Facilities for the boarding of all dogs and other household pets shall conform to the following:
- B. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.

- C. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.
- D. Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.
- E. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

**C. Cemetery**

**1. APPLICABILITY**

The provisions of this Section apply to any Cemeteries or crematories as allowed by Table 8.1.8 and subject to the provisions below.

**2. CRITERIA**

- A. Pursuant to NCGS § 90-210.43, any crematories may be established in commercial or industrial zoned district so long as it is adjacent to a funeral establishment.
- B. Minimum setback for all structures, excluding gatehouses, abutting residentially zoned property is (50) feet from any side or rear property line, (25) twenty-five feet if abutting commercially zoned property, and a minimum of (25) twenty-five feet from any right-of-way. Gatehouses shall be excluded from any minimum building setback.
- C. Minimum setback for any grave or burial plot is fifty (50) feet from any exterior property line, except that any grave or burial plot shall be allowed within three (3) feet of a property line of an abutting parcel that contains an existing cemetery.
- D. Buffering and Landscaping shall be regulated in accordance with Article 11.

**D. Limousine/Chauffeur Service/Taxi Company**

**1. VEHICLE STORAGE**

- A. Automobiles stored on such premises shall be at least fifty (50) feet from any residential district boundary and at least ten (10) feet from any property line. No automobile shall be stored or stand outside of such paved area.
- B. When located within one hundred and fifty (150) feet of a residential zone boundary line, such vehicles shall be stored within an enclosed building or in an area screened on all sides by a opaque wall or fence, or compact evergreens screen not less than six (6) feet in height.
- C. No service or repair of such vehicles shall be conducted on the premises.
- D. The entrance and exits, driveway aisles, parking and storage spaces shall be increased in size to accommodate the size of the

vehicle for which the storage is intended.

**E. Religious Institution/Place of Worship**

**1. MULTI PURPOSE CAMPUS:**

A. Religious institutions/places of worship are permitted as shown in the Use Table, provided that additional uses and buildings beyond the sanctuary or other actual place of worship that house other regulated facilities such as schools, gymnasiums, community centers, transient shelters and other associated uses shall be considered multiple principal uses of the property - not accessory to the religious institution or place of worship.

**2. RELIGIOUS INSTITUTIONS SHALL:**

A. Be located on a parcel or site that fronts an arterial or collector street (for churches over 350 seats);

B. Design any accessory child day care center or overnight child care center associated with the religious institution to comply with the standards of Section 8.3.4 A. Child Day Care Center; Pre-School;

C. The Development Services Director shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. Sec. 2000), as amended. In granting such a modification, the Development Services Director may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

**F. Social Service Institution**

**1. DESCRIPTION**

Social Services may include but not be limited to Assisted Living Facility; Nursing Home; Psychiatric Treatment Facility

**2. SUPPORTING USES**

Any supporting retail sales and services uses accessory to the principal use shall be enclosed within the principal structure, shall not exceed twenty percent (20%) of the heated floor area of the principal structure, and shall only be accessed through the principal structure.

**G. Convention Center**

**1. PURPOSE**

The purpose and intent of this section is to ensure that future development within close proximity of the convention center will

contain uses that are compatible and complimentary, and promote pedestrian as well as tourist activities.

**2. MINIMUM LOT AREA**

Be no less than five (5) acres in area;

**3. DISTANCE FROM RESIDENTIAL DISTRICT**

The building shall be located a minimum of five hundred (500) feet from any residential district, as measured from all property lines; and

**4. VEHICULAR ACCESS**

Locate all points of vehicular access from an arterial or major collector street. The access points shall be located to minimize vehicular traffic to and through local streets in residential areas.

**5. LOCATION**

Only the following permitted uses from Table 8.1.8 shall be allowed to locate within one thousand (1000) feet from any convention center property unless the use is separated by an existing public right-of-way of 120 ft. or greater. This does not include property whose use(s) would become non-conforming at the date of adoption. For purposes of this section, a property for which a site plan has been approved shall be considered to be a convention center property.

- ABC Store
- Accessory uses (customarily incidental to the permitted primary use as approved by the Administrator)
- Accounting & Tax Service
- Advertising & Related Services
- Amusement Arcade, indoors only
- Amusement Park
- Animal Grooming Establishment (no overnight boarding)
- Antique Store
- Architectural, Engineering & Related Services
- Art Dealer
- Art Supply Shop
- Auditorium/Assembly Hall, up to 350 seats
- Auditorium/Assembly Hall, more than 350 seats
- Bakery/Snack Shop, no drive-thru
- Bank Teller Machines, outdoor (principal or accessory uses)
- Barber/ Beauty Shop
- Baseball Hitting Range
- Beauty Supply and Cosmetic Store
- Bed and Breakfast Inn
- Bicycle Sales and Service
- Blueprinting and Drafting Service
- Botanical Gardens/Nature Preserves
- Book Store

- Bowling Center
- Bus Charter Service Company (including passenger terminals)
- Camera and Photography Store
- Candle Shop
- Candy and Nut Store
- Card Shop
- Child Care Center
- China and Tableware Shop
- Clock and Watch Sales and Repair
- Cloth/Piece Goods store
- Clothing and Clothing Accessories
- Clothing Alterations and Repairs
- Coin and Stamp Shop
- Computer System Design & Related Services
- Convention Center
- Costume Rental Shop
- Counseling Office
- Consulting Office
- Country Club
- Craft Studio and Store
- Credit Bureau
- Dance School Studio
- Data Processing and News Services
- Delivery/Courier Service, local, (no commercial vehicles)
- Detective Agency
- Drapery and Linen Shop
- Electronics Sales and Repair
- Electronic Shopping and Mail-Order Houses
- Employment Agency
- Engineering, Architect or Surveying Office
- Environmental Consulting Service
- Extended Stay Lodging Facilities
- Financial Institution (no drive up windows)
- Floral and Christmas Shop
- Florist
- Food Catering Facility
- Food Store, (excluding convenience stores)
- Formal Wear
- Funeral Home
- Furniture & Home Furnishings store
- General Merchandise Store (less than 25,000 sq. ft.)
- Gift, Novelty and Souvenir Store
- Glass and Mirror Shop
- Golf Course, public or private

- Golf Driving Range
- Governmental Buildings (excl. correctional institutions)
- Graphic Design Services
- Gun and Ammunition Sales
- Gunsmith
- Hardware Store
- Health Club & Fitness Center
- Hobby, Toy, and Games Stores
- Home Electronics Sales and Repair
- Home Occupations
- Hospital
- Hotel
- Industrial Design Services (general office)
- Insurance Agency
- Interior Design Services
- Jewelry Sales and Repair Store
- Legal services
- Library, public
- Limousine/Chauffeur Service
- Martial Arts School
- Massage Therapist
- Medical clinic
- Medical Supply Shop
- Micro-Brewery (less than 5,000 sq. ft.)
- Miniature Golf Course
- Motel
- Motion Picture and Sound Recording Studio
- Motion Picture Theater, indoor
- Museum
- Music Store
- Nail Store
- Newsstand (principal use)
- Nursery, plants
- Office, general
- Office supplies, Equipment and Stationary Store
- Park, community
- Park, district
- Park, neighborhood
- Park, linear
- Park, regional
- Parking Lot & Decks, principal use
- Performing Arts Company & Artist
- Pet Shop
- Photocopy Service
- Photofinishing Laboratory

- Photography Studio
- Picture Frame Shop
- Post Office
- Postal store and Contract Station
- Printing and related Support Activities
- Public Transportation System
- Real Estate agency
- Recreational Instruction and Camps
- Religious Institution / House of Worship (up to 450 seats)
- Religious Institution / House of Worship (more than 450 seats)
- Restaurant
- School, boarding
- School, business or trade
- School, private & parochial
- School, public, elementary & secondary
- School, university or college
- School, fine arts
- Scientific Research & Development Services
- Sewing, Needlework & Piece Goods Store
- Shoe Sales and Repair Shop
- Shopping Center, less than 25,000 sq. ft.
- Shopping Center, 25-100,000 sq. ft.
- Shopping Center, over 100,000 sq. ft.
- Skating Rink, indoor
- Social Assistance (excl. child care centers)
- Sporting Goods Store
- Stationery Shop
- Stock or Security Brokerage Firm
- Tanning Salon
- Television, Radio & Film Studio
- Tobacco Shop
- Travel Agency
- Trophy & Plaque Shop
- Video Rental & Sales
- Visitor Bureaus
- Wedding Chapel

## **H. Museums and Non-Profit Foundation Offices**

### **1. MUSEUM IN RESIDENTIAL DISTRICTS**

For a museum to be located in any residential district, the structure must have a direct link with an individual who inhabited the structure or event that transpired in the structure.

### **2. NON-PROFIT FOUNDATION IN A RESIDENTIAL DISTRICT**

For non-profit foundation office to be located in any residential

district, there must be a documented historic link between the structure and the non profit foundation wishing to set up the non-profit foundation office.

### **3. DESIGN**

The structure must remain residential in character and may not be altered in a way that detracts from the surrounding neighborhood and must meet all CDO and any overlay district requirements.

#### **I. Homeless Shelter/Soup Kitchen**

Homeless shelters/soup kitchens shall have a minimum lot area of one (1) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

### **8.3.5. COMMERCIAL USES**

#### **A. POOL HALL, BILLIARD PARLOR**

Pool or billiard parlors having a minimum of four but not more than sixteen pool or billiard tables, shall have, under the same roof and developed integrally with the pool or billiard parlor, an eating establishment with full restaurant kitchen and dining facilities, including a minimum of 36 seats for dining tables and/or booths.

##### **1. Obscuring View of Interior**

It shall be unlawful for any person to place or keep any kind of stain, paint, curtains, or other things on or in front of any glass which obscures the view into any place or building where a pool or billiard hall or parlor is maintained.

#### **B. SEXUALLY ORIENTED BUSINESSES**

##### **1. PURPOSE & FINDINGS**

A. The City Council of the City of Concord finds that this Ordinance is necessary in order to protect the City from the potential secondary effects of sexually oriented businesses including crime, the protection of the City's retail trade, the prevention of the blighting of neighborhoods and the maintenance of property values, protecting and preserving the quality of the City's neighborhoods and the City's commercial districts, the protection of the City's quality of life, the increased threat of the spread of sexually transmitted diseases, and the protection of the peace, welfare and privacy of persons who patronize sexually oriented businesses. Experience in this City as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent



residential and commercial areas. The City recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County Commissioners* 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).

- B. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
1. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;
  2. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;
  3. Sexually oriented businesses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This is necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and sexually oriented business operators with respect to potential adult use sites.

4. The image of the City as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;
  5. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;
  6. A reasonable regulation of the location of sexually oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the City; and
  7. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.
- C. The City Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.
- D. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:
1. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;
  2. Evidence has demonstrated that performers employed by

sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

3. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;
  4. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.
- E. The City Council has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:
1. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;
  2. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and
  3. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.
- F. It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the City.
- G. The City Council desires to protect the rights conferred by the United States Constitution to sexually oriented businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.
- H. The City Council and Planning and Zoning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this proposed Ordinance.
- I. These regulations are authorized by NCGS § 160A-181.1.

## **2. APPLICABILITY**

The provisions of this Section apply to any Sexually-Oriented Business/Adult Establishments. The use of land for a sexually-oriented business or adult establishment shall be permitted as subject to the criteria below.

**3. LOCATION STANDARDS**

- A. No sexually-oriented business shall be located within two thousand (2,000) feet of any other sexually-oriented business.
- B. No sexually-oriented business shall be located within two thousand (2,000) feet of a school, day care or adult day care center, public or private recreation center, a church or a park used by the public for recreational purposes.
- C. No sexually-oriented business shall be located within two thousand (2,000) feet of any Residential Zoning District or residentially developed property. The distance shall be measured radially from the subject property to the nearest point of the Residential District or property, whether such district or use is located within the City of Concord or not.

**4. SIGNS AND DISPLAYS**

Signage shall be regulated in accordance with Article 12, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

**C. BED AND BREAKFAST INN**

**1. LOCATION**

Bed and breakfast inns shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. A Historic Preservation Overlay District or;
- B. On a parcel with frontage on a major or minor thoroughfare; or
- C. Within a PUD Planned Unit Development.

**2. STRUCTURE**

A structure which shall be used for a bed and breakfast inn shall not be altered in any way that changes its general residential appearance.

**3. APPROVAL CRITERIA**

- A. Off-Street Parking. See § 10.3.
- B. Receptions/Private Parties. No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the Special Use Permit or Site Plan application.
- C. Room Rental. No long-term rental of rooms shall be permitted. The maximum length of stay shall be thirty (30) days.
- D. Guest Rooms. All guest rooms shall be located within the principal structure.
- E. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Special Use Permit. No cooking facilities shall be permitted in the guest rooms.
- F. Accessory Uses. Accessory uses associated with a bed and

breakfast inn include those as set forth in § 8.3.

- G. Area Regulations. Area regulations for minimum lot size, applicable setbacks, building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located.
- H. Maximum Number of Guest Units. The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be five (5), unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging
- I. Landscaping and Buffering. See Article 11.
- J. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- K. Signage. Signs for bed and breakfast inns shall meet the requirements of the Sign Regulations and the requirements set forth below.
  - 1. Signage shall be limited to one ground sign per establishment.
  - 2. Ground signs identifying bed and breakfast inns shall not exceed five square feet in area nor five feet in height. Such signs shall not be illuminated.
  - 3. No additional advertising signs shall be permitted on the property.

#### **D. CAMPGROUNDS**

##### **1. CRITERIA**

This section applies to Campgrounds as permitted by the Use Table and subject to the following standards:

- A. Campgrounds shall not be used as permanent residences except for one (1) owner or manager and up to three (3) permanent maintenance personnel.
- B. Towed vehicles within the Campground shall not exceed eight feet (8') in width.
- C. No person, other than the owner or operator shall stay in any Campground more than ninety (90) days per calendar year.
- D. Camp sites shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty five feet (25') in width.
- E. Camp sites shall be spaced so that there is at least: ten feet (10') between sites; eight (8') feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15') feet from property lines.

- F. Parking spaces and interior roadways shall be paved or treated to reduce dust.
- G. Sewage facilities, if provided, shall be connected to a public sewer collection and treatment system, unless alternative systems are permitted by state law.
- H. All utilities shall be located underground.
- I. At least one public telephone shall be provided.
- J. Walkways to concentrated activity areas (such as bathhouse, restrooms, etc.) within the campground area shall be at least four feet (4') wide with an all weather surface.
- K. All unpaved areas within the campground must have vegetative ground cover, which is adequate to prevent erosion and blowing dust.
- L. One tree of a species identified in the Suggested Plant List shall be provided for each two camping spaces. Such trees shall be located in front of those spaces. The Applicant shall comply with the requirements of the Landscaping Standards.
- M. All trash collection areas shall be completely screened from view at any public right-of-way or property line.
- N. Adjoining residential zoned or developed areas shall be screened by a minimum Class "C" buffer yard as described in Article 11.
- O. Each campground shall provide at least one full time attendant.

**E. PARKING DECK**

[See Article 7.8. 7.9, 7.10 and 7.11]

**F. PRIVATE CLUBS**

1. The provisions of this section shall apply to any private club to the extent not preempted by NCGS § 18B-901. Private clubs located completely within motels and hotels shall be exempt from the provisions of these regulations, provided that they encompass no more than 25 percent of the gross floor area of the motel or hotel.
2. No private club shall be established within 1,000 feet of any of the following:
  - A. Any Residential Zoning District, any Elementary School, Middle School, or High School;
  - B. Any Child Care Center or Child Care Facility;
  - C. Any Religious Institution; or
  - D. Any other existing establishment of the same kind.
 The distance provisions above shall not apply in the Center City Zoning District.
3. An application for development approval for a private club shall include a floor plan of the building or structure in which the private club is located. The floor plan shall delineate separately the areas of the building or structure, which are used for the dispensing of

food and beverages, entertainment, and dancing.

## **G. BUILDING MATERIAL SUPPLY**

### **General Provisions**

In the AG, B-1, , C-1, C-2, I-1 and I-2 districts, outdoor storage areas shall comply with the following.

1. Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 100 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts.
2. Outdoor storage areas shall be screened by a Type C buffer yard in accordance with the Article 11. This provision shall not apply to Junk Yards/ Salvage Yards. (see § 8.3.6.B.).
3. Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2.A for the zoning district within which the item is located.
4. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6-D
5. 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 outdoor storage areas or operations.
6. The provisions of this § 8.3.5 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

## **H. CONVENIENCE STORE (WITH OR WITHOUT GASOLINE SALES)**

### **1. APPLICABILITY**

The provisions of this Section shall apply to Convenience Stores and Gas Stations as allowed in the Use Table and subject to the provisions below.

### **2. ACCESSORY USES**

The following uses shall be considered accessory to Convenience Stores or Gas Stations:

- A. Car washes.
- B. Gasoline pumps and canopies.
- C. Automatic teller machines (ATM's).
- D. Restaurants located within the Primary Building.
- E. Sales of prepackaged beverages, snack foods, tobacco products, and other retail merchandise, and rental of video tapes and video cassette recorders.

### **3. APPROVAL CRITERIA**

#### **A. LOCATION.**

1. Principal Structure - The site shall have frontage on a thoroughfare or collector road.

2. Service Equipment - No above-grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be closer than 25 feet to any public right-of-way and 10 feet to any exterior property line. Pump island canopies shall not be located closer than 10 feet to a public right-of-way or an exterior property line.

**B. MAXIMUM SQUARE FOOTAGE FOR PRINCIPAL STRUCTURE.**

1. In C-2 District: No maximum.
2. In all other districts that allow convenience stores: 2,000 leasable square feet for enclosed structure.

**C. LIGHTING.**

1. All exterior lights must be shielded to direct light and glare only onto the Lot or Parcel where the convenience store is located, and may be of sufficient intensity to discourage vandalism and theft.
2. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.

**D. SIGNS.** See Article 12 Signs.

**I. FARMERS MARKET AND FLEA MARKET (OUTDOOR)**

**1. ACCESS**

Direct access to the site shall be provided by major or minor thoroughfares only, as depicted on the most up-to-date version of the City of Concord thoroughfare plan.

**2. LOCATION**

For outdoor flea markets only, the lot shall be 300 linear feet from any lot located in a residential district.

**J. LAWN AND GARDEN SUPPLY, NURSERY WITH OUTDOOR STORAGE, OUTDOOR ANIMAL AND FEED SUPPLY**

**1. LOCATION**

With the exception of the landscape plants offered for sale, all materials shall be contained with a building, except that open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to the building and are encircled by a fence of a design which is in harmony with the adjacent building.

**2. SCREENING**

A solid fence shall be designed as to screen all material and supplies from public view.

**K. TATOO PARLOR**

**1. SEPARATION**

Tattoo parlors shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day



care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the establishment to the building wall of the referenced use at their closest points.

**L. INTERNET/ELECTRONIC GAMING**

**1. PERMITTED ZONING DISTRICT**

Internet/electronic gaming shall be permitted only in the B-1 (Neighborhood Commercial/Office) District and the C-1 (Light Commercial and Office) Districts as accessory uses and the C-2 (General Commercial District) as either a principal or accessory use, subject to the following requirements.

**2. ACCESSORY USE**

Internet/electronic gaming is allowed as an accessory use to the extent that the use functions are a use accessory, incidental, and subordinate in area, extent, and purpose to the principal use of the premises. Such accessory uses are allowed in convenience stores and restaurants. Accessory uses shall be limited to no more than four (4) individual machines or terminals. Within the B-1 and C-1 zoning districts, internet/electronic gaming is permitted as an accessory use only, and only provided that the associated principal use is permitted within the zoning district.

**3. SEPARATION FROM CERTAIN USES**

Internet/electronic gaming shall not be located within 200 feet in any direction from other internet/electronic gaming, or from any cemetery, congregate care facility, religious institution, municipal government facilities, including but not limited to municipal public parks, public or private child care center or child care facility, public or private school or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.

**4. MAJOR GATEWAY SETBACKS**

Internet/electronic gaming shall maintain a two hundred (200) foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile from the city limit line. For the purposes of this section, a major gateway is identified as an entry way into the City limits along any of the following transportation corridors: NC-3, NC-73, NC-49, Concord Parkway, US 601, Poplar Tent Road, George W. Liles Parkway, and Christenbury Parkway.

**5. MEASUREMENT**

All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures. In the event that separate

internet/electronic gaming establishments are proposed to be located on the same parcel, measurement shall be from the outer building walls of the proposed use to the outer building walls of the existing use. A survey may be required to verify compliance with this provision.

**6. ACCESS AND VISIBILITY**

During hours of operation, internet/electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All internet/electronic gaming terminals/computers/machines/gaming stations shall be open and visible from the exterior front of the establishment.

**7. AGE RESTRICTIONS**

No person or entity engaged in internet/electronic gaming operations shall allow, permit, or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in internet/electronic gaming operations.

**8. SIGNAGE**

Signage shall meet all the requirements of Article 12 and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulating, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the internet/electronic games shall be displayed prominently within the establishment.

**9. COMPLIANCE WITH OTHER REGULATIONS**

The internet/electronic gaming establishment shall be subject to City of Concord privilege license fees, and shall be subject to all other standards of the City of Concord and State of North Carolina as applicable.

**10. EFFECTIVE DATE**

This ordinance shall be effective upon adoption.

**M. BODY PIERCING**

**1. SEPARATION**

Body piercing establishments shall be separated by at least three hundred (300) feet from any existing residential use, religious institution use, day care use, public park, or school (elementary, middle, or senior high). Distances to residences, religious uses, day cares or schools shall be measured radially from the building wall of the tattoo parlor to the building wall of the referenced use at the closest point.

## **2. SIGNAGE**

All signage to comply with Article 12, Signs Regulations.

## **N. BANQUET HOME**

### **1. LOCATION**

Banquet Homes shall only be established in accordance with the Use Table, subject to the following location limitations:

- A. On a parcel with frontage on a major or minor thoroughfare;
- B. On a parcel or combination of parcels in common ownership totaling no less than two (2) acres.

### **2. STRUCTURE**

A residential structure which shall be used for a banquet home shall not be altered in any way that changes its general residential appearance.

### **3. APPROVAL CRITERIA**

- A. All required off-street parking shall be provided in the rear yard and shall be located in such a manner as to not be visible from the public right-of-way. For minimum off-street parking requirements see § 10.3.
- B. Other than event guests, no meals shall be served to the general public.
- C. A Class “C” buffer shall be required adjacent to all residentially zoned or developed properties. For additional landscaping and buffering requirements, see Article 11.
- D. Lighting. All outdoor lights must be shielded to direct light and glare only onto the facility’s premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded and focused away from any adjoining residential property. A lighting plan illustrating compliance with these requirements shall be submitted as part of the special use permit application.
- E. Signage. Signs for banquet homes shall meet the requirements of the Sign Regulations, Article 12, and the supplemental requirements set forth below.
  - 1. Signage shall be limited to one ground sign per establishment.
  - 2. Ground signs identifying banquet homes shall not exceed nine (9) square feet in area, nor four (4) feet in height. Such signs shall not be illuminated.
  - 3. No additional advertising signs shall be permitted on the property.

### **4. SEPARATION**

Banquet homes shall be separated by at least five hundred (500) feet from any existing banquet home. This measurement shall be

calculated from property line to property line. Additionally, the minimum separation from the banquet home structure and any adjacent single-family residence shall be at least fifty (50) feet.

**O. BREWPUBS AND BREWERIES-MICRO**

1. Brewpubs are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:
  - A. In the CC, PUD and MX districts, a brewpub shall comply with the regulations for the CC district Section 7.9. and any supplemental regulations associated with a PUD or MX district approval.
  - B. No outdoor amplified sound will be permitted after 11:00 pm. All activities shall comply with the City of Concord Noise Ordinance.
2. Breweries-Micro are allowed in C-1, C-2, CC, MX, PUD, I-1 and I-2 districts with the following prescribed conditions:
  - A. In the CC district a brewery-micro shall comply with the regulations for the CC district Section 7.9
  - B. In the C-1, C-2, CC, MX, and PUD districts brewery-micro shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.
  - C. No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the brewery-micro is located within 200 feet of any residential or institutional use.

**P. INDOOR RECREATION**

1. Only one indoor recreation facility (go-kart or fitness/martial arts) shall be permitted per Combined Development and shall be located inside the structure adjacent to the primary entrance road.

**Q. FOOD TRUCK**

**1. LOCATION**

- A. Temporary food trucks shall only be located within the Center City (CC) zoning district, except that no food truck may be located on Union Street. All food trucks shall be located within a surface parking lot or within a designated parking space or spaces.

**2. TIME LIMITATIONS**

- A. Temporary food trucks shall set up no earlier than 4:30 pm on

Fridays and shall be removed no later than 8:00 pm on Sundays.

**R. EVENT CENTER**

- A. With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

**S. COMMERCIAL USES IN RV AND RC DISTRICTS**

In the RC and RV districts, authorized commercial uses shall comply with the following standards:

1. Commercial uses shall only be allowed as an accessory use to multi-family development.
2. The commercial use shall face an arterial street that abuts the multi-family development.
3. The cumulative gross leasable floor area of such uses shall not exceed five (5) percent of the gross floor area of the multi-family development in which they are located.
4. Commercial uses shall be limited to convenience retail, O-I, B-1, and C-1 uses, and restaurants.
5. No drive-in or drive-through services are permitted.
6. All such uses shall be limited to the ground floor of the structure in which they are located.

**T. BAR/TAVERN**

1. The provision of this section shall apply to any bar/tavern not defined as a private club or restaurant. Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and any use exempt in accordance with Alcohol Beverage Commission standards.
2. No bar/tavern shall be established within 200 feet of any of the following:
  - A. Any Residential Zoning District, Elementary School, Middle School, or High School;
  - B. Any Child Care Center or Child Care Facility;
  - C. Any Religious Institution; or
  - D. Any other existing establishment of the same kind
3. The distance restriction shall not apply within the Center City (CC), Planned Unit Development (PUD), Traditional Neighborhood Development (TND), Mixed Use (MX) zoning districts, or within any mixed use building where commercial and residential uses are integrated.
4. The distance measurement shall be made from the exterior building wall (or outdoor patio space) of the proposed use to the property line of the existing land use or zoning district.

**U. STORAGE CONTAINER DEVELOPMENT.** The City of Concord encourages creative design of development that is compatible and complementary to surrounding development. Recognizing the potential to design attractive developments that accomplish this goal, the City may approve the use of storage containers for principal and accessory structures in non-residential development subject to site plan approval. Storage containers shall not be used self-storage units in any district. In addition to the criteria established in Section 6.2 of this CDO, any development using storage containers for habitable or authorized accessory storage structures shall:

1. Be designed so that all structures comply with adopted building code requirements;
2. Have all habitable structures connected to public water and sewer service;
3. Comply with CDO requirements for landscaping, screening and buffering; and
4. Demonstrate through a site plan and site development elevation drawings from all sides that the development will be complementary to and compatible with adjacent development.

**V. VARIETY STORES.** For purposes of this section, a variety store is a retail store that sells a wide variety of relatively small and inexpensive items, with less than 50 percent of the floor space devoted to food items. A store with at least 50 percent of the floor space devoted to food items that include fresh produce and fruit, dairy and meats shall be considered a grocery store and shall not be subject to the provisions of this section.

1. Variety stores are prohibited unless the proposed use is located more than 5,000 feet from another variety store.
2. If located less than 5,000 feet from another variety store, this use may be permitted by special use permit (“SUP”) only. In addition to the criteria for a SUP set forth in Section 6.2 of this CDO, when reviewing a request for SUP for a variety store use, the Planning and Zoning Commission shall consider:
  - a. Whether the proposed variety store will likely have a detrimental impact on the development of grocery stores and

other businesses that sell fresh and healthy food items in the area to be served by the proposed use.

- b. The availability of healthy food options in the area of the proposed use including the proximity of full-service grocery stores within one-half mile of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention.
- c. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.
3. A SUP approved under this section must stipulate that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce and fruit, meat and dairy products.
4. Incidental outdoor display is prohibited at all variety stores.
5. A nonconforming variety store in existence on date of adoption of the provisions in this section, may relocate on the same parcel or within the same shopping center that it currently exists without obtaining a SUP provided the nonconforming variety store has not been terminated.

**W. TRUCK AND HEAVY EQUIPMENT RENTAL.** The provisions of this section apply to businesses renting or selling commercial trucks or heavy equipment.

a. Up to three vehicles or pieces of equipment may be displayed in front of the principal structure or in an unscreened area abutting or visible from public right-of-way.

b. Other than authorized display vehicles, all machinery, equipment, or vehicles stored outdoors shall be screened from view from adjacent sites, streets or sidewalks.

c. Screening shall consist of an opaque fence, wall, berm or combination thereof measuring six to ten feet in height and a vegetative screen planted outside the fence, wall or berm. Plantings shall be evergreen, shall be at least eight feet in height at the time of planting and shall have a mature height sufficient to obscure outdoor storage areas within five years of planting.

### **8.3.6 OUTDOOR STORAGE AND STORAGE FACILITIES**

#### **A. Outdoor Storage and Solid Waste Storage Standards in Residential Zoning Districts**

##### **1. GENERAL PROVISIONS**

In the RE, RL, RM-1, RM-2, RV, RC, TND, PID, PUD, PRD, CC districts, open storage of junk, salvage or equipment including but not limited to scrap metal, used boxes, or crates, used appliances, salvaged furniture or glassware, salvaged automobiles or parts is prohibited. The provisions of this paragraph shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in § 13.1, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein.

#### **B. Outdoor and Solid Waste Storage Standards in Non-Residential Zoning Districts**

##### **1. GENERAL PROVISIONS**

In the AG, B-1, C-1, C-2, CI, PUD, I-1 and I-2 districts, outdoor storage areas shall comply with the following, except that allowed under §§8.3.6 C., 8.3.6 E.

##### **2. LOCATION**

Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 500 feet of residential uses and/or residential zoning districts. This provision shall not apply to nursery stock in non-residential zoning districts. No open storage area shall be maintained in the required front yard area, except that allowed by § 8.3.6.E.

##### **3. SCREENING**

Outdoor storage areas shall be screened by a Type C buffer yard in accordance with Article 11. This provision shall not apply to Junk Yards/ Salvage Yards (see § 8.3.6.B.). Except for integral units (see Article 14, Definitions), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 7.6.2 A. for the zoning district within which the item is located. 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 outdoor storage areas or operations.

##### **4. STORAGE AS PART OF AGRICULTURAL OPERATIONS**

The provisions of this § 8.3.6 shall not apply to open storage associated with agricultural uses as permitted in Table 8.1.8.

#### **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.

**D. Outdoor Storage Standards as Part of Retail Uses**

**1. GENERAL PROVISIONS**

The provisions of this section shall apply to any retail use that includes the sale or storage of merchandise in an open or unenclosed area except as provided in §8.3.5.G. The provisions of this section § 8.3.6.D. shall not apply to the CC district or to sidewalk vendors permitted under the temporary use regulations of § 8.7.

**2. DISPLAY LOCATIONS**

No booths, stalls, or materials on display may be located within any required setback area. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.

Non-enclosed areas for the storage and sale of seasonal inventory shall be:

- A. permanently defined on an approved site plan;
  - B. completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences; and
  - C. comprised of materials, colors, and design of screening walls and/or fences which shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors on the building.
- 3. TRUCK TRAILERS**  
Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.

**E. Mini-Warehouse/Self-Service Storage**

**1. PURPOSE**

This Section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. The use of land for mini-warehousing/self-service storage shall be permitted as set forth in the Use Table subject to the criteria below.

**2. MINIMUM/MAXIMUM LOT SIZES**

- A. Minimum lot size - one (1) acre
- B. Maximum lot size - none in the I-1 and I-2 Districts. All other districts have a maximum lot size of five (5) acres.

**3. BUILDING ARTICULATION**

- A. The building height shall not exceed 48 feet and comply with the setbacks of Table 7.6.2 B.
- B. A parapet wall shall be constructed to screen roof-mounted heating and air conditioning and other equipment, if any.
- C. The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, brick, stone, EIFS, etc. and painting of surfaces. Split-faced concrete block may be used as accent material, and cumulatively may not exceed 20 percent of the area of any individual exterior wall. The colors selected shall be compatible with the character of the neighborhood. Metal may not be used on any perimeter wall of any building. The front façade of all structures shall comply with Article 7.10.
- D. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public street.

**4. LANDSCAPING SCREENING AND BUFFERING**

- A. A type "B" buffer yard as prescribed in Article 11 shall be provided around the perimeter of the mini-warehouse development.

- B. Signs or other advertising mediums shall not be placed within the buffer yard.
  - C. All areas on the site not covered by pavement or structures shall be brought to finished grade and planted with turf or other appropriate ground cover(s) and shall conform to the standards and planting requirements of Article 11.
  - D. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence, masonry wall, or type no less than eight (8) feet in height. The Administrator may permit a landscaped buffer that provides complete visual screening with a berm in some cases.
- 5. ON-SITE MANAGER OR SECURITY SYSTEM REQUIRED**  
No facility herein provided for shall be used or maintained unless and until an on-site manager shall be provided for such facility, or a security system has been installed.
- 6. COMMERCIAL ACTIVITY PROHIBITED**  
It shall be unlawful for any owner, operator or lessee of any storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units or other associated activities, or to permit same to occur upon any area designated as a storage warehouse.
- 7. PROHIBITED USES**
- A. No portion of any Mini-Warehouse/self-service storage shall be used, on a temporary or permanent basis, as a dwelling.
  - B. Repair of Autos, Boats, Motors and Furniture Prohibited; Storage of Flammable Liquids Prohibited
  - C. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure on a tract of land designated as a mini-warehouse. All mini-warehouse units shall be made available for inspection by the Fire Marshal for uses of the property for purposes other than dead storage.
- 8. LIGHTING**  
All outdoor lights must be shielded to direct light and glare only onto the Lot or Parcel which the Mini Warehouse is located. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- 9. OUTSIDE STORAGE**  
No outside storage shall be permitted except for the storage of recreational vehicles per paragraph 13.d. Outdoor Storage areas

shall not be permitted within a required setback or perimeter buffer;

**10. ACCESSIBILITY**

Vehicular ingress-egress locations into the property shall provide for the safe access of customers and emergency vehicles.

**11. OFF-STREET PARKING STANDARDS**

A. Location of Customer Parking. Parking shall be provided by parking/driving lanes adjacent to the buildings.

B. Interior Travel Lanes. Interior travel lanes shall have a minimum width of (12) feet for one way travel lanes and (24) feet for two way travel lanes.

C. Off-street Parking. One parking space is required for every 200 storage units with a minimum of two spaces required. The parking spaces shall be provided adjacent to the manager's office.

D. Vehicular Storage. Required parking spaces shall not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage so long as it complies with 8.3.6.E.6.

**12. ACCESSORY USES**

The sale of customary equipment and supplies, such as hand trucks, straps, and tape, are permitted on site.

**13. DEVELOPMENT IN C-2 DISTRICTS**

Mini warehouse facilities may be developed in C-2 zoning districts provided that visibility from the public right-of-way is minimized. This standard may be accomplished through a combination of landscaping, screening, fences/walls or through the placement of an intervening use between the public right-of-way and the mini-warehouse use.

**F. Manufactured/Modular Home and Storage Building Sales**

**1. APPLICABILITY**

The provisions of this Section shall apply to any tract of land designed or intended for the display and sale of bulky items including manufactured homes, modular homes, and/or enclosed storage (accessory) buildings and boats.

**2. CRITERIA**

A. **Site Plan Requirements.** In addition to the site plan requirements found elsewhere in this ordinance, the site plan shall define display areas, storage and repair areas, office, and parking areas, landscaping materials, and materials used to obstruct off-site views. Other accessory uses (such as sales of items not described in this Section) may not locate on the site unless the use has been designated on the site plan. In the case of manufactured and modular home sales, the number of home display pads shall be noted on the plan.

- B. Setbacks.** All display pads shall be located at least thirty (30) feet from any property line or public street right of way line. Setbacks for permanent structures such as an office shall be located in accordance with the underlying district.
- C. Type of Manufactured Home.** All manufactured homes displayed for sale (not in screened storage or repair areas) shall conform to all Federal Manufactured Home Construction and Safety Standards and/or building requirements and/or codes for Manufactured Homes and bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.
- D. Required Paving.** All travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Display, storage and repair areas may be gravel.
- E. Storage and Repair Areas.** Storage and repair activities shall be completely screened from off-site views. Homes or buildings not for immediate sale, or replacement or discarded parts and accessories shall also be screened from off-site views.
- F. Sidewalks.** Four (4) foot wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections from the parking area to each displayed item (pad) and the office.
- G. Signs.** Signs shall conform to the sign regulations of the zoning district in which the use is located. In addition, each display item may have a sign not to exceed three square feet in area which gives information about the item.
- H. Display Pads.** All manufactured or modular homes and storage buildings shall be located on a pre-determined display pad (shown on the site plan) equaling no more than 120 percent of the structure's footprint. Display pad may be paved and/or graveled.
- I. Manufactured or Modular Home Display Areas.** A minimum separation of at least ten (10) feet shall be maintained between display pads. Display homes shall be level and blocked. Display homes which are visible off-site shall be provided with some type of material (skirting, low fence or landscaping) around the base which will prevent open views underneath the manufactured home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
- J. Storage Building Display Areas.** A minimum separation of at least five (5) feet shall be maintained between display pads.
- K. Landscaping Requirements.** In addition to the landscaping requirements found elsewhere in this Ordinance, the display area for manufactured and modular home sales shall include the

installation of one ornamental tree or shade tree, two medium shrubs and six small shrubs per display pad. The location of the plantings shall be determined by the Administrator but the intention is to provide each space with a permanent, residential appearance. Portions of any display area not included in individual display pads shall be grassed or mulched and suitably landscaped. No display area may be entirely paved.

**G. Motor Vehicle and Boat Sales, Lease, Rental**

**1. APPLICABILITY**

The provisions of this Section shall apply to any Automobile/Boat Sales or Rental establishment as allowed by the Use Table.

**2. ACCESSORY USES**

A. In addition to the accessory uses set forth in § 8.4, the following accessory uses are permitted for any Automobile/Boat Sales Establishment:

B. Sales, office, parts, service, storage, and body shop facilities accessory to new Automobile/Boat Sales establishments.

C. Storage, body shop, washing, fueling, painting facilities, and air quality certification.

D. Temporary automobile sales offices and display areas (interior or exterior). Such uses shall be allowed for a period not to exceed two years from the date approved by the City. The period may be extended for up to an additional one year if the permanent facility is under construction prior to expiration of the initial two-year period but not yet complete.

**3. DISPLAY AREA**

A. The outdoor vehicle display area shall not exceed 60,000 square feet of continuous paved surface. For sales or rental operations occupying space in a combined development of 25,000 square feet or less, a maximum of six vehicles for sale shall be stored or displayed on site. For sales or rental operations occupying space in a combined development of more than 25,000 square feet, the maximum number of vehicles shall be restricted by the available spaces on site that are in excess of the off-street parking requirements established in Article 8.

B. For purposes of this Section, a paved surface shall not be considered “continuous” if it is separated by a Type A buffer yard (as set forth in Article 11) along the boundary between the display areas. The buffer yard may be penetrated by a driveway of not less than twelve (12) or more than eighteen (18) feet in width for every one hundred fifty (150) feet in buffer yard length.

C. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.

D. Paved areas reserved for the storage or display of vehicles for

sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of §10.3. No vehicle for sale shall occupy a required space per § 10.3.

**H. Outdoor Storage of Junk or Non-Operating Vehicles**

1. For outdoor display of vehicles for sale, see § (8.3.6.G).
2. For outdoor storage of vehicles in need of major repair, such vehicles shall be located within an area screened from view from a public right-of-way or an adjacent property line. Storage of vehicles in need of minor repair are exempt from the requirements of this section. Minor repair shall include vehicles scheduled for immediate repair and shall be stored on-site for no more than five working days (unless evidence can be provided to the Administrator to indicate circumstances, such as part availability, prevent repair in within the five day period) All screening shall follow the requirements below.
3. Trailers intended for shipping or trucking purposes shall not be considered acceptable retail storage.
4. **SCREENING REQUIREMENTS**
  - A. **SCREENING LOCATION** - Storage areas shall be completely screened from view from a public street right-of-way or an adjacent residential zoned parcel with walls and/or fences and placed outside of all site triangles.
  - B. **COVERED STORAGE AREA** - Covered storage areas shall be composed of materials and colors that are compatible with those used on the principal structure.
  - C. **CUSTOMARY MATERIALS** - Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, brick, or products designed to resemble these materials. If a structure exists on the property, design of screening walls and/or fences shall be compatible with those used on the principal structure. Where specific materials are specified for particular types of screening fences or walls, all other fence materials are prohibited (i.e. in a Conditional District)
  - D. **FINISHED SIDE TO OUTSIDE** - Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (i.e. one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter or outside of the lot, rather than facing the interior of the lot.
  - E. **UNIFORMITY OF MATERIALS ON A SINGLE LOT SIDE** - All fencing or wall segments located along a single lot side shall be composed of a uniform material and shall be of a uniform color.
  - F. **LANDSCAPE SCREENING** - Landscaping is required in front of screened areas facing public right of ways and along conforming

residentially zoned property boundaries that touch the subject tract. Fences and walls that exceed two-and-one-half (2½) feet in height and are located within twenty (20) feet of a public right-of-way shall meet the following landscaping standards:

- One (1) evergreen shrub shall be installed for each five (5) feet of frontage along the public right -of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion, and all plantings shall be installed on the side of the fence that faces the public right-of-way. The minimum shrub size shall be 3' at the time of planting.

**G. INTEGRATION WITH OTHER REQUIRED LANDSCAPING** - Required landscape screening for fences or walls may be integrated into the landscaping required for streetscape landscaping, vehicular use area screening, or perimeter landscape buffers provided the standards in Article 11, Landscaping Standards, are maintained. In no case shall fencing or required walls be placed between the edge of the right-of-way and any required streetscape landscaping.

**H. MAINTENANCE REQUIRED** - All fences and walls shall be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements. All fences and walls shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way. Any deteriorated, damaged or decayed fence materials shall be promptly repaired, and any fence or wall post or section that leans more than twenty (20) degrees from vertical shall be promptly repaired to correct that condition.

**5. SIGHT TRIANGLES AND SIGHT DISTANCE TRIANGLES**

Fences and walls shall not be placed in site triangles and shall comply with the TSM.

**6. PROHIBITED FENCES**

**A. CHAIN LINK AND METAL-SLAT FENCING** - Fences and walls constructed of chain link or metal slats shall be prohibited within the front yard in all zone districts, except the Industrial zone districts, when the landowner can demonstrate through a security plan that such fencing is necessary to maintain public safety or on-site security.

**B. BARBED WIRE AND ABOVE GROUND ELECTRIFIED FENCES PROHIBITED** - Barbed wire fences and above ground electrified fences are prohibited in all zone districts. Underground electric fences designed for control of domestic animals are permitted.

**C. DEBRIS, JUNK, ROLLED PLASTIC, SHEET METAL, PLYWOOD, OR OTHER WASTE MATERIALS** - Fences or walls made of debris,



junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zone districts, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resemble new building materials.

**I AUTOMOBILE REPAIR (MAJOR/MINOR)/TIRE SALES**

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

**8.3.7 INDUSTRIAL USES**

**A. Catering**

**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. Hazardous Waste Facilities / Sanitary Landfill**

**1. PURPOSE AND INTENT**

The purpose and intent of this Section is to provide supplementary guidance and standards for the issuance of permits for hazardous waste facilities. State law restricts the extent to which local zoning may regulate hazardous waste facilities. To the extent not preempted by NCGS § 130A-293, et seq. hazardous waste facilities shall be permitted only in the zoning districts indicated in the Use Table.

**2. CRITERIA**

Consistent with NCGS § 130A-293, no zoning compliance permit shall be approved until a special use permit application has been approved. Prior to the filing of any application for a zoning compliance permit, the designated North Carolina state agency shall examine the criteria for issuance of a special use permit and shall submit its recommendation to the North Carolina Environmental Management Commission. No special use permit or zoning compliance permit shall be issued unless the applicant first:

- A. Obtains a permit from the State of North Carolina; and
- B. Obtains a franchise from the City of Concord pursuant to NCGS § 160A-319; and
- C. Submits a copy of the State permit and all applications to the Administrator.

**C. Junkyard / Salvage Yard**

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a North Carolina route except the following:

- 1. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and

regulations contained in this ordinance.

2. No yard or storage lot shall be placed or maintained within a required yard setback or buffer.
3. No material may be stacked so that it is visible off of the site.
4. All existing junk yards and salvage yards shall be in compliance with this ordinance no later than January 1, 2008.

#### **D. Land Clearing / Inert Debris (LCID) Landfills and Storage Yards**

##### **1. GENERAL**

- A. The owner of the land where the storage yard (temporary or permanent) or landfill is located must notify the Administrator on a prescribed form, duly signed, notarized, and recorded as per section (b) below. The operator of the landfill, if different from the land owner, shall also sign the notification form.
- B. The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Administrator.

##### **2. FOR LANDFILLS ONLY**

When the land on which the Land Clearing and Inert Debris Landfills sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

An individual permit is required for the construction or expansion and operation of a Land Clearing and Inert Debris (LCID) landfill or storage yard when:

- A. The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the City of Concord solid waste management plan as approved by the Division of Solid Waste Management, and
- B. The total disposal area is greater than one-half acre in size.

##### **3. PERMITS**

Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.

- A. Landfills that are currently permitted as demolition landfills are required to comply with the following:
  1. Only waste types as described in section 2.A. above may be accepted for disposal, as of the effective date of this

- ordinance unless otherwise specified in the existing permit.
2. Operations must be in compliance with the Operational Requirements for LCID Landfills (below).
  3. Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 2012 or cease operations and close in accordance with this ordinance.
  4. Existing storage yards shall comply with all the requirements of this Ordinance by July 1, 2007 or cease operation and close in accordance with this ordinance.
- 4. SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS AND STORAGE YARDS**
- A. The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:
    1. Facilities or practices, shall not be located in the 100-year floodplain.
    2. Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.
    3. Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 or at the offices of the Administrator, where copies can be obtained at no cost.
    4. Facilities or practices shall not damage or destroy an archaeological or historical site.
    5. Facilities or practices shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve
    6. Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).
    7. It must be shown that adequate suitable soils are available for cover, either from on or off site.
  - B. Land Clearing and Inert Debris landfills and storage yards shall meet the following surface and ground water requirements:
    1. Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.

2. Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.
  3. Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.
  4. Waste in landfills and storage yards with a disposal area greater than one-half acre shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.
  5. Waste in landfills and storage yards with a disposal area less than one-half acre shall be placed above the seasonal high water table.
- C. The facility shall meet the following minimum buffer requirements:
1. 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.
  2. 100 feet from the disposal area to property lines, residential dwellings, commercial or public buildings, and wells.
  3. A Type D [See Art. 11 ] buffer is required, but may be adjusted as necessary to insure adequate protection of public health and the environment.
- D. The facility shall meet all requirements of any applicable zoning ordinance.

**E. Operational Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards**

1. Land Clearing and Inert Debris (LCID) landfills and storage yards shall meet the following operational requirements:
  - A. Operational plans shall be approved and followed as specified for the facility.
  - B. The facility shall only accept those solid wastes which it is permitted to receive.
  - C. Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells.
  - D. For landfills ONLY; Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first.
  - E. For landfills ONLY; 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area shall be covered with a minimum of one foot of suitable soil cover sloped to allow surface water runoff in a controlled manner. The City may require further action in order to correct any condition which is or may become injurious to

the public health, or a nuisance to the community.

- F. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion.
- G. For landfills ONLY; Provisions for a ground cover sufficient to restrain erosion must be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
- H. The facility shall be adequately secured by means of gates, chains, berms, fences, etc. to prevent unauthorized access except when an operator is on duty. An attendant shall be on duty at all times while the landfill or storage yards is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- I. Access roads shall be of all-weather construction and properly maintained.
- J. Surface water shall be diverted from the working face and shall not be impounded over waste.
- K. Solid waste shall not be disposed of or placed in water.
- L. Open burning of solid waste is prohibited.
- M. The concentration of explosive gases generated by the facility shall not exceed:
- N. Twenty-five percent of the lower explosive limit for the gases in facility structures.
- O. The lower explosive limit for the gases at the property boundary.
- P. Leachate shall be properly managed on site through the use of current best management practices.
- Q. Should the City deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under 15A N.C.A.C. 13B.0601 and .0602.
- R. A sign shall be posted at the facility entrance showing the contact name and number in case of an emergency and the permit number.

## **2. Approval Process**

- A. Site Plan Approval is required. See the Site Plan Approval requirements in Article 5.
- B. Zoning Map Amendment and Special Use Permit are required, if applicable. Refer to the Use Table in § 8.18 and the procedures for zoning map amendments in Art. 3.
- C. Zoning Clearance. No demolition landfill shall be established until a zoning clearance permit is obtained from the Administrator.
- D. Duration of Permit. A zoning clearance permit shall be effective for a twelve-month period. The demolition landfill is presumed

to be an adjunct to an ongoing construction process and, as such, is permitted only for the life of the construction project. The Administrator shall renew the zoning clearance if a written finding is made that the construction project is ongoing.

E. Application Requirements. In addition to the requirements for a site plan found at §5.4 the following information must be submitted at the time of application for such permit:

- Survey. A survey showing the exact location of the proposed demolition landfill or storage yards within the entire project.
- Contents of Landfill. A statement detailing all contents of the landfill or storage yard.
- Reclamation of Landfill Area. A statement detailing the plans for reclaiming the landfill at the end of its use.
- Future Building Plans. A statement describing plans for future building, if any, on the landfill or storage yard site.

3. **Additional Application Requirements for Land Clearing/Inert Debris (LCID) Landfills and Storage Yards (i.e. in addition to site plan info)**

A. The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill:

1. Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on site test borings, test pits, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.
2. A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name.
3. Any other information pertinent to the suitability of the proposed facility.

B. The following shall be provided on a map or aerial photograph with a scale of at least one inch equals four hundred feet showing the area within one-fourth mile of the site:

1. Entire property or portion thereof owned or leased by the person providing the disposal site.
2. Location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.
3. Historical or archaeological sites, if any.
4. Park, scenic, or recreation area boundaries, if any.

5. Existing pertinent on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and sewer utilities, septic fields, and storm drainage features.
6. Springs, streams, creeks, rivers, ponds, and other waters and impoundments.
7. Wetlands, if any.
8. Boundary of the proposed waste area.
9. Existing topography with contours at a minimum of five foot intervals. Where necessary, a smaller interval shall be utilized to clarify existing topographic conditions.
10. FOR LANDFILLS ONLY: Proposed excavation, grading, and final contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed three to one (3:1).
11. Where on site borrow for operational and final cover is proposed, indicate the borrow excavation and grading plan with contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized to clarify proposed grading.
12. Location of test borings or test pits, if used to determine the seasonal high water table elevation, shall be shown on the plans.
13. A minimum of two cross-sections, one each along each major axis, per operational area showing:
  - Original elevations.
  - Proposed excavation.
  - Proposed final elevations.
14. A copy of the operational plan approved by NC DENR under 15A NCAC § 13B.0566

**F. PRODUCT DISTRIBUTION CENTER, WAREHOUSING AND STORAGE, NON-FARM RELATED PRODUCTS**

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

**G. TRUCK TERMINALS AND SUPPORT FACILITIES**

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate



projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

### **8.3.8 SOLAR FARMS**

- A. **APPLICABILITY.** The provisions of this section shall apply to all ground mounted solar energy systems that are not accessory to another use on the same site on which the facilities are located.
2. **APPROVAL PROCESS.** All solar energy systems producing more than 5 kilowatts that function as a principal use shall require special use permit approval pursuant to Section 6.2 of this CDO.
3. **APPROVAL CRITERIA.** In addition to the requirements of Section 6.2 solar farms shall comply with the following standards:
  - a. **Solar Access.** A property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.
  - b. **Lighting.** To reduce light pollution, lighting of a Ground Mounted SES shall:
    - i. be limited to the minimum reasonably necessary for its safe operation;
    - ii. be directed downward where reasonably feasible;
    - iii. incorporate full cut-off fixtures; and
    - iv. reasonably use motion sensors.
  - c. **Tree Removal.** The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the CDO.
  - d. **Decommissioning.** Unless otherwise approved by the City, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity:
    - i. For a Ground Mounted SES allowed without a permit, within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use; and

- ii. For a Ground Mounted SES allowed with a permit, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved by the Administrator, and as further described in the Special Use Permit provision of this CDO.
  - e. Location. A SES shall be located no closer than the required setback for the applicable zoning district or 50 feet from any residential zoning district.
  - f. Visual Buffers. An Intermediate Scale SES in a residential or agricultural district shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural landforms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Planning and Zoning Commission pursuant to a Special Use Permit
  - g. Signage. An Intermediate Scale SES shall display signs stating the risks that may result from contact with a SES, identifying the owner or operator of the SES, and providing a 24-hour emergency contact phone number.
- 4. SPECIAL USE PERMIT REQUIREMENTS.** The following shall be contained in any special use permit application for a SES in addition to the requirements pursuant to Section 6.2:
- a. A site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, and buildings), property lines, rights-of-way, roads, required setbacks, and visual buffers;
  - b. A topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
  - c. A visual buffer plan that demonstrates that any visual buffer (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this [ordinance], (b) preserves natural tree growth and natural landforms along the SES perimeter, as required by this CDO, and (c) adheres to any additional visual buffer requirements of this CDO that may further minimize impacts of the SES on the community character;
  - d. A list that identifies (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 1,000 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;

- e. If the SES is located in an agricultural district, a map that identifies prime farmland and farmland of statewide importance on the property; and
- f. A decommissioning plan that contains the following:
  - i. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
  - ii. A statement of conditions that require the decommissioning plan to be implemented;
  - iii. As part of decommissioning, a removal plan that identifies all structures, components, and non-utility owned equipment that shall be removed;
  - iv. As part of decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
  - v. As part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed; and
  - vi. A timeline to complete decommissioning.

**8.4 Accessory Uses**

**8.4.1 PERMITTED ACCESSORY USES**

A. The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings (subject to § 8.3.3.C)	See Use Table (Section 8.1.8)
Adult Day Care Home (up to 6 residents)	All Residential Zoning Districts
Family Day Care Home (up to 12 children, including both customers and family members)	All Residential Zoning Districts
Garages or Carports (noncommercial)	All Zoning Districts
Greenhouses (noncommercial)	All Residential Zoning Districts
Home Occupations (subject to § 8.5)	All Residential Zoning Districts
Off-Street Parking and Driveways	All Zoning Districts
Wireless Telecommunications Antennas or Tower (subject to § 8.7)	All Zoning Districts
Other Telecommunication Antennas or Tower	See Use Table (Article 8)
Satellite Dishes	All Zoning Districts
Signs (see Article 12)	All Zoning Districts
Storage Buildings (Residential)	All Zoning Districts
Swimming Pools (subject to § 8.4.4)	All Residential Zoning Districts
Stables/Private (see § 8.3.2.A)	AG, RE, RL
Tennis Courts (subject to the provisions of this Section)	All Zoning Districts
Any other Building or Use customarily incidental to the permitted Primary Use or Building (subject to § 8.4.2)	All Zoning Districts

## **B. Establishment**

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in section 8.8.3-D. Accessory buildings shall not be used for dwelling purposes, except as provided in section 8.3.3-C and 8.3.3.F.

### **8.4.2. LOCATION**

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

### **8.4.3. HEIGHT**

- A. Accessory buildings shall not exceed:
  - 1. The standard height regulations of the zoning district as set forth in Section 7.6.3 where accessory structure is located within the buildable lot area;
  - 2. Shall not exceed fifteen (15) feet in height, where accessory structure is located within a principal structure setback yard.

### **8.4.4. SWIMMING POOLS**

A private swimming pool along with incidental installations, such as pumps

and filters, is permitted in any residential zoning district provided:

- A. The swimming pool and incidental installations are located in other than the front yard.
- B. If any pool contains at least four hundred fifty (450) square feet of water surface area or has a depth of thirty-six (36) inches or greater at its shallowest point, the pool shall be enclosed from adjoining lots by the Principal Building, an Accessory Building, a solid wall, or a protective fence of not less than four (4) feet in height. In the alternative, a pool cover shall be provided and shall be installed whenever the pool is not in use.
- C. The swimming pool shall be set back from all lot lines a distance of not less than five (5) feet.

#### **8.4.5. LIGHTING**

Exterior lighting for accessory uses and/or structures shall be placed so as to not direct or reflect light upon adjoining land.

#### **8.4.6. EXEMPTIONS TO ACCESSORY USE AND STRUCTURE REGULATIONS**

- A. The following uses/structures shall be exempt from the provisions of this § 8.4:
  - 1. Fencing and walls;
  - 2. Mailboxes;
  - 3. Plant materials;
  - 4. Any structure or improvement, once installed, is at grade or less than 1 foot above grade.

#### **8.1.7 ACCESSORY SOLAR FACILITIES**

A. **PURPOSES.** The purposes of this section are to:

- g. Meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the Community's citizens by promoting the safe, effective and efficient use of active solar energy systems.
- h. Encourage the use of local renewable energy resources, including appropriate applications for solar energy.
- i. Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
- j. Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
- k. Efficiently invest in and manage public infrastructure systems to support development and growth.

- l. Reduce dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.
- m. Enhance the reliability and power quality of the power grid and make more efficient use of Concord's electric distribution infrastructure.
- n. Diversify the community's energy supply portfolio and exposure to fiscal risks associated with fossil fuels.

## **B. Applicability.**

1. This section applies to the siting, construction, and installation of any new SES to be constructed or installed after adoption of the regulations in this section within the City of Concord. Any SES that, prior to adoption of the regulations in this section is in operation, is being lawfully sited, constructed, or installed, or has caused the incurrence of substantial liabilities relating to siting, construction, or installation shall be exempt from complying with this section, unless the surface area of an integrated ses or rooftop SES or the footprint of a ground mounted SES is increased by more than 25 percent after adoption of the regulations in this section.
2. Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the CDO and applicable building, fire, electric, and plumbing codes. If a provision in this section directly conflicts with a requirement of the CDO, this section shall control.

## **C. Definitions**

1. Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. For purposes of the CDO, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used in the CDO excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.
2. Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is

structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

3. Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
4. Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the CDO, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted. Ground Mounted SES may be accessory or principal uses. See Section 8.3.8 for regulations applicable to SES as a principal use.
5. Accessory SES may be established in any zoning district subject to the regulations in this section.

**D. Permitted Accessory Use** - Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

**E. Requirements for Solar Energy Systems.**

1. **Solar Access.** A property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
2. **Tree Removal.** The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of the CDO.
3. **Height** - Active solar energy systems must meet the following height requirements:
  - a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.
  - b. Ground- or pole-mounted solar energy systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.

4. **Setback** - Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
  - a. **Roof-mounted Solar energy systems** - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - b. **Ground-mounted Solar energy systems** - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
5. **Visibility.**
  - a. **Building Integrated Photovoltaic Systems** - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
  - b. **Solar Energy Systems with Mounting Devices** - Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
6. **Coverage** - Roof or building mounted solar energy systems shall allow for adequate roof access.
7. **Historic Buildings** - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) may be approved by the Administrator unless the Administrator determines that the systems have a significant impact on the appearance of the structure, in which



case the solar energy system will require a certificate of appropriateness as provided in this ordinance.

**F. Approved Solar Components** - Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

**G. Plan Approval Required** - All solar energy systems shall require plan approval by the Administrator.

1. **Plan Applications** - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

a. **Pitched Roof Mounted Solar Energy Systems** - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

b. **Flat Roof Mounted Solar Energy Systems** - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2. **Plan Approvals** - Applications that meet the design requirements of this ordinance, and are not subject to an administrative exception, shall be granted administrative approval by the Administrator. Plan approval does not indicate compliance with Building, Plumbing or Electric Code.

**H. Compliance With Building Codes** - All solar energy systems shall comply with applicable building, electric, plumbing and fire codes.

**I. Utility Notification** - All grid-integrated solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**J. Administrative Exceptions.** Concord encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy

resources. Where compliance with the standards would prevent achievement of the minimum reasonable performance of the solar energy system, an exception may be sought from the Administrator. An exception shall be granted by the Administrator if the applicant meets the following safety, performance and aesthetic conditions:

1. **Aesthetic Conditions** - The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
2. **Safety Conditions** - All applicable health and safety standards are met.
3. **Non-Tracking Ground-Mounted Systems** - Pole-mounted or ground-mounted active solar energy systems must comply with setback standards for accessory buildings.

**K. Restrictions on Solar Energy Systems Limited.** No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of concord shall restrict or limit solar energy systems to a greater extent than concord's solar energy standards.

**L. Solar Access.** Concord encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected.

1. **Solar Easements Allowed** - Concord has elected to allow solar easements to be filed. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.
2. **Easements within Subdivision Process** - Concord may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, conditional zoning or special use permit.

**M. Solar Roof Incentives.** Concord has identified the following incentives for development applications or subdivisions that will include buildings using active solar energy systems.

1. **Density Bonus** - Any application for subdivision of land in the RE, RL, RM-1, RM-2, RV, RC, PUD, PRD, MUD or TND Districts that will allow the development of at least four new lots of record shall be allowed to increase the maximum number of lots by 10% or one lot, whichever is greater, provided all building and wastewater setbacks can be met with the increased density, if the applicant enters into a development agreement guaranteeing at least two kilowatts of PV or 64 square feet of solar hot water collector installed for each new residence.
2. **Commercial Parking Requirement Offset** - On a site where 90% of the potential solar access is unimpeded, and that has access to mass transit within 800 feet of the development site, or which has an approved Travel Demand Management (TDM) plan, or that has entered into a shared parking arrangement with another commercial business that has distinct peak parking profiles, the applicant substitute a requirement for grid-integrated photovoltaic systems for up to 30 percent of the parking requirement. For each parking space for which a solar energy substitution is made:
  - a. The photovoltaic system must have at least one (1) kilowatt (KW) of capacity with 90% unobstructed solar access; or
  - b. An active solar thermal system must have at least 64 square feet of solar collector.

## 8.5 HOME OCCUPATIONS

### 8.5.1 PURPOSE

A home occupation is permitted as an accessory use in the districts shown in 8.4.1-A and in the PUD, PRD, and TND Districts. The purpose of the home occupation regulations and performance standards are:

- A. to establish criteria for operation of home occupations in dwelling units within residential districts;
- B. to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- C. to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- D. to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with

- residential use;
- E. to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- F. to enable the fair and consistent enforcement of these home occupation regulations; and
- G. to promote and protect the public health, safety and general welfare.

No home occupation, except as otherwise provided herein, may be initiated, established, or maintained except in conformance with the regulations and performance standards set forth in this Section.

### **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.

- 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. Similar, low impact endeavor as determined by the Administrator

### **8.5.3 PERFORMANCE STANDARDS**

Home occupations are authorized if they comply with the performance standards set forth in Table 8.6-1. A mark "X" indicates that the

performance standard applies in the applicable district.

#### **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, retail sales, commercial food preparation (excluding catering pursuant to §8.3.7-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.

#### **8.5.5 EXEMPT HOME OCCUPATIONS**

No Home Occupation Permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this Section, and provided further, that all persons engaged in such activities reside on the premises and the following conditions are satisfied:

- A. artists, sculptors, composers not selling their artistic product to the public on the premises;
- B. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- C. home offices with no client visits to the home permitted;
- D. telephone answering and message services.

#### **8.5.6 UNSAFE HOME OCCUPATIONS**

A. If any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to § 1.5 of this Ordinance.

#### **8.5.7 EXPIRATION OF HOME OCCUPATION PERMIT**

The Home Occupation Permit shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, or if the home occupation is discontinued for a period of 180 days or more and is not renewed within thirty (30) days after written notice from 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 the 8:00 AM and 8:00 PM.	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 of 8 or fewer children); see § 5.16	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

---

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

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 a. not block traffic circulation b. occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday	x	x
Accessory Buildings shall not be used for home occupation purposes.		x
Signage shall comply with the following: a. Limited to one sign of four (4) square feet in area. b. Must be mounted flush against the wall of principal dwelling unit c. Shall not be illuminated.	x	x



## **8.7 Wireless Communications Facilities Generally**


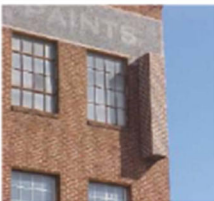




### **8.7.1 Purpose and Applicability**

- A. This Section 8.7 applies to all telecommunications facilities except as specifically noted otherwise. Special procedures for qualifying small wireless facilities, qualifying utility poles, and qualifying city utility poles are addressed separately in Section 8.9.
- B. The purpose of this section is to:
  - 1. Minimize the impacts of wireless communication facilities (WCFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;
  - 2. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
  - 3. Encourage coordination between suppliers of wireless communication services in the City of Concord;
  - 4. Respond to the policies embodied in the Telecommunications Act of 1996 and section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) and in accordance with the rules promulgated by the Federal Communications Commission;
  - 5. Protect the unique natural beauty and rural character of the City while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
  - 6. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence of quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the City.
- C. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of any other requirement of state or local law, except as specifically provided herein. Without limitation, the provisions of this ordinance do not permit placement of telecommunications facilities on privately-owned utility poles or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property

### **8.7.2 SITING**

WCFs and associated equipment shall be permitted in accordance with the use table in Section 8.2 subject to the following:

- A. Siting of a non-qualifying WCF shall be in accordance with the following siting alternatives hierarchy:

Priority	Facility/ Structure Type	Location	Example
Ideal  Less Desired	Concealed Attached Wireless Communication Facility	City or County Owned Site	
		Other Publicly Owned Site	
		Non-Publicly Owned Site	
	Collocation or Combining on Existing Antenna Supporting Structure	City or County Owned Site	
Other Publicly Owned Site			
Non-Publicly Owned Site			
Freestanding Concealed or Nonconcealed Attached WCF	City or County Owned Site	 or 	
	Other Publicly Owned Site		
	Non-Publicly Owned Site		
Freestanding WCF	City or County Owned Site		

- B. In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WCF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.
- C. In all residential districts, non-qualifying WCFs shall only be permitted on parcels with a minimum lot size of five acres.
- D. Nonconcealed attached non-qualifying WCFs shall only be allowed on transmission towers, buildings, water towers, subject to approval of the Administrator.
- E. In addition to locations authorized for non-concealed, attached WCFs in subsection D., concealed, attached WCFs shall be allowed on

transmission towers, buildings, water towers, utility poles in city right-of-way, city utility poles, and light stanchions, subject to approval of the Administrator.

- F. WCFs, wireless support structures, and associated equipment shall be constructed and maintained in conformance with all applicable building code requirements.
- G. WCFs and associated equipment shall not interfere with normal radio and television reception in the vicinity.
- H. Lighting shall not exceed the FAA minimum standard. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- I. Commercial messages shall not be displayed on any WCF.
- J. The WCF equipment compound shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.
- K. The WCF shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

Qualifying WCFs shall not be required to meet the siting requirements listed in subparts A. through D.

### 8.7.3 DIMENSIONS

When permitted, a WCF shall conform to the following dimensional requirements:

#### A. Heights

1. Attached WCF: The top of the WCF shall not be more than 20 feet above the building.
2. Freestanding Concealed or Nonconcealed WCF: In all residential zoning districts, the maximum height shall be limited to 25 feet above the allowable building height of the underlying zoning district. In all nonresidential districts the maximum height shall be 199 feet. This measure shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.
3. Mitigation of an existing WCF: The maximum height of a new WCF arising from mitigation shall not exceed 115% of the height of the tallest WCF that is being mitigated, to a maximum height of 199 feet.
4. Regardless of whether the facility is a qualifying WCF or a non-qualifying WCF, in no instance in an area zoned single family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a mitigation waiver or a variance approving a taller utility pole, city utility pole, or wireless support structure. For the purposes of this subsection, single family residential shall mean properties with the following zoning designation, unless otherwise defined by law: RE, RL, RM-1, RM-2, RV, or RC.

#### B. Setbacks

1. Attached WCF: The building or structure to which the WCF will be attached shall maintain the normal setbacks of the district. The attached, WCF may encroach into the setback not more than 5 feet.
2. Freestanding WCF: Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional eighteen inches for every one-foot of tower height. The approving authority may grant reductions to this setback requirement as a part of the special use permit approval. Qualifying freestanding WCFs shall be exempt from this provision.
3. Mitigation of an existing WCF: A new WCF approved as mitigation shall not be required to meet setback requirements so long as the new WCF is no closer to any property lines or dwelling units as the WCF being mitigated.

#### C. Buffers

1. A landscaped buffer shall surround the base of the WCF equipment compound. Existing trees and shrubs on the site should be

preserved and may be used in lieu of required landscaping where approved by the Administrator. Grading shall be minimized and limited only to the area necessary for the new WCF.

2. If the proposed WCF is the principal use of the property then landscaping per Article 11, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the WCF equipment compound.
3. If the proposed WCF is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
4. In addition to the required landscape buffer, on sites in residential districts adjoining public rights-of-way an opaque fence shall surround the WCF equipment compound.

#### **D. Aesthetics**

1. Concealed attached WCFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
2. Freestanding concealed WCFs shall be designed so as to be compatible with adjacent structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
3. Freestanding non-concealed WCFs, including those used for mitigation, shall be limited to monopole type antenna support structures.

#### **E. Collocation Capacity**

New non-qualifying wireless support structures must provide for collocation capacity as set forth herein:

- Freestanding nonconcealed structures up to 120 feet in height shall accommodate at least two antenna arrays.
- Freestanding nonconcealed structures between 121 feet and 150 feet shall accommodate at least three antenna arrays.
- Freestanding nonconcealed structures between 151 feet and 199 feet shall be engineered and constructed to accommodate at least four antenna arrays.

### **8.7.4 APPLICATION REQUIREMENTS**

In addition to all of the requirements of site plan and Special Use Permit review (if required), the following information must be supplied with the site plan and use permit (if required) application for WCFs:

#### **A. For an eligible facilities request:**

1. Existing equipment on the wireless tower or base station
2. Proposed new equipment
3. Copy of lease agreement. Such submissions need not disclose financial lease terms.

4. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant
5. Application fee
- B. For a substantial modification or a new non-qualifying wireless support structure:
  1. A complete site plan, certified by a professional engineer or other qualified professional, which demonstrates that the site and the wireless support structure complies as proposed with the standards set forth in this Section 8.7. The site plan shall include:
    - a. Height
    - b. Configuration
    - c. Location
    - d. Mass and scale
    - e. Materials and color
    - f. Illumination
    - g. Information addressing the following items:
      - i. The extent of any commercial development within the search ring of the proposed facility
      - ii. The proximity of the antenna support structure to any residential dwellings;
      - iii. The proximity of the antenna support structure to any public buildings or facilities;
      - iv. For a new wireless support structure, certification by a registered engineer that the facility has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated.
  2. Identification of the intended user(s);
  3. Documentation from the FAA that the lighting is the minimum lighting required by the FAA;
  4. Documentation that the power output levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards for power density, whichever provides the stricter requirements.
  5. A statement of the number of collocation sites and documentation regarding structural integrity
  6. A copy of the lease agreement. Such submissions need not disclose financial lease terms.
  7. Documentation consisting of a certificate of insurance showing evidence of general liability coverage of at least \$1,000,000 and the certificate shall contain a requirement that the insurance company notify the city 30 days prior to the cancellation, modification, or failure to renew the insurance coverage required.
  8. Certification from a professional engineer that the structure has been designed to and will withstand 100 miles per hour wind

velocity.

9. Relevant FCC licensing;

10. Name and contact information for applicant as well as any contractors or consultants performing work on behalf of the applicant

11. Application fee.

C. In addition to the requirements listed in subsection B. above, for a new non-qualifying wireless support structure:

1. A written report demonstrating applicants' meaningful efforts to secure shared use of existing wireless support structures. Copies of written requests and responses for shared use shall be provided with the application, along with any letters of rejection stating the reasons for rejection. The applicant shall provide information necessary to determine whether collocation is reasonably feasible. Collocation is not reasonably feasible if it is technically or commercially impractical to locate on an existing wireless support structure or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value.

2. Seismic analysis of the tower, stamped and sealed by a professional engineer or other qualified professional.

3. Delineation of the fall zone for the structure;

4. Simulated photographic evidence of the proposed structure's appearance from all residential areas within 1,500 feet, and from other vantage points chosen by the city.

5. Supplemental information may be required by Section 8.7.4.B.

#### **8.7.5 THIRD PARTY REVIEW**

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

#### **8.7.6 MITIGATION**

To qualify as WCF mitigation, a proposal shall accomplish a minimum of one of the following:

A. Reduce the number of overall WCFs;

B. Reduce the number of nonconforming WCF types; or,

C. Replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this section.

#### **8.7.7 APPROVAL AUTHORITY**

A. The Administrator shall be responsible for the approval of eligible facilities requests, substantial modifications, concealed attached WCFs, collocations or combining on existing antenna supporting

structures, and non-concealed attached WCFs, and mitigation of existing WCFs.

- B. All freestanding non-qualifying WCFs shall be subject to a special use permit. In addition to the requirements for use permits, the approving authority, in determining whether a non-qualifying WCF is in harmony with the area or the effects and general compatibility of a non-qualifying WCF with adjacent properties may consider the aesthetic effects of the non-qualifying WCF as well as mitigating factors concerning aesthetics. The Planning and Zoning Commission may disapprove an application on the grounds that the non-qualifying WCFs aesthetic effects are unacceptable, or may condition approval on changes in non-qualifying WCF height, design, style, buffers, or other features of the non-qualifying WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of non-qualifying WCFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed non-qualifying WCF could be modified to have a less intrusive visual impact. The approving authority, when considering a use permit for freestanding non-qualifying WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the non-qualifying WCF on the health of the public. The documentation required by this section that stipulates that the non-qualifying WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding. If the approving authority determines that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed non-qualifying WCF can be achieved by use of one or more alternative non-qualifying WCF or by one or more non-qualifying WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed non-qualifying WCF application.

#### **8.7.8 EXEMPTIONS**

- A. Satellite earth stations (satellite dishes).
- B. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- C. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City, except that such facility must comply with all federal and state



requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.

- D. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- E. Routine maintenance of existing telecommunications facilities, including activities associated with regular and general upkeep of transmission equipment, and the replacement of existing telecommunications facilities with facilities of the same size
- F. Public safety facilities.
- G. Any telecommunications facility below sixty-five (65) feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations.
- H. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities as defined in N.C.G.S. Chapter 160D, that are suspended on cables strung between existing utility poles or city utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City rights-of-way and who is remitting taxes under G.S. 105-64.4(a)(4c) or (a)(6).
- I. Any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, to the extent consistent with applicable codes. This exemption does not apply to a stadium or athletic facility owned or otherwise controlled by the city.

#### **8.7.9 INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS**

- A. In order to facilitate the City's regulation, placement, and construction of WCFs and their interaction with the City's Public Safety Communications Equipment, all applicants requesting a permit for a WCF under this section shall agree in a written statement, to the following:
  - 1. Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
  - 2. Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
  - 3. In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the

applicant's proposed facilities will not cause RFI with the City's Public safety Communications Equipment.

- B. When a specific base station is identified as causing RFI with the City's and the County's Public Safety Communications Equipment, the following steps shall be taken:
  - 1. Upon notification by the City and/or County of interference with Public Safety Communications equipment, the owners of the WCF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WCF owner fails to cooperate with the City in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City may take steps to contact the FCC to eliminate the interference.
  - 2. If there is a determination of RFI with the City's Public Safety Communications Equipment, the party which caused the interference shall be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the City and/or County to determine the source of the interference.

## **8.8 TEMPORARY USES**

### **8.8.1 PURPOSE**

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Development Services Department is required pursuant to Section 8.8 of this Ordinance.

### **8.8.2 APPROVAL CRITERIA**

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to criteria for any particular temporary use as specified below. The following criteria in this Section 8.8.2 shall not apply to Temporary Uses in the Charlotte Motor Speedway Public Interest District (PID), except for (E) Property Line Setbacks.

#### **A. Compatibility With/Effect On Surrounding Area**

The allowance of such use shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not

be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

**B. Location (Permission Required)**

The use shall not be on publicly or privately owned property unless the applicant first obtains written approval from the owner.

**C. Traffic**

The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area.

**D. Parking and Access**

Adequate off-street parking shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

**E. Property Line Setbacks**

Structures and/or display of merchandise shall comply with the yard and property line setback requirements of the zone district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street.

In no case shall items be displayed, or business conducted within the public right-of-way.

This sub-section shall not apply to the CC district.

**F. Signs**

Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. See Article 13 for specific standards for signs.

**G. Number Per Parcel**

Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.

**H. Period of Time Between Permits**

The period of time an expired Temporary Use Permit on a parcel and application for another Temporary Use Permit on that same parcel shall be at least three (3) months. This restriction shall not apply to real estate development and constructed related temporary uses.

### **8.8.3 TEMPORARY RETAIL SALES USES (IN ALL ZONING DISTRICTS)**

#### **A. Seasonal Sale of Agricultural Products (including Christmas Trees).**

Temporary Use Permits are required for all Roadside Stands in nonresidential zoning districts. Such sales are limited to a period of time not to exceed three (3) consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

#### **B. Sale or Display of Food, Beverages, or Merchandise**

Such activities may be conducted from a stand, motor vehicle, or from a person in a business or commercial zoning district, outside of the public right of way, for a period of not more than twenty-one (21) consecutive days upon issuance of a temporary use permit per vendor. If the private sidewalk or a pedestrian way is used, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A temporary use permit may be renewed once during a calendar year, for a maximum of forty-two days per calendar year

#### **C. Real Estate Development and Construction-Related Temporary Uses**

1. Contractors Office and Equipment/Storage Sheds Accessory to a Construction Project (Residential or Non-Residential).
2. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year as and if approved by the Administrator. A construction trailer may be used for a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.
3. Real Estate Office in a Construction Trailer or Temporary Modular Unit
4. Temporary structures, such as construction trailers or temporary modular units may be used as real estate sales offices in any new construction project for the sale of units within that project only. Such a temporary use may be allowed in all zoning districts. The permit shall be valid until the project is completed or for a period of 2 years from the time of the recording of the most recent final plat.
5. Real Estate Office in a Model Home Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year as and if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

#### **D. Single Family Dwelling in Temporary Structure**

During the active construction period (after a building or grading permit has been issued) of a construction project involving a nonresidential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Compliance for a non-residential structure or the first residential unit if within a residential development.

#### **8.8.4 NO RECREATIONAL VEHICLES**

No bus, slide-in camper, utility trailer, camping trailer, self-contained travel trailer or house trailer (defined as a vehicular, portable structure built on a wheel chassis, designed to be towed by a self-propelled vehicle for use as a temporary dwelling, for travel, recreation and vacation uses, having a body width not to exceed eight (8) feet and a body length not exceeding forty (40) feet when equipped for road travel) shall be used for living, sleeping, or business purposes on any lot within the zoning jurisdiction of the City of Concord, except as provided below.

Camping trailers and self-contained travel trailers may be used as a temporary residence on residentially zoned property for no more than fourteen (14) days in any twelve (12) month period. This provision shall only be used on property where an occupied residence is located.

Camping trailers and self-contained travel trailers may be used as temporary security quarters for 1) Christmas tree sales lots and for 2) nonresidential construction projects greater than five (5) acres, and shall be permissible for the duration of the project/construction.

#### **8.8.5 AMUSEMENT ENTERPRISES**

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days within any ninety (90) day period, which shall not include two (2) consecutive thirty (30) day periods. This classification excludes events conducted in a permanent entertainment facility.

#### **8.8.6 RELIGIOUS EVENTS**

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days.

#### **8.8.7 SPECIAL EVENTS AND ACTIVITIES**

Special events and activities conducted on public property such as school

sites and public parks or in a Public Interest Development (PID) District shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting process required by the authorizing agency.

**8.8.9 SIMILAR AND COMPATIBLE USES NOT SPECIFIED**

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Board of Adjustment in accordance with Article 6 of this Ordinance.

## **8.9. SPECIAL REGULATIONS FOR ELIGIBLE FACILITIES REQUESTS AND COLLOCATIONS QUALIFYING WIRELESS COMMUNICATIONS FACILITIES; ACCESS TO CITY RIGHT OF WAY; ACCESS TO CITY EQUIPMENT**

### **8.9.1 ELIGIBLE FACILITIES REQUESTS.**

Collocation and eligible facilities requests, as defined in G.S. 160D-931 or 47 U.S.C. 1455, shall be processed in accordance with G.S.160D-933, and/or federal laws and regulations as appropriate. In approving any eligible facilities request, the City solely intends to comply with a requirement of federal law or state law and not to grant any property rights or interests except as compelled by federal or state law. Without limitation, approval does not exempt applicant from, or prevent City from, opposing a proposed modification that is subject to complaint under the National Historic Preservation Act or the National Environmental Policy Act. Collocations are only permitted as provided in CDO Section 8.7 and as detailed in G.S. 160D-935.

### **8.9.2. COLLOCATION OF QUALIFYING SMALL WIRELESS FACILITIES**

- A. A Qualifying Small Wireless Facility shall mean, for the purposes of this section, a Small Wireless Facility, as defined in G.S. 160D-931, that meets the height requirements of 160D-936 and Section 8.9.3
- B. Qualifying Small Wireless Facilities are subject to administrative review if collocated (i) in a city right-of-way within any zoning district or (ii) outside the city rights of way on property other than single family residential. Qualifying Small Wireless Facilities are generally subject to the requirements of 8.7 and 8.7.4.
- C. Qualifying Small Wireless Facilities shall only be subject to administrative review and shall not be subject to the Siting Requirements of 8.7.2 A. through D. Applications for Qualifying Small Wireless Facilities shall include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- D. The City shall process Qualifying Small Wireless Facility applications in accordance with the time frames and requirements set forth in G.S. 160D-930 through 160D-938.
- E. Collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.
- F. Applications for Qualifying Small Wireless Facilities shall be subject to

a fee as set forth in the City's Adopted Fees, Rates and Charges schedule, provided that such fee shall be in compliance with G.S. 160D-933(d). Applications may be subject to a technical consulting fee, provided that such fee shall be in compliance with G.S. 160D-933(d).

- G. An abandoned small wireless facility shall be removed within 180 days of abandonment.

### **8.9.3 Small Wireless Facilities Standards.**

Small Wireless Facilities shall meet the following standards:

- A. To protect the unique aesthetics of the City, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna supporting structures, the City prefers that small wireless facilities be located outside the public right-of-way; collocated on existing non-city utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.
- B. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.
- C. No portion of a small wireless facility, to include a utility pole or city utility pole associated with a small wireless facility, may be placed in the public right-of-way in a manner that: a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or b. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than eight (8) feet above ground level.
- D. An abandoned small wireless facility shall be removed within one hundred eighty (180) days of abandonment.
- E. Small wireless facilities located in designated historic districts or on property designated as a historic landmark shall be required to obtain a Certificate of Appropriateness.
- F. Small wireless facilities, and associated utility poles or city utility poles, shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the



community.

- G. All small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed. All radios, network equipment, and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet, or under a pole-mounted shroud.
- H. The top of a qualifying WCF shall not be more than 10 feet above the building, utility pole, city utility pole, or wireless support structure on which it is collocated.
- I. Utility poles and city utility poles associated with small wireless facilities: Each modified or replacement utility pole or city utility pole shall not exceed (i) forty (40) feet above ground level on property zoned for or used as single family residential property, or in the right-of-way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or fifty (50) feet above ground level on all other property.
- J. Where a new pole must be installed to support a small wireless facility in a city right of way, these additional standards apply:
  - 1. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G.
  - 2. Wireless installations shall be on non-conductive poles.
  - 3. Cabinets should be consistent in size and no larger than standard DOT streetlight signal cabinets.
  - 4. Any new poles installed shall be on an inert material, so as not to rust or corrode and not leach any compounds or toxic substances into the ground.

#### **8.9.4. ACCESS TO CITY RIGHT OF WAY**

- A. Subject to GS 160D-936 and other applicable requirements, wireless providers may collocate small wireless facilities along, across, upon, or under any City right of way. Subject to GS 160D-936 and 160D-937, and other applicable requirements, wireless providers may place, maintain, modify, operate, or replace associated utility poles, city utility poles (to the extent required by law), conduit, cable, or related appurtenances and facilities along, across, upon, and under any City right of way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of Qualifying Small Wireless Facilities shall be subject to the review process outlined in Section 8.9.2 or 8.9.3 as applicable; however the City may require additional information to evaluate loading on city utility poles, evaluate the credentials of contractors working on city utility poles, and ensure that proposed replacement poles are consistent and compatible with other city utility poles in the area. If replacement of a city utility pole is necessary to

accommodate a small wireless facility, all costs shall be borne by the applicant.

- B. A Wireless Provider may apply to place utility poles in the City rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of way, to support the collocation of small wireless facilities. Such applications shall be processed in accordance with Section 8.9.3. Proposals for new utility poles may also be evaluated for separation from existing poles in accordance with city policies and procedures.
- C. The City of Concord is an excluded entity as defined under NCGS 160D-937(f). Nothing in the section shall be construed to require that the City approve collocations on city utility poles or electric poles, and such collocations shall not be permitted except in accordance with City code and policy including, without limitation, the City of Concord Technical Standards Manual.
- D. Applicants for access to City Rights of Way shall comply with policies and procedures for encroachments in City rights of way, including applicable undergrounding procedures.

#### **8.9.5. ACCESS TO CITY UTILITY POLES, CITY-OWNED ELECTRIC POLES, AND OTHER CITY OWNED EQUIPMENT**

- A. Nothing herein shall be construed to require that the City provide access to City-owned utility poles, city-owned electric poles, or other City owned equipment except in accordance with City code, City policy, and applicable safety requirements, including without limitation, the City of Concord Technical Standards Manual.