



DATE: October 25, 2019

CASE: Executive Summary for Proposed Permitted Uses Revision

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Article 8 (permitted uses). The City adopted the 2030 Land Use Plan (LUP) in 2018 and these revisions are part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

SUMMARY

As a “strikethrough” version of the current use table would be very difficult to read, this memorandum describes all of the proposed changes, and ththose changes are identified by number. Except for those listed, below, the permitted uses in the respective zoning districts have not changed, and have only been reformatted.

GENERAL NOTE ON REFORMATTING

One purpose of the change to the table is to simplify the chart as there are numerous redundancies within the article. As part of the revision, these use categories headings within the use table have been condensed in an effort to make this section easier to administer and easier for the citizens to read. The rewrite includes some revisions to the “use categories” table in Section 8.2, which clarifies the uses permissible and prohibited in different categories. The use categories table will be adopted, at a later date, as an appendix in order to further simplify Article 8.

Some of the changes to the permitted uses also involve uses that are either permissible with supplemental standards, or are special uses with standards. These uses are denoted either as “PS” or “SS” within the respective zoning district. The far right column, labeled “standards” refers to the section of the CDO that contains that standard. In the instances where these standards have been developed and/or amended, they are included in the summary below.

MAJOR CHANGES IN USE TABLE

1. **Townhomes/attached single family residential**

- a. Townhomes have been removed from C-2 as permitted uses
- b. Section 7.7.4.E is proposed to be amended to state that townhomes in O-I must be incidental to an institutional use such as church or school.

2. **Multifamily:** Multifamily is proposed to remain in the districts as currently permitted with the following changes.

- a. Section 7.8 is proposed to be amended to state that apartments in C-2 (remaining as special uses) and C-1 and B-1 shall only be permissible on 30% of the land area of the site, with the maximum density governed by the land use plan. For example, a 10 acre parcel in a land use designation that allows 8 units per acre would yield a maximum of 24 units. Any units located on the upper floors of a commercial building would be exempt from these density limitations and would not subject the proposed development to issuance of a special use permit.
- b. Section 7.8 will also clarify that no density limits are applicable in Center City (CC) district, which has been the historical interpretation.
- c. Section 7.8 will also state that apartments in O-I must be incidental to an institutional use such as church or school

3. **Accessory Dwellings:** Changed from special use to by-right with existing development standards (accessory dwelling no larger than 50% of principal home)

4. **Homeless shelter/soup kitchen:** These uses are being split from "social service institutions." Development standards are proposed to require at least a two acre minimum site, with spacing of a minimum of 800 feet from an existing homeless shelter/soup kitchen. A modernized definition is proposed.

8.3.4.I Homeless Shelter/Soup Kitchen

Homeless shelters/soup kitchens shall have a minimum lot area of two (2) acres. 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.

Homeless Shelter/Soup Kitchen: A facility that provides for the needs of homeless people, including shelter, food, sanitation and various other forms of support.

5. **Sexually Oriented Businesses:** Per court rulings, spacing requirements remain in place, but these uses are no longer required as special uses, but are permissible by right if the standards are met.

6. **Event Center:** This use is one which has been historically permitted in commercial districts. This change allows the use in C-1, C-2 and CC with standards. A definition has been included.

8.3.5.R Event Center

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.

Event Center: An indoor commercial enterprise utilized for celebrations and special events such as weddings, receptions, family reunions, corporate retreats and the like.

7. **Self Service Storage/Mini-Warehouse:** These uses have been removed from C-2 (where they were permitted as special uses) and remain as uses permitted by standards in the Industrial (I-1 and I-2 districts). The consultant is working on refinements for the design standards.
8. **Automobile Repair/Tire Shops:** The locations where these uses are permissible is not changing. An adoption of new standards to require a repair bay or indoor repair space (which is a historical interpretation) is proposed.

8.3.6.I Automobile Repair (Major and Minor) /Tire Sales

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

9. **Warehousing and Storage/Product and Distribution Center:** These uses are proposed to be removed from the I-2 (Heavy Industrial) district and will be permissible in the I-1 (Light Industrial) district as a special use. The special use standards are intended to locate these facilities on appropriately sized transportation facilities.

8.3.7.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.

10. **Truck Terminal:** This use is proposed to be a special use in I-2, with standards.

This revision is proposed to differentiate the use from warehousing/product distribution. A modernized definition is proposed to replace the one in Article 14. The special use standards are intended to locate these facilities on appropriately sized transportation facilities and to protect adjacent residential properties.

Truck/freight terminal: a specialized building/complex used for redistributing goods from one truck to another, serving as an intermediate transfer point. Freight is brought in by truck and assembled/stored for routing in intrastate and interstate shipment by truck. This facility includes the parking of tractor and/or trailer units. These facilities are used for staging loads (rather than long-term storage) and possess little, if any long-term storage area. The terminal may also have repair/ maintenance areas and/or dormitory units for the overnight housing of drivers. A terminal is distinct from

warehouse/distribution uses which are either origin or final destination points.

8.3.7.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.