

For Registration Fredrick Smith
Register of Deeds
Mecklenburg County, NC
Electronically Recorded
2018 Nov 09 02:31 PM RE Excise Tax: \$ 0.00
Book: 33103 Page: 510 Fee: \$ 226.00
Instrument Number: 2018141281

Fredrick Smith

Prepared by and return to:

Alexander Ricks PLLC
4601 Park Road, Suite 580
Charlotte, NC 28209

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**AMENDMENT TO
DECLARATION OF EASEMENTS,
COVENANTS AND RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS (this "Amendment") is executed as of this 9th day of November, 2018, by **TRIDOLPH, LLC**, a North Carolina limited liability company (the "Declarant"), **J. NOLAN MILLS III FAMILY, LLC**, a North Carolina limited liability company ("Mills"), **THE BAILEY W. PATRICK FAMILY LLC**, a North Carolina limited liability company ("Patrick"), and **HIGHWAY 49 STORAGE, LLC**, a Delaware limited liability company ("Highway 49").

WITNESSETH:

WHEREAS, (1) Declarant, Mills, and Patrick are tenants-in-common owning all of that certain real property located in Charlotte, Mecklenburg County, North Carolina consisting of approximately 18.8782 acres (defined in the Declaration referenced below as the "Future Development Lots"), and (2) Highway 49 owns all of that certain real property located in Charlotte, Mecklenburg County, North Carolina consisting of approximately 5.0318 acres (defined in the Declaration referenced below as the "Highway 49 Lot"), which was conveyed to it by Declarant, Mills and Patrick via North Carolina Special Warranty Deed recorded in the Mecklenburg county Register of Deeds in Book 31519 at Page 111 (collectively, the "Premises"), described in further detail in the Declaration (as herein defined);

WHEREAS, the Premises is subject to certain covenants, conditions and restrictions as further described in that certain Declaration of Easements, Covenants and Restrictions dated January 24, 2017 and recorded in the Mecklenburg County Register of Deeds in Book 31519 at Page 88 (the "Declaration");

Submitted electronically by "Alexander Ricks PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

WHEREAS, Section 17 of the Declaration provides that the covenants and restrictions of the Declaration may be amended by the written consent of at least ninety percent (90%) of the Owners of the Lots;

WHEREAS, Declarant, Mills, Patrick and Highway 49 collectively own more than ninety percent (90%) of the Lots; and

WHEREAS, Declarant, Mills, Patrick and Highway 49 wish to amend the Declaration as more fully set forth herein.

NOW, THEREFORE, Declarant, Mills, Patrick and Highway 49 hereby amend the Declaration as follows:

1. The following Section 24 is hereby added to the Declaration:

“24. Rezoning Site Plan Use Restrictions. Certain capitalized terms used in this Section 24 have the meanings set forth in Appendix A attached hereto and incorporated herein by reference. Notwithstanding anything contained in this Declaration to the contrary, portions of the Premises shall be subject to the following restrictions:

- i. Development Area B and the Outparcels are restricted to only the Development Area B/Outparcel Allowed Uses. Notwithstanding the foregoing, automotive repair garages that provide engine overhaul, body and paint shops (e.g. collision repair centers), shall not be allowed in Development Area B; however, automotive service stations, and automotive uses that provide minor repairs, adjustments, and lubrication, including but not limited to facilities like Jiffy Lube, AAA, Firestone, Meineke, Discount Tire and alike, are allowed in Development Area B. Furthermore, subject to the Screening Standards, automotive repair garages, including collision repair centers (such as a Caliber Collision Facility), shall be allowed on the Outparcels.
- ii. Uses allowed on Development Area B will include screening located as indicated on the Screening Plan. Such screening shall comply with the Zoning Ordinance.
- iii. Uses allowed on the Outparcels will require screening to the extent required in the Zoning Ordinance; provided, however, any portion of the Outparcels used as an automotive repair garage of any type, including a collision repair center, shall require screening in compliance with the Screening Standards.
- iv. Outdoor storage will not be an allowed use on Development Area B or the Outparcels.

- v. Outside storage areas located on Development Area A must be at least one hundred eighty (180) feet south of the southern boundary of the right of way of Highway 49, screened on the north by a building, and screened on all other sides in accordance with the Screening Standards, such screening to be located as shown on the Screening Plan. The Owner of Development Area A may establish outdoor storage areas on Development Area A prior to the construction of a building on Development Area A, provided that such outside storage is located a minimum of two hundred twenty (220) feet south of the southern boundary of the right of way of Highway 49 (the intent being to allow outdoor storage areas to be located on Development Area A behind the existing tree line located on Development Area A, which existing tree line is located approximately one hundred eighty (180) feet south of the Hwy. 49 right of way). If outdoor storage is located on Development Area A prior to the construction of a building on Development Area A, then the Owner thereof will utilize its best efforts to preserve the existing tree line and to utilize the existing tree line to screen the outdoor storage areas. In any area where the existing tree line is not preserved, screening shall be installed in accordance with the Screening Standards and the Screening Plan.
- vi. Development Area A is restricted to the Allowed Industrial Uses. Tractor trailer/semi-truck traffic associated with an Allowed Industrial use that is only allowed in the I-1 and I-2 zoning districts as listed in the Zoning Ordinance will not be allowed to use the Entrance Road. If a secondary access over the Entrance Road to Development Area A is required by applicable zoning or other ordinances for the development of Development Area A, such access is to be controlled by gate or cable so that tractor trail/semi-truck traffic associated with the Allowed Industrial Uses may not access the Entrance Road except in case of emergency.
- vii. The restriction on use of the Entrance Road by traffic to and from Development Area A will not apply to Development Area B/Outparcel Allowed Uses.
- viii. Those portions of Development Area A that are subject to the traffic restrictions in paragraph vi above, and as to which non-trailer/semi-truck traffic (such as automobiles used by employees or suppliers) will not use the Entrance Road, will not be required to contribute to maintenance costs of the Entrance Road. If other traffic related to such property will use the Entrance Road (such as automobiles used by employees or suppliers), the Owner of such portion of

Development Area A shall contribute to maintenance costs as provided in this Declaration.

- ix. Any buildings located on Development Area A, Development Area B and the Outparcels will be subject to the existing architectural standards in the Declaration. In addition, only the rear of a building and the sides of a building, beginning at a depth of the side wall from the front of the building equal to 40 feet, may be all metal. The front of a building and the sides of a building side, to a depth of the side wall from the front of the building equal to 40 feet, must: (i) include periodic windows or other periodic architectural elements or variations in the exterior façade so as to avoid the appearance of a solid wall; (ii) for Development Area A, consist of brick, stone, precast concrete, tilt wall concrete panels, decorative block, or EIFS (not concrete); and (iii) for Development Area B, consist of brick, stone, or EIFS (but not concrete precast concrete or tilt wall concrete panels).
- x. The exclusive self-storage use rights of Storage in the Declaration will remain in effect.
- xi. The use restrictions as set forth in this Section 24 shall control over any broader permitted uses allowed under the Zoning Ordinance. “

3. The attached Appendix A and attached Exhibits D, E and F are hereby added to the Declaration and incorporated therein by reference.

4. Capitalized Terms. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Declaration.

5. Successors and Assigns. The terms and provisions of this Amendment shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors, heirs and assigns, if any.

6. Ratification. Except as modified by this Amendment, all of the terms and conditions of the Declaration shall remain in full force and effect and the Declaration is hereby ratified and restated in its entirety.

7. Conflicts. If there is any conflict between this Amendment and the Declaration, this Amendment shall control.

8. Miscellaneous. Except where the context otherwise requires, all references in this Amendment to the Declaration shall be deemed to include the provisions of this Amendment.

[Signatures on Following Pages]

[Signature Page to Amendment to Declaration of Covenants, Conditions and Restrictions]

IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

DECLARANT:

TRIDOLPH, LLC,
a North Carolina limited liability company

By: [Signature]
Name: E. Blanton Hamilton Jr.
Title: Manager

STATE OF North Carolina
COUNTY OF Mecklenburg

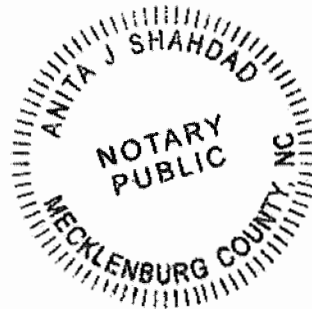
I, Anita J. Shahdad, a Notary Public of the County and State aforesaid, certify that E Blanton Hamilton Jr., personally known to me, who is the Manager of TRIDOLPH, LLC,, a North Carolina limited liability company, personally appeared before me this day and acknowledged execution of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the 30 day of October, 2018

[Signature]
Notary Public
Print Name: Anita J. Shahdad

My Commission Expires:

~~My Commission Expires 5-30-2023~~



IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

MILLS:

J. NOLAN MILLS III FAMILY, LLC,
a North Carolina limited liability company

By: J. Nolan Mills III
Name: J. Nolan Mills III
Title: Manager

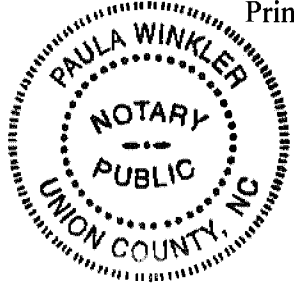
STATE OF North Carolina
COUNTY OF Mecklenburg

I, Paula Winkler, a Notary Public of the County and State aforesaid, certify that J. Nolan Mills III Family, LLC, personally known to me, who is the Manager of **J. NOLAN MILLS III FAMILY, LLC**, a North Carolina limited liability company, personally appeared before me this day and acknowledged execution of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the 5th day of November, 2018

Paula Winkler
Notary Public
Print Name: Paula Winkler

My Commission Expires:
12/06/2021



IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

PATRICK:

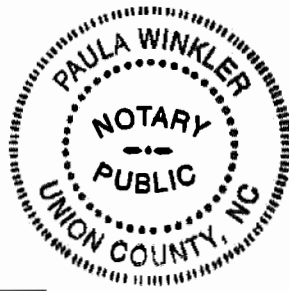
THE BAILEY W. PATRICK FAMILY LLC,
a North Carolina limited liability company

By: *Bailey W. Patrick*
Name: *Bailey W. Patrick*
Title: *Manager*

STATE OF *North Carolina*
COUNTY OF *Mecklenburg*

I, *Paula Winkler*, a Notary Public of the County and State aforesaid, certify that *Bailey W. Patrick*, personally known to me, who is the *Manager* of **THE BAILEY W. PATRICK FAMILY LLC**, a North Carolina limited liability company, personally appeared before me this day and acknowledged execution of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the *30th* day of *October*, 2018



Paula Winkler
Notary Public
Print Name: *PAULA Winkler*

My Commission Expires:
12/4/2021

IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

HIGHWAY 49:

HIGHWAY 49 STORAGE LLC,
a Delaware limited liability company

By: W.A. Thews
Name: William A. Thews
Title: V.P.

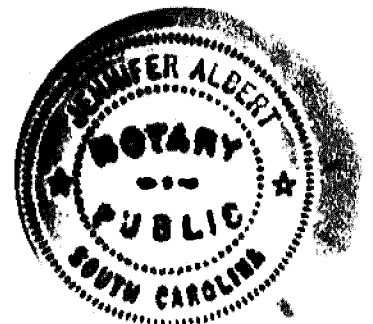
STATE OF South Carolina
COUNTY OF Richland

I, Jennifer Albert, a Notary Public of the County and State aforesaid, certify that William H. Thews, personally known to me, who is the Vice President of **HIGHWAY 49 STORAGE LLC**, a Delaware limited liability company, personally appeared before me this day and acknowledged execution of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the 29 day of October, 2018

Jennifer Albert
Notary Public
Print Name: Jennifer Albert

My Commission Expires:
10/11/23



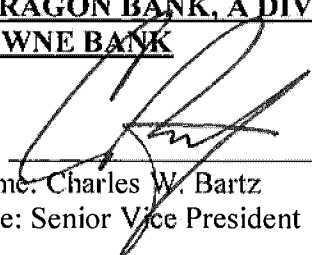
Attachment

LENDER CONSENT

PARAGON BANK, A DIVISION OF TOWNE BANK (as successor to Paragon Commercial Bank) ("Lender") is the secured party under that certain Deed of Trust and Security Agreement recorded in Book 22320, Page 731 of the Office of the Register of Deeds of Mecklenburg County, North Carolina (the "Security Document"). Lender hereby consents to the terms and provisions of this Amendment to Declaration of Easements, Covenants and Restrictions (the "Amendment"), including without limitation, any easements and covenants set forth therein. Lender does hereby subordinate any lien and operation of the Security Document to the easements and restrictions created by this Amendment and agrees that any foreclosure, sale by foreclosure, other transfer of the property in lieu of foreclosure or any other action taken under the Security Document affecting the real property secured thereby, shall not disturb, alter, impede or terminate the easement rights, restrictions and landowner obligations set forth in this Amendment.

Executed this 5 day of Nov, 2018.

**PARAGON BANK, A DIVISION OF
TOWNE BANK**

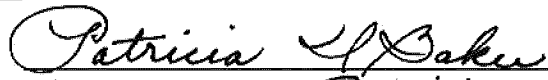
By: 
Name: Charles W. Bartz
Title: Senior Vice President

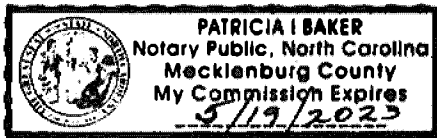
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Charles W. Bartz.

Date: 11/5/18


Printed or Typed Name: Patricia I Baker
Notary Public



My commission expires: May 19, 2023

[OfficialStamp/Seal]

Attachment

LENDER CONSENT

SOUTH STATE BANK ("Lender") is the secured party under that certain Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing recorded in Book 32028, Page 889 of the Office of the Register of Deeds of Mecklenburg County, North Carolina (the "Security Document"). Lender hereby consents to the terms and provisions of this Amendment to Declaration of Easements, Covenants and Restrictions (the "Amendment"), including without limitation, any easements and covenants set forth therein. Lender does hereby subordinate any lien and operation of the Security Document to the easements and restrictions created by this Amendment and agrees that any foreclosure, sale by foreclosure, other transfer of the property in lieu of foreclosure or any other action taken under the Security Document affecting the real property secured thereby, shall not disturb, alter, impede or terminate the easement rights, restrictions and landowner obligations set forth in this Amendment.

Executed this 26th day of October, 2018.

SOUTH STATE BANK

By: [Signature]
Name: STAFFORD KELLY
Title: Vice President

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

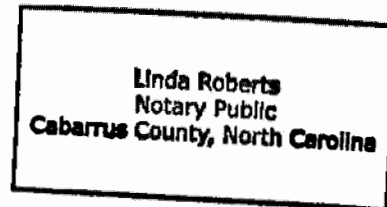
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Stafford Kelly V.P.

Date: 10/26/18

[Signature]
Printed or Typed Name: Linda Roberts
Notary Public

My commission expires: 4/30/22

[Official Stamp/Seal]



APPENDIX A

“Allowed Industrial Uses” shall mean the attached marked up list of Sections 9.1102 and 9.1103 for Zoning Classifications I-2 of the current version of the City of Charlotte Zoning Ordinance as set forth in Exhibit F attached hereto and incorporated herein by reference.

Development Area A shall mean the area so designated on the Rezoning Site Plan.

Development Area B shall mean the area so designated on the Rezoning Site Plan.

“Development Area B/Outparcel Allowed Uses” shall mean the attached marked up lists of uses permitted by right under and under prescribed conditions in Sections 9.702, 9.703, 9.802 and 9.803 for Zoning Classifications O-1, O-2, B-1 and B-2 as set forth in Exhibit G attached hereto and incorporated herein by reference.

“Entrance Road” shall mean the entrance road to the west of Development Area B as shown on the Rezoning Site Plan.

“Outparcels” shall mean the land between the Entrance Road and the property owned by Storage as shown on the Rezoning Site Plan.

“Rezoning Site Plan” shall mean the rezoning site plan attached to this Amendment, and hereby added to the Declaration as Exhibit D.

“Screening Plan” shall mean the preliminary screening plan attached to this Amendment, and hereby added to the Declaration, as Exhibit E.

“Screening Standards” shall mean a vegetative screening area on the sides and rear of a Lot (except at entrance drives), which shall be required regardless of whether a fence or utility lines are also installed, such vegetative area to be 10 feet in depth, planted in a staggered row with evergreen trees 8-10 feet tall at installation, trees to be not more than 10 feet on center apart, and regularly maintained.

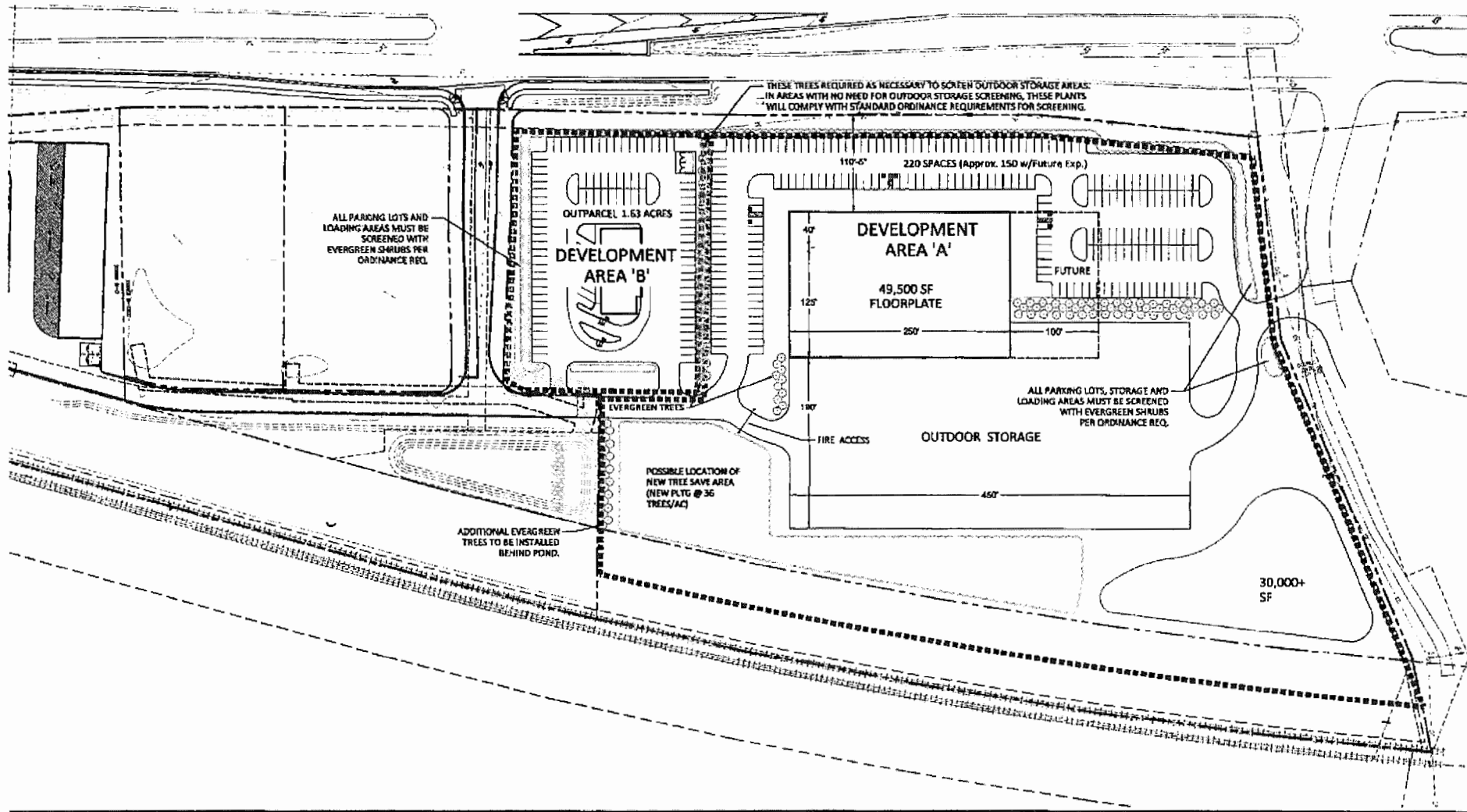
“Zoning Ordinance” shall mean the City of Charlotte Zoning Ordinance prepared by the Charlotte Planning, Design, & Development Department, dated January 1992, codified through March 29, 2018, as may be amended or replaced by the City of Charlotte from time to time.

EXHIBIT D
REZONING SITE PLAN

[see attached]

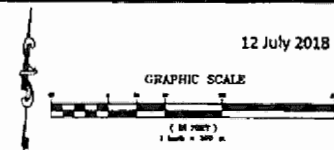
EXHIBIT E
PRELIMINARY SCREENING PLAN

[see attached]



OISBORN ENGINEERING GROUP
 619 EAST BROADHEAD STREET, SUITE 104
 CHARLETTTE, NC 28202
 P 704-769-3482 F 704-748-1481

PRELIMINARY SCREENING PLAN
 for
 EM&C INVESTMENTS, LLC



This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

EXHIBIT F
ALLOWED INDUSTRIAL USES

[see attached]

INDUSTRIAL DISTRICTS

Section 9.1102. Uses permitted by right.

The following uses shall be permitted by right in the I-1 and I-2 districts, provided that they meet all the requirements of this Part and all other provisions established in these regulations:

(Petition No. 2006-112, §9.1102, 10/17/07)

- (1) Airports (I-2 only).
- (2) Amusement, commercial outdoors.
- ~~(3) Animal crematoriums. *(Petition 2008-143, §9.1102(1), 09/15/08)*~~
- (4) Armories for meetings and training of military organizations.
- (5) Assembly or fabrication of previously manufactured parts, including but not limited to the following:
 - Apparel and other textile products
 - Electronic and other electric equipment, except electrical generator and distribution equipment
 - Fabric samples
 - Furniture and fixtures
 - Industrial machinery and equipment
 - Instruments and related products
 - Leather and leather products, excluding tanning or curing of hides
 - Lumber and wood products
 - Paper and allied products
 - Plastic and rubber products
 - Metal products
 - Transportation equipment
 - Other similar uses
- ~~(6) Auction sales.~~
- (7) Automobiles, truck and utility trailer rental.
- (8) Automotive repair garages.
- (9) Automotive sales and repair, including tractor-trucks and accompanying trailer units (I-1 only).
- (10) Automotive service stations.
- (11) Bakeries, retail and wholesale.
- (12) Barber and Beauty shops.

- (13) Boat and ship sales and repair (I-1 only).
- (14) Building maintenance service.
- ~~(15) Bus and train terminals.~~
- (16) Car washes.
- (17) Catalog and mail-order houses.
- (18) Civic, social service and fraternal facilities.
- (19) Clinics, medical, dental and optical
- (20) Clinics, veterinary.
- (21) Contractor offices and accessory storage, excluding the storage of construction equipment.
- (21.5) Cultural facilities
(Petition No. 2014-072, §9.1102,(21.5) 10/20/2014)
- (22) Distributive businesses.
- (23) Dry cleaning and laundry establishments.
- (24) Engraving.
- (25) Fabric sample assembly.
- (26) Farms, including retail sales of products grown on premises.
- (27) Financial institutions, up to 25,000 square feet.
- (28) Financial institutions, up to 70,000 square feet (I-1 only).
- (29) Florists, retail and wholesale.
- (30) Government buildings, up to 100,000 square feet and Recreation Centers up to 30,000 square feet (I-2 only).
(Petition 2005-63,§9.1102(36), 06/20/05)
- (31) Government buildings, up to 400,000 square feet and Recreation Centers up to 30,000 square feet (I-1 only).
(Petition 2005-63,§9.1102(37), 06/20/05)
- (32) Graphics research and production.

- ~~(33) Heliports and helistops, limited.~~
- ~~(34) Heliports and helistops, unlimited (I-2 only).~~
- (35) Highway and railroad rights-of-way.
- (36) Hotels and motels (I-1 only).
- (37) Indoor recreation.
- (38) Laboratories, medical, dental and optical.
- (39) Laboratories, for applied and basic research and testing of products, manufacture, processes or fabrication.
- (40) Locksmiths and gunsmiths.
- (41) Manufactured housing repair.
- (42) Manufactured housing sales (I-1 only).
- (43) Manufacturer's representatives, including offices, and repair and service facilities.
- (44) Merchandise showrooms, including warehousing in a single building.
- (45) Offices, up to 100,000 square feet.
- (46) Offices, up to 400,000 square feet (I-1 only).
- (47) Orthotics - Prosthetics Facilities.
- (48) Outdoor seasonal sales.
- (49) Parks, greenways and arboretums.
- (50) Pest control and disinfecting services.
- (50.1) Pet service indoor.
(Petition No. 2010-044, §9.1102(50.1), 9/20/10)
- (51) Post offices.
- ~~(52) Power generation plants (I-2 only).~~
- (53) Printing and publishing.

- (54) Prototype production facilities and pilot plants.
- (55) Radio and television stations and/or offices.
- (56) Railroad freight yards, repair shops and marshalling yards (I-2 only).
- ~~(57) Recycling centers, including drop-off centers.~~
- (58) Religious institutions.
- (59) Repair of any goods, equipment and vehicles, the manufacture, assembly or sales of which are permitted in that district.
- (60) Research uses.
- (61) Eating, Drinking and Entertainment Establishments (Type 1)
(Petition No. 2013-090, §9.1102,(61) 07/21/2014)
- (62) Eating, Drinking and Entertainment Establishments (Type 1),_drive-in services.
(Petition No. 2013-090, §9.1102,(62) 07/21/2014)
- (63) Retail establishments, shopping centers and business, personal and recreational services up to 25,000 square feet.
- (64) Retail establishments, shopping centers and business, personal and recreational services up to 70,000 square feet (I-1 only).
- (65) Showrooms, up to 70,000 square feet.
(Petition No. 2003-105, §9.1102(72.1), 11/17/03)
- (66) Sign painting, exclusive of manufacture.
- (67) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (68) Subdivision sales offices.
- (68.3) Tattoo establishment
(Petition No. 2012-036, §9.1102(68.3), 06/18/2012)
- (68.5) Telecommunications and data storage facility
(Petition No. 2011-047, §9.1102(68.5), 07/18/11)
- (69) Telephone booths.
- (70) Theatres, motion picture (I-1 only).

- (71) Theatres, drive-in motion picture (I-2 only).
- (72) Truck stops (I-2 only).
- (73) Truck terminals (I-2 only).
- (74) Vocational schools.
- (75) Utility operations centers (I-2 only).
- (76) Warehousing (I-2 only).
- (77) Warehousing, within an enclosed building.
- (78) Wholesale sales establishments.

Section 9.1103. Uses permitted under prescribed conditions.

The following uses shall be permitted in the I-1 and I-2 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) ~~Abattoirs~~
(Petition No. 2006-112, §9.1103(1), 10/17/07)
 - (a) ~~All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.~~
 - (b) ~~Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.~~
- (2) Adult care center, subject to the regulations of Section 12.502.
- (3) ~~Adult establishments~~, subject to the regulations of Section 12.518.
- (4) Agricultural industries (I-2 only)
(Petition No. 2006-112, §9.1103(4), 10/17/07)
 - (a) All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.

- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (5) Any establishment containing more than 70,000 square feet of enclosed space engaged in the operation of a flea market (I-1 only), provided that:
- (a) The use may not be open to the public on any days of the week other than Friday, Saturday and Sunday;
 - (b) The minimum lot size shall be 10 acres;
 - (c) The use's operations, including the storage of inventory, must be housed entirely within an enclosed structure;
 - (d) The structure within which the use is operated must be a warehouse facility which is designed primarily for the bulk storage of products, materials or commodities and contain a minimum of 100,000 square feet of enclosed space;
 - (e) The structure must provide for clear storage to a height of at least 26 feet in all storage areas and may not contain more than 5,000 square feet of office space;
 - (f) Vehicle access to the use may not be provided by way of a residential local (Class VI) street or residential collector (Class V) street;
 - (g) The use must satisfy the minimum requirements for off-street parking for retail establishments as provided under Table 12.202; and
 - (h) The operation of the establishment and the structure within which such use is enclosed shall meet all standards and requirements of the North Carolina Building Code and the City Fire Department that may be applicable thereto.
- ~~(1) Beneficial fill sites, subject to the regulations of Section 12.523.~~
- (6.5) Breweries.
- (1) In I-1, breweries shall meet the following prescribed conditions:
 - (a) Maximum size: 60,000 square feet.
 - (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C

(commercial street), or by a commercial cul-de-sac.

- (c) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

(2) In I-2, breweries shall meet the following prescribed conditions:

- (a) Breweries with a maximum size of 60,000 square feet shall meet the following prescribed conditions:

- 1. Maximum FAR of .80.
- 2. Outdoor storage of goods and materials used in assembly, fabrication or processing is permitted, but shall not exceed 25% of the floor area of all buildings on a lot.

- (b) Breweries greater than 60,000 square feet in size shall meet the following prescribed conditions:

- 1. Maximum FAR of 1.0.
- 2. All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.

- (c) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

- (d) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

(Petition No. 2013-039 §9.1103(6.5), 3/25/2013)

(7) **Building material sales, retail, and wholesale**

(Petition No. 2006-112, §9.1103(7), 10/17/07)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial

arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

(8) Bus stop shelters, subject to the regulations of Section 12.513.

~~(9) Cemeteries, subject to the regulations of Section 12.508.~~

~~(10) Child care centers (I-1 only), subject to the regulations Section 12.502.
(Petition No. 2003-008, §9.1103(4), 2-17-03)~~

(11) Commercial Rooming Houses, (I-1 only), subject to the regulations of Section 12.531
(Petition No. 2001-150, §9.1103,1/22/02)

(11.5) Conference centers, convention centers and halls, exhibit halls, merchandise marts and similar uses (I-1) only

- (a) Minimum lot size shall be 25 acres;
- (b) Primary vehicle access to the use shall not be provided by way of a residential local (Class VI) street or residential collector (Class V) street;
- (c) The use shall front onto a minor (Class IV) or major (Class III) thoroughfare, limited access arterial (Class II) or a freeway or expressway (Class I);
- (d) Outdoor activities and uses (excluding accessory parking) shall be located at least 100' from a residential use or zoning district. Distances shall be measured from the closest point of the property to the nearest residential property line(s) or zoning district boundary.
- (e) The use shall satisfy the minimum parking requirements for "Other Business Uses" as provided in Table 12.202.
(Petition No. 2013-061, §9.1103,1-21-2014)

~~(12) Construction and demolition (C & D) landfills (I-2 only), subject to the regulations of Section 12.524.~~

(13) Contractor offices and accessory storage (I-2 only)
(Petition No. 2006-112, §9.1103(13), 10/17/07)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

(13.5) Crematory facilities, subject to the regulations of 12.542.
(Petition No. 2012-012, §9.1103(13.5), 03/19/2012)

- (14) Day labor service agency (I-1 only), subject to the regulations of Section 12.530
- (15) Donation drop-off facility, subject to the regulations of Section 12.532.
(Petition No. 2004-39, § 9.1103(4.5), 09/20/04)
- ~~(16) Demolition landfills, subject to the regulations of Section 14.201.~~
- (16.5) Eating, Drinking and Entertainment Establishments (Type 2), subject to the regulations of Section 12.546.
- (16.6) Eating, Drinking and Entertainment Establishments (Type 2), drive-in services, subject to the regulations of Section 12.546.
(Petition No. 2013-090, §9.1103,(16.5)(16.6), 07/21/2014)
- (17) Equipment rental and leasing
(Petition No. 2006-112, §9.1103(17), 10/17/07)
- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (18) Fence and fence materials, retail and wholesale
(Petition No. 2006-112, §9.1103(18), 10/17/07)
- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (19) Foundries (I-2 only)
(Petition No. 2006-112, §9.1103(19), 10/17/07)
- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (b) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.
- (20) Hotels and motels, expansion of existing nonconforming use (I-2 only), provided that:
- (a) Building permits for the use were issued before January 1, 1992, therefore

being rendered a legally nonconforming use after the effective date of this zoning ordinance;

- (b) Expansion of the nonconforming use takes place within the confines of the property as comprised before January 1, 1992;
- (c) Any expansion shall be subject to the applicable development standards of the I-2 district.

(20.5) Indoor training and shooting facilities, subject to the regulations of Section 12.511.

(Petition No. 2012-062, §9.1103(20.5), 7/16/2012)

~~(21) Jails and prisons, provided that:~~

~~(a) The minimum lot size shall be as follows:~~

- ~~i. Jails within completely enclosed structures 2 acres~~
- ~~ii. Jails with open exercise yards or other unenclosed facilities 5 acres~~
- ~~iii. Prisons 50 acres;~~

~~(b) The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:~~

- ~~i. any portion of the principal structure 100 feet~~
- ~~ii. any security fence attendant to the principal use 50 feet~~
- ~~iii. any accessory use associated with the principal use 50 feet~~

~~(c) No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;~~

~~(d) Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences, which are located along or parallel to the property boundary, which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and~~

~~(e) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties and into the property so used.~~

~~(22) Junkyards (I-2 only) provided that:~~

(Petition No. 2006-112, §9.1103(22), 10/17/07)

- ~~(a) — The use must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way.~~
- ~~(b) — The use shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the property line to any residential use or zoning district.~~
- ~~(c) — The use shall provide a Class C buffer along all public streets in accordance with the standards in Section 12.303.~~
- ~~(d) — Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.~~

(23) Reserved. *(Petition No. 2010-044, §9.1103(23), 9/20/10)*

~~(24) — Land clearing and inert debris landfills (LCID): off site, subject to the regulations of Section 12.503.~~

~~————— (25) — Large childcare centers (I-1 only), subject to the regulations of Section 12.502.~~
~~*(Petition No. 2003-008, §9.1103(9.1), 2-17-03)*~~

(26) Lumber mills and storage yards (I-2 only)

(Petition No. 2006-112, §9.1103(26), 10/17/07)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

(27) Manufacturing (light) uses

(Petition No. 2006-112, §9.1103(27), 10/17/07, (Petition No. 2009-045, §9.1103(27(a), 07/20/09)

- (a) Uses
 - Alcoholic beverages, up to 5,500 square feet
 - Bakery products
 - Batteries
 - Beverages
 - Boat and ship building
 - Brooms and brushes
 - Burial caskets

Candy and confectionery products
 Cigarettes, cigars and chewing tobacco
 Communications equipment
 Computer and office equipment
 Costume jewelry and notions
 Dairy products
 Electrical lighting and wiring equipment
 Electric components and accessories
 Electronic equipment
 Fabricated metal products, excluding use of blast furnaces or drop
 forges
 Grain mill products
 Household audio and visual equipment
 Household appliances
 Ice
 Jewelry, silverware, and plated ware
 Measuring and controlling devices
~~Meat products, excluding slaughtering and dressing~~
 Medical instruments and supplies
 Musical instruments
 Ophthalmic goods
 Pens, pencils, office and art supplies
 Pharmaceuticals
 Plastic products, fabricated from previously prepared plastic
 materials
 Preserved fruits and vegetables
 Pumps
 Search and navigation equipment
 Signs
 Toys and sporting goods
 Watches, clocks, watchcases and parts
 Other similar uses

- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (c) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

(28) Manufacturing (heavy) uses (I-2 only)
 (Petition No. 2006-112, §9.1103(28), 10/17/07)

(a) Uses

All manufacturing operations permitted in I-1
~~Abrasive and asbestos products~~
Aircraft and parts
Agricultural chemicals
Alcoholic beverages
Asphalt paving and roofing materials
Brick, tile and clay products
Chemical manufacture, refining and processing
Concrete, gypsum and plaster products
Construction and related machinery
Cut stone and stone products
Electrical distribution equipment
Electrical industrial apparatus
Engines and turbines
Fabricated metal products
Farm and garden machinery
Fats and oils processing
Furniture and fixtures
Glass and glassware
Guided missiles, space vehicles and parts
Industrial machinery
Leather tanning
Manufactured homes
~~Meat products, including slaughtering and dressing~~
Motor vehicles and equipment
Motorcycles and parts
Ordnance and accessories
Paper and allied products
Petroleum and coal products
Plastic and rubber products
Railroad equipment
Refrigerator and service machinery
Sugar refining
Textile mill products
Tires and inner tubes
Wire products
Other similar uses

(b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

(c) All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be

measured from the closest edge of the structure to the property line of the residential use or zoning district.

- (d) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

~~(29) Medical waste disposal facilities, as a principal use (I-2-only), subject to Section 12.525.~~

(29.5) Mobile food vending, subject to the regulations of Section 12.510.
(Petition 2014-053, §9.1103, (29.5) 03-20-2017)

(30) RESERVED
(Petition No. 2013-090, §9.1103, (30), 07/21/2014)

~~(31) Nonconforming structures and uses, subject to the regulations of Chapter 7.~~

(32) Nursery/greenhouses, retail and wholesale
(Petition No. 2006-112, §9.1103(32), 10/17/07)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

- (b) Products sold outdoors shall be screened from residentially zoned property and from public streets by a minimum 5' buffer, including a wall, fence, or landscaping that meets the requirements of Section 12.303.

(33) Off-street parking, subject to the regulations of Chapter 12, Part 2.

(34) Offices and government buildings, over 400,000 square feet (I-1 only), provided that:

- (a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and
- (b) The use will be separated by a Class B buffer from any abutting property located in a residential zoning district (See Section 12.302); and
- (c) Submission of traffic impact analysis in accordance with provisions of subsection 9.703(17)(c) to identify any needed on-site transportation

improvements.

- (35) Open space recreational uses, subject to the regulations of Section 12.516.
- (35.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.
(Petition No. 2010-080, § 9.1103(35.1), 05/14/2012)
(Petition No. 204-0210, § 9.1103(35.1), 06-15-2015)
- (36) Outdoor recreation, subject to the provisions of Section 12.540.
(Petition No. 2006-169, § 9.1103(15), 02/19/07)
- ~~(37) Petroleum storage facilities with a storage capacity no more than 200,000 gallons, provide that:~~
- ~~(a) — The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;~~
- ~~(b) — All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;~~
- ~~(c) — Vehicle access to the use will not be provided by way of a residential local (Class VI) street or residential collector (Class V) street; and~~
- ~~(d) — All buildings and structures and off-street parking and service areas will be separated by a Class A buffer from any abutting property in residential, institutional, office or business zoning district or uses in those districts (See Section 12.302).~~
- ~~(38) Petroleum storage facilities with a storage capacity of more than 200,000 gallons (1-2 only), provided that:~~
- ~~(a) — The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Prevention Association;~~
- ~~(b) — All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;~~
- ~~(c) — Vehicular access to the use will not be provided by way of a residential local (Class VI) street or residential collector (Class V) street; and~~
- ~~(d) — All buildings and structures and off-street parking and service areas will be separated by a Class A buffer from any abutting property in a residential,~~

institutional, office or business zoning district or uses in those districts
(See Section 12.302).

- (38.1) Pet services indoor/outdoor, subject to the regulations of Section 12.541.
(Petition No 2010-044, § 9.1103(38.1), 9/20/10)
- (38.5) Bicycle-sharing station, subject to the regulations of Section 12.543.
(Petition No. 2012-066, §1103(38.5) 06/18/2012)
- ~~(39) Public utility structures, subject to the regulations of Section 12.504.~~
- (40) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- ~~(41) Quarries, (I-2 only), subject to the regulations of Section 12.505.~~
- ~~(42) Raceways and dragstrips, provided that:~~
- ~~(a) The use will be located on a lot of at least 50 acres;~~
 - ~~(b) Vehicular access to the use will be provided only by way of a Class II, Class III or Class IV street;~~
 - ~~(c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential zoning district;~~
 - ~~(d) Off-street parking areas and access ways will be designed to allow direct public transit service to the use; and~~
 - ~~(e) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.~~
- (43) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- ~~(44) Sanitary landfills (I-2 only), subject to the regulations of Section 12.507.~~
- (44.4) Satellite dish farms, (I-2 only) subject to the regulations of Section 12.416.
(Petition No. 2011-047, §9.1103(44.4), 07/18/11)
- (45) Shelters
(Petition No. 2005-35, §9.1103(23.05), 04/18/05)
- a) Accessory Shelter, subject to the regulations of 12.536.
 - b) Emergency Shelter, subject to the regulations of 12.537.

- c) Homeless Shelter (I-1 only), subject to the regulations of 12.538.
- (46) Short-term care facilities, (I-1 only), subject to the regulations of Section 12.522.
(Petition No. 2004-96, § 9.1103(23.07), 10/18/04)
- (47) RESERVED
(Petition No. 2011-037, § 9.1103(47), 07/18/11)
- ~~(48) Solid waste transfer stations (I-2 only), subject to Section 12.526.~~
- (49) Stadiums and arenas of no more than 5,000 seats, provided that:
- (a) All parking areas will meet the landscaping standards set out in Section 12.303;
 - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
 - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential zoning district;
 - (d) Off-street parking areas and access ways will be designed to allow direct public transit service to the use;
 - (e) All building and off-street parking areas and service areas will be separated by a Class B buffer from any abutting property in a residential zoning district (See Section 12.302); and
 - (f) Stadiums and arena buildings shall be located a minimum of 100 feet from any exterior property line.
- (50) Temporary buildings and storage of materials provided that:
- The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.
- (51) Tire recapping and retreading
(Petition No. 2006-112, §9.1103(51), 10/17/07)
- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
 - (b) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property.

Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

(52) Universities, colleges, and junior colleges, provided that:

There will be no on-site dormitories, resident halls or similar student housing associated with this use.

(Petition 2002-45, § 9.1103, 5/20/02)

~~(53) Waste incinerators, excluding medical waste incinerators (I-2 only)~~

~~*(Petition No. 2006-112, §9.1103(53), 10/17/07)*~~

~~(a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.~~

Section 9.1104. Permitted accessory uses and structures.

The following uses shall be permitted in the I-1 and I-2 districts as accessory uses and structures, subject to the applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on a lot.
 - (1.1) Childcare centers, as an accessory use of structure in I-2.
(Petition No. 2003-008, §9.1104(1.1), 2-17-03)
 - (1.5) Crematory facilities, within a cemetery, subject to the regulations of 12.542.
(Petition No. 2012-012, §9.1104(1.5), 03/19/2012)
- (2) Drive-in windows as an accessory to the principal structure subject to the regulations of Section 12.413.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Fences and walls.
 - (4.1) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.
 - (4.2) Large childcare centers, as and accessory use or structure in I-2.
(Petition No. 2003-008, §9.1104(4.2), 2-17-03)
- (5) Manager's residence quarters, one dwelling unit/development or project, limited

to 1,200 heated square feet.

- (5.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.
(Petition No. 2014-073, § 9.1104 (5.5), 11/17/2014)
- (6) Outdoor lighting, subject to the regulations of Section 12.402.
- (6.1) Overnight camping area, (I-1 only) provided such use is: 1) accessory to a raceway use and 2) located on at least 50 acres or located within a unified planned development of at least 50 acres. If the overnight camping area abuts a residential use or zoning district, then a minimum 100 foot landscaped buffer shall be provided.
(Petition No. 2009-051, §9.1104(6.1), 06/15/09)
- (7) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (8) Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
- (9) Private kennels, subject to the regulations of Section 12.410.
- (10) Private stables, subject to the regulations of Section 12.411.
- (10.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio or television stations, subject to the regulations of Section 12.416.
(Petition No. 2011-047, §9.1104(10.5), 07/18/11)
- (11) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.
- (12) Vending machines, out of doors, subject to yard and setback requirements of respective districts.

EXHIBIT G

DEVELOPMENT AREA B/OUTPARCEL ALLOWED USES

[see attached]

OFFICE DISTRICTS

Section 9.702. Uses permitted by right.

The following uses are permitted by right in the O-1, O-2 and O-3 districts, provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Animal crematoriums. *(Petition 2008-143, §9.702(1), 09/15/08)*
- (2) Armories for meetings and training of military organizations.
- (3) Barber and beauty shops.
- (4) (RESERVED)
- (5) Civic, social service and fraternal facilities.
- (6) Clinics, medical, dental and optical.
- (7) Clinics, veterinary.
- (8) Cultural facilities.
- (9) Dwellings, detached, duplex, triplex or quadraplex.
- (10) Dwellings, attached and multi-family up to 12 units in a building.
- (11) Elementary and secondary schools.
- (12) Farms, including retail sale of produce grown on premises.
- (13) Financial institutions, up to 300,000 square feet.
- ~~(14) Funeral homes and embalming
(Petition No. 2012-012, §9.702(14), 03/19/2012)~~
- (15) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet. *(Petition 2005-63, §9.702(14), 06/20/05)*
- (16) Group Homes for up to 10 residents.
- (17) Health institutions (O-1 and O-3 only).
- (18) Highway and railroad rights-of-way.
- (19) Indoor recreation.

- (20) Laboratories, within an enclosed building for basic and applied research.
- (21) Laboratories, medical, dental and optical.
- (22) Offices, up to 300,000 square feet.
- (23) Outdoor seasonal sales.
- (24) Parks, greenways and arboretums.
- (25) Post offices.
- (26) Radio and television stations and/or offices.
- (27) Religious institutions.
- (28) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- (29) Subdivision sales offices.
- (29.5) Telecommunications and data storage facility
(Petition 2011-047, §9.702(29.5), 07/18/11)
- (30) Telephone booths.
- (31) Universities, colleges and junior colleges.
- (32) Vocational schools, within enclosed buildings.

Section 9.703. Uses permitted under prescribed conditions.

The following uses shall be permitted in the O-1, O-2 and O-3 districts if they meet the standards established in this Section and all other requirements of these regulations: (.5) Active adult retirement communities, subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.703(22).

(Petition No. 2002-148, §9.703(.5), 1-21-03)

- (.5) Active adult retirement communities, subject to the requirements of Section 12.404. If a portion of the development contains attached or multi-family dwelling units, then the attached/multi-family development is subject to the requirements of Section 9.703(22).
- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes, subject to the regulations of Section 12.502.

- (2.1) Bed and Breakfasts (B & B's), subject to regulations of Section 12.521.
- ~~(2.2) Beneficial fill sites, subject to the regulations of Section 12.523.~~
- (2.3) Boarding houses, subject to regulations of Section 12.520.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- ~~(4) Cemeteries, subject to the regulations of Section 12.508.~~
- (5) Childcare centers, subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.703(5), 2-17-03)
- (6) Childcare centers in a residence, subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.703(6), 2-17-03)
- (7) Day labor service agency, subject to the regulations of Section 12.530
- (7.5) Donation drop-off facility, subject to the regulations of Section 12.532.
(Petition No. 2004-39, § 9.703(7.5), 09/20/04)
- (8) Dormitories, provided that:
- (a) Dormitory will be located within one-half mile of the institutional use it is designed to serve;
 - b) Building wall areas over 200 square feet and facing the public right-of-way shall require a minimum of one large maturing tree for each 30 feet of linear wall or one small maturing tree for each 20 feet of linear wall no closer than 15 feet to the wall; and
 - (c) If there are more than 12 living units in a single dormitory or more than one dormitory on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).
- (9) Dwelling, mixed use, provided that:
- (a) The dwelling units will be located in the same building as an office use permitted in the district;
 - (b) The dwelling units will occupy no more than 75 percent of the total floor area of buildings on the lot;
 - (c) The minimum lot and yard requirements for a building with dwelling units shall be the same as required for the office use; and

(d) Development density shall be controlled by the floor area ratio in the district.

~~(10) Equestrian-oriented subdivisions, subject to the regulations of Section 12.514.~~

~~(10.1) Family childcare homes, subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.703(10.1), 2-17-03)~~

(11) Health institutions (O-2 only), provided that:

(a) The maximum floor area ratio is 3.0;

(b) Primary vehicular access to the use will not be by way of a residential local (Class IV) street; and

(c) The use will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low-intensity institutional use.

(12) Hotels and motels, subject to the following prescribed conditions:

(a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302).

(b) Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
(Petition No. 2013-090, §9.703(12)(b), 07/21/2014)

(c) Gross floor area for Retail, Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes.
(Petition No. 2013-090, §9.703(12)(c), 07/21/2014)

(d) No merchandise or merchandise display window may be visible from outside the building.

(e) No outside storage or display of merchandise will be permitted.

(f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.

(g) Eating, Drinking and Entertainment Establishments (Type 2) are subject

to the regulations of Section 12.546.

- (h) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in hotel or motel buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
 - i. Occupy no more than 20% of the gross floor area of the hotel or motel buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure so long as no more than 30% of the floor area provided is located on the roof.
 - ii. May only be located in a hotel or motel having a minimum of 75 rental units.
 - iii. Ground floor establishments may have entrances external to the building.
 - iv. Ground floor establishments may display merchandise.
 - v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
 - vi. No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.

(Petition No. 2015-099§ 9.703(12(g-h), 02-15-2016)

~~(13) — Jails and prisons, provided that:~~

~~(a) — The minimum lot size shall be as follows:~~

- ~~i. — Jails within completely enclosed structures — 2 acres~~
- ~~ii. — Jails with open exercise yards or other unenclosed facilities — 5 acres~~
- ~~iii. — Prisons — 50 acres;~~

~~(b) — The use and structures shall be separated from the nearest residentially~~

~~zoned or residentially used property by the following minimum distances:~~

~~i. — any portion of the principal structure — 100 feet~~

~~ii. — any security fence attendant to the principal use — 50 feet~~

~~iii. — any accessory use associated with the principal use — 50 feet;~~

~~(c) — No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;~~

~~(d) — Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences, which are located along or parallel to the property boundary, which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and~~

~~(e) — All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties and into the property so used.~~

~~(14) — Land clearing and inert debris landfills (LCID): off site, subject to the regulations of Section 12.503.~~

~~———— (14.1) Large childcare centers, subject to the regulations of Section 12.502
(Petition No. 2003-008, §9.703(14.1), 12-7-03)~~

~~(15) — Nonconforming structures and uses, subject to the regulations of Chapter 7.~~

~~(16) Nursing homes, rest homes, homes for the aged, elderly and disabled housing, provided that:~~

~~(a) The maximum number of units or beds permitted is as established in the table below:~~

<u>District</u>	<u>Independent Living Units per Acre</u>	<u>Dependent Living Beds Per Acre</u>
O-1	12	40
O-2	22	70
O-3	43	130

- (b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principal building on the same lot, it shall be reviewed in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).

(17) Offices, financial institutions and government buildings, over 300,000 square feet, provided that:

- (a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;
- (b) The use will be separated by a Class B buffer from any abutting property located in a residential zoning district, abutting residential use or low-intensity institutional use (See Section 12.302); and
- (c) Submission of traffic impact analysis in accordance with the following provisions to identify any needed on-site transportation improvements.
 - (i) Area of analysis for the study shall be limited to the immediate site and adjacent street network;
 - (ii) The traffic impact study will be prepared by a qualified transportation or traffic engineer or planner/
 - (iii) Before beginning the traffic impact study, the engineer or planner shall meet with the appropriate staff of the Charlotte Department of Transportation to determine the acceptable area boundaries, forecast (horizon) years, background traffic percentages, approved developments in the vicinity, imminent transportation projects, data collection needs, and the format of the study report
 - (iv) The traffic impact study shall include, but not be limited to, the following information:
 - (1) Existing traffic conditions within the study boundary
 - (2) Traffic volumes generated by the existing and proposed developments on the parcel, including the morning peak, afternoon or evening peak and average annual daily traffic;
 - (3) The distribution of existing and proposed trips through the street network;
 - (4) Capacity analysis of intersections located adjacent to the site;

(5) Recommendations for improvements designed to mitigate on-site traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and

(v) The Director of Engineering and Property Management, or his or her designee(s) in consultation with the Charlotte Department of Transportation has authority to waive the submission requirement of a traffic impact study or reduce the scope of the study if the scale of proposal or other revision makes submission of the information unnecessary or impractical.

(Petition No. 2005-78 §9.703(17)(V), 06/20/05)

(18) Off-street parking for offices, business and industrial uses, subject to the regulations of Chapter 12, Part 2.

(19) Open space recreational uses, subject to the regulations of Section 12.516.

~~(20) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:~~

~~(a) — Building walls over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and~~

~~(b) — If an orphanage, children's home or similar institution has more than 12 living units or if there is more than one building on the same lot, it must be reviewed and approved in accordance with the regulations for planned multi-family and attached development in subsection 9.303(19).~~

(20.1) Orthotics - Prosthetics Facilities, provided that:

(a) Not more than 50% of space be allotted to the fabrication of orthotics and prosthetics.

(b) The overall purpose of the facility be patient oriented. No less than 50% of the facility be dedicated to patient services.

(a) The fabrication of orthotics and prosthetics in no more than 50% of the floor area of any medical office is restricted to a maximum of 4,000 square feet.

(20.2) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

(Petition No. 2010-080 § 9.703(20.2), 05/14/2012)

(Petition No. 2014-021 § 9.703(20.2), 06-15/2015)

- (21) Outdoor recreation, subject to the provisions of Section 12.540.
(Petition No. 2006-169, § 9.703(21), 02/19/07)
- (22) Planned multi-family and attached developments, subject to subsection 9.303(19) and the regulations of this Part.
- (22.5) Bicycle-sharing station, subject to the regulations of Section 12.543.
(Petition No. 2012-066 § 9.703 (22.5) 06/18/2012)
- ~~(23) Public utility structures, subject to the regulations of Section 12.504.~~
- (24) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (25) [RESERVED]
- ~~(26) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).~~
- (27) Retail and Office Establishments, Eating, Drinking and Entertainment Establishments (Type 1) and Indoor Recreation in multi-family buildings.
(Petition No. 2013-090, §9.703(27), 07/21/2014)
- (a) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 only) and Indoor Recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
- (b) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and Indoor Recreation in multi-family buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
- i. Occupy no more than 20% of the gross floor area of the multi-family buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
 - ii. May only be located within multi-family buildings that contain at least 50 residential units.
 - iii. Ground floor establishments may have entrances external to the building.
 - iv. Ground floor establishments may display merchandise

- v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
(Petition No. 2015-099, §9.703(27), 02-15-2016)

(28) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings:
(Petition No. 2013-090, §9.703(28), 07/21/2014)
(Petition No. 2015-099, §9.703(28), 02-15-2016)

- (a) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, subject to the following prescribed conditions:
 - i. The principal use of the lot is for offices.
 - ii. The principal use of the lot occupies at least 30,000 square feet of floor area.
 - iii. Retail establishments and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except an Eating, Drinking and Entertainment Establishments may occupy up to 50% of the ground floor area.
 - iv. The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment.
 - v. No merchandise or display of merchandise will be visible from outside the building housing the proposed use.
 - vi. One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.
 - vii. Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.
- (b) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
 - i. Occupy no more than 20% of the gross floor area of the office

buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.

- ii. May only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area.
- iii. Ground floor establishments may have entrances external to the building.
- iv. Ground floor establishments may display merchandise.
- v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
(Petition No. 2015-099, §9.703(28), 02-15-2016)

~~(29) Shelters~~

~~*(Petition No. 2005-35, §9.703(29), 04/18/05)*~~

~~a) Accessory Shelter, subject to the regulations of 12.536.~~

~~b) Emergency Shelter, subject to the regulations of 12.537.~~

(29.5) Short-term care facilities, subject to the regulations of Section 12.522.

(Petition No. 2004-96, § 9.703(29.5), 10/18/04)

(29.6) Single Room Occupancy (SRO) residences, subject to the regulations of section 12.527.

(Petition No. 2011-037, § 9.703(29.6), 07/18/11)

(30) Temporary buildings and storage of materials, provided that:

The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

(31) RESERVED

Section 9.704. Permitted accessory uses and structures.

The following uses shall be permitted in the O-1, O-2 and O-3 districts as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.

- ~~(1.5) Crematory facility, within a cemetery, subject to the regulations of 12.542.~~
(Petition No. 2012-012, §9.704(1.5), 03/19/2012)
- ~~(1.6) Crematory facility, accessory to a funeral home, subject to the regulations of Section 12.542.~~
(Petition No. 2012-012, §9.704(1.6), 03/19/2012)
- (2) Customary home occupations, subject to the regulations of Section 12.408.
- (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.
- (4) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (5) Dwelling, accessory units as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407.
(Petition 2012-067A, §9.704(5), 07/16/2012)
- (6) Fences and walls.
- (7) Reserved
(Petition 2012-067A, §9.704(7), 07/16/2012)
- (8) Helistops, limited, subject to the regulations of Section 12.415.
- (8.1) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.
- ~~(9) Marinas, subject to the regulations of Section 12.409.~~
- (9.5) Mobile food vending, when located on a lot with a building of at least 30,000 square feet of floor area, and subject to the regulations of Section 12.510.
(Petition 2014-053, §9.704.(9.5) 03-20-2017)
- (10) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.
(Petition No. 2014-073, § 9.704, (10), 11/17/2014)
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Petroleum storage, accessory to a permitted principal use or structure, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- ~~(13) Private kennels, subject to the regulations of Section 12.410.~~

~~(14) Private stables, subject to the regulations of Section 12.411.~~

(14.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station or television station, subject to the regulations of Section 12.416.
(Petition 2011-047, §9.704(14.5), 07/18/11)

(15) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the use in the principal building or buildings.

BUSINESS DISTRICTS

Section 9.802 Uses permitted by right.

The following uses shall be permitted by right in the B-1, B-2, B-D and BP districts, provided that they meet the requirements below in addition to all other provisions established in these regulations:

- (1) Amusement, commercial, outdoor (B-2 only).
- ~~(2) Animal crematoriums (B-1 and B-2 only). *(Petition 2008-143, §9.802(2), 09/15/08)*~~
- (3) Armories for meetings and training of military organizations (B-2 only).
- ~~(4) Auction sales (B-2 only).~~
- (5) Automobiles, truck and utility trailer rental (B-2 only).
- (6) Automotive repair garages including engine overhaul, body and paint shops and similar operations (B-2 only).
- (7) Automotive sales and repair including tractor-trucks, but not accompanying trailer units (B-2 only).
- (8) Automotive service stations, including minor adjustments, repairs and lubrication (B-1, B-2 and BP only).
- (9) Bakeries, retail, including manufacturing of goods for sale on premises (B-1, B-2 and BP only).
- (10) Bakeries, wholesale, including manufacturing on the premises, up to 5,000 square feet (B-2 and BP only).
- (11) Bakeries, wholesale (BD and BP only).
- (12) Barber and beauty shops (B-1, B-2 and BP only).

- (13) (RESERVED)
- (14) Boat and ship sales and repair (B-2 only).
- (15) Building maintenance services (B-2 only).
- (16) Bus and train terminals (B-1 and B-2 only).
- (17) Car washes (B-2 only).
- (18) Catalog and mail order houses (B-2 only).
- (19) Civic, social service or fraternal facilities (B-1 and B-2 only).
- (20) Clinics, medical, dental and optical (B-1, B-2 and BP only).
- (21) Clinics, veterinary (B-1 and B-2 only).
- (22) Contractor offices and accessory storage, excluding the storage of general construction equipment and vehicles (B-2, B-D and BP).
- (23) Cultural facilities (B-1, B-2 and BP only).
- ~~(24) Distributive businesses, including warehousing in a single building (B-D and BP only).~~
- (25) Dry cleaning and laundry establishments, up to 4,500 square feet on a lot (B-1, B-2 and BP only).
- (26) Dry cleaning and laundry establishments, up to 10,000 square feet (B-2 only).
- (27) Dwellings, detached, duplex, triplex or quadraplex (B-1 and B-2 only).
- (28) Dwellings, multi-family and attached up to 12 units in a building (B-1 and B-2 only).
- (29) Elementary and secondary schools (B-1 and B-2 only).
- (30) Engraving (B-2 only).
- (31) Equipment rental and leasing (B-2 only).
- (32) Equipment rental and leasing, within an enclosed building (B-1 and B-2 only).
- (33) Fabric sample assembly (B-2 only).

- (34) Farms, including retail sale of products grown on premises.
- (35) Fences and fence material, retail sales (B-2 only).
- (36) Fences and fence material, retail sales within an enclosed building (B-1 and B-2 only).
- (37) Financial institutions, up to 70,000 square feet (B-1 only).
- (38) Financial institutions, up to 300,000 square feet on a lot (B-2, B-D and BP only).
- (39) Florist, retail (B-1, B-2 and BP only).
- (40) Florist, wholesale (B-2, B-D and BP only).
- ~~(41) Funeral homes and embalming (B-1 and B-2 only).
(Petition No. 2012-012, §9.802(41), 03/19/2012)~~
- (42) Government buildings, up to 100,000 square feet and Recreation Centers up to 30,000 square feet. (Petition 2005-63, §9.802(40), 06/20/05)
- (43) Government buildings, up to 300,000 square feet on a lot (B-2, B-D and BP only).
- (44) Graphic research and production facilities (BP only).
- (45) Group Homes for up to 10 residents.
- (46) Health institutions (B-1 and B-2 only).
- (47) Highway and railroad rights-of-way.
- (48) Hotels and motels (B-2, B-D and BP only).
- (49) Indoor recreation (B-1, B-2 and BP only).
- (50) Jewelers, retail (B-1, B-2 and BP only).
- (51) Jewelers, wholesale (B-2, B-D and BP only).
- (52) Laboratories, dental, medical and optical.
- (53) Laboratories within an enclosed building for applied and basic research (B-2, B-D and BP only).
- (54) Locksmiths and gunsmiths (B-1, B-2 and BP only).

- ~~(55) Manufacture of: (B-D only)~~
- ~~-Bakery products~~
 - ~~-Beverages, excluding alcoholic beverages~~
 - ~~-Candy and confectionery products~~
 - ~~-Dairy products~~
 - ~~-Grain Mill products~~
 - ~~-Meat products, excluding poultry and animal slaughtering and dressing~~
 - ~~-Preserved fruits and vegetables products~~
- ~~(56) Manufacture or assembly of: (BP only):~~
- ~~-Communications equipment~~
 - ~~-Component parts of aircraft~~
 - ~~-Computer and office equipment~~
 - ~~-Electrical lighting and wiring equipment~~
 - ~~-Electrical components and accessories~~
 - ~~-Electronic equipment~~
 - ~~-Furniture and fixtures~~
 - ~~-Household audio and visual equipment~~
 - ~~-Household appliances~~
 - ~~-Industrial machinery~~
 - ~~-Measuring and controlling devices~~
 - ~~-Medical instruments~~
 - ~~-Musical instruments~~
 - ~~-Ophthalmic goods~~
 - ~~-Pens, pencils, office and art supplies~~
 - ~~-Pharmaceuticals~~
 - ~~-Pumps~~
 - ~~-Search and navigational equipment~~
 - ~~-Toys and sport goods~~
 - ~~-Watches, clocks, watchcases and parts~~
 - ~~-Wire products~~
 - ~~-Other similar uses~~
- (57) Manufactured housing sales and repairs (B-2 only).
- (58) Manufacturer's representatives, including offices and repair and service facilities (BP only).
- (59) Merchandise showrooms, including warehousing in a single building (BP only).
- (60) Neighborhood food and beverage service.
- (61) Nurseries and greenhouses retail and wholesale (B-1 and B-2 only).
- (61.1) Pet services indoor. *(Petition 2010-044, §9.802(61.1), 09/20/10)*

- (62) Offices, up to 100,000 square feet.
- (63) Offices, up to 300,000 square feet (B-2, B-D and BP only).
- (64) Outdoor seasonal sales.
- (65) Parks, greenways and arboretums.
- (66) Pest control and disinfecting services (B-2 only).
- (67) Post Offices.
- (68) Printing and publishing, up to 5,000 square feet.
- (69) Printing and publishing, up to 100,000 square feet (B-2, B-D and BP only).
- (70) Printing and publishing, more than 100,000 square feet (BP only).
- (71) Radio and television stations and/or offices.
- ~~(72) Recycling centers, drop-off.~~
- (73) Religious institutions (B-1 and B-2 only).
- (74) Repair or servicing of any article, within an enclosed building, the sale of which is permitted in the district.
- (75) Repair or servicing of any article, the sale of which is permitted in the district (B-2 only).
- (76) Research uses, within an enclosed building (BP only).

- (77) Eating, Drinking and Entertainment Establishments (Type 1).
(Petition No. 2013-090, §9.802(77), 07/21/2014)
- (78) Eating, Drinking and Entertainment Establishments (Type 1), drive-in service (B-2 only).
(Petition No. 2013-090, §9.802(77), 07/21/2014)
- (79) Retail establishments and business, personal and recreation services, up to 10,000 square feet (B-1, 2 and BP only).
- (80) Retail establishments, shopping centers and business, personal and recreation services, except for uses permitted only in the B-2 district, up to 100,000 square feet (B-1 and B-2 only).
- (81) Retail establishments, shopping centers and business, personal and recreation

services, up to 100,000 square feet on a lot (B-2 only).

- (82) Showrooms, up to 25,000 square feet (B-D and BP only)
(Petition No. 2003-011, §9.802(79.1), 2-17-03) (Petition No. 2003-105, §9.802(79.2), 11/17/03)
- (83) Showrooms, up to 70,000 square feet (B-2) only
(Petition No. 2003-105, §9.802(79.2), 11/17/03)
- (84) Sign painting, exclusive of manufacture (B-2 only).
- (85) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry (B-1 and B-2 only).
- (86) Subdivision sales offices.
- (86.3) Tattoo establishment
(Petition No. 2012-036, §9.802(86.3), 06/18/12)
- (86.5) Telecommunications and data storage facility.
(Petition No. 2011-047, §9.802(56.5), 07/18/11)
- (87) Telephone booths.
- (88) Theaters, motion picture (B-2 only).
- (89) Tire recapping and retreading (B-2 only).
- (90) Universities, colleges and junior colleges (B-1 and B-2 only).
- (91) Vocational schools, within an enclosed building (B-1, B-2 and BP only).
- ~~(92) Warehousing, within the enclosed building (B-D only).~~
- ~~(93) Warehousing, excluding "mini-warehousing" (BP only).~~
- (94) Wholesale sales with related storage and warehousing entirely within an enclosed building, excluding truck terminals (B-2, B-D and BP only).

Section 9.803. Uses permitted under prescribed conditions.

The following uses shall be permitted in the B-1, B-2, B-D and BP districts if they meet the standards established in this Section and all other requirements of these regulations:

- (.5) Active adult retirement communities (B-1, B-2 and BP only), subject to the requirements of Section 12.404. If a portion of the development contains attached/multi-family development is subject to the requirements of Section

9.303(19) and 9.805.
(Petition No. 2002-148, §9.803(.5), 1-21-03)

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Adult care homes (B-1 and B-2 only), subject to the regulations of Section 12.502.
- ~~(2.1) Adult establishments, B-2 only, subject to the regulations of Section 12.518.~~
- (2.2) Bed and Breakfasts (B & B's)(B-1 and B-2 only), subject to regulations of Section 12.521.
- ~~(2.3) Beneficial fill sites, subject to the regulations of Section 12.523.~~
- (2.4) Boarding houses (B-1 and B-2 only), subject to regulations of Section 12.520.
- ~~(3) Boarding stables (B-2 only), subject to the regulations of Section 12.512.~~
- (4) Building material sales, (B-2 only), provided that:
 - (a) No outside storage shall be located within the required setback or within any required side yard.
 - (b) Any outside storage shall be screened from abutting properties and from public view along a public street in accordance with the standards of Section 12.303.
 - (c) Within any outside storage area material shall be stacked no higher than the height of the screening.
- (5) Building material sales, wholesale (B-D only), provided that:

All portions of the building including storage of all materials must be housed within a completely enclosed building.
- (6) Bus stop shelters, subject to the regulations of Section 12.513.
- (7) Car washes (B-1 only), provided that:
 - (a) All washing facilities must be within an enclosed building. Vacuuming facilities may be outside the building but may not be located in any required yard or buffer;
 - (b) A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area is not permitted.
 - (c) At least one attendant must be present whenever the business is open but

not more than three attendants may be on duty at any time. These attendant requirements do not apply where the laundry facility is an integral and accessory part of a service station operation and attendants serve both facilities.

~~(7) Cemeteries (B-1, B-2 and B-D), subject to the regulations of Section 12.508.~~

~~(8.5) Crematory facilities, (only in B-2) subject to the regulations of 12.542,
(Petition No. 2012-012, §9.803(8.5), 03/19/2012)~~

(9) Childcare centers (B-1, B-2 and BD) only, subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.803(9), 2-17-03)

(10) Childcare centers in a residence (B-1 and B-2 only), subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.803(10), 2-17-03)

(10.5) Conference centers, convention centers and halls, exhibit halls, merchandise marts, and similar uses. (B-2 only).

(a) Minimum lot size shall be 25 acres;

(b) Primary vehicle access to the use shall not be provided by way of a residential local (Class VI) street or residential collector (Class V) street;

(c) The use shall front onto a minor (Class IV) or major (Class III) thoroughfare, limited access arterial (Class II) or a freeway or expressway (Class I);

(d) No outdoor activities, storage or uses (excluding accessory parking) shall be permitted. All uses shall be located within an enclosed building(s);
and

(e) The use shall satisfy the minimum parking requirements for "Other Business Uses" as provided in Table 12.202.
(Petition No. 2013-061, §9.803(10.5), 1-21-2014)

(10.1) Commercial Rooming Houses, (B-1, B-2, BP only), subject to the regulations of Section 12.531
(Petition No. 2001-156, §9.803.1/22/02)

~~(11) Construction and demolition (C & D) landfills, subject to the regulations of Section 12.524.~~

~~(11.1) Day labor service agency, subject to the regulations of Section 12.530~~

(11.5) Donation drop-off facility, subject to the regulations of Section 12.532.
(Petition No. 2004-39, § 9.803(11.5), 09/20/04)

- (12) Dormitories (B-1 and B-2 only), provided that:
- (a) Dormitory will be located within one half mile of the institutional use it is designed to serve;
 - (b) Building wall areas over 200 square feet and facing a public right-of-way shall require a minimum of one large maturing tree for each 30 feet of linear wall or one small maturing tree for each 20 feet of linear wall no more than 15 feet from the wall; and
 - (c) If there are more than 12 living units in a single dormitory or there is more than one dormitory on the same lot, the development shall be reviewed and approved in accordance with the regulations for planned multi-family and attached developments in subsection 9.303(19).

(12.5) Eating, Drinking and Entertainment Establishments (Type 2) provided that:

- (a) Eating, Drinking and Entertainment Establishments with drive-in service are allowed in B-2 only.
- (b) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.
(Petition No. 2013-090, §9.803(12.5)(a)(b), 07/21/2014)

~~(13) Equestrian oriented subdivisions, subject to the regulations of Section 12.514.~~

~~(13.1) Family childcare homes (B-1 and B-2 only), subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.803(.5), 2-17-03)~~

(14) Dwellings, mixed use (B-1 and B-2 only), provided that:

- (a) The dwelling units will be located in the same building as a commercial use permitted in the district;
- (b) Dwellings will occupy no more than 75 percent of the total floor area of buildings on the lot;
- (c) Minimum lot and yard requirements for a building with dwelling units shall be the same as required for the business use; and
- (d) Development density shall be governed by the floor area ratio in the district.

(14.5) Indoor training and shooting facilities, (B-2 only), subject to the regulations of Section 12.511.
(Petition No. 2012-062, §9.803(14.5), 07/16/2012)

~~(15) — Jails and prisons, provided that:~~

~~(a) — The minimum lot size shall be as follows:~~

~~i. — Jails within completely enclosed structures — 2 acres~~

~~ii. — Jails with open exercise yards or other unenclosed facilities — 5 acres~~

~~iii. — Prisons — 50 acres~~

~~(b) — The use and structures shall be separated from the nearest residentially zoned or residentially used property by the following minimum distances:~~

~~i. — any portion of the principal structure — 100 feet~~

~~ii. — any security fence attendant to the principal use — 50 feet~~

~~iii. — any accessory use associated with the principal use — 50 feet~~

~~(c) — No portion of the principal use or any accessory use may exceed 40 feet in height if located within 100 feet of any residentially zoned or residentially used property;~~

~~(d) — Fencing materials such as barbed wire, razor wire, or electrical fences may not be used when adjacent to residentially zoned or residentially used properties. This standard applies to those fences which are located along or parallel to the property boundary which is nearest to the residential areas. This standard does not apply to fences which are located more than 60 feet from the property line; and~~

~~(e) — All lighting for the facility must be oriented so that direct beams of light shine away from all abutting properties and into the property so used.~~

~~(16) — (RESERVED) (*Petition No. 2010-044, §9.803(16), 9/20/10*)~~

~~(16.1) Land clearing and inert debris landfills (LCID): off site, subject to the regulations of Section 12.503.~~

~~(16.2) Large childcare centers (B-1, B-2 and BD only), subject to the regulations of Section 12.502~~

~~(*Petition No. 2003-008, §9.803(16.2), 2-17-03*)~~

~~(17) — Marinas, commercial (B-1 and B-2 only), provided that:~~

~~All buildings and off street parking and service areas will be separated by a Class B buffer from abutting property in a residential zoning district, used for~~

~~residential or low intensity institutional use (See Section 12.302).~~

(18) [RESERVED]

(19) Mobile food vending, subject to the regulations of Section 12.510.
(Petition No. 2013-090, §9.803(19), 07/21/2014)
(Petition 2014-053, §9.803.(19) 03-20-2017)

~~(20) Nonconforming structures and uses, subject to the regulations of Chapter 7.~~

(21) Nursing homes, rest homes and homes for the aged (B-1, B-2 and BP only),
provided that:

(a) The maximum number of units or beds permitted is as established in the table below.

<u>District</u>	<u>Independent Living Units per Acre</u>	<u>Dependent Living Beds per Acre</u>
B-1, B-2 & BP	22	70

(b) If any nursing home, rest home or home for the aged has more than 12 living units in a single building or there is more than one principal building on the same lot, the development shall be reviewed and approved in accordance with the regulations for planned multi-family and attached developments in subsection 9.303(19).

(22) Offices, financial institutions and government buildings, over 300,000 square feet (B-2, B-D and BP only), provided that:

(a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street; and

(b) The use will be separated by a Class B buffer from any abutting property located in a residential zoning district, abutting residential use or low-intensity institutional use (See Section 12.302); and

(c) Submission of traffic impact analysis in accordance with provisions of subdivision 9.703.(17)(c) to identify any needed on-site transportation improvements.

(23) Off-street parking (B-1 and B-2 only), subject to the regulations of Chapter 12, Part 2.

(23.1) Off-street parking (BP only), provided that:

On a separate parcel when ancillary to an approved principal use located within the specific BP development.

(24) Open space recreational uses, subject to the regulations of Section 12.516.

~~(25) Orphanages, children's homes and similar nonprofit institutions providing domiciliary care for children, provided that:~~

~~(a) Building walls over 200 square feet and facing a public right of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and~~

~~(b) If an orphanage, children's home or similar institution has more than 12 living units or if there is more than one building on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection 9.303(19).~~

(25.1) Orthotics - Prosthetics Facilities, provided that:

(a) Not more than 50% of space be allotted to the fabrication of orthotics and prosthetics.

(b) The overall purpose of the facility be patient oriented. No less than 50% of the facility be dedicated to patient services.

(c) The fabrication of orthotics and prosthetics in no more than 50% of the floor area of any medical office is restricted to a maximum of 4,000 square feet.

(25.5) Outdoor fresh produce stands and mobile produce market subject to the regulations of Section 12.539.

(Petition No. 2005-68, § 9.803(26.1),06/20/05)

(Petition No2010-080, § 9.803(26.1),05/14/2012)

(Petition No2014-021, § 9.803(25.5),06-15-2015)

(26) Outdoor recreation, provided that:

(a) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential zoning district or abutting single family residential use (See Section 12.302). However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;

(b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a

residential zoning district or abutting single family residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100 foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use.

- (c) Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.

(Petition No. 2001-149, §9.803(26)(c), 1/22/012)

- (26.2) Pet services indoor/outdoor (B-1 and B-2 only), subject to the regulations of Section 12.541.
(Petition No. 2010-044, §9.803(26.2), 9/20/10)
- (27) Planned multi-family and attached development (B-1 and B-2 only), subject to subsection 9.303(19) and the regulations of Section 9.805.
- (27.1) Bicycle-sharing station, subject to the regulations of Section 12.543
(Petition No. 2012-066, §9.803(27.1), 06/18/2012)
- ~~(28) Public utility structures, subject to regulations of Section 12.504.~~
- (29) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (30) [RESERVED]
- (31) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- ~~(32) Riding academies (B-2 only), subject to the regulations of Section 12.512.~~
- ~~(32.05) Shelters~~

~~(Petition No. 2005-35, §9.803(32.05), 04/18/05~~

- ~~a) Accessory Shelter, subject to the regulations of 12.536.~~
- ~~b) Emergency Shelter, subject to the regulations of 12.537.~~
- ~~c) Homeless Shelter (B-2, B-D, and B-P only), subject to the regulations of 12.538.~~
- (32.5) Short-term care facilities (B-2 only), subject to the regulations of Section 12.522.
(Petition No. 2004-96, § 9.803(32.5), 10/18/04)
- (33) Single room occupancy (SRO) residences (B-1 and B-2 only), subject to the regulations of Section 12.527.
(Petition No. 2011-037, § 9.803(33), 07/18/11)
- (34) Stadiums and arenas of no more than 5,000 seats (B-2 only), provided that:
 - (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
 - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
 - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential zoning district, an abutting residential use or low intensity institutional use;
 - (d) Off-street parking areas and accessways will be designed to allow direct public transit service to the use;
 - (e) All buildings and off-street parking areas and service areas will be separated by a Class B buffer from any abutting property in a residential zoning district, an abutting residential use or low intensity institutional use (See Section 12.302); and
 - (f) Stadiums and arena buildings shall be located a minimum of 100 feet from any exterior property lines.
- (35) Temporary buildings and storage of materials, provided that:

The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.
- (36) Small scale bakeries, retail, including the manufacture of goods, and wholesale, including manufacture of goods (B-1 only), provided that:
 - (a) It is clear that large scale bakeries have industrial and general business

characteristics, while smaller bakeries can appropriately carry out retail as well as some wholesale business activities and still maintain a small scale, neighborhood oriented atmosphere. Such small, typically specialty bakery shops are a recent trend and successfully combine retail and wholesale activities. This type of business creates a unique interest when located in a neighborhood shopping center or area and serves as a popular shopping amenity, both directly to the consumer on a retail basis or to other nearby businesses and institutions on a wholesale basis. Such uses, when specially regulated by the requirements listed below, can successfully operate in the B-1 neighborhood district. Therefore, the requirements of this section are designed to permit small scale bakeries in the B-1 neighborhood business district.

- (b) The total size of the bakery shall be limited to 2,500 square feet, including sales, preparation and manufacture areas.
- (c) The majority of the bakery size square footage shall be devoted to the sales area of the facility.
- (d) The majority of the total sales of the bakery facility shall be in association with the retail activities of the bakery. The bakery operator shall maintain sales information for review and inspection upon request to ensure that the wholesale activities are secondary to the retail.
- (e) Delivery of goods in association with the wholesale activities of the bakery shall be conducted by employees of the facility; no pickup of wholesale goods by the intended recipient shall be allowed.

(37) [RESERVED]

Section 9.804. Permitted accessory uses and structures.

The following uses shall be permitted in the B-1, B-2, B-D and BP districts as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.

~~(1.5) Crematory facilities, within a cemetery (only in B-1, B-2, and BD), subject to the regulations of 12.542~~

~~(Petition No. 2012-012, §9.804(1.5), 03/19/2012)~~

~~(1.6) Crematory facility accessory to a funeral home (only in B-1 and B-2), subject to the regulations of section 12.542~~

~~(Petition No. 2012-012, §9.804(1.6), 03/19/2012)~~

- (2) Customary home occupations, subject to the regulations of Section 12.408 (B-1

and B-2 only).

- (3) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413 (B-1, B-2 and BP only).
- (4) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (5) Dwelling, accessory units as an accessory to a single family dwelling unit, subject to the regulations of Section 12.407. (B-1 and B-2 only)
(Petition 2012-067A, §9.804(5), 07/16/2012)
- (6) Fences and walls.
- (7) Reserved
(Petition 2012-067A, §9.804(7), 07/16/2012)
- (8) Helistops, limited, subject to the regulations of Section 12.415.
- (8.1) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.
- (9) Manager's residence quarters, one dwelling unit/development or project, limited to 1,200 heated square feet, (B-D and BP only).
- (10) Marinas as an accessory to a residential use, subject to the regulations of Section 12.409.
- (10.5) Outdoor dining associated with an Eating, Drinking and Entertainment Establishment (Type 1 or Type 2). Outdoor dining associated with a Type 2 Eating, Drinking and Entertainment Establishment is subject to the regulations of Section 12.546.
(Petition No. 2014-073, § 9.804 (10.5), 11/17/2014)
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (11.5) Outdoor sales accessory, subject to the regulations of Section 12.417.
(Petition No. 2006-20, § 9.804(11.5), 03/20/06)
- ~~(12) Outdoor storage of any materials, stocks or equipment subject to the regulations of Section 12.303.~~
- (13) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (14) Petroleum storage, underground, accessory to permitted automotive service stations, subject to the Fire Prevention Code of the National Board of Underwriters (B-1 and B-2 only).

- (14.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station, subject to the regulations of Section 12.416
(Petition No. 2011-047, §9.804(14.5), 7/18/11)
- (15) Private kennel, subject to the regulations of Section 12.410.
- (16) Private stables, subject to the regulations of Section 12.411.
- (17) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.
- (18) Vending machines, out of doors, subject to yard and setback requirements of the respective district (B-2 only).