

**AN ORDINANCE AMENDING Chapter 24 OF THE CHARLOTTE CITY CODE
TITLED “UNIFIED DEVELOPMENT ORDINANCE”**

ORDINANCE NO. 541

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA:**

Section 1: Chapter 24, “Unified Development Ordinance”, Section 15.4.BBB and Table 15-1 are amended to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance.

Section 2: This ordinance shall become effective as of June 1, 2023.

Approved as to form:



City Attorney

CERTIFICATION

I, Ariel Smith, Lead City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of May 2023, the reference having been made in Minute Book 157, and recorded in full in Ordinance Book 66, Page(s) 001-055.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of May 2023.





Ariel Smith, Lead City Clerk

CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Revision 3-20-23 - Update to the text amendment

<u>Section#</u>	<u>Title</u>
Table 15-1	Use Matrix
Section 15.4.BBB	Landfill, Land Clearing, and Inert Debris (LCID)

Purpose of Change:

To amend the Unified Development Ordinance for the use Landfill, Land Clearing and Inert Debris (LCID) by 1) only allowing it as a use permitted with prescribed conditions in ML-2 zoning district with a conditional zoning; 2) limiting the time period a use can operate and the hours and days of operation if any portion of the use is located within 400' of a N1 or N2 Place Type property or an existing residential structure in any other Place Type; 3) adding requirements for a geomembrane liner and leachate collection system, and compliance with state groundwater well and surface water requirements; and 4) increasing the distance between operational portions of the use and any property line.

Charlotte Planning, Design, and Development Dept.
Name of Agent

600 E. Fourth Street 8th floor, Government Center
Agent's Address

Charlotte, NC 28202
City, State, Zip

704.336-4565 704.336.5123
Telephone Number Fax Number

Laura.Harmon@charlottenc.gov
E-Mail Address

Charlotte Planning, Design, and Development Dept.
Name of Petitioner(s)

600 E. Fourth Street, 8th floor, Government Center
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

704.336-4565 704.336.5123
Telephone Number Fax Number

Laura.Harmon@charlottenc.gov
E-Mail Address

Laura Harmon

Signature of Agent

Laura Harmon

Signature

Article 15. Use Regulations

- 15.1 GENERAL USE REGULATIONS
- 15.2 GLOBAL USE MATRIX
- 15.3 USE DEFINITIONS
- 15.4 PRINCIPAL USES: PRESCRIBED CONDITIONS
- 15.5 TEMPORARY USES: PRESCRIBED CONDITIONS
- 15.6 ACCESSORY USES: PRESCRIBED CONDITIONS

15.1 GENERAL USE REGULATIONS

- A.** No structure or land may be used or occupied unless allowed as a permitted, temporary, or accessory use within the zoning district. These use regulations apply to the use of private property, including City-owned property, but exclude the right-of-way.
- B.** All uses shall comply with any applicable federal and state requirements, and any additional federal, state, county, and/or city ordinances.
- C.** Principal uses are defined to be inclusive of specific uses. The following regulations apply:
 - 1. When a use meets a specific definition, it is regulated as such and cannot be regulated as part of a more inclusive use category.
 - 2. A use that is not explicitly listed in the use matrix will be evaluated by the Zoning Administrator to determine if the use is part of a use listed.
 - 3. A use that is not listed in the use matrix and cannot be interpreted as part of a use listed in the use matrix is prohibited.
- D.** All uses shall comply with any prescribed conditions as applicable. Prescribed conditions apply to certain uses within the use matrix to address additional impacts, apply specific design or siting standards, and/or link to additional regulations outside this Ordinance.

15.2 GLOBAL USE MATRIX

- A.** Table 15-1: Use Matrix identifies the permitted, temporary, and accessory uses allowed within each zoning district. Uses are defined in Section 15.3.
- B.** Table 15-1 shall be applied as follows:
 - 1. An "X" indicates that the use is permitted by-right in the zoning district.
 - 2. A "PC" indicates that the use is allowed in the zoning district and shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6).
 - 3. A "C" indicates that the use shall require a conditional zoning (Section 37.2).
 - 4. A "C/PC" indicates that the use shall comply with the prescribed conditions of this Article (Sections 15.4 through 15.6) and also shall require a conditional zoning (Section 37.2).
 - 5. A shaded blank cell indicates the use is not allowed in the zoning district.

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Residential Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Adult Care Home	PC	PC	PC	PC	PC	PC	PC	PC								
Childcare Center in Residence	PC	PC	PC	PC	PC	PC	PC	PC								
Dormitory								PC	PC							X
Dwelling - Live Work								X	X							X
Dwelling - Manufactured Home										X						
Dwelling – Duplex	X	X	X	X	X	X	X	PC								
Multi-Family Dwelling Attached Unit						PC	PC	PC	PC							PC
Multi-Family Dwelling Stacked Unit						X		X	X							X
Dwelling – Quadraplex	PC	PC	PC	PC	PC	X	X	PC								X
Dwelling – Single-Family	X	X	X	X	X	X	X	PC								
Dwelling – Townhouse						PC	PC	PC	PC							PC
Dwelling – Triplex	X	X	X	X	X	X	X	PC								
Family Childcare Home	PC	PC	PC	PC	PC	PC	PC	PC								
Group Home	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Manufactured Home Park										X						
Multi-Dwelling Development						PC	PC	PC	PC							PC
Residential Care Facility								PC	PC							X
Rooming House	PC	PC	PC	PC	PC	PC	PC	PC								
Single Room Occupancy (SRO)							PC	PC	PC							PC
Commercial Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Adult Electronic Gaming Establishment											PC	PC				
Adult Use											PC	PC				
Amusement Facility - Indoor											PC	PC				PC
Amusement Facility - Outdoor											PC	PC				
Animal Care Facility											PC	PC				
Animal Shelter											PC	PC				
Art Gallery											X	X				X
Arts or Fitness Studio											X	X				X
Bed and Breakfast	PC	PC	PC	PC	PC	PC	PC	PC								
Broadcasting Facility - No Antennae											X	X				X
Broadcasting Facility - With Antennae												PC				PC
Car Wash											PC	PC				
Commercial Kitchen											PC	PC				PC
Contractor Office with Outdoor Storage																

Table 15-1: Use Matrix																
Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Convention Center												X				X
Drive-Through Establishment											PC	PC				
Employment/Labor Service Agency											PC	PC				
Financial Institution											X	X				X
Funeral Home											PC	PC				
Gas Station											C/PC	C/PC				
Greenhouse/Nursery - Retail											X	X				
Greenhouse/Nursery - Wholesale												X				
Heavy Rental and Service Establishment												X				
Heavy Retail Establishment												X				
Hotel/Motel											X	X				X
Industrial Design											X	X				X
Kennel																
Live Performance Venue - Indoor											X	X				X
Lodge/Meeting Hall											X	X				
Medical/Dental Office											X	X				X
Micro-Production of Alcohol											PC	PC				PC
Neighborhood Commercial Establishment	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Nightclub											PC	PC				
Office											X	PC				X
Outdoor Market											PC	PC				PC
Personal Service Establishment											X	X				X
Raceway/Dragstrip																
Reception Facility											PC	PC				
Research and Development (R&D)											X	X				X
Restaurant/Bar											PC	PC				PC
Retail Goods Establishment											X	X				X
Retail Goods: Showroom											X	X				X
Self-Storage Facility: Climate-Controlled											PC	PC				
Self-Storage Facility: Outdoor												PC				
Shooting Range, Indoor												PC				
Specialty Food Service											X	X				X
Stadium												C				
Vehicle Auction Facility																
Vehicle Dealership: Enclosed											X	X				
Vehicle Dealership: Outdoor											PC	X				
Vehicle Rental: Enclosed											X	X				
Vehicle Rental: Outdoor											PC	X				

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Vehicle Repair Facility: Major																
Vehicle Repair Facility: Minor											C/PC	C/PC				
Institutional and Governmental Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Adult Care Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Childcare Center	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				PC
Childcare Center, Large									PC		PC	PC				PC
Community Center	X	X	X	X	X	X	X	X	X		X	X				X
Correctional Facility																
Cultural Facility											X	X				X
Educational Facility - Pre-School	X	X	X	X	X	X	X	X	X		X	X				X
Educational Facility - Primary or Secondary	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - University or College	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Educational Facility - Vocational	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Government Office/Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Place of Worship	X	X	X	X	X	X	X	X	X		X	X				X
Public Safety Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X	X	X	X	X
Public Works Facility																
Public Health and Social Service Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Addiction Treatment Facility, Residential																
Alternative Correction Facility																
Children's Home								X	X							
Domestic Violence Shelter	X	X	X	X	X	X	X	X	X							
Drug Treatment Clinic											PC	PC				
Food Bank																
Food Pantry	PC	PC	PC	PC	PC	PC	PC	PC	PC		X	X				
Halfway House																
Healthcare Institution											X	X				X
Homeless Shelter											PC	PC				
Social Service Facility											X	X				
Campus Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Continuum Care Retirement Community (CCRC)													PC	PC		
Educational Campus													X	X		
Government Campus													X	X		
Medical Campus													PC	PC		
Office Campus															PC	
Religious Campus													PC	PC		
Social Service Campus													X	X		
Industrial Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Agriculture - Industrial Processes																

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Airport																
Airstrip																
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium																
Industrial, Craft											X	X				PC
Industrial, General																
Industrial, Light																PC
Landfill, Land Clearing & Inert Debris (LCID)	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG
Light Assembly																PC
Movie Studio											C/PC	C/PC				C/PC
Outdoor Storage Yard																
Quarry																
Rail Freight Terminal																
Recycling Collection Center																
Salvage and/or Junk Yard																
Solar Farm											X	X				
Truck Terminal																
Warehouse and Distribution Center																
Waste Management Facility																
Wholesale Goods Establishment												X				
Wind Farm																
Transportation Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Parking Lot (Principal Use)											X	X				
Parking Structure (Principal Use)											X	X				X
Passenger Terminal												X				
Public Transit Facility	PC	PC	PC	PC	PC	PC	X	X	X		X	X				X
Truck Stop																
Vehicle Operations Facility												X				
Open Space, Recreation, and Agricultural Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Boarding Stables, Commercial	PC	PC	PC	PC	PC	PC										
Campground	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC										
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC							PC
Driving Range											X	X				
Farm	PC	PC	PC	PC	PC	PC	PC	PC	PC							
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course	X	X	X	X	X	X	X	X	X		X	X				
Marina	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							

Table 15-1: Use Matrix Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, MHP Zoning District, Commercial Zoning Districts, Campus Zoning Districts																
Uses	Zoning Districts															
	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Private Recreation Club	X	X	X	X	X	X	X	X	X							
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Mobile Car Wash											PC	PC				
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	N1-A	N1-B	N1-C	N1-D	N1-E	N1-F	N2-A	N2-B	N2-C	MHP	CG	CR	IC-1	IC-2	OFC	RC-1
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC	PC
Childcare Center, Accessory to Employment											X	X				X
Drive-Through Facility											PC	PC				
Dwelling - Accessory Unit (ADU)	PC	PC	PC	PC	PC	PC	PC	PC								
Helistop																PC
Home Occupation	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC						
Outdoor Entertainment											PC	PC				
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC				
Outdoor Seating/Activity Area											PC	PC				PC
Private Stables	PC	PC	PC	PC	PC	PC										

Table 15-1: Use Matrix Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Residential Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Adult Care Home													
Childcare Center in Residence													
Dormitory			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Live Work			X	X	X	X	X	X	X	X	X	X	X
Dwelling - Manufactured Home													
Dwelling – Duplex													
Multi-Family Dwelling Attached Unit			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Multi-Family Dwelling Stacked Unit			X	X	X	X	X	X	X	X	X	X	X
Dwelling – Quadraplex													
Dwelling – Single-Family													
Dwelling – Townhouse			PC	PC	PC	PC	PC		PC		PC	PC	PC
Dwelling – Triplex													
Family Childcare Home													
Group Home			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Manufactured Home Park													
Multi-Dwelling Development			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Residential Care Facility			X	X	X	X	X			X	X	X	X
Rooming House													
Single Room Occupancy (SRO)			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Commercial Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Adult Electronic Gaming Establishment	PC	PC											
Adult Use	PC	PC											
Amusement Facility - Indoor			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Amusement Facility - Outdoor	PC												
Animal Care Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Animal Shelter	PC		PC										
Art Gallery			X	X	X	X	X	X	X	X	X	X	X
Arts or Fitness Studio			X	X	X	X	X	X	X	X	X	X	X
Bed and Breakfast													
Broadcasting Facility - No Antennae			X		X	X	X	X	X	X	X	X	X
Broadcasting Facility - With Antennae	PC	PC											
Car Wash													
Commercial Kitchen	PC		PC										
Contractor Office with Outdoor Storage	PC	PC											
Convention Center							X	X		X		X	

Table 15-1: Use Matrix													
Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Drive-Through Establishment	PC	PC											
Employment/Labor Service Agency	PC	PC											
Financial Institution			X	X	X	X	X	X	X	X	X	X	X
Funeral Home													
Gas Station	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC							C/PC
Greenhouse/Nursery - Retail													
Greenhouse/Nursery - Wholesale	X												
Heavy Rental and Service Establishment	X												
Heavy Retail Establishment	X												
Hotel/Motel			X		X	X	X	X	X	X		X	
Industrial Design	X	X	X	X	X	X	X	X	X	X	X	X	X
Kennel	PC												
Live Performance Venue - Indoor			X	X	X	X	X	X	X	X	X	X	X
Lodge/Meeting Hall			X	X	X	X	X	X	X	X	X	X	X
Medical/Dental Office			X	X	X	X	X	X	X	X	X	X	X
Micro-Production of Alcohol			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Neighborhood Commercial Establishment													
Nightclub			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Office	PC	PC	X	X	X	X	X	X	X	X	X	X	X
Outdoor Market			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Personal Service Establishment			X	X	X	X	X	X	X	X	X	X	X
Raceway/Dragstrip		C											
Reception Facility			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Research and Development (R&D)	X	X	X		X	X	X	X	X	X	X	X	X
Restaurant/Bar	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Retail Goods Establishment			X	X	X	X	X	X	X	X	X	X	X
Retail Goods: Showroom	X		X	X	X	X	X	X	X	X	X	X	X
Self-Storage Facility: Climate-Controlled	PC		PC		PC								PC
Self-Storage Facility: Outdoor	PC												
Shooting Range, Indoor	PC	PC	PC										
Specialty Food Service	X		X	X	X	X	X	X	X	X	X	X	X
Stadium	C						C	C	C				
Vehicle Auction Facility	X	X											
Vehicle Dealership: Enclosed			X		X	X	X	X	X				X
Vehicle Dealership: Outdoor	X												
Vehicle Rental: Enclosed			X		X	X	X	X	X	X	X	X	X
Vehicle Rental: Outdoor	X	X			PC	PC	PC						
Vehicle Repair Facility: Major	C/PC	C/PC											

Table 15-1: Use Matrix													
Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Vehicle Repair Facility: Minor	C/PC		C/PC	C/PC	C/PC	C/PC							C/PC
Institutional and Governmental Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Adult Care Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center, Large			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Community Center			X	X	X	X	X	X	X	X	X	X	X
Correctional Facility	C	C						C					
Cultural Facility			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Pre-School			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Primary or Secondary			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - University or College			X	X	X	X	X	X	X	X	X	X	X
Educational Facility - Vocational	X	X	X	X	X	X	X	X	X	X	X	X	X
Government Office/Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Place of Worship			X	X	X	X	X	X	X	X	X	X	X
Public Safety Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Works Facility	X	X											
Public Health and Social Service Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Addiction Treatment Facility, Residential			X		X	X	X	X	X	X	X	X	X
Alternative Correction Facility			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Children's Home			X	X	X	X	X	X	X	X	X	X	X
Domestic Violence Shelter			X	X	X	X	X	X	X	X	X	X	X
Drug Treatment Clinic					PC	PC	PC	PC	PC	PC		PC	
Food Bank	X	X											
Food Pantry	X		X	X	X	X	X	X	X	X	X	X	X
Halfway House			PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Healthcare Institution			X		X	X	X	X	X	X	X	X	X
Homeless Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Social Service Facility			X	X	X	X	X	X	X	X	X	X	X
Campus Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Continuum Care Retirement Community (CCRC)													
Educational Campus													
Government Campus													
Medical Campus													
Office Campus													
Religious Campus													
Social Service Campus													
Industrial Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Agriculture - Industrial Processes		PC											

Table 15-1: Use Matrix													
Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Airport		X											
Airstrip	PC	PC											
Beneficial Fill Site	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Crematorium	PC	PC											
Industrial, Craft	X	X	PC		PC	PC	PC	PC	PC	PC	PC	PC	PC
Industrial, General		PC											
Industrial, Light	PC	PC	PC										
Landfill, Land Clearing & Inert Debris (LCID)	PG	C/PC	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG	PG
Light Assembly	X	X	PC										
Movie Studio	PC	PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC	C/PC
Outdoor Storage Yard	PC	PC											
Quarry		C/PC											
Rail Freight Terminal		X											
Recycling Collection Center	PC	PC											
Salvage and/or Junk Yard		PC											
Solar Farm	X	X											
Truck Terminal		X											
Warehouse and Distribution Center	X	X											
Waste Management Facility		PC											
Wholesale Goods Establishment	X	X											
Wind Farm	X	X											
Transportation Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Parking Lot (Principal Use)	X	X	X	X	X						X		X
Parking Structure (Principal Use)	X	X	X		X	X	X	X	X	X	X	X	
Passenger Terminal			X			X	X	X	X	X		X	
Public Transit Facility	X	X	X	X	X	X	X	X	X	X	X	X	X
Truck Stop	X	X											
Vehicle Operations Facility	X	X											
Open Space, Recreation, and Agricultural Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Boarding Stables, Commercial													
Campground													
Cemetery	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Conservation Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Community Garden			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Driving Range	X												
Farm													
Farm, Bona Fide - Charlotte ETJ Only	X	X	X	X	X	X	X	X	X	X	X	X	X
Golf Course							X						

Table 15-1: Use Matrix													
Manufacturing and Logistics Zoning Districts, Neighborhood Center Zoning Districts, Community Activity Center Zoning Districts, Regional Activity Center Zoning Districts, Transit Oriented Development Zoning Districts													
Uses	Zoning Districts												
	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Marina													
Private Recreation Club			X	X	X	X	X	X	X	X	X	X	X
Public Park	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Infrastructure	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Utility (Includes Transmission & Distribution)	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Mobile Car Wash	PC												
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Real Estate Project Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Contractor's Office and Contractor's Yard	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Sales			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Temporary Outdoor Storage Container	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Accessory Uses	ML-1	ML-2	IMU	NC	CAC-1	CAC-2	RAC	UC	UE	TOD-UC	TOD-NC	TOD-CC	TOD-TR
Accessory Shelter	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center, Accessory to Employment	X	X	X	X	X	X	X	X	X	X	X	X	X
Drive-Through Facility	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC
Dwelling - Accessory Unit (ADU)													
Helistop	PC	PC					PC	PC	PC	PC		PC	
Home Occupation			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Entertainment			PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Sales and Display	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Outdoor Seating/Activity Area	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Private Stables													

15.3 USE DEFINITIONS

The principal, temporary, and accessory uses in Table 15-1 are defined as follows:

Accessory Shelter. A housing shelter in an accessory building located on the same site as a principal building, or located on a site owned, and operated by religious, civic, fraternal, social, institutional, or governmental agency providing free accessory lodging for indigent individuals and/or families with no regular home or residential address.

Addiction Treatment Facility, Residential. A licensed care facility that provides 24 hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation and treatment of addiction. Such facilities may include medical detoxification.

Adult Care Center. A facility where an individual, agency, or organization provides supervision or care for more than six adults in a place other than their usual place of abode.

Adult Care Home. A dwelling where housing management provides 24 hour scheduled and unscheduled personal care services care for no more than six adults.

Adult Electronic Gaming Establishment. An establishment where patrons utilize electronic machines, including, but not limited to, computers, gaming tables, and gaming terminals to play games dependent on skill or dexterity in exchange, through redemption and/or other distribution, for cash, merchandise, or other items of value. This definition includes, but is not limited to, arcade, fish arcade, fish game(s), fish table(s), skill arcade, and skilled arcade. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or any electronic machines that test a patron's skill or dexterity but do not provide the patron an award of cash, merchandise, or other items of value based on their skill or dexterity.

Adult Use. Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified below and as may be further specified in North Carolina General Statute 14-202.10. An adult use may also be called an "adult establishment."

1. Adult Bookstore. A bookstore:

a. Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or

b. Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

2. Adult Live Entertainment. Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.

3. Adult Live Entertainment Business. Any establishment or business wherein adult live entertainment is shown for observation by patrons.

4. Adult Motion Picture Theatre. An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theatre does not include any adult mini motion picture theatre, as defined in this section.

5. Adult Mini Motion Picture Theatre. An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.

6. Sex Club. An establishment that allows members to engage in specified sexual activities with other patrons, or the exposure of specified anatomical areas. Sex clubs may include, but are not limited to, rooms for the use of members, provision of sexually oriented devices, and organization of sex-related activities.

7. Sexually-Oriented Devices. Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

8. Specified Anatomical Areas.

a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; or 3) female breast below a point immediately above the top of the areola; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. Specified Sexual Activities.

a. Human genitals in a state of sexual stimulation or arousal.

b. Acts of human masturbation, sexual intercourse or sodomy.

c. Fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts.

Agriculture - Industrial Processes. A use that involves a variety of operations on crops and/or livestock which typically generate significant dust, noise, odors, pollutants, and/or visual impacts that can adversely affect adjacent properties. This includes, but is not limited to, concentrated animal feeding operations (CAFO), slaughterhouses, mills, dairy farms, and commercial composting.

Airport. Facilities for the takeoff and landing of aircraft, including but not limited to runways, aircraft storage buildings, cargo storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, on airport parking products, and airport auxiliary facilities, including fueling, fences, lighting, and antennae systems, on-premise signs, driveways, and access roads. Airport includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility. Airport also includes facilities for the aid and comfort of the traveling public.

Airstrip. A runway or landing area designed, used, or intended to be used for the landing and taking off of aircraft.

Alternative Correctional Facility. A residential facility for adults or minors that is court ordered as an alternative to incarceration.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, arcades, bowling alleys, skating centers, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Indoor amusement facility does not include stadiums.

Amusement Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as amusement parks, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Outdoor amusement facility does not include stadiums.

Animal Care Facility. An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays by their owners.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Animal shelters do not include public facilities that shelter and train canine and/or equine units of public safety agencies.

Art Gallery. An establishment that sells, loans, and/or displays paintings, sculpture, photographs, video art, or other works of art.

Art or Fitness Studio. An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, pottery, jewelry-making, music, painting, gymnastics, pilates, or yoga. An art or fitness studio also includes private exercise studios for private sessions with trainers and/or private classes.

Bed and Breakfast. A single-family detached dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators) and prepares meals for guests.

Beneficial Fill Site. A site operated to recontour land for the purpose of improving land use potential or for other beneficial reuse as defined by the North Carolina Solid Waste Management Rules, 15A NCAC 13B and by N.C.G.S. Chapter 130A. It involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Excavation, grading, and fill activity shall not be considered a beneficial fill site if such activity is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel, or rock originating on such property or development project.

Boarding Stables, Commercial. A building, or multiple buildings, designed for the keeping and maintenance of horses for a fee or other compensation.

Broadcasting Facility - No Antennae. Communications facilities for radio, internet, television broadcasting and receiving stations, and studios. Broadcasting facility - no antennae does not include facilities with freestanding radio and television towers, but may include dish antennas.

Broadcasting Facility - With Antennae. Communications facilities, including radio, internet, television broadcasting and receiving stations, and studios, and including freestanding antenna towers located outdoors.

Campground. Land used for transient occupancy by camping in tents and recreational vehicles, such as camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

Car Wash. An establishment for the washing, cleaning, and detailing of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configurations.

Cemetery. Land and structures, such as columbaria, reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Childcare Center. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to between 13 and 79 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Childcare Center, Accessory to Employment. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center, accessory to employment is a facility operated solely for the use of employees of a business or businesses, such as offices, industrial uses, or other employment uses, within the development.

Childcare Center in Residence. A facility run by an individual residing in a single family dwelling, that provides supervision or care on a regular basis in the individual's home for six to 12 pre-school children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center in residence shall be licensed by the North Carolina Department of Health and Human Services.

Childcare Center, Large. An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to 80 or more children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Children's Home. A residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them.

Commercial Kitchen. A shared commercial grade kitchen in which individuals or businesses prepare value-added food products and meals, usually paying an hourly, daily, weekly, or monthly rate to lease a space shared by others.

Community Center. A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

Community Garden. Land used to grow and harvest food and non-food crops for personal or group use, consumption, or donation, that is managed and maintained by a group of individuals or a nonprofit.

Conservation Area. Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education facilities.

Continuum Care Retirement Community (CCRC). A large-scale residential development that provides continuum of care as residents age. Continuum care retirement community (CCRC) developments include a range of housing and care levels based on senior residents' needs and how those needs progress, from independent living to nursing care. A CCRC development may consist of a range of dwelling types and independent living facilities including single-family, duplex, townhouse, triplex, quadraplex, and multi-family dwellings, and may include both indoor and outdoor recreational facilities for the use of residents and their guests.

Contractor Office with Outdoor Storage. Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. A contractor office with no outdoor storage is considered an Office.

Convention Center. A facility designed and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with other operations such as, but not limited to, temporary outdoor displays and food and beverage preparation and service for on-premise consumption.

Correctional Facility. A facility established for the temporary detention of persons while being processed for arrest or detention by law enforcement.

Crematorium. A facility for the cremation of the deceased.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, noncommercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

Domestic Violence Shelter. A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Dormitory. A building intended or used principally for sleeping accommodations that is part of an educational or public institution, including religious institutions. A common kitchen and common gathering rooms for social purposes may also be provided.

Drive-Through Establishment. A business where transactions only occur directly with customers via a service window, kiosk, or other configuration where customers remain in their vehicle.

Drive-Through Facility. That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle.

Driving Range. A tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

Drug Treatment Clinic. A licensed facility authorized by the state to administer drugs including, but not limited to, methadone and suboxone, in the treatment, maintenance, or detoxification of persons. Drug treatment clinic also includes needle exchange facilities where injecting drug users (IDUs) may obtain hypodermic needles and associated paraphernalia at little or no cost.

Dwelling - Accessory Unit (ADU). An additional dwelling unit associated with and incidental to a principal dwelling. An accessory dwelling unit (ADU) shall include separate cooking and sanitary facilities and is a complete, separate dwelling unit. The ADU may be within or attached to the principal dwelling unit or within a detached accessory structure, such as a garage. ADUs are not permitted in recreational vehicles, travel trailers, campers, or any other type of motor vehicle.

Dwelling - Live/Work. A principal structure that combines a dwelling unit with a commercial use permitted in the zoning district that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Ordinance. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling - Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

1. For manufactured homes built before June 15, 1976, manufactured home means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

2. Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction.

Dwelling – Duplex. A structure containing two dwelling units.

Dwelling – Multi-Family. A structure containing five or more dwelling units, with dwelling units either stacked or attached horizontally. A multi-family dwelling may be designated senior living when there are age restrictions in place to limit occupancy.

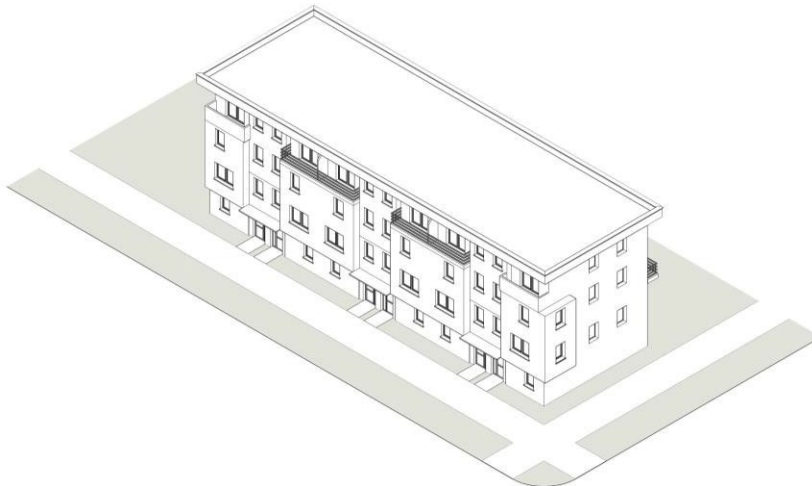
1. **Multi-Family Dwelling Attached Unit.** Attached unit design refers to multi-family residential structure designed with primarily side-by-side dwelling units, each with an individual entry.

MULTI-FAMILY DWELLING ATTACHED UNIT



2. **Multi-Family Dwelling Stacked Unit.** Stacked unit design refers to multi-family residential structure designed with multiple dwelling units accessed by one or more common entryways. Units may have individual entrances for ground floor units.

MULTI-FAMILY DWELLING STACKED UNIT



Dwelling - Quadraplex. A structure containing four dwelling units.

Dwelling – Single-Family. A structure containing only one dwelling unit.

Dwelling – Townhouse. A structure consisting of five or more dwelling units, the interior of which is configured in a manner such that the dwelling units are attached horizontally, separated by a party wall, and each is located on a separate subplot.

Dwelling - Triplex. A structure containing three dwelling units.

Educational Campus. The grounds and buildings of an educational facility, which includes academic buildings, research facilities, dormitories, and other student housing through the educational institution, faculty and staff housing, fraternities/sororities, dining halls and cafeterias for the use of students, teachers, and staff, as well as indoor and outdoor recreational facilities, stadiums, broadcast facility, cultural facilities, and auditoriums that may also accommodate the general public. An educational campus may be a primary or secondary school, a university or college, a vocational school, or a combination of such. For university or college campuses, supportive commercial uses, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted for the primary use of students, teachers, and staff. Fraternities/sororities shall be a chartered fraternal or sororal membership organization or association, used as a residence and/or a dining and recreational facility for members of organizations or associations who are students at a university, which permits the organization or association to use its facilities because of the relationship of such organization or association to the body of students enrolled in such institution.

Educational Facility - Pre-School. An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

Educational Facility - Primary or Secondary. A facility that offers instruction at the elementary, middle, junior, and/or high school levels, including associated indoor or outdoor recreational facilities.

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include additional uses as part of the principal use such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

Employment/Labor Service Agency. A business that provides employment services for temporary or transient employment of semi-skilled and unskilled workers, and operates as a labor pool where workers gather on-site for job placement.

Family Childcare Home. A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for eight or fewer children who are not related by blood or marriage to, and are not the legal wards or foster children of, the supervising adult. Family childcare homes shall be licensed by the North Carolina Department of Health and Human Services.

Farm. Land used primarily for the growing of crops, produce, and/or flowers. Horses and/or other livestock may also be raised for personal use.

Farm, Bona Fide - Charlotte ETJ Only. A bona fide farm is a farm as defined within N.C.G.S. § 160D-903, or as may be amended, and is located within the Charlotte extraterritorial jurisdiction (ETJ).

Financial Institution. A bank, savings and loan, credit union, or mortgage office. Financial Institutions also include alternative financial service (AFS) that are provided outside a traditional banking institution, including check cashing establishments and currency exchanges.

Food Bank. A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to individuals from a food bank.

Food Pantry. A non-profit organization that provides food directly to individuals. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay.

Golf Course. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as additional uses as part of the golf course. A driving range may be included as part of a golf course. A private recreation club may include a golf course as part of the principal use of a private recreation club.

Government Office/Facility. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices/facilities do not include public safety or public works facilities.

Government Campus. A development designed to accommodate government offices and facilities in one or more buildings, including public safety and defense facilities, such as police academies and armories, and correctional facilities. Supportive commercial uses for the primary use of government campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Greenhouse/Nursery - Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Greenhouse/Nursery - Wholesale. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold in bulk to retailers, other professional business users, and/or other wholesalers.

Group Home. Group home means a "Family Care Home" as defined in N.C.G.S § 160D-907. A group home is a home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. Person with disabilities are defined as a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including persons with a mental illness who are dangerous to others as defined in G.S. 122C-3(11)b. In addition, a group home also means a residential use, even if it does not conform to the language above, that provides a residential environment which may require various services, living assistance, or supervision but does not include any facility that provides medical services requiring or comparable to on-site, nursing, physician, or medical care for the occupants which is only permitted in a dependent living facility or health.

Halfway House. A residential facility for persons who have been institutionalized for criminal conduct and require a group setting to facilitate the transition to society.

Healthcare Institution. Facilities for primary health services and medical or surgical care to people, primarily in-patient overnight care, and including related facilities such as laboratories, outpatient facilities, dormitories, educational facilities, cafeterias, retail sales, and similar uses.

Heavy Rental and Service Establishment. Rental and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, amusement equipment rental, and rental and repair of heavy equipment.

Heavy Retail Establishment. Retail centers of a heavier and/or larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments.

Helistop. Land or part of a structure used for the landing of helicopters.

Home Occupation. An activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling.

Homeless Shelter. A facility that provides overnight, temporary, or transitional shelter and services to the homeless in general.

Hotel/Motel. A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses may include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A hotel/motel has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Industrial Design. An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but cannot mass manufacture products on the premises.

Industrial, Craft. Artisan-related crafts and industrial processes that are more intensive uses, such as metalworking, glassblowing, woodworking, furniture making, and food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol is regulated separately from craft industrial.

Industrial, General. The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof, in such a manner as to change the form, character, and/or appearance. General industrial may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users.

Industrial, Light. Within a wholly enclosed building, the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or outdoor storage.

Kennel. A facility for the breeding and raising of domestic animals for sale.

Landfill, Land Clearing, and Inert Debris (LCID). A facility for the land disposal of inert debris, land clearing debris, yard waste, and untreated and unpainted wood.

Light Assembly. The assembly of previously manufactured parts within a fully enclosed structure that does not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building.

Live Performance Venue - Indoor. An indoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. This does not include any adult use or stadium.

Lodge/Meeting Hall. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Manufactured Home Park. A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

Marina. A facility with navigable water access for docking or storage of boats or providing services to boats and the occupants thereof. Services may include minor servicing and repair to boats while in the water, sale of fuel and supplies, food, beverages, and entertainment as accessory uses. A yacht club is considered a marina.

Medical Campus. The grounds and buildings of a healthcare institution, providing primary health services and medical or surgical care to people, including in-patient overnight care, as well as research and development facilities, medical/dental educational facilities, and medical/dental offices. A medical campus may include dormitories and other housing through the medical institution, dining rooms, cafeterias, gift shops, and pharmacies for the use of staff, patients, and visitors. Supportive commercial uses for the primary use of medical campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Medical/Dental Office. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Micro-Production of Alcohol. A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. A tasting room is an area within the premises of the brewery's production facilities where guests may sample the brewery's products. When the production facilities exceed the maximum square footage allowed by any prescribed conditions, the facility is not considered micro-production of alcohol, but rather an industrial use.

Mobile Car Wash. A temporary service, and its associated equipment, for the washing, cleaning, and detailing of motor vehicles by hand. A mobile car wash operates from a fixed location to offer services to multiple cars on that site for a limited period of time.

Mobile Food Vendor. A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Mobile Retail Vendor. A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance.

Movie Studio. Facilities for the production of motion pictures and film, including stages, exterior sets, film laboratories, sound recording facilities, construction, repair and storage facilities, caretaker and temporary housing, related commercial vehicles, and accessory fabrication activities.

Multi-Dwelling Development. A development consisting of two or more single-family, duplex, triplex, quadraplex, and/or multi-family principal buildings located on a lot or parcel of land under single ownership, and planned and developed with a unified design of buildings and coordinated open space and service areas. Only those dwelling types allowed within the zoning district are allowed within the multi-dwelling development.

Neighborhood Commercial Establishment. Select commercial uses located within a residential neighborhood to serve the surrounding residents.

Nightclub. An establishment that provides entertainment of a participatory nature, including disc jockeys, by providing a place for dancing designed with an area designated as a dance floor, including any stage area; however, portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas.

Office. An establishment that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair or sale of products for immediate purchase and removal from the premise by the purchaser.

Office Campus. A development of one or more buildings designed to accommodate offices, corporate headquarters, research and development, broadcast facilities, and/or fully enclosed light assembly with no outdoor storage. An office campus may also include hotels/motels, medical/dental offices, and a healthcare institution of 25,000 square feet or less in gross floor area. Supportive commercial uses for the primary use of office campus staff and visitors, such as of retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Outdoor Entertainment. Outdoor entertainment as an accessory use means presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar live performances, or the presentation of a live or pre-recorded major sporting event, media event, movie, or similar. Outdoor entertainment occurs on the premises of, but outside of, a restaurant, bar, amusement facility, or similar uses. Entertainment occurs outdoors when it is outside a permanently enclosed area.

Outdoor Market. A market consisting of booths, tables, platforms, mobile units, or similar displays where producers and/or growers sell fresh food, flowers and plants, value-added products, and artisan wares at stalls or mobile units in a permanent outdoor location. Individual vendors may operate one or more booths, under the supervision of a market proprietor, who rent or otherwise arrange for assigned space(s) for each vendor.

Outdoor Sales and Display. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Seating/Activity Area. An outdoor seating/activity area as an accessory use is located outside the permanent enclosed area, and is used for seating, for food and/or beverage consumption, and/or participatory activities such as trivia or skill games like darts. This includes, but is not limited to, areas such as patios, decks, rooftops, and open areas.

Outdoor Storage Yard. The storage of materials, supplies, equipment, vehicles, and similar items outdoors as the principal use of land. Salvage and/or junk yard is a separate use from outdoor storage yard.

Parking Lot (Principal Use). A lot, which excludes any public or private street, used for the parking of operable vehicles, whether for compensation or at no charge. A parking lot (principal use) is not accessory to or associated with any other use on the same or any other lot.

Parking Structure (Principal Use). A structure or portion of a structure used for the parking of operable vehicles, whether for compensation or at no charge. A parking structure (principal use) is not accessory to or associated with any other use on the same or any other lot.

Passenger Terminal. A facility for the assembly and dispersal of travelling passengers by means of intercity rail, bus, or other mode of transit, including offices for such services, and additional uses such as passenger waiting areas, restaurants, and retail establishments. Passenger terminal does not include airport or CATS public transit facilities.

Personal Service Establishment. An establishment that provides services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, body modification establishments (e.g., tattoos, piercing, etc.), tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Place of Worship. A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Private Recreation Club. An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses.

Private Stables. The keeping of equines for private use and not for remuneration, hire, or sale.

Public Park. A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include noncommercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheaters, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances. Greenways are not considered a public park (see Article 2 for greenway definition).

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles, and training exercises. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

Public Transit Facility. Facilities operated as part of the public transit system, which shall include park-and-ride lots, park-n-ride garage, station platforms, bus transfer stations, rideshare mobility hubs, and other transit appurtenances required for the operations and use of public transit service. For the purposes of this Ordinance, bus shelters and rapid transit shelters that are not fully enclosed are not considered buildings.

Public Works Facility. A facility operated by and for the use of the municipal public works departments or other governmental agency to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles and training exercises.

Quarry. A type of open pit mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, or slate is excavated from the ground.

Raceway/Dragstrip. A facility built for racing of vehicles that may include grandstands and/or concourses for viewing. A raceway/dragstrip may also include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales.

Rail Freight Terminal. A heavy rail facility for freight pick-up or distribution that may include intermodal distribution facilities for truck or shipping transport.

Real Estate Project Sales Office. A real estate project sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office.

Reception Facility. A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, corporate events, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Recycling Collection Center. An area containing one or more recycling containers operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials, such as paper, plastics, glass, and cardboard. A recycling collection center may also collect household chemicals and computer equipment, including, but not limited to, household cleaners, oil-based paints, solvents, cell phones, compact fluorescent light bulbs, and computers.

Religious Campus. The grounds and buildings of a place of worship where regular assembly of persons for religious purposes and related social events occurs and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. A religious campus may include supporting office uses, childcare centers, and classrooms for religious study. Supportive commercial uses for the primary use of religious campus staff and visitors, such as retail goods establishments, personal service establishments, and restaurants, are permitted.

Research and Development (R&D). A facility where research and development are conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, information technology, electronics and instrumentation, and computer hardware and software.

Residential Care Facility. A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

Restaurant/Bar. An establishment where food and/or alcoholic beverages are provided to the public for on-premises consumption and/or food may be sold for off-premise consumption through carry-out service.

Retail Goods Establishment. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. A retail goods establishment does not include specialty food service.

Retail Goods Showroom. An establishment where products are displayed for sale, such as furniture, appliances, carpet, tile, or furnishings. Products are available for purchase but are typically not available for immediate removal from the premises.

Rooming House. A single-family dwelling where the property owner, who resides on-site, makes rooms available to tenants for compensation for a minimum of a seven consecutive day lease, and a common kitchen and common areas are shared between the owner and tenants.

Salvage and/or Junk Yard. A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

Self-Storage Facility: Climate-Controlled. A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Sales of related items, such as moving supplies, and facility management offices may also be included.

Self-Storage Facility: Outdoor. A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage. Sales of related items, such as moving supplies, and facility management offices may also be included.

Shooting Range, Indoor. A facility designed or used for shooting at targets with firearms, and which is completely enclosed within a building or structure. Police facilities for the training and practice of officers is not considered an indoor shooting range but rather a public safety facility.

Single Room Occupancy (SRO). A residential development where single rooms are rented individually as a permanent and/or primary residence, without kitchen or bathroom amenities in the rooms, for a weekly or monthly period of time for compensation. On-site management is provided on a 24 hour basis. A single room occupancy (SRO) has shared bathroom facilities and may have kitchen facilities, where both types of facilities are freely accessed by all building tenants.

Social Service Campus. The grounds and buildings of social service facilities that provide assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. A social service campus includes supporting office uses, medical/dental offices, childcare centers, recreational and exercise facilities, food pantries, and community centers. A social service campus may also include supportive housing such as dormitories, multi-family housing through the social service institution, group homes, children's homes, halfway houses, single room occupancy developments, homeless shelters, and domestic violence shelters.

Social Service Facility. A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

Solar Farm. A ground-mounted solar array operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Specialty Food Service. A facility that includes preparation, processing, canning, and/or packaging of food products where all processing is completely enclosed and there are no outside impacts or outdoor storage. Such business specializes in the sale of specific food products, such as a coffee roaster or candy maker, and offers areas for retail sales or restaurants that serve the products processed on-site.

Stadium. A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes. Stadiums may be indoor or outdoor.

Temporary Contractor's Office and Contractor's Yard. A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a temporary contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Outdoor Entertainment. A temporary entertainment event within an outdoor space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others.

Temporary Outdoor Sales. Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, plant sales, farmers markets, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers that are delivered to a residence or business owner for the purpose of storing belongings, and then may be picked up and returned to a warehouse until called for again.

Truck Stop. A facility that provides services to the trucking industry including, but not limited to, dispensing of fuel, repair, truck washes, restaurants, shower facilities, and/or overnight parking, all as part of the facility.

Truck Terminal. A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Utility (Includes Transmission and Distribution). Any facility, infrastructure, and/or equipment used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers. Utility also includes utility operation facilities where all activity occurs indoors.

Vehicle Auction Facility. A facility where vehicles are offered for sale to persons who bid on the vehicles in competition with each other. A vehicle auction facility includes outdoor storage of the vehicles to be sold.

Vehicle Dealership: Enclosed. An establishment that sells or leases new or used automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles with no outdoor storage or display of such vehicles on-site, including within a parking structure. An enclosed motor vehicle dealership may maintain an inventory of the vehicles for sale or lease off-site. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vehicle Dealership: Outdoor. An establishment that sells or leases new or used automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles with outdoor storage or display of such vehicles on-site. An outdoor motor vehicle dealership may maintain an additional inventory of the vehicles for sale or lease off-site. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of vehicle fleets including, but not limited to, emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, delivery vehicles, and public transit vehicle operations and maintenance facilities. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Rental: Enclosed. An establishment that rents motor vehicles and motorcycles, including incidental parking and servicing of vehicles with no outdoor storage and display of such vehicles on-site, including within a parking structure. An enclosed vehicle rental establishment may maintain an inventory of the vehicles for rent off-site.

Vehicle Rental: Outdoor. An establishment that rents motor vehicles and motorcycles, including incidental parking and servicing of vehicles with outdoor storage and display of such vehicles on-site. An outdoor vehicle rental establishment may maintain an additional inventory of the vehicles for rent.

Vehicle Repair Facility: Major. A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (e.g., upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include services considered minor vehicle repair.

Vehicle Repair Facility: Minor. A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

Warehouse and Distribution Center. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Waste Management Facility. Facilities for the recovery, disposal, depositing, processing, or storage of solid waste, including waste that requires special handling, such as hazardous waste and medical waste. Waste management facilities include sanitary landfills, construction and demolition landfills, solid waste collection sites, and solid waste transfer stations.

Wholesale Goods Establishment. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure within the general definition for wireless telecommunications:

1. **Wireless Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
2. **Wireless Facility.** A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.
3. **Wireless Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

15.4 PRINCIPAL USES: PRESCRIBED CONDITIONS**A. Adult Care Center**

1. An adult care center shall be licensed by the North Carolina Department of Health and Human Services.

B. Adult Care Home

1. A zoning use permit is required.
2. An adult care home is subject to the standards for a single-family dwelling unless modified by this section.
3. An adult care home shall be licensed by the North Carolina Department of Health and Human Services.
4. New adult care homes in an Neighborhood 1 Zoning District shall be separated from any existing adult care homes by a distance of 800 feet. This standard does not apply when the sites are separated by an arterial, Limited Access road, Parkway, Boulevard, or Avenue or a major topographical feature such as a major stream floodway.

C. Adult Electronic Gaming Establishment

1. A zoning use permit is required.
2. Minimum spacing requirements for adult electronic gaming establishments are as follows:
 - a. All adult electronic gaming establishments shall be separated by a distance of at least 1,000 feet from any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park. An adult electronic gaming establishment lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park within the 1,000 foot separation distance.
 - b. All adult electronic gaming establishments shall be separated by a distance of at least 1,000 feet from any other adult electronic gaming establishments.
 - c. No more than one adult electronic gaming establishments may be located within the same structure.
3. Adult electronic gaming establishments may operate from 8:00 a.m. to 10:00 p.m. (local time) each day, seven days per week.
4. The maximum number of machines/computers/tables/terminals for electronic gaming shall be limited to 20.
5. Along frontages, any windows of an adult electronic gaming establishment shall be clear glass allowing for visibility from the exterior through to the interior, with the exception of window signs as allowed by this Ordinance.
6. Adult electronic gaming establishments shall comply with all applicable federal, state, and local laws, including but not limited to, tax code, building code, fire code, and environmental health regulations.
7. The provisions of this section are not subject to variance by the UDO Board of Adjustment.

D. Adult Use

1. All adult uses shall be separated by a distance of at least 1,000 feet from any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park. An adult use lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any Neighborhood 1 or Neighborhood 2 Place Type, educational facility, place of worship, child care center, or public park within the 1,000 foot separation distance.

2. All adult uses shall be separated by a distance of at least 1,000 feet from any other adult use.
3. No more than one adult use may be located within the same structure.

E. Agriculture - Industrial Processes

1. The minimum area for agriculture - industrial processes shall be 20 acres.
2. All animal processing facilities shall be located 250 feet from any lot line.
3. This use is not permitted inside the Charlotte-Douglas International Airport's 65 DNL contour (reference map in Section 14.8)

F. Airstrip

1. An airstrip and all associated structures shall be located 100 feet from any lot line.
2. No part of the airstrip and any associated structures may be located within a required setback.

G. Alternative Correctional Facility

1. An alternative correction facility is subject to the standards for a single-family dwelling unless modified by this section.
2. New alternative correctional facilities shall be separated from existing alternative correctional facilities by a minimum of 800 feet.
3. Alternative correction facilities shall be limited to six residents.

H. Amusement Facility - Indoor

1. All windows and doors shall remain closed between the hours of 11:00 p.m. and 8:00 a.m.

I. Amusement Facility - Outdoor

1. When abutting an Neighborhood 1 or Neighborhood 2 Place Type, the outdoor activity area, including outdoor dining areas and outdoor entertainment areas, shall be located a minimum of 200 feet from such lot line. This does not include parking facilities.

J. Animal Care Facility

1. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, the exterior exercise area shall be located a minimum of at least 200 feet from such lot line.
2. Animal care facilities shall locate exterior pens, runs, training, and exercise areas to the side or rear of the building.
3. All exterior exercise areas shall be completely fenced.
4. Animal care facilities shall locate all overnight boarding indoors.

K. Animal Shelter

1. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, the exterior exercise area shall be located a minimum of 200 feet from such lot line.
2. Animal shelters shall locate exterior exercise areas to the side or rear of the building.
3. All exterior pens, runs, training, and exercise areas shall be completely fenced.
4. Animal shelters shall locate all overnight boarding indoors.

L. Bed and Breakfast

1. A zoning use permit is required.
2. Bed and breakfasts are subject to the standards for a single-family dwelling unless modified by this section.
3. The maximum number of guest rooms permitted is as follows:
 - a. Neighborhood 1 Zoning District: Four guest rooms.
 - b. All other zoning districts when permitted: Eight guest rooms.
4. All guest rooms and the occupants of the premises shall be in the principal residential single-family structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or guest rooms.
5. All guest rooms shall be accessed from the interior of the building. Separate exterior access to guest rooms is prohibited.
6. Guests are limited to a length of stay of no more than seven consecutive days.
7. Bed and breakfasts may provide food service only to guests lodging in the facility.
8. A property may only be used for either a short-term whole-dwelling rental, bed and breakfast, or rooming house at any one time.

M. Beneficial Fill Site

1. Beneficial fill sites 1/4 acre or greater on one parcel require a zoning use permit and site approval. Beneficial fill sites of less than 1/4 acre on one parcel do not require a zoning use permit or site approval and are exempt from this section, except for items 2, 3, and 4. In addition, item 5 shall be required if the beneficial fill site contains material such as concrete, concrete block, brick, or used asphalt.
2. The site shall be operated only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.
3. Final fill elements shall match or compliment adjacent surrounding topography. The final contours and drainage patterns of the fill area shall not adversely affect adjacent properties.
4. No fill, which includes used asphalt, shall be placed in any portion of a regulatory floodplain, including both the floodway and flood fringe area.
5. No portion of a beneficial fill site shall be located within 15 feet of any lot line. This includes structures, equipment storage, parking areas, and fill areas. However, during closure of the site, the 15-foot separation area may be filled if necessary to match or compliment adjacent surrounding topography.
6. The location of a beneficial fill site shall be indicated on a recorded plat. A recorded survey of the site is required after completion and must be submitted to the Planning Department.
7. Any such site may not be operated for more than 12 months.

N. Boarding Stables, Commercial

1. The minimum area for a commercial boarding stable shall be two acres.
2. All structures for the keeping and maintenance of animals, equipment, or manure and all manure piles, pits, or bins shall be located a minimum of 50 feet from any lot line.

3. The following activities are permitted as part of the operation of a commercial horse stable:

- a. Horse auctions.
- b. Horse breeding.
- c. Horse clinics.
- d. Horse demonstrations and exhibitions (horse shows), which may be conducted without a temporary use permit. This excludes spectator sport horse racing, which is prohibited.
- e. Boarding horses.
- f. Equine therapy.
- g. Renting horses for recreational riding.
- h. Riding lessons.

O. Broadcasting Facility - With Antennae

- 1. Radio and television tower antennas may exceed the zoning district height limits but shall be separated from any abutting lot line by one foot for every two feet in height above the permitted height.
- 2. In addition, if a broadcasting facility - with antennae is located on a lot that abuts a Neighborhood 1 or Neighborhood 2 Place Type, the radio or television tower antennas shall be setback from all lot lines a minimum of 110% of the tower height as measured from the base of the antenna.

P. Campground

- 1. The minimum area for a campground is six acres.
- 2. Campgrounds shall provide a common recreational area consisting of 100 square feet per campsite or recreational vehicle parking site.
- 3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for staff, and other uses and structures customarily associated with the operation of a campground are permitted.
- 4. Storage of equipment shall be within enclosed structures.
- 5. Year-round residency is prohibited at any campground. Use of tents or recreational vehicles as a principal residence is prohibited. This excludes any structures erected for an on-site caretaker or manager, which may be a year-round residency.
- 6. Individual campsites or recreational vehicle parking sites shall be set back a minimum of 100 feet from all lot lines.

Q. Car Wash

- 1. A Class C landscape yard shall be required along the side and rear lot lines, unless Article 20 requires a higher class of landscape yard.

R. Cemetery

- 1. Tombstones, crypts, monuments, columbaria, and mausoleums shall be located a minimum of 25 feet from any side or rear lot line that abuts an Neighborhood 1 or Neighborhood 2 Place Type and a minimum of ten feet from any side or rear lot line that abuts any other lot. In addition, they shall be a minimum of 40 feet from any lot line abutting a public or private street.
- 2. Crematoriums and funeral homes are only permitted within cemeteries of 100 acres or more.

3. All buildings shall be located a minimum of 100 feet from any lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. In addition, cemeteries shall be exempt from the following zoning district standards:

- a. Minimum build-to zones and build-to percentages
- b. Building articulation requirements
- c. Minimum transparency requirements
- d. Building design standards (excluding building materials)

S. Childcare Center

- 1. Each facility shall comply with all applicable federal and state regulations. The operator shall be licensed and such license displayed publicly.
- 2. Outdoor play space and equipment shall be located to the rear or side of the principal building.
- 3. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

T. Childcare Center in Residence

- 1. A zoning use permit is required.
- 2. Childcare centers in residence are subject to the standards for a single-family dwelling unless modified by this section.
- 3. A single-family dwelling containing a childcare center in residence shall be the primary residence of the operator/primary caregiver.
- 4. New childcare center in residence shall be separated from existing family childcare homes and existing childcare center in residence in an Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as part of a place of worship.
- 5. Outdoor play space and play equipment shall be located to the rear of the principal structure.
- 6. A childcare center in residence shall be limited to a maximum of two employees that reside outside of the residence at any one time.
- 7. The operator's children are not included in the count of the number of children allowed.

U. Childcare Center, Large

- 1. Each facility shall comply with all applicable federal and state regulations. The operator shall be licensed and such license displayed publicly.
- 2. Outdoor play space and equipment shall be located to the rear or side of the principal building.

V. Commercial Kitchen

- 1. Outdoor overnight parking and storage of vehicles such as food trucks and trailers associated with a commercial kitchen is prohibited in the IMU and RC-1 Zoning Districts.
- 2. Overnight parking and storage of vehicles such as food trucks and trailers associated with a commercial kitchen are allowed in other zoning districts and require a Class C landscape yard along the side and rear lot lines, unless Article 20 requires a higher class of landscape yard.

W. Community Garden

1. Areas of cultivation and accessory structures shall be set back as follows:
 - a. A minimum of five feet from side and rear lot lines.
 - b. A minimum of ten feet from any lot line abutting a street.
2. Accessory structures shall be limited to 15 feet in height and 120 square feet in area.
3. The keeping of livestock is prohibited.
4. The sale of items grown on-site is prohibited.

X. Conservation Area

1. Conservation areas shall be exempt from the following zoning district standards:
 - a. Minimum lot width and/or area
 - b. Minimum build-to zones and build-to percentages
 - c. Building articulation requirements
 - d. Minimum transparency requirements
 - e. Building design standards (excluding building materials)

Y. Continuum Care Retirement Community (CCRC)

1. To qualify as a continuum care retirement community (CCRC), a development shall include residential care facilities with a minimum combination of at least two of the following uses: independent living, assisted living housing, nursing care facilities, and hospice care, where the average length of stay in these type facilities is more than 45 days.
2. Supportive commercial uses of retail goods establishments, personal service establishments, restaurants, and childcare centers are permitted but are limited to the use of staff, residents, and their guests.

Z. Contractor Office with Outdoor Storage

1. Any outdoor storage area shall be located a minimum of 20 feet from any lot line. However, when abutting an Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage area shall be located a minimum of 200 feet from a lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.
2. A Class C landscape yard is required along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required.
3. Storage of any kind is prohibited outside the required fence in item 2 above.
4. No items stored within 50 feet of the fence or wall may exceed the height of the fence or wall in the landscape yard.

AA. Crematorium

1. A crematorium shall be located a minimum of 400 feet from any lot line abutting a Neighborhood 1 or Neighborhood 2 Place Type.

BB. Dormitory

1. Dormitories in the Neighborhood 2 Zoning Districts shall be subject to the standards for multi-family dwellings within the zoning district.

CC. Drive-Through Establishment

1. All drive-through establishments, except restaurants, shall provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Restaurants shall provide a minimum of eight stacking spaces per lane or bay. The space at the service window is counted in this minimum number of stacking spaces.
2. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.
3. Drive-through lanes and drive aisles located between the street and the facade of the building shall require parking lot screening per Section 20.5 .
4. A stacking space shall be a minimum of nine feet in width and 18 feet in length.
5. All components of a drive-through including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive up windows, shall be located to the rear or side of the building.

DD. Drug Treatment Clinic

1. All drug treatment clinics shall be separated by a distance of at least 800 feet from any Neighborhood 1 or Neighborhood 2 Place Type.
2. All drug treatment clinics shall be separated by a distance of at least 800 feet from any other drug treatment clinics.

EE. Dwelling – Duplex

1. In the N2-B Zoning District, duplex dwellings are permitted only as a component of a multi-dwelling development and subject to the standards of the N1-E Zoning District.

FF. Dwelling – Multi-Family Attached

1. Multi-family attached dwellings are limited to a maximum building length of 150 feet. This maximum building length may be increased to 400 feet if vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, are located to the side or rear of the building,
2. If the zoning district limits maximum building length with a stricter standard, such stricter standard controls.

GG. Dwelling - Quadraplex

1. In the Neighborhood 1 Zoning Districts, quadraplex dwellings are permitted only as follows:
 - a. Quadraplex dwellings are permitted only on arterial streets and a minimum of one unit within the structure shall be set aside for households earning 80% AMI or less. This restriction does not apply to the N1-F Zoning District.
 - b. In the case of a through lot, a quadraplex is only permitted if both frontages abut arterial streets.
2. In the N2-B Zoning District, quadraplex dwellings are permitted only as a component of a multi-dwelling development and subject to the standards of the N1-E Zoning District.

HH. Dwelling – Single-Family

1. In the N2-B Zoning District, single-family dwellings are permitted only as a component of a multi-dwelling development and subject to the standards of the N1-E Zoning District.

II. Dwelling – Townhouse

1. Townhouse dwelling developments are limited to a maximum building length of 150 feet. This maximum building length may be increased to 400 feet if vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, are located to the side or rear of the building,
2. If the zoning district limits maximum building length with a stricter standard, such stricter standard controls.

JJ. Dwelling - Triplex

1. In the N2-B Zoning District, triplex dwellings are permitted only as a component of a multi-dwelling development and subject to the standards of the N1-E Zoning District.

KK. Educational Facility - Primary or Secondary

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

LL. Educational Facility - University or College

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

MM. Educational Facility - Vocational

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

NN. Employment/Labor Service Agency

1. An employment/labor service agency shall be separated by a distance of at least 800 feet from any other employment/labor service agency.
2. On-site management shall be required during the hours of operation. The manager shall be accessible to clients, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises.
3. The employment/labor service agency shall provide adequate seating for clients in an accessible waiting area. The waiting area shall allow for access to restrooms and water during the hours of operation.

OO. Family Childcare Home

1. A zoning use permit is required.
2. A family childcare home is subject to the standards for a single-family dwelling unless modified by this section.
3. New family childcare homes shall be separated from existing family childcare homes and childcare center in residence in the Neighborhood 1 Place Type by a distance of 400 feet. This does not include childcare centers operating as an accessory use to a place of worship.
4. Outdoor play space and play equipment shall be located to the rear of the principal structure.

5. A family childcare home shall be limited to a maximum of one employee that resides outside of the residence at any one time.
6. The operator's children are not included in the count of the number of children allowed.

PP. Farm

1. Activities that are considered an agriculture - industrial process, as defined in this section, are prohibited.
2. All structures for the keeping of animals shall be located 100 feet from any lot line.
3. Farmstands for the sale of items grown on the farm are permitted.
4. All manure may only be stored in appropriate containers. The containers shall be located at least 250 feet from any from any lot line. A pile containing putrescible refuse and/or manure is prohibited. Spreading of manure is prohibited.

QQ. Food Pantry

1. A food pantry in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

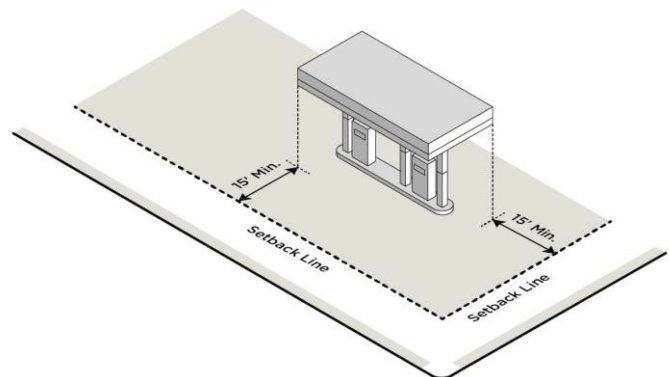
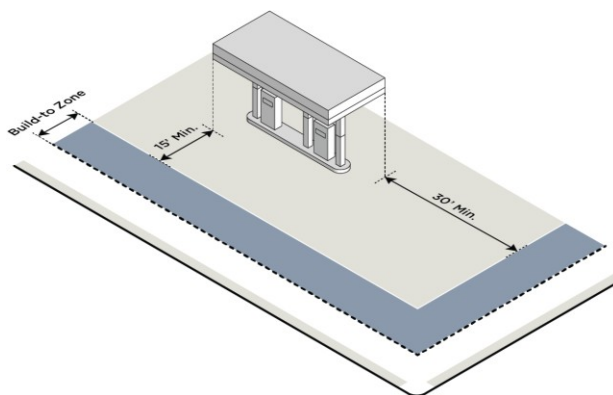
RR. Funeral Home

1. Funeral homes shall have primary vehicular access from a collector or arterial street.

SS. Gas Station

1. Gasoline pump islands shall be located no closer than 15 feet from any frontage setback line. This includes any area of a pad upon which a gas pump is installed.
2. Gas station canopies may be located in required build-to zones but shall be located a minimum of 15 feet from any required setback line abutting a street.
3. Gas stations must meet the standards of the district with the exception of minimum building length as a percentage of lot width along a frontage, minimum ground floor height, and minimum building height.

GAS STATION PUMP ISLAND SETBACKS



TT. Government Office/Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

UU. Group Home

1. A zoning use permit is required.
2. A group home is subject to the standards for a single-family dwelling unless modified by this section.
3. Group homes shall be licensed by the state.
4. Group homes in the Neighborhood 1 Zoning Districts shall be limited to a maximum of six residents. Group homes in all other zoning districts shall be limited to ten residents.
5. New group homes shall be separated from existing group homes in an Neighborhood 1 Place Type by a distance of 800 feet. This standard does not apply in circumstances when the sites are separated by a major thoroughfare, major topographical feature such as a major stream floodway, or by major nonresidential or public uses such as a public park, educational facility, place of worship, or commercial area.

VV. Halfway House

1. Each halfway house shall identify a manager to act as a 24 hour contact.
2. Halfway houses shall be limited to ten residents.
3. The manager contact information shall be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting shall contain the address of the property, the name of the manager of the property, and the phone number of the manager.

WW. Homeless Shelter

1. New homeless shelters shall be separated from existing homeless shelters by a minimum of 800 feet. This separation requirement does not apply in the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts.
2. Each homeless shelter shall identify a manager to act as a 24-hour contact.
3. The manager contact information shall be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting shall contain the address of the property, the name of the manager of the property, and the phone number of the manager.

XX. Industrial, Craft

1. In the IMU and RC-1 Zoning Districts, the following apply:
 - a. Each craft industrial use is limited to a maximum gross square footage of 30,000 square feet.
 - b. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the use is located in a building constructed prior to 1980.
 - c. Outside storage is prohibited. All business, servicing, processing, and storage uses shall be fully enclosed.

YY. Industrial, General

1. All outdoor storage and activity areas shall be located a minimum of 30 feet from any lot line. However, when abutting a Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage and activity areas shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.
2. All outdoor storage and activity areas require a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. Storage of any kind is prohibited outside the fence.
3. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

ZZ. Industrial, Light

1. In the IMU and RC-1 Zoning Districts, the following apply:
 - a. Outside storage is prohibited. All business, servicing, processing, and storage uses shall be fully enclosed.
 - b. Light industrial uses are limited to a maximum gross square footage of 30,000 square feet.
 - c. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the use is located in a building constructed prior to 1980.
2. All outdoor storage and activity areas shall be located a minimum of 30 feet from any lot line. However, when abutting a Neighborhood 1 or Neighborhood 2 Place Type, the outdoor storage and activity areas shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this setback.
3. All outdoor storage areas require a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. Storage of any kind is prohibited outside the fence.
4. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

AAA. Kennel

1. Any structure for the keeping of animals that is not completely enclosed shall be located between the principal structure and the side or rear lot line.
2. No more than 20% of the established rear setback shall be occupied by such structures. Such structures shall be located ten feet from any lot line.
3. When abutting a Neighborhood 1 or Neighborhood 2 Place Type, any exterior exercise area shall be located a minimum of 200 feet from such lot line.
4. Kennels shall locate exterior pens, runs, training, and exercise areas shall be located between the principal structure and the side or rear lot line.
5. All exterior exercise areas shall be completely fenced.

BBB. Landfill, Land Clearing, and Inert Debris (LCID)

~~1. A zoning use permit is required.~~

~~21.~~ Any ~~on-site~~ LCID landfill shall obtain approval and comply with the size, siting, operational standards, and notice by recordation requirements of the State of North Carolina.

~~32. An on-site LCID landfill may not be operated for more than 12 months with exception of sites located in the Manufacturing and Logistics Zoning Districts where no portion of the landfill is located within 300-400 feet of any lot/property located in a Neighborhood 1 or Neighborhood 2 Place Type Zoning District.~~

~~a. —Operation of an on-site LCID landfill in other zoning districts may be extended an additional six months if it remains in active use at the end of the 12 month period and such site is at least 300 feet from an occupied dwelling unit.~~

~~43. The location of any such site LCID landfill shall be indicated on any required final subdivision plat. Further, any lot that contains any part of any such site shall have notification of the existence and extent of the site recorded as part of the deed for the lot, even if no subdivision plan is required for development of the property.~~

~~54. No operational portion of the LCID landfill site may be located within 5045 feet of any lot/property lines. This includes structures, equipment storage, parking areas and fill areas; however, access drives may cross this area. The actual fill area shall be located at least 400 feet from any Neighborhood 1 or Neighborhood 2 Place Type or from an existing residential building in any other place type.~~

~~65. In the Neighborhood 1 Zoning Districts, pPrimary vehicular access shallis only be permitted via arterial and collector streets, and limited access roadways where allowed.~~

~~6. Operation of an LCID landfill is limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday, if the site is within 400 feet of any Neighborhood 1 or Neighborhood 2 Place Type or a property with an existing residential building in any other place type.~~

~~7. All LCID landfills shall be lined with a geomembrane liner and leachate collection system subject to the standards of the Code of North Carolina, Department of Environmental Quality, equal to or exceeding the criteria for Municipal Solid Waste (MSW) Landfill Units.~~

~~8. All LCID landfills shall comply with the groundwater well and surface water requirements of MSW Landfill Units as defined by the Code of North Carolina, Department of Environmental Quality, equal to or exceeding the criteria for MSW Landfill Units.~~

CCC. Light Assembly

1. In the IMU and RC-1 Zoning Districts, outside storage is prohibited, and all business, servicing, processing, and storage uses shall be fully enclosed.

DDD. Marina

1. Marinas may include caretaker's residences, docks, fueling and supply facilities, launching and storage facilities, boat servicing facilities, parking areas, maintenance areas, restaurants, boat lifts, launching ramps, boat charter services, and incidental retail sales associated with the principal use.

2. Along any lot line that abuts a use other than another marina, a Class B landscape yard is required, unless Article 20 requires a higher class of landscape yard.

3. Areas used for the drydock/outdoor storage of boats shall be screened along all lot lines by a Class B landscape yard unless Article 20 requires a higher class of landscape yard.

EEE. Medical Campus

1. A medical campus may include standalone medical/dental offices, drug treatment clinics, and similar health services.

2. A medical campus may include residential care facilities, residential addiction treatment facilities, and similar facilities. Long-term stay housing for patient families is permitted.

3. Supportive commercial uses primarily serving medical campus staff, patients, and visitors of the medical campus, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted but shall be located to minimize attracting outside customers.

FFF. Micro-Production of Alcohol

1. The establishment shall include a restaurant, bar, and/or tasting room within the same building. The minimum size of the restaurant, bar, and/or tasting room shall be 20% of the total square footage of the use or 1,500 square feet, whichever is less.
2. Facilities may include retail areas for the purchase of beverages manufactured on-site and related items.
3. The maximum area that can be used for beverage production within a building is 30,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, this maximum area is increased to 60,000 square feet if the establishment is located in a building constructed prior to 1980.

GGG. Movie Studio

1. A movie studio is not subject to the design standards of a zoning district.

HHH. Multi-Dwelling Development

1. Each dwelling type in a multi-dwelling development shall meet zoning district dimensional and design standards unless modified by this section.
 - a. Every residential building on the site shall be separated on every side from any other building by at least ten feet.
 - b. All portions of every residential building shall be located within 400 feet of a public street or private street that has direct access to the building.
 - c. Where a multi-dwelling development is served by private streets, angled parking areas directly adjoining private streets will be permitted on one side of the street. Such parking areas may be alternated from one side of the street to the other. The combined length of such parking areas may not exceed 50% of the length of the adjoining roadway. All other angled parking areas shall be clearly separated from the private street by at least a barrier island.
 - d. Non-network private streets, similar interior vehicular circulation streets, alleys, and surface parking areas on the site shall be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than five feet to any other face of a building.
 - e. Architectural features such as stoops, stairs, chimneys, bay windows, balconies, and roof overhangs may extend into the 15 foot area of item d above, but in no case may they be closer than five feet to the private street, alley, and/or surface parking area. No structural support elements may be located in this area.
 - f. Parking pads and driveways shall have a minimum length of 20 feet, measured from the back of the sidewalk, back of curb, or edge of pavement, whichever is greater. Along non-network private streets without sidewalks, private drives, and alleys, the driveway apron may be reduced to no more than seven feet behind the back of curb or edge of pavement.
2. On development sites of 30 acres or more in the N2-A and N2-B Zoning Districts, a mix of dwelling types is required. No one dwelling type may constitute more than 90% of the total units in the development.

III. Neighborhood Commercial Establishment

1. In the Neighborhood 1 and Neighborhood 2 Zoning Districts, neighborhood commercial establishments are allowed within existing structures that are nonresidential in their original construction and/or current use as of the effective date of this Ordinance. Such structures cannot be expanded.
2. In the Neighborhood 2 Zoning Districts, new neighborhood commercial establishments are permitted on the ground floor of multi-family stacked dwellings.
3. In the Neighborhood 2 Zoning Districts, new neighborhood commercial establishments are permitted as freestanding structures subject to the following:
 - a. Shall be located on corner lots.
 - b. Shall be limited to a maximum gross square footage of 9,000 square feet.

- c. Shall be limited to a maximum of 48 feet in height.
- 4. Neighborhood commercial establishments are not subject to the minimum lot sizes for nonresidential uses in Neighborhood 1 and Neighborhood 2 Zoning Districts. All other nonresidential zoning district standards apply.
- 5. The following commercial uses are permitted within a neighborhood commercial establishment.
 - a. Adult care center
 - b. Animal care facility with no outdoor component
 - c. Art gallery
 - d. Art or fitness studio
 - e. Childcare center; any separation requirements for childcare centers do not apply when allowed within a neighborhood commercial establishment
 - f. Medical/dental office
 - g. Office
 - h. Personal service establishment
 - i. Restaurant/bar; sale of alcohol is prohibited in the Neighborhood 1 Zoning Districts
 - j. Retail goods establishment; sale of alcohol is prohibited in the Neighborhood 1 Zoning Districts
 - k. Specialty food service
- 6. No off-street parking is required when the neighborhood commercial establishment is located within an existing building located in a Neighborhood 1 Zoning District. However, any off-street parking currently provided shall be retained.
- 7. Drive-through facilities are prohibited.
- 8. Outdoor seating/activity areas and outdoor sales and display are permitted as an accessory use to a neighborhood commercial establishment. Outside storage is prohibited.

JJJ. Nightclub

- 1. All windows and doors shall remain closed between the hours of 11:00 p.m. and 8:00 a.m.

KKK. Office

- 1. In the CR, ML-1, and ML-2 Zoning Districts, an office use is limited to 25% of gross floor area of a building.

LLL. Office Campus

- 1. Supportive commercial uses for the primary use of office campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted but shall be located to minimize attracting outside customers.

MMM. Outdoor Market

- 1. A zoning use permit is required.

NNN. Outdoor Storage Yard

- 1. The outdoor storage yard shall be located a minimum of 15 feet from any lot line except where properties zoned the ML-1 or ML-2 Zoning District abut. However, when abutting a Neighborhood 1 and Neighborhood 2 Place Type, the outdoor storage yard shall be located a minimum of 200 feet from the lot line that abuts a Neighborhood 1 or Neighborhood 2 Place Type. No storage is permitted within this separation.

2. The outdoor area requires a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard. However, if a higher class of landscape yard is required and does not require a fence or wall, a fence or wall shall still be required. In addition, when abutting a Manufacturing and Logistics Place Type, a landscape yard is not required but a fence shall be required.
3. Storage of any kind is prohibited outside the required fence in item 2 above.
4. No items stored within 30 feet of the fence or wall may exceed the height of the fence or wall.

OOO. Public Park

1. Public parks shall be exempt from the following zoning district standards:
 - a. Minimum lot width and/or area
 - b. Minimum build-to zones and build-to percentages
 - c. Building articulation requirements
 - d. Minimum transparency requirements
 - e. Building design standards (excluding building materials)

PPP. Public Safety Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

QQQ. Public Transit Facility

1. In the Neighborhood 1 Zoning Districts, primary vehicular access is only permitted via arterial and collector streets, and limited access roadways where allowed.

RRR. Quarry

1. The minimum area for a quarry shall be 100 acres.
2. A plan shall be submitted that specifies the anticipated future use of the property, upon the cessation of quarrying activities. The plan shall include provisions for the property owner to create a reserve fund, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. The plan shall include estimates of the amount of such capital expenses, based upon the present costs of such capital expenses and an assumed annual inflationary rate of 5%, and a timetable showing the expected life of the quarry.
3. Required minimum setback from any lot line to:
 - a. Any building or extraction area, road, driveway or pit: 200 feet
 - b. Any crushing of rock, processing of stone, gravel, or other material: 300 feet
 - c. Any blasting: 500 feet
4. A Class A landscape yard is required along all lot lines.
5. During operation of the quarry, the following safety features shall be required:

a. Rock Quarries

- i. From the edge of the pit, an area 20 feet wide shall be maintained free of any soil cover.
- ii. From a point 20 feet from the edge of the pit, the soil cover, if less than 20 feet in depth, shall be graded back to a slope of one foot vertical or less, to one foot horizontal from the rock level to the top of the soil cover.
- iii. If the soil cover to be stripped away exceeds 20 feet in depth, a ditch eight feet wide and three feet deep, at least ten feet back from the edge of the pit, may be substituted for the backsloping. If the pit has reached its maximum expansion in any direction, however, the permanent fence as described in item 9 below, in connection with termination of quarrying operations, will suffice instead of the backsloping or ditching in that particular area.

b. Gravel Quarries and Sand Quarries

When the pit exceeds a depth of 20 feet from the surface of the ground, all dense underbrush shall be removed from the soil cover for a distance of 20 feet from the edge of the pit.

6. Blasting is prohibited on Sunday, and may not occur earlier than 7:00 a.m. or later than 7:00 p.m. on any other day.
7. Vehicular access to the facility shall be provided from an arterial street.
8. A metal fence and gate shall be constructed at the entrance to the quarry site and be closed when the quarry is not in operation. All access driveways, which serve the site for ingress or egress, shall be wide enough to accommodate two lanes of traffic.
9. Upon termination of quarry operations at any pit that exceeds a depth of 20 feet from the surface of the ground, either the pit shall be backfilled to the slope of one foot vertical, or less, to one foot horizontal from the bottom of the pit to the surface of the ground, or a fence designed to prevent access shall be erected and maintained around the pit, or the site shall be otherwise reclaimed in accordance with the reuse plan for the property. If a fence is used, it shall be a minimum six feet high, and a maximum of eight feet high.

SSS. Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
2. All windows and doors shall remain closed between the hours of 11:00 p.m. and 6:00 a.m.

TTT. Recycling Collection Center

1. All recycling collection containers that are not within an enclosed building shall be located a minimum of 30 feet from any lot line.
2. A Class B landscape yard is required along all lot lines. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.
3. Storage of any kind is prohibited outside the required fence in item 2 above.

UUU. Religious Campus

1. A religious campus may include supportive housing, such as dormitories, group homes, children's homes, halfway houses, homeless shelters, and domestic violence shelters.
2. A religious campus may include community centers and food pantries.
3. Supportive nonresidential uses primarily serving religious campus staff and the congregation, such as retail goods establishments and restaurants, are permitted but shall be located to minimize attracting outside customers.

VVV. Residential Care Facility

1. Residential care facilities in the Neighborhood 2 Zoning Districts shall be subject to the standards for multi-family dwellings within the zoning district.

WWW. Restaurant/Bar

1. Incidental entertainment, which is defined as live or pre-recorded background music, is permitted within a permanent enclosed area.
2. A restaurant/bar may have areas that have been designed for live performances and/or dancing within permanent enclosed areas
3. All windows and doors shall remain closed between the hours of 11:00 p.m. and 6:00 a.m.

XXX. Rooming House

1. A zoning use permit is required.
2. A rooming house is subject to the standards for a single-family dwelling unless modified by this section.
3. The property owner shall reside within the dwelling.
4. All rooming units shall be in the principal residential structure. Separate structures, accessory structures, accessory dwelling units, and garages are not permitted to be used as rooming units.
5. There shall be no separate private entrance for any of the rooming units.
6. A maximum of five boarders is permitted.
7. No signs are permitted.
8. A property may only be used for a short-term whole-dwelling rental, bed and breakfast, or rooming house at any one time.

YYY. Salvage and/or Junk Yard

1. All outdoor storage and processing areas shall be located a minimum of 200 feet from any lot line except for a lot in a Manufacturing and Logistics Place Type.
2. A salvage and/or junk yard shall be located a minimum of 1,000 feet from any lot in a Neighborhood 1 or Neighborhood 2 Place Type.
3. Screening is required as follows:
 - a. A Class A landscape yard is required along all rear and side lot lines. In Zone 1 of the landscape yard, a solid fence a minimum of six feet to a maximum of eight feet in height is required.
 - b. A Class B landscape yard is required along all lot lines abutting a street. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.

ZZZ. Self-Storage Facility: Climate-Controlled

1. Storage units cannot be used as a residence, office, or principal place of business.
2. No plumbing connections are permitted in self-storage units with the exception of those needed for fire safety.
3. All self-storage activities shall be conducted exclusively indoors. Individual storage units may be accessed from inside the building only.

4. Any ground floor facade abutting a street shall be wrapped with active uses. Active use spaces shall be a minimum of 20 feet in width and 20 feet in depth. Individual spaces shall be furnished with water, sewer, and electrical service, or such services shall be stubbed into each individual active use bay for a future connection. This is not required in the Manufacturing and Logistics Zoning Districts or Commercial Zoning Districts.

5. Access to loading areas shall be located to the side or rear of the building.

AAAA. Self-Storage Facility: Outdoor

1. Storage units cannot be used as a residence, office, or principal place of business.
2. No plumbing connections are permitted in self-storage units with the exception of those needed for fire safety.
3. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
4. Outdoor self-storage facilities may include an area for storage of motor vehicles, recreational vehicles, and marine recreational vehicles. Storage areas shall be located in the established rear setback but shall be a minimum of 30 feet from any lot line.
5. If storage areas for vehicles are provided as described in item 4 above, they shall be screened with a Class C landscape yard along all lot lines, unless Article 20 requires a higher class of landscape yard.

BBBB. Shooting Range, Indoor

1. The indoor training and shooting facilities shall be located in a building where it is the sole use within the structure.

CCCC. Single Room Occupancy (SRO)

1. Rooming units shall be a minimum of 80 square feet, not to exceed 450 square feet total.
2. Rooming units in single room occupancy residences shall be limited to one occupant per room.
3. The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five square feet per rooming unit, but totaling not less than 250 square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
4. Rooming units in each building shall be accessed through one primary location, unless the building is being rehabilitated or converted from an existing structure with multiple entrances, or from a campus with multiple buildings.
5. On-site management shall be provided on a 24 hour basis per building. Adequate on-site management includes having an employee on premises twenty-four hours a day. The employee shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.
6. Utilities shall be mass metered.
7. A maximum of 120 units are permitted, and a minimum of 11 units is required.
8. All buildings, outdoor active recreation facilities, and off-street parking and service areas require a Class C landscape yard along all lot lines that abut an Neighborhood 1 Place Type.

DDDD. Utility (Includes Transmission and Distribution)

1. Utility Buildings

- a. Minimum building height regulations do not apply to utility buildings.
- b. Building design standards for structures on a site apply, unless it can be shown that incorporating certain elements impacts operations and/ or creates a public safety issue. The Zoning Administrator shall approve the exceptions to design standards.

2. Utility Equipment (Principal Use of Site)

- a. Utility equipment shall be set back 20 feet from all required setback lines.
- b. Utility equipment shall be screened along all lot lines by a Class C landscape yard, unless Article 20 requires a higher class of landscape yard.
- c. For electrical substations, a solid wall of a minimum of 12 feet and a maximum of 15 feet is required as part of the Class C landscape yard.

EEEE. Vehicle Dealership: Outdoor

1. In the CG Zoning District, outdoor vehicle dealerships shall be less than two acres in lot area.

FFFF. Vehicle Rental: Outdoor

1. In the CG Zoning District, outdoor vehicle rental establishments shall be less than two acres in lot area.

GGGG. Vehicle Repair Facility: Major

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
2. Vehicle repair facilities shall be screened along interior side and rear lot lines with a Class C landscape yard, unless a higher class of landscape yard is required by Article 20. The landscape yard is not required where such side or rear lot abuts a Manufacturing and Logistics Place Type.
3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
4. No vehicles may be stored on site for more than 90 days.
5. The sale of new or used vehicles is prohibited unless separately approved.
6. No motor vehicles may be stored and no repair work may be conducted in any public or network required private street.

HHHH. Vehicle Repair Facility: Minor

1. Repair of vehicles is prohibited outdoors. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
2. Vehicle repair facilities shall be screened along interior side and rear lot lines with a Class C landscape yard, unless a higher class of landscape yard is required by Article 20. The landscape yard is not required where such side or rear lot abuts a Manufacturing and Logistics Place Type.
3. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
4. No vehicles may be stored on site for more than 90 days.

5. The sale of new or used vehicles is prohibited unless separately approved.
6. No motor vehicles may be stored and no repair work may be conducted in any public or network required private street.

IV. Waste Management Facility

1. All outdoor waste storage and processing areas shall be located a minimum of 200 feet from any lot line except for a lot in a Manufacturing and Logistics Place Type. For the purposes of this standard, the more restrictive conditions between the North Carolina Department of Environmental Quality (NC DEQ) or the City shall apply and control.
2. A waste management facility shall be located a minimum of 1,000 feet from any lot in a Neighborhood 1 or Neighborhood 2 Place Type. For the purposes of this standard, the more restrictive conditions between the NC DEQ or the City shall apply and control.
3. Screening is required as follows:
 - a. A Class A landscape yard is required along all rear and side lot lines. In Zone 1 of the landscape yard a solid fence a minimum of six feet to a maximum of eight feet in height is required.
 - b. A Class B landscape yard is required along all lot lines abutting a street. A solid fence a minimum of six feet to a maximum of eight feet in height is required with exceptions for ingress/egress, which shall be gated.

JJJJ. Wireless Telecommunications

1. General Standards for Wireless Telecommunications Systems

- a. Wireless telecommunications systems shall not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- b. Commercial advertising is prohibited on all components. Only signs that are part of the equipment as manufactured or warning signs is permitted.

2. Standards for Wireless Telecommunications Towers

- a. The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily, evidence of which shall be provided to the Zoning Administrator.
- b. All wireless communication towers located in a Neighborhood 1 or Neighborhood 2 Zoning District or within 400 feet of a lot within a Neighborhood 1 or Neighborhood 2 Place Type shall be required to meet concealment standards. Such concealment methods are encouraged in all zoning districts. Wireless communication towers are considered to meet concealment standards as follows:

i. Canister Design

All antennas on the tower shall be encased within canisters with the following provisions:

- (A) The canisters shall be of a diameter no greater than 12 feet and all canisters shall be the same diameter.
- (B) There shall be an under mount on the canisters that screens the view of the antennas from the ground.
- (C) The tower and canisters shall be painted or constructed of the same color.

ii. Tree Design

The tower may be designed as a tree to blend with more natural surroundings. At a minimum the following standards shall be met:

- (A) Branches of the tree design shall screen antennas and shall extend 12 inches beyond the edge of the antennas.

(B) Mounts and antennas shall be painted green to match the branches.

c. All wireless communication towers shall meet the following setback requirements:

i. When located in a Neighborhood 1 or Neighborhood 2 Zoning District or when abutting a lot within a Neighborhood 1 or Neighborhood 2 Place Type, towers shall be setback from all lot lines a minimum of 110% of the tower height.

ii. In all other locations, towers shall meet the setback of the zoning district.

d. Wireless communication towers are prohibited as a second principal use on any lot that contains a single-family, duplex, triplex, or quadraplex dwelling.

e. All towers shall be designed and equipped with the technological and structural capability to accommodate multiple wireless communications carriers for towers. At a minimum, colocation capability is required as follows:

i. For towers up to 150 in height: A minimum of two carriers

ii. For towers over 150 in height: A minimum of three carriers

f. All wireless telecommunication towers shall be monopole construction and be painted or constructed of a neutral color that blends in with the sky including, but not limited to, galvanized silver or gray finish.

g. The use of guyed towers is prohibited. Towers shall be monopoles, meaning self-supporting with no wires, cables, or beams.

3. Standards for Wireless Telecommunications Antennas

a. Wireless communication antennas are permitted atop any building or structure, with the exception of prohibited on single-family, duplex, triplex, or quadraplex dwellings.

b. No wireless communication antenna may extend more than 20 feet above the roof of the structure.

c. Wireless telecommunication antennas on a tower shall be mounted at least 30 feet above grade, as measured to the base of the antenna.

d. All wireless communication antennas located in a Neighborhood 1 or Neighborhood 2 Zoning District or within 400 feet of a lot within a Neighborhood 1 or Neighborhood 2 Place Type shall be required to meet concealment standards. Such concealment methods are encouraged in all zoning districts. Wireless communication antennas are considered to meet concealment standards as follows:

i. Stealth Design

(A) Wireless telecommunications antennas shall be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.

(B) Wireless telecommunication antennas shall be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (shall be behind the parapet wall), and steeples, and shall be designed to blend in with the structure.

ii. Colocation

(A) Antennas that colocate on existing wireless telecommunications towers are considered to meet the requirement of concealment. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.

(B) Antennas that colocate may be mounted in the same manner as other antennas on the tower. Where antennas are located within canisters on a tower, new antennas that colocate on the tower shall be within canisters (see item 2 above).

4. Standards for Wireless Telecommunications Facilities

- a. Wireless telecommunication facilities shall be limited to 500 square feet in gross floor area and 15 feet in height. The building height limitation may be waived by the Zoning Administrator up to a maximum height of 25 feet in order to accommodate architectural design, screening, or similar special needs.
- b. Wireless telecommunication facilities shall be screened by a Class C landscape yard along all street frontages and lot lines. The fence shall be designed so that it is not easily climbable.
- c. Safety devices shall be installed and maintained as needed in order to make the facility inaccessible to the public.

5. Abandoned Wireless Telecommunication Systems

Any wireless telecommunication system component that is unused for a continuous period of 12 months shall be removed by the tower owner or the property owner.

6. Nonconforming Wireless Telecommunication Systems

- a. A properly permitted wireless telecommunication systems may remain in its present location and design.
- b. If a wireless telecommunication tower and/or facility is replaced, it shall meet all prescribed conditions. The changing of, additions to, or removal of antenna on an existing tower as well as the colocation of additional carriers on an existing tower shall be permitted and shall not require the tower to be brought into compliance.

15.5 TEMPORARY USES: PRESCRIBED CONDITIONS**A. Mobile Car Wash**

- 1. A zoning use permit is required.
- 2. A zoning use permit is valid for 90 consecutive calendar days.

B. Mobile Food Vendor

- 1. A zoning use permit is required.
- 2. A zoning use permit is valid for 365 consecutive calendar days, and may be renewed on an annual basis.
- 3. A mobile food vendor in the Neighborhood 1 and Neighborhood 2 Zoning Districts shall be permitted as an accessory use to an established nonresidential principal use.
- 4. Mobile food vendors shall not be located in a required sight distance triangle, shall not block driveways or other access to buildings, and shall not be located within a required setback.
- 5. The property owner shall submit a site plan for zoning review by the Zoning Administrator, Charlotte Department of Transportation (CDOT), and the City of Charlotte Fire Department if four or more vendors locate on a site. Any site plan approval is valid for the duration of the use.

C. Mobile Retail Vendor

- 1. A zoning use permit is required.
- 2. A zoning use permit is valid for 365 consecutive calendar days, and may be renewed on an annual basis.
- 3. A mobile retail vendor in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

4. Mobile retail vendors shall not be located in a required sight distance triangle, shall not block driveways or other access to buildings, and shall not be located within a required setback.

5. The property owner shall submit a site plan for zoning review by the Zoning Administrator, CDOT, and the City of Charlotte Fire Department if four or more vendors locate on a site. Any site plan approval is valid for the duration of the use.

D. Real Estate Project Sales Office

1. A temporary standalone real estate sales office shall be subject to the following:

a. A development is limited to one temporary standalone real estate sales office, which shall not be located in any required setback.

b. All standalone temporary real estate sales offices shall be closed and removed within 30 days after the sale or lease of the last unit of the development.

2. Temporary real estate sales offices within the development shall be closed within 30 days after the sale or rental of the last unit of the development.

3. These standards do not apply to permanent leasing offices.

E. Temporary Contractor's Office and Contractor's Yard

1. A temporary contractor's office is allowed incidental to a construction project and requires a zoning use permit. The zoning use permit is valid for the life of the project.

2. A temporary contractor's office is allowed within required setbacks with Zoning Administrator approval if they determine there is no other feasible location, and placement in a setback shall not negatively impact circulation and abutting properties.

3. The temporary contractor's office and/or yard shall be removed within 30 days of completion of the construction project.

4. Temporary contractor yards shall be screened on all sides by a fence a minimum of six feet to a maximum of eight feet in height. Fencing is not required on shared lot lines if the abutting lot also has a fence or other barrier that prohibits entry onto the lot.

F. Temporary Outdoor Entertainment

1. A zoning use permit is required.

2. A temporary outdoor entertainment event in the Neighborhood 1 and Neighborhood 2 Zoning Districts is permitted as an accessory use to an established nonresidential principal use.

3. A temporary outdoor entertainment event, including all sale and display items, shall not be located in any required setback.

4. The operator of the temporary outdoor entertainment event shall receive a zoning use permit that describes the type of event involved, and the duration of the event. Depending on the type of entertainment event, additional City or County permits may be required.

5. No one event may be longer than 14 calendar days, including set-up and breakdown time. The Zoning Administrator is authorized to extend the duration of the temporary outdoor entertainment permit beyond 14 days if there is a unique situation that warrants a time extension.

6. The event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

G. Temporary Outdoor Sales

1. A zoning use permit is required.
2. Temporary outdoor sales in the Neighborhood 1 and Neighborhood 2 Zoning Districts are permitted only when sponsored by an institutional use within the district, such as a place of worship or educational facility, and takes place on the lot of such use.
3. Temporary outdoor sales, including all sale and display items, shall not be located in any required build-to zone, required setback, or sight distance triangle.
4. Any operator of a temporary outdoor sales event shall receive a zoning use permit that describes the type of event involved and the duration of the event.
5. No one event may be longer than 14 calendar days, including set-up and breakdown time. The Zoning Administrator is authorized to extend the duration of the temporary outdoor sales permit beyond 14 days. Temporary seasonal sale, such as Christmas tree lots or pumpkin patches, are allowed 60 days per sale.
6. Hours of operation are limited to between 8:00 a.m. and 9:00 p.m.
7. The temporary outdoor sales event cannot locate in any minimum required parking spaces for other businesses on the site when such businesses are open.

H. Temporary Outdoor Storage Container

1. The use of an outdoor storage container is limited to no more than 90 calendar days.
2. The 90 day limit may be waived by the Zoning Administrator if there is a unique situation that warrants a time extension.

15.6 ACCESSORY USES: PRESCRIBED CONDITIONS**A. Accessory Shelter**

1. An accessory shelter shall be limited to no more than 15 individuals at any one time.
2. An accessory shelter shall only operate a maximum of two days/nights per week.

B. Drive-Through Facility

1. All drive-through facilities, except restaurants shall provide a minimum of four stacking spaces per lane or bay. Restaurants shall provide a minimum of six stacking spaces per lane or bay. The space located at the service window shall be counted in this minimum number of stacking spaces.
2. A stacking space shall be a minimum of nine feet in width and 18 feet in length.
3. All components of a drive-through facility including, but not limited to, signs, stacking lanes, trash receptacles, ordering box, and drive up windows, shall be located to the rear or side of the building.
4. Drive-through lanes and circulation may not be placed between the street and the front façade of the building; however, this does not apply in the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts. In the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts drive-through lanes and drive aisles located between the street and the facade of the building shall require parking lot screening per Section 20.5.
5. A drive-through lane shall have bail out capability for all vehicles that enter the drive-through lane. The bail out lane shall be a minimum width of ten feet in width and run parallel to the drive-through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive-through lane.

6. For all zoning districts except the Commercial Zoning Districts and the Manufacturing and Logistics Zoning Districts, a drive-through facility will only be allowed if a drive-through facility was located on the site on June 1, 2023.

C. Dwelling - Accessory Unit (ADU)

1. The accessory dwelling unit (ADU) shall be clearly subordinate to the principal residential use.
2. An ADU is permitted as follows:
 - a. In conjunction with a single-family dwelling in any zoning district.
 - b. In conjunction with a duplex dwelling in any zoning district when each unit of the duplex is not located on a subplot.
3. Only one ADU shall be permitted on the lot.
4. The ADU and its associated principal dwelling shall be under the same ownership.
5. The ADU shall not be served by a driveway separate from that serving the principal dwelling. However, if the ADU is within an accessory structure and located on a corner lot or a lot that abuts an alley, a separate driveway may be provided from the side street or the alley, whichever applies.
6. An ADU located within the principal dwelling shall comply with the following additional requirements:
 - a. The ADU shall have a total floor area no greater than 40% of the total floor area of the principal residential use.
 - b. The ADU shall not be internally accessible from the principal residential use.
7. An ADU located within an accessory structure shall comply with the following additional requirements:
 - a. The ADU shall have a total floor area no greater than 50% of the total floor area of the principal residential use.
 - b. The structure shall not exceed the height of the principal dwelling.
 - c. The ADU may be in the established rear or side setback but shall not be any closer to any rear or side lot line than the dimension of the required side setback of the zoning district of the subject property.
 - d. Heating, ventilation, or air conditioning equipment serving an ADU within an accessory structure and architectural features such as cornices, eaves, steps, gutters, and fire escapes may encroach into the required side and rear setbacks of the accessory dwelling unit by no more than 50% of the required side and rear setbacks.

D. Helistop

1. A helistop shall be designed and constructed in accordance with all federal and state regulations.
2. A helistop shall be located at least 400 feet from a lot line of any property located in the Neighborhood 1 Place Type.

E. Home Occupation

1. A zoning use permit is required.
2. A home occupation shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

3. No internal or external alterations inconsistent with the residential use of the building will be permitted. With the exception of a permitted sign, there shall be no evidence on the exterior of the premises or visible from the exterior of the premises that the property is used in any way other than for a dwelling. No display of products shall be visible from the street.
4. The home occupation and all related activity, including storage, equipment, and display, shall be conducted completely within a principal building or accessory structure.
5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on-site.
6. No home occupation may dispense medication from the dwelling. No home occupation may engage in any activity that uses, stores, and/or requires the disposal of biohazardous material.
7. There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
8. Only residents of the dwelling may be engaged in work activities at the residence. If the home occupation has other employees, those employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, and/or similar purposes.
9. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity shall not create any traffic hazards or nuisances in public rights-of-way.
10. Signs are permitted in accordance with Article 22.
11. Clients or business-related visitors shall be by appointment and limited to the timeframe of 7:00 a.m. to 8:00 p.m.
12. The storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
13. Repair and service of any vehicles, any type of heavy machinery or any type of engine, is prohibited. Small electronic repair, such as computers, is allowed.
14. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, are prohibited.
15. Dispatching services, where workers report to the home for dispatching, are prohibited.

F. Outdoor Entertainment

1. If at any time between the hours of 11:00 p.m. and 8:00 a.m., any outdoor entertainment occurs, it shall meet the following:
 - a. The outdoor entertainment shall be separated by a distance of at least 100 feet from a lot line of any property located in the Neighborhood 1 Place Type.
 - b. Distances are measured from the closest edge of any outdoor entertainment to the nearest lot line of property located in an Neighborhood 1 Place Type.

G. Outdoor Sales and Display

1. Retail goods establishments are permitted to have accessory outdoor sales and display of merchandise.
2. In the Neighborhood 1 and Neighborhood 2 Zoning Districts, outdoor sales and display is only permitted as an accessory use to a Neighborhood Commercial Establishment.

3. All outdoor display of merchandise shall be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as the minimum number of required parking spaces remain available for use.
4. No display may be placed within three feet of either side of an active door or within 15 feet directly in front of an active door.
5. A minimum clear width for pedestrian traffic of eight feet shall be provided and maintained along any interior private sidewalk.
6. Outdoor sales and display shall be prohibited in a required sidewalk or path.

H. Outdoor Seating/Activity Area

1. At-grade outdoor seating areas may be located within a required frontage setback, but shall be located behind any sidewalk, path, or planting strip. It may be allowed within an amenity zone with approval from CDOT when such amenity zone is on public property.
2. If at any time between the hours of 11:00 p.m. and 8:00 a.m., food and/or beverages are consumed in an outdoor seating/activity area, it shall meet the following:
 - a. The outdoor seating/activity area shall be separated by a distance of at least 100 feet from a lot line of any property located in the Neighborhood 1 Place Type.
 - b. Distances are measured from the closest edge of any outdoor seating/activity area to the nearest lot line of property located in a Neighborhood 1 Place Type.

I. Private Stables

1. A minimum lot size of one acre is required.
2. All structures for the keeping and maintenance of animals, equipment, or manure, and all manure piles, pits, or bins shall be located at least 50 feet from any lot line.

**AN ORDINANCE AMENDING Chapter 21 OF THE CHARLOTTE CITY CODE
TITLED “TREES”**

ORDINANCE NO. 542

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,
NORTH CAROLINA:**

Section 1: Chapter 21, “Trees”, Sections 21-14(b)(5), 21-14(g), 21-24(h), and Article V are amended and a new Section 21-24(h) is added to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance.

Section 2: This ordinance shall become effective as of June 1, 2023.

Approved as to form:



City Attorney

CERTIFICATION

I, Ariel Smith, Lead City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 15th day of May 2023, the reference having been made in Minute Book 157, and recorded in full in Ordinance Book 66, Page(s) 056-071.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of May 2023.



Ariel Smith, Lead City Clerk

CHARLOTTE TREE ORDINANCE **TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

<u>Section#</u>	<u>Title</u>
------------------------	---------------------

Article IV	Modification, Inspection, Enforcement, Commission, and Appeal
Section 21-14(g)	Injunctive Relief
Section 21-14(h)	Order to Take Corrective Action
Section 21-14(new h)	Use of Civil Penalties Collected.

Purpose of Change:

To make minor modifications to the Charlotte Tree Ordinance adopted 8-22-22 and effective 6-1-23. This text amendment 1) adds new requirements for collected civil penalties; 2) corrects numerical and roman numeral sequencing in Articles; and 3) deletes two unintentional words in one sentence.

Charlotte Planning, Design, and Development Dept.
Name of Agent

600 E. Fourth Street 8th floor, Government Center
Agent's Address

Charlotte, NC 28202
City, State, Zip

704.662.4829
Telephone Number

704.336.5123
Fax Number

Timothy.Porter@charlottenc.gov
E-Mail Address

Timothy Porter

Signature of Agent

Charlotte Planning, Design, and Development Dept.
Name of Petitioner(s)

600 E. Fourth Street, 8th floor, Government Center
Address of Petitioner(s)

Charlotte, NC 28202
City, State, Zip

704.662-4829
Telephone Number

704.336.5123
Fax Number

Timothy.Porter@charlottenc.gov
E-Mail Address

Timothy Porter

Signature

Chapter 21 – TREES —

ARTICLE I. - IN GENERAL

Sec. 21-1. - Short title.

This Chapter will be known and may be cited as the "Charlotte Tree Ordinance."

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-2. - Definitions.

Words and phrases used in this Chapter that are not specifically defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size. Measurement shall be taken 12 inches above the ground level for larger trees.

Charlotte Tree Manual (CTM) means technical instructions, specifications, standards, best practices, procedures, and guidance for tree planting, tree protection, tree canopy management as published by the City and subject to amendment from time to time by the City. The City shall prepare, amend, update, and publish the CTM for reference and use by property owners, developers, consultants, design professionals, contractors and the general public in furtherance of the tree canopy policy objectives, requirements, and intent of the Charlotte Future 2040 Comprehensive Plan, the Charlotte Unified Development Ordinance, the Charlotte Urban Forest Master Plan, and this Chapter. The CTM shall be reviewed by the Chief Urban Forester and the Charlotte Tree Advisory Commission.

City means the director of Charlotte Planning, Design and Development Department, the Chief Urban Forester, director of General Services, the City Arborist, or their designated agent.

City tree. All planted trees in the street right-of-way and any naturally occurring trees three inches diameter in breast height (DBH) or greater in street right-of-way as specified in the (CTM). For the purposes of this term, street right-of-way includes all segments of City-accepted and/or City Landscape Management-maintained public street rights-of-way (Charlotte Department of Transportation (CDOT) or North Carolina Department of Transportation (NCDOT)) in Charlotte's corporate city limits. Landscape Management maintains trees on NCDOT street right-of-way in the city limits except for road segments identified in Charlotte Tree Manual – City Landscape Management Maintenance Areas.

Commission means the Charlotte tree advisory commission.

Critical root zone. The area of soil around the tree where roots that provide stability and uptake of water and minerals are located, the main structural and functional part of the root system. It is a protected circular area around a tree with a radius equal to one foot per inch of tree diameter at breast height (DBH) with the tree trunk at the center of the circle.

DBH (diameter at breast height) the diameter of a tree 4.5 feet above the average ground level.

Drip line means a vertical line running through the outermost portions of the tree crown extending to the ground.

Heritage Tree. Any tree native to North Carolina per the US Department of Agriculture Natural Resource Conservation Service Plants Database with a DBH of 30 inches or greater.

International Society of Arboriculture (ISA). An international industry group that promotes the professional practice of arboriculture.

Land Disturbing Activity. Any use of the land by any person in residential, governmental, industrial, educational, institutional, or commercial development, highway and road construction and maintenance that results in a change in the groundcover or topography and that may cause or contribute to sedimentation.

NCDOT means North Carolina Department of Transportation.

Pedestrian scale lighting means lighting that is specifically intended to illuminate the sidewalk, as opposed to vehicular travel ways, and shall not exceed 15 feet in height.

Perimeter planting strip means a planting strip that abuts a public street or transportation right-of-way.

Person(s). An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the state of North Carolina and its agencies and political subdivisions, or other legal entity.

Planting area. Ground surface free of built upon area and/or paved material which is reserved for required trees.

Planting Strip. Ground surface free of built upon area and/or paved material, located between the back of curb and the sidewalk or shared use path. Planting strips typically include perimeter trees and other plantings.

Property Owner, Landowner, or Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the Mecklenburg County tax abstract to determine who is a property owner.

Topping or top means any pruning practices that result in more than one-third of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.

Tree Disturbing Activity. It shall be considered a disturbing activity when a person performs or contracts to perform any of the following activities:

- (a) Spray, fertilize, remove, destroy, cut, top, damage, trim, prune, remove, cut, or carve or otherwise severely prune any tree or its root system not in accordance with the CTM
- (b) Attach any object, including, but not limited to, rope, wire, nail, chain, or sign, to any such tree or shrub not in accordance with the CTM
- (c) Alter the natural drainage, excavate, or lay any drive within the critical root zone.
- (d) Perform excavation or construction work, which shall include but not be limited to driveway installations, irrigation work, tree removal and/or grading of any kind, within the drip line of any tree without first installing a fence, frame, or box in a manner and of a type and size satisfactory to the City to protect the during construction

Tree, large maturing means any tree the height of which is 35 feet or greater at maturity.

Tree, small maturing means any tree the height of which is less than 35 feet at maturity.

Tree evaluation formula means a formula for determining the value of trees and shrubs as published by the International Society of Arboriculture.

Unified Development Ordinance for the City of Charlotte means a document containing all adopted development regulations pursuant to the authority conferred by the North Carolina General Statutes, and through special legislation enacted by the North Carolina General Assembly for the City of Charlotte. This document is referred to as the "UDO" throughout the Charlotte Tree Ordinance.

(Ord. No. 4521, § 1, 9-27-2010; Ord. No. 8093, § 1, 8-22-2016; Ord. No. 9671, § 1.A.1, 10-21-2019)

Sec. 21-3. - Purpose and intent.

- (a) The purpose of this Chapter is to preserve, protect and promote the health, safety, and welfare of the public by providing for the regulation of the planting, maintenance, and removal of trees.
- (b) The intent of this Chapter is to:
 - (1) Protect, facilitate, and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values.
 - (2) Emphasize the importance of trees and vegetation as both visual and physical buffers.
 - (3) Promote clean air quality by reducing air pollution and carbon dioxide levels in the atmosphere, returning pure oxygen to the atmosphere, and increasing dust filtration.
 - (4) Reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights.
 - (5) Minimize increases in temperatures on lands with tree cover.
 - (6) Maintain moisture levels in the air of lands with tree cover.
 - (7) Emphasize the importance of safeguarding native ecosystems through native tree preservation.
 - (8) Preserve underground water reservoirs and facilitate the return of precipitation to the groundwater strata.
 - (9) Prevent soil erosion.
 - (10) Provide shade.
 - (11) Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters by facilitating a natural drainage system and amelioration of stormwater drainage problems.
 - (12) Conserve natural resources, including adequate air and water.
 - (13) Maintain and enhance the tree canopy cover across the city.

(Ord. No. 4521, § 1, 9-27-2010)

ARTICLE II. - ADMINISTRATION

Sec. 21-4. – Chief Urban Forester, or their designee.

- (a) To interpret, administer and enforce the provisions of Chapter 21, the Charlotte Tree Ordinance.
- (b) To lead and supervise the work and activities of staff, and supervise the tree regulation review, enforcement, and compliance.
- (c) To lead City-wide and department urban forestry goals and initiatives.
- (d) To serve as a liaison for the Charlotte Tree Advisory Commission, and interdepartmental committees.
- (e) To interpret and translate information to the public on regulatory processes, planning initiatives, and land use policies related to urban forestry and tree canopy.

Sec. 21-5. - City jurisdiction and authority.

- (a) The City of Charlotte shall have the jurisdiction, authority, control, supervision and direction over for the requirements of this Chapter over all trees planted or growing in the corporate limits of the city except where exempted in this Chapter.
- (b) The City shall prepare and publish guidelines and specifications in a document entitled the Charlotte Tree Manual for reference and use in furtherance of the requirements and intent of Article 20 of the UDO and this Chapter. This document shall be reviewed periodically by the Chief Urban Forester and Commission.
- (c) The City shall review all applications for permits for any planting, removal and/or trimming or cutting of trees subject to this Chapter and shall have the authority to grant or deny permits and to attach reasonable conditions to the granting of a permit.

- (d) No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City, as determined by the City. For purposes of this Chapter, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

(Ord. No. 4521, § 1, 9-27-2010) (2021-113; 6-21-21)

ARTICLE III. - MAINTENANCE AND PROTECTION OF TREES

Sec. 21-6. – Applicability.

The requirements of this Article shall apply to all properties including public entities and owners of public property. Additional information related to tree planting and preservation development requirements, long-term compliance, and protected trees may be found in Article 20. Landscape, Screening, & Tree Preservation of the UDO.

Sec. 21-7. - Trees on public property.

Trees located on City property and on public street right-of-way are considered assets of the City of Charlotte and are always protected by this Chapter. The City manages city trees to provide the highest level of benefits possible to the Charlotte community while maintaining a high standard of public safety and acceptable risk.

- (a) No person shall perform a tree disturbing activity to any City tree, without first obtaining a tree work permit from the City. The provisions of said permit, this Chapter, and (CTM) shall be strictly complied with. Failure to comply with the provisions of an issued tree work permit shall constitute a willful violation of this Chapter.
- (b) No person shall plant any tree or shrub on any public street rights-of-way or City property without first obtaining a tree work permit from the City and without complying strictly with the provisions of said permit, this Chapter, and the CTM.
- (c) No person shall place, store, deposit, or maintain, upon the ground in any public street or public place, any compacted stone, cement, brick, sand, or other materials which may impede or obstruct the free passage of air, water, and fertilizer to the roots of any tree or shrub growing in any such street or place without written authorization from the City.
- (d) All building materials, equipment, dirt, and debris shall be kept outside the critical root zone. Any tree protection fence, frame, or box required by this Chapter, Article 20. of the UDO, the CTM, or Charlotte Land Development Standards Manual (CLDSM) shall not be removed unless or until the City authorizes such removal.
- (e) It shall be the duty of the property owner to plant required perimeter trees in public street rights-of-way as required by a City-approved development plan pursuant to the CTM, CLDSM, and Article 20. of the UDO. Trees required by the Article 20. of the UDO, or trees protected by this Chapter as a condition of a previously approved development plan, which die, are missing, or are otherwise deemed unhealthy by the City, shall be removed and replaced by the property owner normally during the next planting season which is November through March. New owners of properties already in compliance shall

maintain that compliance. Trees of the same, approved species as those existing may be used to replace dead, missing, or unhealthy trees. The property owner is required to use large maturing shade trees as replacements whenever possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if they have voluntarily done so in the past.

- (f) It shall be the duty of the property owner to maintain and/or replace required amenity zone streetscape elements, including tree pits, installed in public street rights-of-way as required by a City-approved development plan pursuant to the CTM.
- (g) The removal of City trees may be subject to mitigation payment and/or planting requirements, pursuant to the CTM. Collected fees from City tree mitigation shall be deposited in the Street Tree Planting Fund.
- (h) City trees shall be allowed to grow to their natural height and form. Topping is prohibited.

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-8. - Trees on private property.

- (a) Any person owning or occupying real property bordering on any street where trees have branches, limbs, trunks, or other parts projecting into the public street or property shall maintain or prune such trees, pursuant to the CTM, in a manner that they will not do any of the following:
 - (1) Obstruct or shade the streetlights or pedestrian scale lighting in public rights-of-way.
 - (2) Obstruct or interfere with the passage of pedestrians or bicyclists on sidewalks, shared-use paths, greenways, bicycle lanes, and other similar multimodal transportation facilities.
 - (3) Obstruct vision of traffic signs or signals.
 - (4) Obstruct views of any street or alley intersection.
- (b) Any person owning or occupying real property bordering on any public street, City park, or other City property, on which there may be trees that are diseased or insect infested, shall remove, spray, or treat any such trees in a manner that will not infect or damage nearby public vegetation or cause harm any person or domestic animal.
- (c) No tree disturbing activity may impact any tree equal to or larger than two inches within a required green area, any tree equal to or larger than eight inches caliper within a tree protection zone, any heritage tree, and/or any other tree required or protected by Article 20. of the UDO or this Chapter prior to approval and issuance of applicable tree work permits by the City.
- (d) It shall be the duty of the property owner to maintain, plant, and/or replace required and protected trees on private property as required by Article 20. of the UDO or this Chapter, including heritage trees, and perimeter trees planted in network-required private streets. Trees shall be allowed to grow to their natural height and form. Pruning of these trees shall be allowed where a tree work permit has been issued and another requirement of Article 20. of the UDO, this Chapter, or another City Code requires pruning of these trees. Topping is prohibited. Property owners will not be held liable for any pruning conducted by utility providers.
- (e) Trees required or protected by Article 20. of the UDO, this Chapter, or by a condition of a previously approved development plan, which die, are missing, or are otherwise deemed unhealthy by the City, shall be removed and replaced by the property owner, normally during the next planting season which is November through March.

Owners of properties, sites, and parcels that are already in compliance shall maintain that compliance with the standards of Article 20. of the UDO, this Chapter, CTM, and CLDSM. Trees of the same approved species as those existing may be used to replace dead, missing, or unhealthy trees. The property owner is required to use large maturing shade trees as replacements whenever possible. Nothing in this section is intended to impose a requirement that the property owner maintain more trees than those required for the site even if they have voluntarily done so in the past.

- (f) If the owner or occupant of such property does not perform the duties set out in subsections 21-8(a) and 21-8(b), the City may order the pruning, removal or treatment of trees on private property that cause obstructions, present insect or disease problems or otherwise present a danger to public health or safety. The order shall be in writing to the owner or occupant responsible for such condition and shall be acted upon within 30 days from the time of the receipt of the order. If, after 30 days, the owner or occupant has not responded or acted to prune, remove or treat the trees, the City shall have the authority to enter upon the property to perform the work necessary to correct the condition and bill the owner or occupant for the actual costs incurred. In situations deemed necessary to the public health, safety, or welfare, the City may act without prior notification to the property owner or occupant.
- (g) Heritage trees - Heritage trees shall be protected at all times within the corporate limits of the city, subject to the requirements of this Chapter as specified below.

- (1) Heritage trees may be removed when a City-issued tree work permit is requested and approved. No removal activities shall commence until such permit is issued, any applicable mitigation payments have been received, and a planting plan has been approved.

Tree work permits for the removal of heritage trees that have been preserved related to development requirements associated with a previously City-approved development plan shall only be granted when one or more of the standards of Article 20.14.B.1. of the UDO, or when the standards of item 2 below are met.

- (2) Heritage trees that are sufficiently diseased, injured, dead, or are in danger of falling shall not be required to obtain a City-issued tree work permit or mitigate the tree loss prior to removal. Trees removed without a permit due to health or hazard shall be either certified by an ISA-certified arborist or adequately documented through picture, video or other documentation prior to removal. Heritage trees that are in declining health may be removed without a City-issued tree work permit only when certified by an ISA-certified arborist prior to removal. For the purpose of this section, a "tree in declining health" shall mean a tree that can be expected to fall within a 1-3 year time period per an assessment by an ISA-certified arborist.
- (3) Mitigation - Owners and persons authorized by the City to remove a heritage tree shall comply with the following mitigation actions:
- a. Required Tree Replanting - One or more trees shall be planted on the property in mitigation pursuant to the CTM. Trees replanted to meet this mitigation requirement shall be in addition to other trees required by this Chapter and Article 20. of the UDO.
 - b. Heritage Tree Mitigation Payment - A heritage tree mitigation payment shall be required for every heritage tree removed per the fee set by the CTM. The required mitigation payment may be reduced or eliminated where trees are replanted on the property in addition to those required by item (3)a. above. The rate of reduction shall be subject to the CTM.
- (4) Specimen Tree Preservation - Specimen trees may be preserved to meet all Heritage Tree mitigation requirements specified above. Only large hardwoods and large softwoods, per the definition of this term in the UDO, shall be used to meet this mitigation requirement. One specimen tree preserved shall meet the mitigation requirements for the removal of one Heritage Tree approved for removal.
- (5) Collected fees from mitigation per this item shall be deposited into the Canopy Care Fund
- (6) It shall be the duty of the property owner to maintain, plant, and/or replace mitigation and heritages trees on private property as required by this section. Trees shall be allowed to grow to their natural height and form.

(h) Tree save standards

- (1) Tree save areas shall be free of invasive plant species unless otherwise approved by the Chief Urban Forester. If a tree save area contains invasive plant species invasive plant species shall be removed. Invasive plant species are considered removed if they are no longer living in or under the tree canopy. Property owners are required to maintain this condition for compliance with this Chapter.

Pursuant to the CTM, any alterations to the tree save area in Tier 3 and Tier 4 Place Types shall be accomplished without mechanized tools and vehicular equipment and made of organic, environmentally friendly materials, unless otherwise approved by the Chief Urban Forester. For sites located in Tier 1 or Tier 2 Place Types, alterations to the tree save area do not have to meet the above standard. However, if alterations are made or amenities are added, these changes shall be made in a manner that is not detrimental to the saved trees or their critical root zone. Alterations and addition of any amenities shall be approved by the Chief Urban Forester.

- (2) No structure shall be allowed within ten feet of the tree save area. A building restriction note shall be indicated on the record plat pursuant to the CTM.
- (3) Additional amenity elements including, but not limited to, benches, trails, gazebos, sheds, fences, may be permitted in the tree save area by the Chief Urban Forester pursuant to the CTM.

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-9. - Permits.

- (a) Persons requesting to perform any tree disturbing activity to trees subject to this Chapter shall obtain a tree work permit from the General Services Department or the Charlotte Planning, Design and Development Department before the activities commence, pursuant to the CTM. For purposes of this subsection, a tree work permit issued by the City or a development plan subject to the applicability of the UDO that is approved by the City constitutes a tree work permit.
- (b) The City shall have the authority to review all requests for tree work permits and to grant, deny, or attach reasonable conditions to such permits.
- (c) Individual tree work permits shall not be required for Charlotte Department of Transportation (CDOT), Charlotte Area Transit Services (CATS), and North Carolina Department of Transportation (NCDOT) projects so long as tree preservation and protection requirements are included in the project plans.

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-10. - Utilities.

- (a) Public and private utilities that install aboveground or underground utilities shall be required to accomplish all work on property subject to this Chapter in accordance with the utility company's written pruning and trenching specifications or as mutually agreeable to the property owner, the City, and the utility.
- (b) Public and private utilities shall submit written specifications for pruning and trenching operations to the City for approval. Specifications shall be reviewed periodically by the City and the commission for necessary improvements and as required by modifications in this Chapter. Upon approval of its specifications, a utility shall not be required to obtain a tree work permit for routine trenching and pruning operations affecting a tree protected by this Chapter so long as such work is done in strict accordance with the approved specifications. Requests for the removal of trees shall be handled on an individual permit basis. Failure to comply with the approved specifications shall be deemed a willful violation of this Chapter.

(Ord. No. 4521, § 1, 9-27-2010)

ARTICLE IV. - MODIFICATION, INSPECTION, ENFORCEMENT, COMMISSION, AND APPEAL

Sec. 21-11. – Modifications

- (a) If strict compliance with the standards of this Chapter conflict with existing federal or state statutory or regulatory requirements the owner may submit a specific alternate plan for planting to the Chief Urban Forester for consideration. This plan shall meet the purposes and standards of this Chapter but may suggest measures other than those listed in this Chapter. In addition, if the owner seeks a modification of planting requirements based upon a contention that the planting required by this Chapter would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification shall only be considered upon receipt of a written explanation of the alleged conflict created by the planting requirement and a copy of the statute or regulation that creates the conflict. The Chief Urban Forester shall review the alternate proposal and advise the applicant of the disposition of the request within 15 working days of submission by the applicant. Any appeals by the applicant shall be in accordance with Sec. 21-16.
- (b) Requests for a delay in complying with this Chapter due to poor weather conditions for planting will be considered following a written request directed to the City's Charlotte Planning, Design and Development Department. Certificates of occupancy will be issued upon approval of a request for planting delay. Such request for a delay will not change the timeframe during which the planting will be completed. Failure to comply will result in penalties as provided for in section 21-14.

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-12. - Inspections and investigations of sites.

- (a) Administrative staff of the City are authorized to inspect the sites subject to this Chapter to determine compliance with this Chapter, the terms of applicable development approval, or rules or orders adopted or issued pursuant to this Chapter. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
- (b) If, through inspection, it is determined that a property owner or person in control of the land has failed to comply or is no longer in compliance with this Chapter or rules or orders issued pursuant to this Chapter, the Chief Urban Forester may issue a written notice of violation in accordance with Sec. 21-14(d) of this Chapter. As specified by G.S. Sec. 160D-404(a), the notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of the violation may be posted on the property. The person providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. A notice of violation shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance with this Chapter. The notice shall inform the person whether a civil penalty will be assessed and shall specify a date by which the person must comply with this Chapter. The notice shall advise that failure to correct the violation within the time specified will subject that person to the civil penalties as provided in Sec. 21-14(b) of this Chapter, the CTM, or any other authorized enforcement action.
- (c) The City shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this Chapter, and for this purpose may enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites subject to this Chapter as specified by G.S. Sec. 160D-403(e) and subsection (a) of this section.

(Ord. No. 4521, § 1, 9-27-2010) (2021-113; 6-21-21)

Sec. 21-13. - Emergencies.

In an emergency such as a windstorm, ice storm, fire or other disaster, the requirements of this Chapter may be waived by the City during the emergency period so that the requirements of this Chapter will in no way hamper private or public work to restore order in the city. This shall not be interpreted to be a general waiver of the intent of this Chapter.

(Ord. No. 4521, § 1, 9-27-2010)

Sec. 21-14. – Penalties.

- (a) Generally. Any person who violates any of the tree regulations of this Chapter, or rules or orders adopted or issued pursuant to this Chapter, shall be subject to any one, all, or a combination of the civil penalties prescribed by Sec. 21-14(b) below and by the CTM. Penalties in Sec. 21-14(b) below are in addition to and not in lieu of compliance with the requirements this Chapter. The person performing the work, the property owner, and the person contracting for the performance shall be jointly and severally liable for any penalty or other enforcement action imposed pursuant to this Chapter, the CTM, or other provisions of law on account of work performed in violation of these regulations.
- (b) Civil Penalties. Civil penalties for violations of the tree regulations in this Chapter shall be assessed pursuant to the CTM and the following:
 - (1) Failure to plant original or replacement trees in accordance with this Chapter shall be \$50 for each tree not planted. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation as provided in section Sec. 21-14(d) of this Chapter. If the site is not brought into compliance within the time specified in the notice of violation, a civil penalty may be assessed from the date the notice of violation is received. The failure to plant each individual tree shall constitute a separate, daily, and continuing violation.
 - (2) Injury or damage to, or destruction of, trees and shrubs protected by this Chapter that result in the total loss of the tree or shrub shall be assessed in accordance with the tree evaluation formula or other generally accepted industry evaluation methods. However, the maximum civil penalty for each tree injured, damaged, or destroyed shall not exceed \$20,000. No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection.
 - (3) Injury or damage to, or destruction of, trees and shrubs protected by this Chapter that do not result in the total loss of the trees or shrubs shall be assessed for each tree or shrub in accordance with the tree evaluation formula or other generally accepted industry evaluation methods. However, the maximum amount of the penalty shall not exceed \$1,000. No notice of violation is needed prior to the assessment of a civil penalty issued pursuant to this subsection.
 - (4) Failure to install or maintain required tree protection measures in accordance with Article 20. of the UDO, this Chapter, the CTM, or CLDSM shall be a penalty of \$1,000. No civil penalty shall be assessed until the person has been issued a notice of violation by the Chief Urban Forester as provided in Sec. 21-14(d) of this Chapter. If the site is not brought into compliance within the time specified in the notice of violation, a civil penalty may be assessed from the date the notice of violation is received. The failure to install the required tree protection measures shall constitute a separate, daily, and continuing violation. Injury or damage to, or destruction of, trees in the tree protection zone and tree save area and/or green area resulting from inadequate or omitted tree protection measures constitutes a separate violation which may subject the violator to any other applicable penalty set forth in this Chapter.
 - (5) Any other action that constitutes a violation ~~of regulations~~ of this Chapter may subject the violator to a civil penalty of \$50, and each day of continuing violation shall constitute a separate violation. However, the maximum amount of the penalty shall not exceed \$1,000.
- (c) Nonmonetary Penalty. A nonmonetary penalty, in the form of increased or additional planting requirements, may be assessed in addition to or in lieu of any monetary penalties prescribed under this section or the CTM.

- (d) Notice. The Chief Urban Forester shall determine the amount of the civil penalty, in accordance with Sec. 21-14(b) and the CTM for any violations of this Chapter, and shall notify the responsible person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of violation shall be provided in accordance with Sec. 21-12(b) of this Chapter. The notice of assessment shall direct the violator to either pay the assessment or file an appeal in accordance with Sec. 21-16 of this Chapter. If payment of assessed penalties is not received within 30 days after it is due, or if no request for an appeal hearing has been made in accordance with Sec. 21-16 of this Chapter, the assessment shall be considered a debt due and owed to the City, and the matter shall be referred to the City Attorney for institution of a civil action to recover the amount of the debt. The civil action may be brought in the Mecklenburg County Superior Court or in any other court of competent jurisdiction.
- (e) Civil Action for Unpaid Assessment. If payment of assessed penalties is not received within 30 days after it is due, or if no request for an appeal hearing has been made in accordance with Sec. 21-16(c), the assessment shall be considered a debt due and owed to the City, and the matter shall be referred to the City Attorney for institution of a civil action to recover the amount of the debt. A civil action shall be filed within three years of the date the assessment was due. An assessment that is not appealed is due when the violator is served with a notice of assessment. An assessment that is appealed is due at the conclusion of the administrative and judicial review of the assessment.

(Ord. No. 4521, § 1, 9-27-2010) (2021-113; 6-21-21)

- (gf) Injunctive Relief. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate this Chapter or any rule or order adopted or issued pursuant to this Chapter, or any term, condition or provision of an approved permit, it may, either before or after the institution of any other action or proceeding authorized by this Chapter, authorize the City Attorney to institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the county superior court or any other court of competent jurisdiction.

Upon determination of a court that an alleged violation is occurring or is threatened, the court shall enter such orders or judgments as are necessary to abate the violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violation of this Chapter.

(hg) Order to Take Corrective Action

- (1) If the owner or occupant of such property does not perform the duties set out in Sections 21-8, the City may order the pruning, removal, or treatment of trees on private property that cause obstructions, present insect, or disease problems, or otherwise present a danger to public health, safety, or welfare. The order shall be in writing and provided by personal delivery, email, or first-class mail to the property owner or occupant responsible for such condition and shall be acted upon within 30 days from the time of the receipt of the order. Orders provided by first-class mail are deemed received on the third business day following deposit of the order for mailing with the U.S. Postal Service. The staff person, or person providing the order shall certify to the City that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.
- (2) If, after 30 days, the owner or occupant has not responded or acted to prune, remove, or treat the trees, the City shall have the authority to enter upon the property to perform the work necessary to correct the condition and bill the owner or occupant for the actual costs incurred. In situations deemed critical to the public health, safety, or welfare, the City may act without prior notification to the property owner or occupant.

- (h) Use of civil penalties collected. Civil penalties collected pursuant to this chapter shall only be used to further the purpose, intent, enforcement, spirit, and requirements of the Charlotte Tree Ordinance. The Charlotte Tree Advisory Commission shall be consulted with regard to use of collected funds.

Sec. 21-15. - Tree advisory commission.

(a) Powers and Duties

- (1) To serve in an advisory role in developing tree-related policy.
- (2) To review and provide guidance on best practices and education to sustain Charlotte's Tree Canopy.
- (3) To select and award recognition to exemplary trees and efforts to sustain tree canopy across the City of Charlotte.
- (4) To adopt bylaws necessary for the administration of its responsibilities not inconsistent with these regulations.
- (5) In determining appeals of administrative decisions and variances related to non-land development items regulated by this Chapter, the tree advisory commission shall follow the statutory procedures for all quasi-judicial decisions as required by G.S. Sec.160D-406.

(b) Membership, Hearings, and Procedures

- (1) The Charlotte Tree Advisory Commission shall be composed of 12 members, a majority of whom shall be residents of the City.
- (2) Seven of the members shall be appointed by the City Council.
- (3) Three of the members shall be appointed by the Mayor.
- (4) The remaining two members shall be representatives of the Charlotte Planning, Design and Development Department and Department of General Services and shall be ex officio (non-voting) members. These members shall be the Chief Urban Forester or their designee and the City Arborist or their designee.

(c) The Commission shall nominate prospective members to City Council and the Mayor based on the following experience and background:

- (1) Professional horticulturist or landscape contractor with five years of experience.
- (2) Registered landscape architect with five years of experience.
- (3) Professional with five years of experience in city planning, urban design, government ordinance and regulations.
- (4) Member of a natural resources advocacy group.
- (5) Member of the International Society of Arboriculture.
- (6) Representative of sustainable development community.
- (7) Representative of citizen interest group.
- (8) Representative of public utilities.
- (9) Representative of neighborhood group.

Those members appointed by the Mayor and City Council shall serve three years, and no member appointed by the Mayor and City Council shall be eligible to serve more than two consecutive full terms. Member terms shall be appointed on a staggered basis so that no more than five of the ten appointed seats become vacant at one time.

(d) Meetings

- (1) Regular meetings shall be held periodically at a time and place determined by the Charlotte Tree Advisory Commission.
- (2) The adopted bylaws, where not inconsistent with this Ordinance, shall govern the procedures for meetings. The tree advisory commission shall keep minutes of its proceedings as required by G.S. Sec.160D- 308.

(e) Each member shall take an oath of office before starting their duties as required by G.S. Sec. 160D-309.

(f) Each member shall comply with the conflict of interest standards as specified in G.S. Sec. 160D-109 and Section 1.111 of the City of Charlotte zoning ordinance.

(Ord. No. 4521, § 1, 9-27-2010) (Ord. 2021-113 adopted 6-21-21)

Sec. 21-6. - Hearings and appeals.

- (a) *Quasi-judicial procedure.* In determining appeals of administrative decisions and variances, the commission shall follow the statutory procedures for all quasi-judicial decisions as required by G.S. Sec. 160D-406.

The commission shall vote in accordance with state law. Vacant positions on the commission and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D- 109(d) shall not be considered members of the commission for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- (b) *Requests for variance.* Procedures for a request for a variance from this Chapter are as follows:
- (1) An application for a variance from the requirements of this Chapter shall entitle the person submitting the application (petitioner) to a public hearing before the commission if such person submits a written request for a hearing to the chair of the commission. As soon as possible after the receipt of the request, the chair of the commission will set a date, time and place for the hearing and notify the petitioner of the hearing by mail. The time specified for the hearing shall be either at the next regularly scheduled meeting of the commission from the submission of the request, as soon thereafter as practical, or at a special meeting. The hearing shall be conducted by the commission in accordance with subsection (e).
 - (2) As per G.S. Sec. 160D-406 notices of hearings shall be mailed to (1) the person or entity whose appeal, application or request is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.

In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. Staff shall transmit to the commission all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the commission prior to the hearing if at the same time they are distributed to the commission, a copy is also provided to the applicant and to the property owner if that person is not the applicant. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the commission at the hearing.

- (3) The commission may grant a variance from the requirements of this Chapter upon a finding that:
 - a. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
- (4) Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- (5) Variance approvals attach to and run with the land pursuant to G.S. Sec. 160D-104.

- (c) *Appeals of decisions, notices of violation and assessments of civil penalties.* Any party dissatisfied with a decision of the City adversely affecting such party in the application or enforcement of this Chapter, including notices of violations and assessments of civil penalties, may request a public hearing before the commission. An appeal stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the commission as specified in G.S. Sec. 160D-405(f), unless the City staff member who made the decision certifies to the commission, after notice of appeal has been filed that because of the facts stated in the certificate a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with the enforcement of this Chapter. In that case, enforcement shall not be stayed except by a restraining order, which may be granted by a court. Procedures for appeal hearings are as follows:

- (1) The issuance of a decision, including a notice of violation or assessment of a civil penalty by the City, shall entitle the person subject to the decision or responsible for the violation (petitioner) to a public hearing before the commission if such person submits a written request for a hearing to the chair of the commission within 30 days of the receipt of a decision, notice of violation or assessment of a civil penalty. In the absence of evidence to the contrary, notice given pursuant to G.S. Sec. 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- (2) As soon as possible after the receipt of the request, the chair shall set a date, time and place for the hearing and, as specified in G.S. Sec. 160D-406, shall mail notices to (1) the person or entity whose appeal is the subject of the hearing; (2) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and (3) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the county tax listing shall be used to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

The time specified for the hearing shall be either at the next regularly scheduled meeting of the commission from the submission of the request, as soon thereafter as practical, or at a special meeting. The hearing shall be conducted pursuant to G.S. Sec. 160D-406 and subsection (e).

- (d) *Petition for review of commission's decision.* Every quasi-judicial decision of the commission shall be subject to judicial review by the superior court by proceedings in the nature of certiorari pursuant to G.S. Sec. 160D-1402. Any petition for a review of the commission's decision in the nature of certiorari by the superior court must be filed with the clerk of superior court by the later of (1) 30 days after the decision is effective, or (2) 30 days after a written copy of the decision is given in accordance with subsection (1) of this section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
- (e) *Hearing procedure.* The following shall be applicable to any hearing conducted by the commission pursuant to subsection (a) or (b):
- (1) At the hearing, the petitioner and the City shall have the right to:
 - a. Be present and be heard;
 - b. Be represented by counsel; and
 - c. Present evidence through witnesses and competent testimony relevant to the issues before the commission.
 - (2) Rules of evidence shall not apply to a hearing conducted pursuant to this section, and the commission may give probative effect to competent, substantial and material evidence.
 - (3) At least seven days before the hearing, the parties shall exchange a list of witnesses intended to be present at the hearing and a copy of any documentary evidence intended to be

presented. Additional witnesses or documentary evidence may not be presented except upon consent of both parties or upon a majority vote of the commission.

- (4) Staff shall transmit to the commission all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the commission prior to the hearing if at the same time they are distributed to the commission, a copy is also provided to the petitioner and to the property owner if that person is not the petitioner. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the commission the hearing.
- (5) Witnesses shall testify under oath or affirmation to be administered by the court reporter or another duly authorized official.
- (6) For appeals of administrative decisions, the administrator or staff person who made the decision (or his or her successor if the person is no longer employed) shall be present at the quasi-judicial hearing to appear as a witness.
- (7) All parties with standing shall be allowed to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- (8) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant, competent, substantial and material evidence to be received therein. A full record shall be kept of all evidence taken or offered at such hearing. Both the representative for the City and for the petitioner shall have the right to cross examine witnesses.
- (9) At the conclusion of the hearing, the commission shall render its decision on the evidence submitted at such hearing and not otherwise.
 - a. If, after considering the evidence presented at the hearing, the commission concludes by a preponderance of the evidence that the grounds for the City 's actions are true and substantiated, the commission shall, as it sees fit, uphold the City 's action.
 - b. If, after considering the evidence presented at the hearing, the commission concludes by a preponderance of the evidence that the grounds for the City 's actions are not true and substantiated, the commission may, as it sees fit, reverse or modify any order, requirement, decision or determination of the City. The commission bylaws will determine the number of concurring votes needed to reverse any order, requirement, decision or determination of the City.
- (10) The commission shall keep minutes of its proceedings, showing the vote of each member upon each question and the absence or failure of any member to vote. The decision of the commission shall be based on findings of fact and conclusions of law to support its decision and shall be based upon competent, material, and substantial evidence in the record. The decision shall be reduced to writing, reflect the commission's determination of contested facts and their application to the applicable standards, and be approved by the commission and signed by the chair or other duly authorized member of the commission.
- (11) The decision of the commission shall be delivered by personal delivery, electronic mail, or by first- class mail to the petitioner, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made. If either party contemplates an appeal to a court of law, the party may request and obtain, at his own cost, a transcript of the proceedings.
- (12) The decision of the commission shall constitute a final decision.