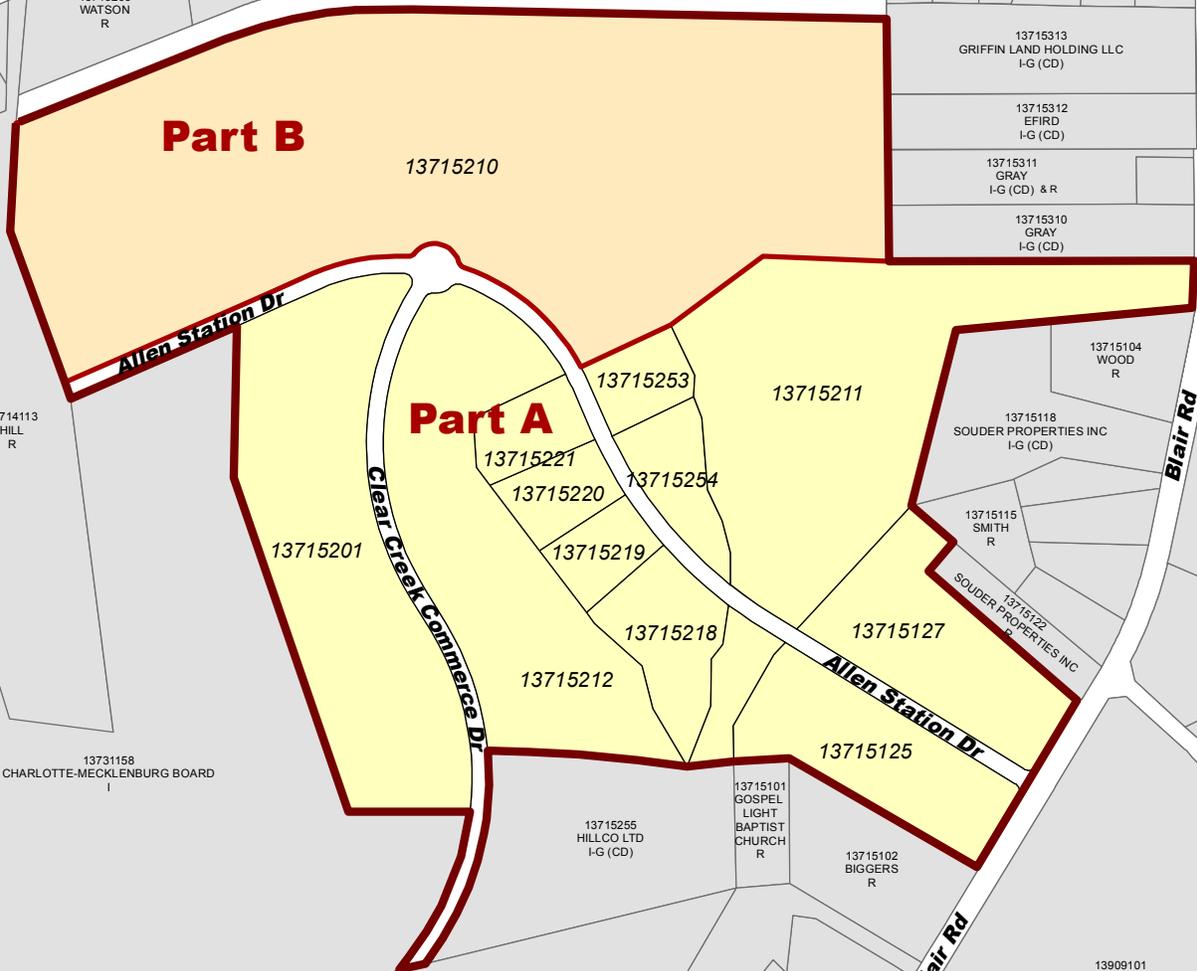


Clear Creek Business Park
General Industrial - Conditional District, I-G (CD)
Remaining Vacant Land with conditions (see attached documentation)



TOWN OF MINT HILL

**Clear Creek Business Park
General Industrial - Conditional District, I-G (CD)
ZC12-10**

**Development Conditions
Part A**

11.14.12

1. Volunteered Condition relating to new CD for each remaining undeveloped Part A parcels.
2. All outdoor storage will be limited to the side or rear of the building and will be screened with a vegetative buffer, masonry walls or solid fences or chain linked fences (if chain link fences are installed, vegetation must also be provided and the fence shall be dark color to blend with the landscaping).
3. Street trees along Albemarle Road and Blair Road should be a minimum of 4' caliper and 20-25 feet in height at time of planting.
4. The front facades shall be constructed of masonry or brick material. In addition, all buildings visible from the street must also be masonry or brick on side and rear.
5. Access to all lots shall be from interior streets only.
6. Eating establishment, retail sales and services should be limited to accessory uses to the principle structure and not be primary uses in the park.
7. Bus stations, power generating or transmission facilities, radio, telephone masts, towers or similar structures, telephone repeater stations, blacksmiths, armories, bulk storage of flammable liquids and gases, and truck terminals shall be prohibited uses. Further, the board granted the waiver as requested by the applicant to allow the street trees to be planted 50' apart rather than 30' as required by the ordinance due to the fact that the applicant will be planting larger trees than required.
8. Street shall be 80% occupied before the final inch of asphalt is applied and before the town will accept streets for maintenance.
9. Installation of sidewalks within development shall be bonded to insure installation upon development/construction of site.

**Clear Creek Business Park
General Industrial - Conditional District, I-G (CD)
ZC12-10**

**Development Conditions
Part B
Working Draft**

11.14.12

1. Definition and Delineation of “Clear Creek Business Park, Part B”

The Clear Creek Business Park, located in the town of Mint Hill, North Carolina, is zoned General Industrial – Conditional District, or I-G (CD). Part B of the Clear Creek Business Park (“Part B”) refers to the portion of the Business Park that has rail access and can therefore support rail-oriented industrial uses. The nature of such uses differs from other Business Park uses and, therefore, development of Part B shall adhere to the Development Conditions set forth herein. Part B is delineated on the “Part A & Part B Exhibit” (Exhibit 1) and further defined by the metes and bounds provided in “Part B – Legal Description” (Exhibit 2).

2. Applicability of Development Conditions and Binding Effect of the Rezoning Application

If the Request for Rezoning (ZC12-10) of which these Development Conditions are a part is approved, development of that certain property identified as Part B as delineated on the “Part A & Part B Exhibit” (Exhibit 1) and further defined by the metes and bounds provided in “Part B – Legal Description” (Exhibit 2) shall be governed and controlled by these Development Conditions. These Development Conditions and other supporting documents incorporated in these Development Conditions by reference shall be binding upon the Applicant and its heirs, devisees, personal representatives, successors in interest and assigns (“Owner”).

3. Relationship to the Unified Development Ordinance

Except as expressly provided otherwise by these Development Conditions, Part B shall be subject to all of the applicable provisions of the Unified Development Ordinance (“UDO”) and other local land development codes, ordinances, laws, rules, and regulations (collectively, “Other Regulations”) adopted by the Town of Mint Hill (“Town”) and in effect on December 13, 2012.

Any term or phrase that is defined in the Unified Development Ordinance, whether capitalized or not, and which is also used in these Development Conditions shall be deemed to have the same meaning in these Development Conditions as is ascribed to it in the Unified Development Ordinance in effect on December 13, 2012.

4. Uses

4.1. Uses permitted by right. Part B is an area intended to take advantage of rail access, therefore the uses permitted by right shall be rail-oriented or rail support facilities. The following uses are permitted by right provided they meet all requirements of these Development Conditions.

Railroad

- Railroad Transportation (NAICS category: 40)
- Railroads, Line-haul Operating (NAICS category: 4011)
- Switching and Terminal Services (NAICS category: 4013)
- Belt line railroads (NAICS category: 40139901)
- Railroad switching (NAICS category: 40139904)
- Railroad terminals (NAICS category: 40139903)

Manufacturing

- Flour Milling (NAICS category: 311211)
- Rice Milling (NAICS category: 311212)
- Malt Manufacturing (NAICS category: 311213)
- Wet Corn Milling (NAICS category: 311221)
- Soybean and Other Oilseed Processing (NAICS category: 311224)
- Frozen Specialty Food Manufacturing (NAICS category: 311412)
- Dried and Dehydrated Food Manufacturing (NAICS category: 311423)
- Commercial Bakeries (NAICS category: 311812)
- Frozen Cakes, Pies, and Other Pastries Manufacturing (NAICS category: 311813)
- Cookie and Cracker Manufacturing (NAICS category: 311821)
- Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour (NAICS category: 311824)
- Tortilla Manufacturing (NAICS category: 311830)
- Perishable Prepared Food Manufacturing (NAICS category: 311991)
- Truss Manufacturing (NAICS category: 321214)
- Other Millwork (including Flooring) (NAICS category: 321918)
- Manufactured Home (Mobile Home) Manufacturing (NAICS category: 321991)
- Prefabricated Wood Building Manufacturing (NAICS category: 321992)
- Corrugated and Solid Fiber Box Manufacturing (NAICS category: 322211)
- Folding Paperboard Box Manufacturing (NAICS category: 322212)
- Plastics Material and Resin Manufacturing (NAICS category: 325211)
- Synthetic Rubber Manufacturing (NAICS category: 325212)
- Artificial and Synthetic Fibers and Filaments Manufacturing (NAICS category: 325220)
- Plastics Bag and Pouch Manufacturing (NAICS category: 326111)

- Plastics Packaging Film and Sheet (including Laminated) Manufacturing (NAICS category: 326112)
- Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing (NAICS category: 326113)
- Unlaminated Plastics Profile Shape Manufacturing (NAICS category: 326121)
- Plastics Pipe and Pipe Fitting Manufacturing (NAICS category: 326122)
- Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing (NAICS category: 326130)
- Polystyrene Foam Product Manufacturing (NAICS category: 326140)
- Urethane and Other Foam Product (except Polystyrene) Manufacturing (NAICS category: 326150)
- Plastics Bottle Manufacturing (NAICS category: 326160)
- Plastics Plumbing Fixture Manufacturing (NAICS category: 326191)
- Flat Glass Manufacturing (NAICS category: 327211)
- Ready-Mix Concrete Manufacturing (NAICS category: 327320)
- Iron and Steel Pipe and Tube Manufacturing from Purchased Steel (NAICS category: 331210)
- Rolled Steel Shape Manufacturing (NAICS category: 331221)
- Steel Wire Drawing (NAICS category: 331222)
- Custom Roll Forming (NAICS category: 332114)
- Metal Crown, Closure, and Other Metal Stamping (except Automotive) (NAICS category: 332119)
- Saw Blade and Hand tool Manufacturing (NAICS category: 332216)
- Prefabricated Metal Building and Component Manufacturing (NAICS category: 332311)
- Fabricated Structural Metal Manufacturing (NAICS category: 332312)
- Plate Work Manufacturing (NAICS category: 332313)
- Metal Window and Door Manufacturing (NAICS category: 332321)
- Sheet Metal Work Manufacturing (NAICS category: 332322)
- Ornamental and Architectural Metal Work Manufacturing (NAICS category: 332323)
- Power Boiler and Heat Exchanger Manufacturing (NAICS category: 332410)
- Metal Tank (Heavy Gauge) Manufacturing (NAICS category: 332420)
- Metal Can Manufacturing (NAICS category: 332431)
- Other Metal Container Manufacturing (NAICS category: 332439)
- Hardware Manufacturing (NAICS category: 332510)
- Spring Manufacturing (NAICS category: 332613)
- Other Fabricated Wire Product Manufacturing (NAICS category: 332618)
- Bolt, Nut, Screw, Rivet, and Washer Manufacturing (NAICS category: 332722)
- Metal Heat Treating (NAICS category: 332811)
- Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers (NAICS category: 332812)
- Electroplating, Plating, Polishing, Anodizing, and Coloring (NAICS category: 332813)

- Industrial Valve Manufacturing (NAICS category: 332911)
- Fluid Power Valve and Hose Fitting Manufacturing (NAICS category: 332912)
- Plumbing Fixture Fitting and Trim Manufacturing (NAICS category: 332913)
- Other Metal Valve and Pipe Fitting Manufacturing (NAICS category: 332919)
- Ball and Roller Bearing Manufacturing (NAICS category: 332991)
- Fabricated Pipe and Pipe Fitting Manufacturing (NAICS category: 332996)
- All Other Miscellaneous Fabricated Metal Product Manufacturing (NAICS category: 332999)
- Farm Machinery and Equipment Manufacturing (NAICS category: 333111)
- Rolling Mill and Other Metalworking Machinery Manufacturing (NAICS category: 333519)
- Light Truck and Utility Vehicle Manufacturing (NAICS category: 336112)
- Motor Vehicle Metal Stamping (NAICS category: 336370)

Transportation/Warehousing

- Line-Haul Railroads (NAICS category: 482111)
- Short Line Railroads (NAICS category: 482112)
- General Freight Trucking, Local (NAICS category: 484110)
- General Freight Trucking, Long-Distance, Truckload (NAICS category: 484121)
- General Freight Trucking, Long-Distance, Less Than Truckload (NAICS category: 484122)
- Commuter Rail Systems (NAICS category: 485112)
- Support Activities for Rail Transportation (NAICS category: 488210)
- Other Support Activities for Road Transportation (NAICS category: 488490)
- Freight Transportation Arrangement (NAICS category: 488510)
- Packing and Crating (NAICS category: 488991)
- All Other Support Activities for Transportation (NAICS category: 488999)
- General Warehousing and Storage (NAICS category: 493110)
- Refrigerated Warehousing and Storage (NAICS category: 493120)
- Farm Product Warehousing and Storage (NAICS category: 493130)
- Other Warehousing and Storage (NAICS category: 493190)

Wholesale Trade

- Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers (NAICS category: 423310)
- Brick, Stone, and Related Construction Material Merchant Wholesalers (NAICS category: 423320)
- Roofing, Siding, and Insulation Material Merchant Wholesalers (NAICS category: 423330)
- Other Construction Material Merchant Wholesalers (NAICS category: 423390)
- Metal Service Centers and Other Metal Merchant Wholesalers (NAICS category: 423510)
- Hardware Merchant Wholesalers (NAICS category: 423710)
- Packaged Frozen Food Merchant Wholesalers (NAICS category: 424420)
- Poultry and Poultry Product Merchant Wholesalers (NAICS category: 424440)
- Confectionery Merchant Wholesalers (NAICS category: 424450)

- Fish and Seafood Merchant Wholesalers (NAICS category: 424460)
- Meat and Meat Product Merchant Wholesalers (NAICS category: 424470)
- Fresh Fruit and Vegetable Merchant Wholesalers (NAICS category: 424480)
- Other Grocery and Related Products Merchant Wholesalers (NAICS category: 424490)
- Grain and Field Bean Merchant Wholesalers (NAICS category: 424510)
- Plastics Materials and Basic Forms and Shapes Merchant Wholesalers (NAICS category: 424610)
- Other Chemical and Allied Products Merchant Wholesalers (NAICS category: 424690)
- Petroleum Bulk Stations and Terminals (NAICS category: 424710)
- Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) (NAICS category: 424720)
- Farm Supplies Merchant Wholesalers (NAICS category: 424910)
- Wholesale Trade Agents and Brokers (NAICS category: 425120)

4.2. Permitted accessory uses and structures. Accessory uses and structures are permitted as stated in the UDO. For clarity, the following uses shall be permitted by right on the parcels comprising Part B as accessory uses and structures:

- Food Service, within principal structure, subject to the following:
 - Such use shall be provided for the convenience of the employees of the principal use and, therefore, it shall be within and accessible only from the interior of the principal structure.
- Industrial Pre-Treatment Facility, within principal structure or detached.
- Manufacturing Tower, subject to the following:
 - Such towers, up to but not exceeding a height of 200 feet, shall comply with the front, side and rear yard setbacks.
- Outdoor Storage
- Storage Silo, subject to the following:
 - Such silos, up to but not exceeding a height of 200 feet, shall comply with the front, side and rear yard setbacks.
- Truck Washing Facility, subject to the following:
 - Such use shall be for the convenience of the customers of the businesses in Part B and the trucks utilized in connection with any transloading (rail-to-truck or truck-to-rail) facilities within Part B.

4.3. Prohibited uses. Any uses not listed herein shall be prohibited on the parcels comprising Part B, including without limitation:

- Meat, Poultry or Small Game Processing, or Rendering and Meat Byproduct Processing (NAICS categories: 311611, 311612, 311613, and 311615)
- Mining Activities (NAICS category: 21)

5. Development Standards

All uses and structures in Part B shall be subject to the following development standards.

- 5.3.1. Site Landscaping.** No landscaping shall be required for lots with Part B other than that which is installed to satisfy buffer requirements of subsection 5.4.
- 5.3.2. Parking Areas.** No trees or other landscaping shall be required within or at the perimeter of parking areas.
- 5.3.3. Street Trees.** No street trees shall be required in Part B.

5.4. Buffers and Screening.

5.4.1. Buffers. Buffers shall be required within Part B along the eastern, southern and western boundaries. It shall be the responsibility of the property owner to maintain any buffer materials provided (or, in the case of existing features, preserved) to meet the requirements of these Development Conditions.

- (1) **Buffer Width.** The width of the buffer shall be a minimum of 100 feet measured from the property line that forms the boundary of Part B (or a portion thereof). The buffer area may be included as part of the required minimum yards or setback areas and must be indicated on any plats or plans. The buffer area may be reduced in width by 50% to accommodate storm water management facilities, provided an opaque fence is installed within the reduced buffer area. The total number of trees and shrubs, as required in subsection 5.4.1 (2), may be reduced by 50% when such fencing is used to achieve the reduced buffer width. Such trees and shrubs shall be placed outside the fence line.
- (2) **Buffer Materials.** Required buffers will consist of a minimum of ten (10) trees and forty (40) shrubs per one hundred (100) linear feet in an area sufficient to support the healthy growth of the plant materials. The arrangement of trees and shrubs in the buffer shall be done in a manner that provides maximum visual separation of abutting uses from the use to be buffered, taking into consideration topography and sight lines from abutting uses. For any trees or shrubs planted pursuant to this subsection, the following standards shall be met:
 - a. Trees shall be a minimum of two (2) inches in caliper and five (5) feet in height at time of planting.
 - b. Shrubs shall be a minimum of three (3) feet high at the time of planting and shall be expected to achieve a height of at least six (6) feet within four (4) years from planting.
 - c. All installed trees and shrubs shall be locally adapted to the area and meet the specifications for the measurement, quality and installation of trees and shrubs in accordance with "American Standards for Nursery Stock," published by the American Association of Nurserymen.

In cases where existing vegetation meets the buffer requirements, no additional vegetation shall be installed.

Vegetation may be supplemented by the following to improve the effectiveness of the buffer. Except where there is existing vegetation, berms shall be required in the buffer along the southern portion of Part B where it adjoins the public street right-of-way in Part A.

- d. Berms. When berms are provided in combination with vegetation, such berms shall be at least eight (8) feet in height. Berms shall have a maximum slope of 2:1.
- e. Fences. When fencing is provided in combination with vegetation, such fencing shall be opaque and shall be a minimum of six (6) feet in height as measured from the ground up along the adjoining property line. For fence maintenance purposes, trees and shrubs shall be placed outside the fence line.

Required buffers shall be installed no later than 36 months after the first certificate of occupancy is issued.

- 5.4.2. Screening.** Buffers required in Part B shall satisfy all screening requirements. No additional screening shall be required within Part B to visually separate uses within Part B from one another.

6. Private Drives.

6.1.1. Frontage on Streets

Lots in Part B need not front on a public street provided that each such lot has frontage on a private drive and that primary access to each such lot is made available via that private drive. An illustrative drawing showing a likely layout of driveways is attached hereto as Exhibit 3. All private drives shall be privately owned and will not be dedicated to the Town or NCDOT. Such private drive may be owned by the individual lot owner in fee (subject to applicable private easements for the benefit of other owners) or in common ownership or owned by another entity that has granted permanent access to each lot through an access agreement. Any such access agreement shall be made by contract between the owner of the private street and the owner of the lot to which primary access from the private street is granted, and such contract shall be filed with the Administrator. The access agreement shall include provisions that address the long-term maintenance of the street, particularly in the event of changes in ownership of the private street.

6.1.2. Design and Construction

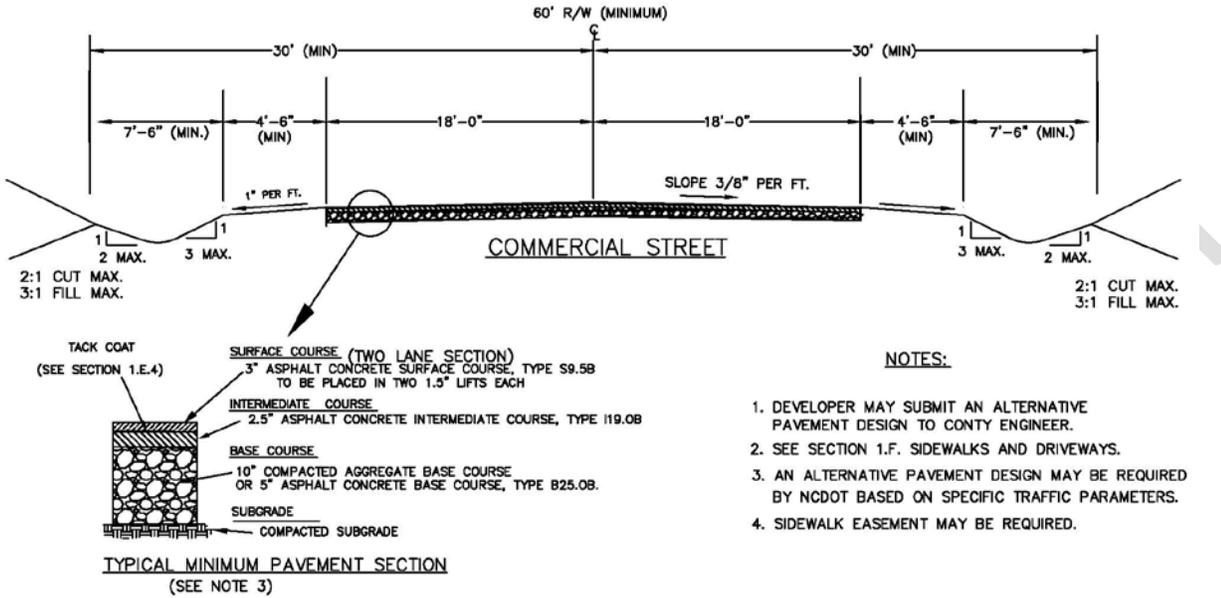
All road improvements shall be designed, constructed, completed and approved in accordance with the standards provided in this subsection.

(1) Private Drive Cross-Sections.

- a. Publicly Dedicated Streets. A street that provides access to Part B from NC Highway 24/27 shall be publicly dedicated and may extend into Part B, provided it is designed and constructed to meet or exceed the standards for a

Commercial Street (Class V-C) as set forth in the Mecklenburg County Land Development Standards Manual, effective on December 13, 2012.

- b. Private Streets. Any private streets within Part B shall meet or exceed the following commercial street standards prepared specifically for Part B:



- (2) Driveways. Driveways connecting to public streets shall be designed, constructed, completed and approved in accordance with the standards set forth in the Mecklenburg County Land Development Standards Manual, effective on December 13, 2012. Specifically, such driveways shall meet or exceed the standards for the following driveway types: Type II—Modified, or Type III.

- (3) Vehicular Connectivity. Due to the nature of uses permitted in Part B, connectivity will be limited. No streets, public or private, shall be required to interconnect with existing or future development adjoining Part B.

Provided Part B is developed in accordance with these Development Conditions, primary access to Part B shall be via a public street or private drive connecting to NC Highway 24/27. An at-grade railroad crossing is permitted, provided the owner of the railroad right-of-way grants permission for an at-grade crossing. [Note: The owner of the railroad right-of-way is the sole grantor of permission for such at-grade crossing of the railroad right-of-way and rail line regardless of ownership of Part B (or portions thereof). If permission is not granted by the owner of the railroad right of way then there shall be no development of Part B in accordance with these Development Conditions.] Emergency access shall be permitted via a private driveway connection to a public street

in Part A. A security gate shall be installed to effectively limit use of this emergency access point to emergency vehicles. Such security gate shall be constructed of materials that prevent forced entry, and shall be activated with one of the following: keypad code, access card, light (traffic priority control system), or radio frequency identifier device (RFID).

- (4) Sidewalks. Sidewalks shall not be required in Part B. Due to the nature of uses permitted in Part B, no pedestrian walkways (i.e., sidewalks, trails, etc.) shall be required to interconnect with existing or future development adjoining Part B.

7. Signs

Signs are permitted to identify the industrial park that comprises Part B and on-premise signs are permitted to identify businesses within Part B in accordance with the UDO.

Additionally, off-premise project identification signs shall be permitted along NC Highway 24/27 near the industrial park that comprises Part B. Such signs may be lighted, luminous, or not lighted, and shall be subject to the sign standards approved for Clear Creek Business Park (ZC06-8), including the following.

- (1) Type – Monument signs.
- (2) Location – Ground-mounted behind street property line.
- (3) Number of signs permitted – Up to two (2).
- (4) Maximum height – twenty (20) feet above average grade as measured to the top of the sign.
- (5) Maximum width – eight (8) feet.

The project name displayed on any on- or off-premise project identification signs may be the name of the industrial park that comprises Part B.

8. Lighting

Outdoor lighting shall be located, fully shielded and angled so as not to reflect on property adjacent to Part B or on public streets in such manner as to adversely affect the enjoyment of adjacent property or endanger the motorist traversing such public streets.

9. Fences and Walls

The maximum height of a fence or wall in Part B shall be eight (8) feet. The capital of a fence post or column may extend up to one foot above the maximum height limit, provided said capitals are spaced at least five (5) feet apart. For all fence installations, the finished side of the fence shall face the outside of the fenced area.

10. Storm water Management

10.1. Post Construction. All development within Part B shall be subject to the requirements of Article 6, Part 8: Post Construction Ordinance contained in the Town of Mint Hill Unified Development Ordinance in effect on December 13, 2012.

10.2. Flood Control and Surface Water Improvement Management (S.W.I.M.) Stream Buffers. All development within Part B shall be subject to the requirements of Article 6, Part 6: Flood Control and Surface Water Improvement Management (S.W.I.M.) Stream Buffers contained in the Town of Mint Hill Unified Development Ordinance in effect on December 13, 2012.

10.3. Soil Erosion and Sedimentation Control. All development within Part B shall be subject to the requirements of Article 6, Part 7: Soil Erosion and Sedimentation Control contained in the Town of Mint Hill Unified Development Ordinance in effect on December 13, 2012.

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