

# **BROWNFIELDS REDEVELOPMENT SECTION**

## **LAND USE DEFINITIONS**

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#### **General Notes:**

- These definitions are used in the first land use restriction in the BFA based on the redevelopment plans stated in the Brownfields Property Application, any amended Brownfields Property Application, and any subsequent discussions with the Prospective Developer (PD).
- The land use statement should be in the following form: “No use may be made of the Brownfields Property other than for use 1, use 2, use 3, etc.”
- If commercial uses are allowed, include the following “and subject to DEQ’s prior written approval, other commercial uses.” *Always put commercial last in the list and if the term “commercial” is included then a separate LUR prohibiting childcare and schools must be added).*
- The land use definitions will follow the land use statement as subparagraphs XX.a.i., XX.a.ii., and so on in order that they are stated in the land use statement. The first line of the subparagraphs should be indented, but the remainder of the definition should not be indented.
- Start with common land use definitions in section I below; if a more detailed definition is needed, refer to the subsequent pages.
- Avoid using definitions that combine the uses such as: *Commercial/Industrial Park Development, Commercial Office, Mixed Use, or that don’t specify a form of residential use.*
- New land use definitions, if not adequately described by one or more of those below should be tagged for review by Brownfields Redevelopment Section Branch Heads and Section Chief.

## **I. Common General Land Use Definitions:**

**Commercial** is defined as an enterprise carried on for profit or nonprofit by the owner, lessee or licensee, with the exception of educational space and childcare facilities.

*For sites where chlorinated solvents are a known contaminant and are not to be used, add the following:*

“For the purposes of this Agreement, this excludes use as a dry cleaner using chlorinated solvents or other operation which uses chlorinated solvents.”

**Industrial** is defined as the assembly, fabrication, manufacture, processing, warehousing, or distribution of goods or materials, and can include flex parks, and research and development uses.

**Light Industrial** is defined as the assembly, fabrication, storage, transportation, or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, wastewater that requires permitting, nor health or safety hazards outside of the building or property where such assembly, fabrication or processing takes place.

**Institutional** is defined as the use of land, buildings or structures for public, non-profit or quasi-public purposes, such as libraries, museums, community centers, post-secondary education facilities, religious facilities, or health care facilities.

**Office** is defined as a place where business or professional services are provided.

**Parking** is defined as the temporary accommodation of motor vehicles in an area designed for same.

**Public facility** is defined as a government-operated facility such as libraries, fire stations, police stations, public works yards, postal distribution centers, or governmental offices.

**Retail** is defined as the sale of goods or services, products, or merchandise directly to the consumer or businesses and includes showrooms, personal service, open air markets, festivals, food halls, courier services, and the sales of food and/or beverage products, including from mobile establishments such as food trucks.

*For sites where chlorinated solvents are a known contaminant and are not to be used, add the following:*

“For the purposes of this Agreement, this excludes use as a dry cleaner using chlorinated solvents or other operation which uses chlorinated solvents.”

**Warehousing** is defined as the use of a commercial building for storage of goods by manufacturers, importers, exporters, wholesalers, transport businesses among others, and also refers to the storage of goods and materials for a specific commercial establishment of a group of establishments in a particular type of industry or commercial activity. (Consider the need to rule out the storage or distribution of products that may contain one or more known site contaminants.)

**II. Residential Use Options:** *“Residential” as a stand-alone term is not acceptable; the type of residential use must be identified.*

**Age-Restricted Senior Residential Community** is defined as multi-unit human dwellings, in which at least eighty percent (80%) of all occupied units must have at least one resident aged 55 and older, such as condominiums or rental apartments that are contained in one building or a group of buildings within one complex and that can be constructed side by side or stacked vertically, and may include related amenities, such as pools, clubhouses, courtyards, common areas, recreation areas, and parking garages. Single family homes are prohibited; townhomes, duplexes or other units with private ownership of yards are prohibited unless approved in writing by DEQ in advance.

**Assisted Living Facility** is defined in NCGS §131D-2.1 as “any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.” The definition in NCGS §131D-2.1 also allows for nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. For purposes of this Agreement, townhomes, duplexes, or other units with private ownership of yards are prohibited.

**Senior Care Facilities** is defined as assisted care, memory care, or skilled nursing facilities that house the elderly and which routinely provide for the diagnostics, care, treatment, and testing for physical or psychological injury or illness, or disability, and for the overnight boarding of patients, either on a for-profit or not-for-profit status.

**High-Density Residential Options:**

**1. High-Density Rental Residential** is defined as for-rent-only permanent dwellings where residential units are attached to each other with common walls, such as apartments, group homes, dormitories or boarding houses, and any property outside the dwelling structures is usable by all residents and not privately owned as part of a particular unit (e.g., privately-owned courtyards are prohibited), and may include related amenities, such as pools, clubhouses, courtyards, common areas, recreation areas and parking garages. Single family homes, townhomes, duplexes or other units with yards are prohibited.

**2. High Density Residential** is defined as permanent dwellings where residential units are attached to each other with common walls, such as condominiums, apartments, group homes, dormitories or boarding houses, and any property outside the dwelling structures is not privately owned as part of a particular unit (e.g., privately-owned courtyards are prohibited), and may include related amenities, such as pools, clubhouses, courtyards, common areas, recreation areas and parking garages. Single family homes are prohibited. Privately-owned ground floor residential condominiums, privately-owned townhomes, duplexes, or other units with privately-owned yards are prohibited unless this Agreement is amended or superseded to allow such use as approved by DEQ.

## **Townhome & Condominia Options:**

**1. Townhome** is defined as a privately owned residential unit with ground floor contact that is attached to at least one other unit per common slab via one or more common walls of similar privately owned units. It may include a small amount of land ownership beyond the building footprint, such as a courtyard.

**2. Residential Condominium** is defined as a residential unit that is privately owned and is attached to one or more similar privately owned units via one or more common walls and excludes any land ownership.

**3. For-Rent Only Townhome** is defined as a multi-floor residential unit with ground floor contact that is attached to at least one other unit per common slab via one or more common walls that shall only be occupied by residents under lease and shall not be sold to individual owners for occupation or subletting.

### **III. Commercial Use Options:**

**Automotive sales, repair and service** is defined as automotive dealerships and repair and service facilities at which steps are taken to ensure releases to the environment are de minimis, and that the components of product and waste storage are approved in writing by DEQ in advance, and that operations are conducted to DEQ's written satisfaction in accordance with an approved Standard Operations Plan.

**Restaurant** is defined as a commercial business establishment that prepares and/or serves food and beverages, including alcoholic beverages under all applicable local, state, and federal regulations, to patrons.

**Beverage or Food Production Facility** is defined as an establishment for the manufacture, sale and/or distribution of beverages or food products, including without limitation beer, ale, and/or distilled spirits.

**Rental Storage** is defined as spaces that are commercially rented on a short- or long-term basis by consumers and businesses for the storage of personal effects, household goods, equipment, and other non-hazardous materials that are in compliance with all applicable local, state, and federal regulations.

#### **Childcare Options:**

**1. Childcare** is defined as the care and supervision of children by adults in a non-profit or profit-based setting as defined in NCGS § 110-86(2).

**2. Drop-in Childcare** is defined as short-term care for children that is excluded from the definition of childcare in XX.xx (*refers to childcare definition above*), and is provided while parents participate in activities that are not employment-related and where the parents are on the premises or otherwise easily accessible, or is that provided by an employer for its part-time employees under the conditions specified in NCGS § 110-86(2)d and § 110-86(2)d1.

**Distribution** is defined as the packaging, transportation, and delivery of goods to customers.

#### **Entertainment Options:**

**1. Cocktail bar** is defined as a commercial business establishment that prepares and serves mixed alcoholic drinks and other beverages, and snacks under all applicable local, state, and federal regulations to patrons.

**2. Entertainment** is defined as private, public, and community activities such as festivals, theater, musical events or shows, which may include food and/or beverage service.

**3. Event/performance/exhibition space** is defined as venues for public events, artistic performance, or galleries for displaying art or similar public gathering space.

**4. Event Space** is defined as a location where private or public gatherings may be held, including family or company gatherings for social or business occasions, or other entertainment-related gatherings such as charitable events, festivals, theater, musical or other shows, which may include an outdoor stage, and the preparation and serving of food and beverages, including alcoholic beverages, under all applicable local, state and federal regulations to guests.

**5. Food Hall** is defined as an enclosed space that is used to transform ingredients into food or beverages for consumption, including the manufacture, sale and distribution of food and beverage products, and includes shared or co-working space.

**Gas Station** is defined as a regulated retail facility at which motor vehicles are commercially refueled and may include retail sales from a convenience store.

**Grocery** is defined as a retail store that offers non-perishable food packaged in bottles, boxes, and cans, perishable food such as baked goods, meats, deli products, and fresh produce, and which may sell non-food items, such as clothing and household items and provide pharmacy, financial, or other services.

**Hotel** is defined as the provision of overnight lodging to paying customers, and associated food services, gym, reservation, cleaning, utilities, parking and on-site hospitality, management and reception services.

**Laboratory Options:**

**1. Research and Development Laboratory** is defined as a facility that carries out basic and applied research work to support particular processes or product lines for manufacturing and marketing purposes.

**2. Research Laboratory Incubator Space** is defined as a facility or lab space that provides laboratory and/or clinical services on a small scale in support of concept or product development.

**3. Testing Laboratory** is defined as a facility that analyzes the chemical or physical nature of incoming materials and monitors the quality of specific manufactured products.

#### **IV. Outdoor Space Options (some may apply to higher density residential uses)**

**Amenity Space** is defined as a hardscaped and/or landscaped community courtyard, swimming pool, pool deck, dog run, community gardens, athletic court, fire pit, grilling station, seating areas, and/or a common use interior clubhouse.

**\*If community gardens, dog runs, courtyards are included in Amenity Space or as separate uses, include an appropriate land use restriction if a soil or other restriction applies, and reference such LUR in the definition as shown in green below.\***

**Community Garden** is defined as use of shared land to grow vegetables, flowers or other crops in accordance with land use restriction XX.x below.

**Community Service Organization** is defined as a group organized generally as non-profit operations to address one or more community needs for the benefit of the public.

**Community Courtyard** is defined as a landscaped or hardscaped area for residents' shared use for leisure activities in accordance with land use restriction XX.x below.

**Dog Run** is defined as an enclosed area designed to allow freedom of movement and a play area for residents' dogs in accordance with land use restriction XX.x below.

**Greenway** is defined as a natural or constructed corridor traversing open space, which may be used for pedestrian or bicycle passage. Greenways typically link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

**Marina** is defined as a port within a sheltered harbor where boats and yachts are kept in the water or stored out of the water in dry dock. A marina may have refueling, washing and repair facilities for vessels and rooms, bathing, stores, restaurants, meeting facilities, and vehicle and trailer parking for use by customers or members that have been designed and constructed in accordance with all applicable local, state, and federal regulations.

**Public Park** is defined as any land owned by the public and open for use by the general public for active (including playgrounds) or passive recreational purposes, or as a refuge for wildlife.

**Open Air Market** is defined as an outdoor market at which local farmers and merchants sell fruit and vegetables and often meat, cheese, prepared foods, art and crafts, and bakery products directly to consumers.

**Open Space** is defined as land maintained in a natural or landscaped state and for uses such as natural resource protection, riparian buffers, greenways, or detention facilities for stormwater.

**Recreation** is defined as indoor and outdoor exercise-related, physically focused, or leisure-related activities, whether active or passive, and the facilities for same, including, but not limited to, studios, swimming or wading pools, splash pads, clubhouses, sports-related courts and fields, open space, greenways, parks, playgrounds, walking paths, picnic and public gathering areas, campgrounds, boat docks, and marinas. **[Note: Options can be tailored to fit actual redevelopment plans, e.g. if they are not compatible with the site, such as boat docks on a site not on water, swimming pools, etc.]**

## **V. Education Use Options**

**Educational Space** is defined as interior space operated by a privately or publicly-owned institution, facility, or enterprise that provides education to pre-school, elementary, and older students, including session camps designed for school-age children.

**Educational Heritage Center** is defined as publicly accessible structures that represent or house exhibits and screening rooms, the main purpose of which is to educate people on the natural resources and/or anthropologic history of the area.

**Post-Secondary Education** is defined as a privately-owned or publicly-owned university, college, junior college, vocational school, or community college that provides education beyond the high school level.



## **VI. Medical/Health Use Options**

**Emergency Medical Center** is defined as a medical facility equipped to diagnose and treat emergency, traumatic and other urgent medical conditions and injuries.

**Health Care Facilities** is defined as a hospital, urgent care clinic, medical clinic (excluding veterinary), rehabilitation center, health maintenance organization (excluding a group home), which routinely provides for the diagnostics, care, treatment of, and testing for physical or psychological injury or illness, or disability, and/or for the short-term boarding of patients.

**Health-Related Professional Office** is defined as the location where medical, dental, or other health-related trained professional personnel provide medical or other health-related services to patients.

**Medical Imaging** is defined as various technologies that are used to view the human body in order to diagnose, monitor, or treat medical conditions.

**Medical Laboratory** is defined as a laboratory where tests are done on clinical specimens in order to obtain information about the health of human patients pertaining to the diagnosis, treatment, and prevention of disease.

**Veterinary Clinic** is defined as a facility which routinely provides for the diagnostics, medical care and treatment of animals, including the provision for their overnight accommodation or boarding, and may include kennels, outdoor pens, runs or enclosures.

**\*Senior residential/health care facility options on the residential page.**

## **VII. Transportation Use Options**

**Container Sales** is defined as the sale of new or used shipping or other containers to customers.

**Container Yard** is defined as a facility at which shipping containers are accepted for storage and loading onto their selected mode of transportation, and for storage of empty containers.

**Depot Operation** is defined as a facility that receives, segregates, inspects, stores, and/or distributes goods for delivery to customers.

**Intermodal Transportation Service** is defined as the facilitation of the transportation of people or the shipping of various types of cargo by more than one transportation mode.

**Light Rail Passenger Station** is defined as a facility where passenger trains stop to load and unload passengers and that houses related services. Adjacent areas may be provided for passenger and employee parking, pickup, and drop off.

**Limited Truck, Equipment, and Container Maintenance and Repair** is defined as light maintenance and repair of trucks, chassis, onsite equipment, and shipping containers, including welding, electrical repair, tire changes, and other minor vehicular components subject to the terms of a DEQ-approved Standard Operations Plan.

**Transit** is defined as a station or stop for the transport of people, goods, or materials from one place to another including platforms, shelters, waiting areas, walkways, bicycle paths, offices, vendor kiosks, and other such transportation-related improvements.