

**PART 7: RE-3 RESEARCH DISTRICT**

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**Section 11.701. Purpose.**

The RE-3 district allows for a broader range of uses and more development potential than allowed in the RE-1 or RE-2 districts. Development within the RE-3 district lends itself to an employment center with a diverse mixture of uses and attractive amenities that will facilitate the evolution of the place into a vibrant destination. More urban in character than the RE-1 or RE-2 district, the RE-3 district encourages employment uses that are well intergraded into the surroundings and complement the existing adjacent and nearby uses. The RE-3 district expands upon the use mix allowed in RE-1 and RE-2 to include attached residential and services to achieve a truly mixed-use community. Development within RE-3 should furthermore be characterized by its pedestrian scale with emphasis on quality of the development, varied amenities and a well connected, multi-modal transportation network that promotes walkability.

~~The RE-3 district has the same purposes and permits the same uses as the RE-1 and RE-2 districts but is established to permit additional uses oriented toward such activities as distribution and service. These uses are to be developed in settings similar to those attained by the requirements established in other RE districts.~~

**Section 11.702. Uses permitted by right.**

The same uses permitted by right in the RE-1 and RE-2 districts (Section 9.602) shall be permitted by right in the RE-3 district, except for the following uses which are not permitted:

- a. Pharmaceutical preparations and production facilities.
- b. Printing and publishing establishments.
- c. Prototype production facilities and pilot plants.
- d. Telecommunications and telephone switching

~~in addition to~~ The following additional uses shall be permitted provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) ~~Health institutions~~
- (2) ~~Hotels and motels~~

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- ~~(3) — Manufacturer's representatives, including offices and repair and service facilities~~
- ~~(4) — Merchandise showrooms~~
- ~~(5) — Printing and publishing~~
- ~~(6) — Restaurants without drive-in service~~
- (1) Art galleries
- (2) Athletic and sports facilities
- (3) Barber and beauty shops
- (4) Conference centers
- (5) Dry cleaning and laundry establishments
- (6) Dwellings, attached
- (7) Dwellings, mixed-use
- (8) Dwellings, attached and multi-family, up to 12 in a building
- (9) Dwellings, planned multi-family and attached, or buildings with more than 12 units
- (10) Family childcare homes
- (11) Florist, retail
- (12) Health institutions, including hospitals and similar uses
- (13) Hotels and motels
- (14) Nursing homes, rest homes, homes for the aged, and elderly and disabled housing
- (15) Offices
- (16) Religious institutions

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- (17) Restaurants
- (18) Studios for artists or designers.
- (19) Theaters, motion picture
- (20) Transit stations and associated parking facilities
- (21) Universities, colleges, and vocational schools.

**Section 11.703 Uses permitted under prescribed conditions.**

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district, except as follows:

- (1) The following uses are not permitted in RE-3:
  - a. Vehicle leasing offices and associated accessory automobile parking.

~~in addition to~~ The following additional uses shall be permitted provided they meet all requirements of this Section and all other requirements established in these regulations:

~~Distribution businesses, including warehousing and the repair of items stored in the building, provided that:~~

- ~~(a) A minimum portion of each building must be used for one or more of these uses: office, repair and servicing, showroom, sorting, labeling, packaging and repackaging, processing, staging or electronic bar coding (pricing). The required minimums are: 25% of buildings up to 200,000 square feet; 35% of buildings between 200,000 and 400,000 square feet; 50% of buildings of 400,000 square feet and above;~~
- ~~(b) Landscaping and internal planting requirements shall be met in accordance with Section 11.705(3) (1)~~

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502.

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- (2) Nightclubs, bars and lounges, provided such uses are at least 400 feet from any residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.
- (3) Retail sales permitted in B-1, up to 10,000 square feet
- (4) Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only)
- (5) Structured parking decks as a principal use, subject to the regulations of Section 12.212 Option B or C and Section 12.213.

**Section 11.704. Permitted accessory uses and structures.**

The same accessory uses and structures permitted in the RE-1 and RE-2 districts (Section 9.604) shall be permitted in the RE-3 district in addition to the following uses:

- (1) Information Pillars, subject to the regulations of Section 12.416.
- (2) Structured parking subject to the regulations of Section 12.212 Option B or C and Section 12.213.

**Section 11.705. Development standards.**

All uses and structures permitted in the RE-3 district shall meet the applicable development standards established in this Section and other requirements of these regulations:

- (1) Maximum Dwelling Units Per Acre (DUA): None.
- (2) Maximum Floor Area Ratio (FAR): None.
- (3) Minimum lot area: 10,000 square feet.
- (4) Minimum lot width: 25' for residential lots, 100' for all other lots.
- (5) Minimum setback:
  - a. The minimum building setbacks along particular streets shall be determined by the approved City Council adopted streetscape plan.

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When the plan does not specify a setback, the minimum setback for all uses shall be twenty-four (24) feet.

- b. The minimum setback shall be measured from the back of all existing or future curbs, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
  - c. For the purposes of this section, the minimum setback applies to all street frontages, not just to the street frontage toward which the structure is oriented.
  - d. No surface parking or maneuvering space shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas.
  - e. The transitional setback requirements of Section 12.103 shall not apply in the RE-3 zoning district.
- (6) Minimum side yards: None, except 35' where abutting a residential use or zoning district.
  - (7) Minimum rear yard: None, except 35' where abutting a residential use or zoning district.
  - (8) Maximum height: 90'.

If a building abuts a residential zoning district or residential use that is not zoned RE-3, it may not be constructed above 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for each foot in building height in excess of 40 feet.

If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

(1) — ~~Area, yard and bulk regulations shall be as follows:~~

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- (a) ~~Maximum floor area ration (%)<sup>1</sup>~~ ~~\_\_\_\_\_~~ ~~70~~
- (b) ~~Minimum lot area (acres)~~ ~~\_\_\_\_\_~~ ~~4 acres~~
- (c) ~~Minimum lot width (feet)~~ ~~\_\_\_\_\_~~ ~~400\*~~
- (d) ~~Minimum setbacks (feet)~~
  - ~~—Lots between 2 and less than 4 acres~~ ~~\_\_\_\_\_~~ ~~N/A~~
  - ~~—Lots between 4 and less than 15 acres~~ ~~\_\_\_\_\_~~ ~~100~~
  - ~~—Lots between 15 and less than 20 acres~~ ~~\_\_\_\_\_~~ ~~125~~
  - ~~—Lots 20 acres or greater~~ ~~\_\_\_\_\_~~ ~~150~~
- (e) ~~Minimum side and rear yards (feet)~~
  - ~~—Lots between 2 and less than 4 acres~~ ~~\_\_\_\_\_~~ ~~N/A~~
  - ~~—Lots between 4 and less than 15 acres~~ ~~\_\_\_\_\_~~ ~~35~~
  - ~~—Lots between 15 and less than 20 acres~~ ~~\_\_\_\_\_~~ ~~40~~
  - ~~—Lots 20 acres or greater~~ ~~\_\_\_\_\_~~ ~~50~~
- (f) ~~Minimum street side yard on corner lots (feet)~~
  - ~~—Lots between 2 and less than 4 acres~~ ~~\_\_\_\_\_~~ ~~N/A~~
  - ~~—Lots between 4 and less than 15 acres~~ ~~\_\_\_\_\_~~ ~~75~~
  - ~~—Lots between 15 and less than 20 acres~~ ~~\_\_\_\_\_~~ ~~85~~
  - ~~—Lots 20 acres or greater~~ ~~\_\_\_\_\_~~ ~~100~~
- (g) ~~Maximum height (feet)<sup>2</sup>~~ ~~\_\_\_\_\_~~ ~~40~~

\*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 200 feet in the RE-3 as the minimum lot width.

N/A — Not Applicable

~~FOOTNOTES TO CHART 11.705(1)~~

~~<sup>1</sup>If a parking deck is constructed as part of a building, the allowable FAR may be increased by 50 percent.~~

~~<sup>2</sup>A building in a designated district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased one (1) foot for every two (2) feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40 feet unless the side and/or rear yard which adjoins the residential zoning district is increased one (1) foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in~~

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~~Section 12.108.~~

~~(2) Cross References. The cross references and other development standards of Section 9.605. Development standards for research districts, items (2), (3), and (4) are also applicable to the RE-3 districts~~

~~(3) Landscape edge and internal planting requirements~~

~~(a) The following landscape requirements apply to the RE-3 zoning classification and are intended to create park-like character with generous landscape edges and internal tree/vegetation requirements. The following standards apply to both the landscape edge treatment adjacent to the property lines and the internal planting requirements located within impervious surface areas.~~

~~(1) The type of trees to be planted must come from the approved list in the "Approved Plant Species" matrix in the Charlotte Land Development Standards Manual. Minimum tree caliper measured six inches above the ground on all trees shall be 2½ inches and the minimum height shall be 10 feet. (Petition No. 2009-083, § 11.705(3)(a)(1), 1/19/10)~~

~~(2) All grass and ornamental landscape planting areas shall be irrigated with a permanent underground sprinkler system.~~

~~(3) Installation of required landscaping may be delayed until planting conditions are favorable for such work but in no case shall the period extend beyond the next planting season (October-March).~~

~~(4) Modifications to these requirements may be made if unique site conditions exist on renovated or previously developed sites. A plan shall be submitted showing what is proposed instead of the standard requirements. The purpose and intent of this section must be demonstrated before a modification can be granted. The Director of Engineering and Property Management, or his or her designee(s), may grant a modification.~~

~~(Petition No. 2005-78, § 11.705(3)(a)(4), 06/20/05)~~

~~(b) All required setbacks, side yards and rear yards should be preserved with natural vegetation consisting of large-maturing trees. Driveways and/or utilities may cross these areas approximately perpendicular to the setbacks, side and rear yards. Grading is permitted within 10% of the total setback, side and rear yard areas but shall be replanted with trees. Shrubs may be used in addition to the trees but are not a part of these requirements. Where trees do not exist in the setback, side and rear yards,~~

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~~or within graded areas of same, new planting shall be required in accordance with the following standards:~~

~~One large maturing tree per 1,000 square feet of area, plus~~

~~One evergreen and/or ornamental tree per 2,000 square feet area~~

~~(e) Internal landscaping requirements for areas other than the required setbacks, side yards and rear yards shall be in accordance with the following standards:~~

~~(1) Whenever the impervious cover on a site exceeds 10,000 square feet, an area equal to 10% of the total impervious surface (building plus automobile and truck parking and maneuvering areas) must be provided for landscape purposes and tree planting. Internal tree planting is required at the rate of one tree per 5,000 square feet of impervious cover. Credit for existing trees in good condition may be given in determining necessary internal planting in accordance with these guidelines. Trees adjacent to and within 50 feet of the perimeter curb shall count toward the 10% required landscape area provided such trees are not located within the required setback, side or rear yards.~~

~~(2) Trees must be planted within or adjacent to the parking areas, so that the parking spaces are 60 feet or less from a tree. Minimum unpaved landscaped area per tree shall be 200 square feet with such landscape area having a minimum dimension of eight feet at the base of the tree. This minimum dimension does not apply to trees along the perimeter.~~

~~(3) If a building permit is requested for an addition to a previously developed site, internal tree planting is still required for the entire site and the minimum planting area shall be 200 square feet per tree. However, only 5% of the total impervious cover must be used for landscape purposes. This applies only to additions equal to or greater than 1,000 square feet or 5% of the existing square footage, whichever is less.~~

~~(4) All trees planted along the perimeter of parking areas shall be large maturing trees.~~

~~(5) A minimum of 75% of planted trees within parking areas shall also be large maturing trees. However, no trees identified as large maturing shall be planted within 20 feet of an electrical distribution line. This does not include low voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.~~

~~(4) Signs. Signs are permitted in the RE-3 district in accordance with Chapter 13 except that:~~

~~(a) Signs in the district may be luminous; and~~

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~~(b) Signs lighted internally must be contained within an opaque background with only letters, numbers and symbols being translucent. The intent of this requirement is to provide signs, which consist of lighted letters, numbers and symbols on an opaque background.~~

~~(5) Parking and Loading. Development of any use in the research districts must conform to the parking and loading standards in Chapter 12, Part 2 except that:~~

~~(a) The parking area must be paved with a dust free, all weather surface and must be properly drained and landscaped.~~

~~(b) Underground parking structures are permitted in accordance with Section 12.213.~~

~~(c) Parking of motor vehicles is not permitted in any required setback, side yard or rear yard in the RE-3 district. The space within the setback, side or rear yard may not be used as maneuvering space for parking or unpacking of vehicles, except that driveways providing access to the parking area may be installed across the space.~~

(9) Development Standards of General Applicability. Except as otherwise provided in this Part, all uses and structures permitted in the RE-3 district shall meet the applicable development standards set out in Chapter 12 of these regulations.

(10) Parking and Loading. The requirements of Chapter 12, Part 2 shall apply with the following exceptions:

a. Parking Standards.

1. The minimum parking requirements for the RE-3 District are as follows:

Residential – 1.5 space per dwelling unit

Hotels/Motels – 1.0 space per room

Nightclubs, Bars and Lounges – 1 space per 125 gross square feet

Restaurant – 1 space per 125 gross square feet

Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

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2. No surface parking or maneuvering space shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas.
3. On-street parking spaces located along the portion of a public street (s) abutting the use may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use, and be located in areas approved by the Charlotte Department of Transportation. In the event that any on-street parking that was allowed to count toward the minimum requirement is removed by the City or the State, the existing use will not be required to make up the difference.
4. The parking requirements of the district may be met off-site at a distance of up to 800 feet from the permitted use.
5. Structured parking decks and underground parking decks providing required parking for residential dwelling units in the RE-3 zoning district shall meet the following requirements:

  1. Controlled gate locations are subject to the approval of CDOT.
6. Valet parking service standards for new construction and site reconfigurations. If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

  - a. The valet parking service can be located on private property. The valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.
  - b. The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
  - c. The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- b. Loading Standards. Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a

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minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29(14-25) of the City Code. These parking spaces must be provided in accordance with the following list:

1. Multi-family dwellings (1-24 units): None required
2. Multi-family dwellings (25+ units): One (1) space
3. Non-residential uses with gross floor area:
  - (i) Less than 50,000 square feet: None Required
  - (ii) 50,000 - 150,000 square feet: One (1) space
  - (iii) Each additional 100,000 square feet: One (1) space
4. If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

(11) Buffers and Screening.

a. Buffers.

1. Buffers shall be provided along all property lines where the RE-3 district abuts a residentially zoned property or a property occupied by a residential use. This requirement also applies in situations where an alley with a right-of-way width of 25 feet or less separates uses in a RE-3 zoning district from non-Research-zoned residential property. Buffering shall be provided along all such property lines abutting the alley.
2. Multi-family developments zoned RE-3 are exempt from this requirement where they abut other multi-family uses or undeveloped multi-family zoning districts.
3. Such buffering shall consist of a 10' wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials shall be provided at a minimum of 6 trees and 20 shrubs per 100 linear feet in accordance with

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Section 12.302(9)(b), (c), (d), and (e). The shrubs need not be planted if a masonry wall with a height of 6' to 8' in a side yard, or 8' to 10' in a rear yard is installed. No more than 25% of the wall surface shall be left open and the finished side of the wall shall face the abutting property. Shrubs and walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). This buffering area may be interrupted with a gate/pedestrian access way to an adjacent site, or a driveway to an adjacent alley. In no instance shall a chain link or barbed wire fence be permitted.

b. Screening.

Screening is required per Section 12.303, except that:

1. Berms shall not be used to satisfy screening requirements.
2. A wall cannot be substituted for the plant materials along any public right-of-way unless supplemented by landscaping in a minimum 3-foot wide planting strip.
3. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum 6-foot-high solid and finished masonry wall, with closeable gate that shall be 40% - 50% opaque for safety and security purposes. In no instance shall a chain link fence or a barbed wire fence be permitted.
4. Any expansion or change of use to a property will require that all screening requirements be met. If an existing parking area is located in the planting strip required for screening, a masonry wall shall be constructed outside of any public right-of-way to meet the screening requirement.
5. If the screening requirements cannot be met, the Planning Director shall have the authority to modify the screening requirements, as long as the intent of this section is met.

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- a) All new development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.
- b) Private open space is defined as an area that is:
  - 1. Accessible and visible to residents, tenants, and/or users of the development.
  - 2. Improved with seating, plantings, and/or other amenities.
  - 3. Located on the ground floor or first level of the development, or on a roof or terrace level, or in an interior courtyard area of the development, or a combination of these locations.
  - 4. Out of doors, or in the open air (may be under a roof or canopy).
- c) Public urban open space is defined as an area that is:
  - 1. Accessible and open to the public.
  - 2. Improved with seating, plantings, and/or other amenities.
  - 3. Visible and accessible from the street or public pedestrian areas.
  - 4. Located on the ground floor or no more than five feet above or five feet below ground level.
  - 5. Out of doors, or in the open air (may be under a roof or canopy).
- d) All required open space shall be located behind the sidewalk and on private property
- e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Use	Private Open Space	Public Open Space
Residential use	1 sq. ft./100 sq. ft. gross floor area or 1 sq. ft./200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft./100 sq. ft. gross floor area or 1 sq. ft./200 sq. ft. lot area, whichever is greater.

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- f) For developments on lots in excess of ten acres (435,600 square feet), at least fifty percent (50%) of the required open space must be centrally located on the site in a common area.
- g) Floor Area Ratio credits are allowed for all new developments as per Section 9.1208(5)(c) when the pedestrian space is available for use by the public, including widened sidewalk areas.

**Section 11.706. ~~Development standards of general applicability.~~ Design Standards.**

~~Except as otherwise provided in this Part, all uses and structures permitted in the RE-3 district shall meet the applicable development standards set out in Chapter 12 of these regulations.~~

- (1) Signs. Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 7 feet in height.
- (2) Connectivity and circulation standards. Uses shall be integrated with the surrounding community, easily accessible, and have an internal circulation system that accommodates a variety of travel modes. The pedestrian sidewalk system shall meet the following standards:
  - a. Internal sidewalk connections are required between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be hard surfaced and at least 6' in width.
  - b. The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night. All lighting shall be shielded with full cut off fixtures.
- (3) Outdoor lighting standards. Outdoor lighting, if provided, shall meet the standards of Section 12.402, and
  - a. The maximum height of a light source (light bulb) detached from a building shall be 20 feet.
  - b. All outdoor lighting visible from residentially zoned or used property will be full cut off fixtures.
- (4) Building Entrances and Orientation.

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- a. At least one or more operable pedestrian entrances per building shall be provided in each of the following circumstances:
    - 1. When a lot abuts a public or private street, at least one entrance shall be provided on each building façade fronting a street.
      - a. Townhouse units are only required to have an entrance on one building façade fronting a street.
      - b. No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
      - c. On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
    - 2. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to public open space, multi-use trail, or greenway.
  - b. To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor should be visually and physically separated from the sidewalk. With an increased setback, additional landscaping or a raised first floor.
  - c. Building entrances must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet in gross floor area, the entry way must be 1 square foot for each 1,000 square feet of gross floor area with a 15-square-foot minimum. For buildings over 100,000 square feet, the entry way must be at least 100 square feet.
- (5) Canopies. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building or 9', whichever is less. In no instance shall such features extend over, or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be 8'. Ground supports for these features are not permitted in the sidewalk or in the public right-of-way. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or NCDOT shall be required.

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- (6) Streetscape. Streetscape comprised of a planting strip with street trees and a sidewalk shall be provided along all street frontages in accordance with the following standards:
- a. A continuous perimeter planting strip or amenity zone shall be required along all street frontages (excluding driveways). The width of the planting strip or amenity zone shall be in accordance with the City Council adopted streetscape plan. When there is no applicable streetscape plan, an 8' wide planting strip measured from the curb line shall be constructed. If there is no applicable streetscape plan or the plan does not adequately define the curb line, then the curb line shall be determined jointly by Charlotte Department of Transportation (CDOT) Director, or his/her designee, and the Planning Director, or his/her designee.
  - b. The perimeter planting strip shall be located adjacent to the curb, unless specified otherwise in the approved streetscape plan. If the right-of-way width varies along the street frontage, the planting strip or amenity zone shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
  - c. Trees shall be planted in the continuous perimeter planting strip, per the standards in the *Charlotte Tree Ordinance* and in the *Charlotte Land Development Standards Manual*. Tree pits with irrigation and sub-drainage may be installed in lieu of a planting strip, per the requirements of Section 21-13(C)(2)(a)(2) of the *Charlotte Tree Ordinance*.
  - d. *Charlotte Tree Ordinance* regulations for tree protection and replacement shall be applicable within this zoning district.
  - e. Sidewalks shall be located and constructed as specified in the approved streetscape plan. Typically, sidewalks along public street rights-of-way should abut the perimeter planting strip, and be located on the side closest to the building. The sidewalk width and locations shall be determined by the streetscape plan. If not specified, then the sidewalk shall be 8' in width. Sidewalks shall meet the standards for concrete sidewalks in accordance with the *Charlotte Land Development Standards Manual*. A sidewalk easement shall be required if the sidewalk is not located within the public right-of-way.
  - f. The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify

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the requirements of Section 11.706(6), including the modification of the planting strip, sidewalk location, and width in order to preserve existing trees and to provide flexibility for a hard surface next to the curb, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).

- g. An amenity zone is required in lieu of a planting strip along ground-floor, non residential uses, unless on-street parking is not permitted by CDOT or NCDOT.

(7) Street Walls.

- a. All retail and office buildings fronting directly on a street shall be designed so that the first-floor street façade of the building(s) along all streets includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least 50% of the length of the first floor street level frontage.
- b. For all other uses, buildings shall be designed so that the first-floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 25% of the length of the first-floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building façade, or incorporated into the site design. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.
- c. The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale, interest, and activity.
- d. Expanses of blank wall shall not exceed 20 continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
- e. No reflective surfaces shall be permitted on street-level exterior facades.

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f. Ventilation grates on the building, or emergency exit doors located on the first-floor street façade(s) shall be decorative and consistent with the overall building design.

(8) Base of High Rise Building. (Buildings exceeding 5 stories in height)

a. The first 3 floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.

b. In the design of the building façade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, shall be visually continuous around the building. In the event that a building façade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.

c. Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are permitted.

(9) Top of Buildings.

a. All rooftop mechanical equipment on buildings over 60' in height shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments. Buildings under 60' in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible.

(10) Structured Parking Facilities.

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Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are screened from the street, the transitway, and/or from adjacent residentially zoned and/or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this objective.

Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

**Section 11.707 Administrative Approval.**

To offer some degree of flexibility the Planning Director has the authority to administratively alter any of the development and design standards by 5% in this district. If administrative approval is for parking, the Planning Director will only grant this approval after consulting with the CDOT. On matters that do not involve quantitative measurements, the Planning Director may also make minor alterations if he/she determines that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the RE-3.

Any approval must meet the following criteria:

- (1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the RE-3 intent; and
- (2) Provides open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the RE-3.

**Section 11.708. Research 3 District (Optional)**

- (1) Purpose. The Research 3 (RE-3) zoning district establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee, or due to the specific requirements of the regulations and their application to a specific proposal create an undesirable or unintended outcome. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of RE-3.

*(Petition No. 2009-12 §9.1212(1) 03/19/09)*

The Research 3 (Optional), or RE-3-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of RE-3. It also serves as a

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mechanism for altering or modifying the minimum standards as they relate to a specific development.

The RE-3 standards are the guidelines that shall be used to evaluate a RE-3-O proposal, but any of the standards of RE-3 may be modified in the approval of the RE-3-O application, with the exception that use variances shall not be allowed.

- (2) Application. Petitions for a zoning map amendment to establish a RE-3-O shall be submitted to the Charlotte-Mecklenburg Planning Commission. In order to expedite the rezoning process, RE-3-O applications shall not count toward the maximum number of cases that the City hears each month.

A RE-3-O classification shall be considered only upon application of the owner of the subject property or his duly authorized agent. Applications shall be accompanied by a schematic plan, which includes pedestrian and bicycle circulation elements, and by any supporting text, that becomes a part of the amending ordinance.

- (3) Approval. The establishment of the RE-3-Optional zoning district shall be in accordance with the procedures of Chapter 6, Part 2: Conditional Zoning Districts. The City Council shall also consider the extent to which the basic standards of RE-3 are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. In no instance shall parking be permitted in the front setback.

- (4) Alterations. Changes to approved plans and conditions of development shall be treated the same as changes to the Zoning Map and shall be processed in accordance with the procedures of Section 9.1210 or Section 9.1212

**Section 11.709 Preliminary review.**

Applicants planning any development or redevelopment in a RE-3 area are required to meet with the staffs of the Charlotte-Mecklenburg Planning, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. The RE-3 (Optional) process does not exempt applicants from this preliminary review. Building permits will

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not be issued until the Planning Commission staff approves the proposal as in conformance with this ordinance.

**Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.**

...

Notwithstanding the provisions of subsection (a), above ground structures (other than a back-flow preventer) connected to and associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits may be located in the setback subject to the following:

- i. A structure of a dimension that does not exceed four (4) feet in width, four (4) feet in length, or three (3) feet in height may be located no closer than two (2) feet to the existing or proposed right-of-way based on the street classification and no closer than ten (10) feet to the back of the curb line or edge of pavement.
- ii. A structure of a dimension that does not exceed four (4) feet in width, eight (8) feet in length, or six (6) feet in height may be located no closer than ten (10) feet to the existing or proposed road right-of-way based on the street classification.

The dimension restrictions contained in subsections (b)(i) and (ii) shall not apply to structures located in the setback prior to April 1, 2003.

This subsection shall not apply in the UR-1, UR-2, UR-3, UR-C, MUDD, UMUD, PED, RE-3, TOD, or TS zoning districts and shall not constitute a regulation of utilities in the right-of-way.

*(Petition No. 2004-128, § 12.106(2), (b), 2/21/05)*

**Section 12.201. Purpose.**

Conditional zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it

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to the particular property. The following zoning district categories are conditional zoning districts:

- (1) Parallel conditional zoning districts (A parallel conditional zoning district is a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation or name.)
- (2) Conditional zoning districts identified in Chapter 11: Mixed Use Districts, Manufactured Housing Development, Commercial Center District, Neighborhood Services District, ~~and~~ Hazardous Waste District, and Research 3 District.
- (3) Mixed Use Development District (Optional) and Uptown Mixed Use District (Optional) described in Chapter 9, Parts 8.5 and 9, respectively.
- (4) Pedestrian Overlay District (Optional) described in Chapter 10.

...

**Section 12.202. Required number of off-street parking and bicycle spaces.**

...

- (4) The off-street motor vehicular parking requirements of this section shall not apply to the RE-3, MUDD, NS, PED, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, UI, UMUD, and UR districts established in these regulations, however, bicycle parking shall apply in these districts with requirements based not on the zoning district, but on the table of uses.

...

**Section 12.218. Commercial vehicle parking in residential areas.**

...

- (3) Mixed-use districts.
  - a. Light and medium commercial vehicles are permitted without screening in true mixed-use developments where residential and nonresidential uses are vertically integrated in the same building. (For the purposes of this section, mixed-use districts are the following districts: RE-3, MX-2, MX-3, NS, MUDD, UMUD, UR-2, UR-3, UR-C AND CC.)
  - b. In mixed-use districts where the residential uses are separated from the nonresidential uses, light and medium commercial vehicles shall only be permitted in accordance with the standards of subsections (1) and (2) above.

...

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**Section 12.301. Purpose.**

It is recognized that certain land uses, because of their character and intensity, may create an adverse impact when developed adjacent to other less intensive land uses. The general purposes of this Section are to establish regulations protecting and preserving the appearance, character and value of property within the City and to recognize that the transition between certain uses requires attention to protect less intensive land uses. The objectives are to identify those land use relationships that may be incompatible and to specify an appropriate buffer or screen, the function of which is to minimize any adverse impacts. These provisions will not apply to developments in the ND, PED, RE-1, RE-2, RE-3, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TS, UI, UMUD, and UR districts or to certain development on school sites as provided for in Section 9.203(7)(e) and 9.303(10)(e). The buffer requirements of this section will not apply to the MUDD district.

**Section 12.302**

**Table 12.302(a)  
MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES**

	EXISTING ABUTTING USES AND DISTRICTS								
	SINGLE FAMILY USE OR ZONING	MULTI-FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			OFFICE USE OR ZONING	BUSINESS USE OR ZONING	PARKS & GREENWAYS	INSTURAIL USE
			LOW	MEDIUM	HIGH				
DEVELOPING USES									
4. RESEARCH	B	B						C	

**Section 12.413. Drive-in and drive-through service lanes/ windows.**

Drive-in and drive-through service lanes/windows shall be permitted only as an accessory use in the UMUD, NS, PED, MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1, and I-2 districts. Drive-through or drive-in service lanes/windows are not allowed in the UR-1, UR-2, UR-3, U-C, MUDD, or RE-3 zoning districts. However, drive-through and drive-in service lanes/windows may be allowed in the MUDD and the RE-3 districts as part of the establishment of or amendment to a MUDD-O or RE-3-O classification. In the TOD-R, TOD-E, and TODM, and TS zoning districts, drive-through service lanes are only permitted as an accessory use to professional business and general office uses located between ¼ mile to ½ mile walking distance from a transit station.

...

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**Section 12.415. Helistops, limited.**

A helistop, limited shall be permitted as an accessory use only in the O-1, O-2, O-3, INST, RE-1, RE-2, RE-3, B-2, B-D, BP, UMUD, CC, U-I, I-1, and I-2 districts provided it complies with all applicable Federal Aviation Administration regulations.

**Section 12.416. Information Pillars.**

Information pillars shall be permitted as an accessory use to a rapid transit station or trolley stop, or as an accessory use to urban open space in the RE-3, MUDD, UMUD, and TOD zoning districts, in accordance with the following requirements:

...

**Section 12.417. Outdoor Sales, accessory.**

(2) In the NS, CC, MUDD(CD), UMUD(CD), B-1SCD, B-1(CD), B-2(CD), and RE-3 zoning districts, outdoor sales are permitted as an accessory use to a retail establishment as long as outdoor sales is not a restricted use on the site plan or conditional plan. An approved, permanent garden center component of a retail use that shares common walls with the principal building is not subject to this section. All outdoor sales shall be clearly incidental to the operation of the principal use, and shall meet the following requirements:

...

**Section 12.502. Adult care homes, adult care centers, childcare centers, childcare centers in a residence, family childcare homes, and large childcare centers.**

For the purposes of this ordinance, facilities for the temporary care of adults are divided into two classes – adult care homes and adult care centers. Adult care homes serve up to six (6) adults, and adult care centers more than six (6) adults. Facilities for the temporary care of children are divided into four classes – family childcare homes, childcare centers in a residence, childcare centers, and large childcare centers. A family childcare home serves eight (8) or fewer children. A childcare center in a residence serves between six (6) and twelve (12) pre-school children. A childcare center serves between thirteen (13) and seventy-nine (79) children. A large childcare center serves eighty (80) or more children.

The development requirements for each class of facility are indicated below:

(1) Family childcare homes. All family childcare homes for eight (8) or fewer children are required to obtain a required to obtain a change of use permit from Neighborhood

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Development. Family childcare homes, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C, all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

...

- (2) Childcare centers in a residence. All childcare centers in a residence for six (6) to twelve (12) pre-school children are required to obtain a change of use permit from Neighborhood Development. Childcare centers in a residence, licensed by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit in all single family districts, all multi-family districts, UR-1, UR-2, UR-3, UR-C all office, B-1 and B-2, MUDD, UMUD, MX-1, MX-2, MX-3, and R-MH districts, according to the following requirements:

...

**Section 12.532. Donation drop-off facilities.**

Donation drop-off facilities are permitted in all single family and multi-family residential districts, the urban residential districts of UR-3 and UR-C, and the non-residential districts of INST, RE-1, RE-2, RE-3, O-1, O-2, O-3, B-1, B-2, BD, BP, CC, MUDD and UMUD, I-1, and I-2, subject to the following conditions:

...

**Section 12.534 Periodic Retail Sales Events, Off-Premise.**

*(Petition No. 2004135, § 12.534, 3/21/05)*

- (1) Any person or persons, corporation, or, agent who engages in or solicits, either in one location or by traveling from place to place, a periodic outdoor business selling and exhibiting for sale, or auction, goods, food, wares and merchandise who in furtherance of such purpose, hires, leases, uses or occupies any temporary structure, outdoor tent, parking lot, or other place on a site, or who operates from a truck, vending cart, or other area outside of a permanent structure on property not owned or leased by the person, firm, or corporation, shall meet the following requirements:
- a. Periodic retail sales events may only be located in the UR-C, RE-3, B-1, B-2, TOD, MUDD, UMUD, and Industrial zoning districts. Periodic retail sales events shall also be permitted in the B1-SCD, B-1 (CD), B-2-CD, MX-2, MX-3, NS, and CC zoning districts, as part of a retail center, unless noted on the site plan or conditional plan that this use is restricted.

...

**Section 12.538. Homeless Shelters.**

*(Petition No. 2005-35, § 12.538, 04/18/05)*

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This ordinance provides for the location of homeless shelters in a wide variety of non-residential zoning districts: INST, B-2, B-D, B-P, UMUD, MUDD, U-I, and I-1. However, the public has an interest in assuring that a concentration of homeless shelters be minimized. Accordingly, homeless shelters are subject to the following additional requirements:

...

**Section 13.108(b) Specifications for off-premise signs located on information pillars requiring a permit.**

*(Petition No. 2004-112 §13.108b,11/15/04)*

The following specifications are applicable in the RE-3, MUDD, UMUD, and all TOD districts.

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**List of Urban Zones**

Urban Residential Districts – UR

Uptown Mixed Use District – UMUD

Urban Industrial District – UI

Neighborhood Services District – NS

Mixed Use Development District – MUDD

Pedestrian Overlay District – PED

Commercial Center – CC, if complies with Section 11.405(7) of the Zoning Ordinance

Transit Overlay District – TOD

Transit Supportive - TS

Research 3 – RE-3

Urban zones are those which have a reduced setback, usually measured from the back of curb, or future back of curb. Internal tree requirements apply to all of these zones except UMUD/UMUD-O.

Perimeter planting is usually in a planting strip, which must be 8 feet wide, except in the UMUD district within the I-277 loop. Within this area planting strip may be 6 ft wide with irrigation and sub-drainage required. See CMLDS 40.06.

Due to the limited growing space for trees, large maturing trees must be spaced 35-40 foot on center, and should never be closer together. Perimeter trees are 3” caliper and must have a strong central leader, and a visible root flare at ground level. Care should be taken to select trees with a more upright form where a streetscape plan does not specify species.