

Petition #:

Petitioner:

ORDINANCE NO. \_\_\_\_\_ AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE - ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

I, \_\_\_\_\_ City Clerk of the City of Charlotte, North Carolina, DO HEREBY  
CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of  
Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the  
reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_,  
Page(s)\_\_\_\_\_.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_

**PART 6: RESEARCH DISTRICTS**

**Section 9.601. Research Districts established; purposes.**

The RE-1 and RE-2 Districts are designed to provide areas in which research and related operations may be established. The standards established for these districts are designed to promote sound, permanent research installations and also to protect nearby residential areas from undesirable aspects of research operations. Research districts are oriented toward research, development and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and the employment of professional, technical or kindred workers. While permitted uses are similar in both districts, RE-1 is designed to attract supporting uses and facilities through less stringent lot dimensions.

**Section 9.602. Uses permitted by right.**

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

- (1) Applied and basic research laboratories.
- (2) Auction sale of real property and such personal property as is normally located thereon for the purpose of liquidating assets.
- (3) Civic, social service and fraternal facilities.
- (4) Cultural facilities.
- (5) Elementary and secondary schools.  
*(Petition 2007-100, §9.602(4.5), 09/17/07)*
- (6) Farms, including retail sale of produce grown on the premise.
- (7) Financial institutions.
- (8) Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.  
*(Petition 2005-63, §9.602(6), 06/20/05)*
- (9) Graphics research and production facilities.
- (10) Highway and railroad rights-of-ways.
- (11) Indoor recreation.
- (12) Laboratories for testing products and materials.
- (13) Manufacture of electronic, computing and communications equipment and related devices.
- (14) Merchandise showrooms, up to 5,000 square feet.

- (15) Optical, dental and medical laboratories and clinics.
- (16) Offices, up to 300,000 square feet.
- (17) Outdoor seasonal sales.
- (18) Parks, greenways and arboretums.
- (19) Pharmaceutical preparations and production facilities.
- (20) Prototype production facilities and pilot plants.
- (21) Radio and television stations and/or offices.
- (22) Research uses.
- (23) Subdivision sales offices.
- (24) Telephone booths.

**Section 9.603. Uses permitted under prescribed conditions.**

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

- (1) Adult care center, subject to the regulations of Section 12.502.
- (2) Beneficial fill sites, subject to the regulations of Section 12.523.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Childcare centers, subject to the regulations of Section 12.502.
- (5) Day Labor Service agency, subject to regulations of Section 12.530
- (6) Demolition landfills, subject to the regulations of Section 12.503.
- (7) Donation drop-off facility, subject to the regulations of Section 12.532.  
(Petition No. 2004-39, § 9.603(3.5), 09/20/04)
- (8) Distribution businesses, including warehousing and repair of items stored in a 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;

- (9) Large childcare centers, subject to the regulations of Section 12.502  
*(Petition No. 2003-008, §9.603(4.1), 2-17-03)*
- (10) Nursing homes, rest homes, homes for the aged, and elderly and disabled housing
- (11) Offices and government buildings, over 300,000 square feet, provided that:
  - a) Primary vehicular access to the use will not be by way of a residential local (Class VI) street;
  - b) The use will be separated by a buffer from any abutting property located in a residential district, or from any abutting residential use or low-intensity institutional use outside the Research districts (See subsection 9.605(5)); and
  - c) Submission of traffic impact analysis in accordance with the provisions of subdivision 9.703(17)(c) to identify any needed on-site transportation improvements.
- (12) Open space recreational uses, subject to the regulations of Section 12.516.
- (13) Outdoor recreation, subject to the provisions of Section 12.540.  
*(Petition No. 2006-169, § 9.603(8), 02/19/07)*
- (14) Public utility structures, subject to the regulations of Section 12.504.
- (15) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.
- (16) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (17) Retail establishments and restaurants, provided that:
  - a) The principal use of the lot is for offices, research laboratories, pilot plants, prototype production plants, or other production facilities;
  - b) The principal use of the lot occupies at least 30,000 square feet of floor area;
  - c) Retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except a restaurant use may occupy up to 50 percent of the ground floor;



- d) If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for a restaurant use;
  - e) If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;
  - f) One wall sign is permitted to identify all internal commercial uses, provided that it is no larger than 16 square feet.
- (18) Shelters  
*(Petition No. 2005-35, §9.603(15), 04/18/05)*
- (a) Accessory Shelter, subject to the regulations of 12.536.
  - (b) Emergency Shelter, subject to the regulations of 12.537.
- (19) Stadiums and arenas of no more than 5,000 seats, provided that:
- (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
  - (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
  - (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district, an abutting residential use or low intensity institutional use;
  - (d) Off-street parking areas and access ways will be designed to allow direct public transit service to the use;
  - (e) All building and off-street parking areas and service areas will be separated by a buffer from any abutting property in a residential district, or an abutting residential use or low intensity institutional use outside the Research district (See subsection 9.605(5)); and
  - (f) Stadiums and arenas shall be located a minimum of 100 feet from any exterior property lines.
- (20) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with construction of a building on the same lot where construction is taking place or on adjacent lots. Such temporary uses are to be terminated upon completion of construction.
- (21) Vehicle leasing offices and associated accessory automobile parking in RE-2 zoning district, provided that:

- (a) Vehicle leasing offices will occupy no more than 50 percent of the gross floor area of the building in which such use is located;
- (b) Only typical office functions permitted as a principal use within Research Districts shall occur within buildings located on the premises. No direct in-person customer transactions related to vehicle rentals shall be permitted and customers will not take possession of vehicles directly from the vehicle leasing office.
- (c) No advertising signs or other features typically associated with a vehicle rental facility shall be permitted. Signage shall not be placed on any vehicles parked in the accessory parking area with the exception of identification stickers of no more than 5 square inches in size. Wall and detached signage is permitted only to identify the administrative office and shall not designate the site as a vehicle rental facility;
- (d) No vehicle maintenance, repair, preparation or cleaning (other than minor exterior washing) shall be permitted;
- (e) The accessory automobile parking areas shall be limited to passenger vehicles, trucks and vans. No construction-related equipment, no vehicles with over two axles, no vehicles greater than 24 feet in length, and no inoperable or wrecked vehicles of any type are permitted in the accessory parking areas. Trucks and vans may only be parked in an accessory parking area located within 200 feet of a manufacturing, distribution or production use taking place on the site, and such manufacturing, distribution or production use must exist at the time of issuance of the permit associated with the parking of trucks and/or vans vehicles;
- (f) Accessory automobile parking shall take place in designated, paved parking areas that shall not exceed a total combined area of one (1) acre in size. Such parking area(s) shall be designed and maintained in accordance with Chapter 12, Part 2. Individual parking spaces located in the designated accessory automobile parking areas shall not be readily visible from public streets and shall not be counted toward meeting the minimum number of off-street parking spaces required in Section 12.202 for the vehicle leasing office.
- (g) The vehicles parked in the accessory automobile parking areas shall be parked in the permitted parking areas on a short term basis, provided, however, that parking of replacement vehicles may continue in the permitted parking areas on a continuous basis subject to the restrictions set forth in this Section; and
- (h) The accessory automobile parking associated with vehicle leasing offices uses set forth in this Section shall be permitted on lots having a minimum size of twenty (20) acres located in the RE-2 Districts.  
(Petition No. 2004-67, §9.603(18)(a), 7/19/04).

**Section 9.604. Permitted accessory uses and structures.**

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

- (1) Accessory uses and structures clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.414.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Fences and walls.
- (5) Helistops, limited, subject to regulations of Section 12.415.
- (6) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.
- (7) Manager's residence quarters, one dwelling unit/development or project, limited to 1,200 heated square feet.
- (8) Outdoor lighting, subject to the regulations of Section 12.402.
- (9) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (10) Satellite dishes and towers, provided that:
  - (a) They are a necessary part of a permitted use utilizing such equipment as part of its normal operation;
  - (b) Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot; and
  - (c) Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 12.303. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.
- (11) Security gate or station.
- (12) Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building.
- (13) Structured parking decks as an accessory use to the principal use, subject to the regulations of Section 12.212.



**Section 9.605. Development standards for research districts.**

All uses and structures permitted in the RE-1 and RE-2 districts shall meet the applicable development standards established in this Section and other requirements of these regulations:

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

	<u>RE-1</u>	<u>RE-2</u>
(a) Maximum floor area ratio (%) <sup>1</sup>	.60	.60
(b) Minimum lot area (acres)	2 acres	4 acres
(c) Minimum lot width (feet)	200*	400*
(d) Minimum setbacks (feet) <sup>3, 4, 5, 6, 7</sup>		
- Lots between 2 and less than 4 acres	40**	N.A.
- Lots between 4 and less than 15 acres	40**	100
- Lots between 15 and less than 20 acres	100	125
- Lots 20 acres or greater	100	150
(e) Minimum side and rear yards (feet) <sup>3, 4</sup>		
- Lots between 2 and less than 4 acres	25***	N.A.
- Lots between 4 and less than 15 acres	25***	35
- Lots between 15 and less than 20 acres	25***	40
- Lots 20 acres or greater	25***	50
(f) Minimum street side yard on corner lots (feet)		
- Lots between 2 and less than 4 acres	40	N.A.
- Lots between 4 and less than 15 acres	40	75
- Lots between 15 and less than 20 acres	40	85
- Lots between 20 acres or greater	40	100
(g) Maximum height (feet) <sup>2</sup>	40	40

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\*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 100 feet in RE-1 and 200 feet in RE-2 as the minimum lot width.

\*\*Minimum setback shall be 100 feet on thoroughfares and collectors.

\*\*\*Minimum side yard shall be 35 feet when abutting a residential district.

N.A. - Not Applicable

FOOTNOTES TO CHART 9.605(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 Section 12.108.

<sup>3</sup> A gate or security station may be located in a required yard or setback subject to CDOT approval.

<sup>4</sup> Applicable buffer requirements may require a larger side or rear yard than minimum. See Section 12.302. Also, larger setback and yard requirements may be required along certain streets subject to the requirements of Section 12.103. Larger than minimum setback standard may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

<sup>5</sup> 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 measured from the widest section.

<sup>6</sup> No surface parking space shall be permitted within any required or established setback, or between the front façade of the principal structure and the required setback, except that driveways providing access to the parking area may be installed across these areas.

<sup>7</sup> The transitional setback requirements of Section 12.103 shall not apply in RE-1 and RE-2 zoning districts.

- (2) 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) Parking of motor vehicles is not permitted in any established setback, or between the front façade of the principal structure and the required setback except that on through lots adjacent to an Interstate Highway parking is permitted in the setback to within 50 feet of the Interstate right-of-way. The parking area must be paved with a dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area.
  - (b) Underground parking structures are permitted in accordance with Section 12.213.
  - (c) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted 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 of the street as the use, have a dimension of at least 22 feet in length, and be located in areas approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.

In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made non-conforming, with respect to parking.

- (d) All on-street parking shall comply with *Charlotte-Mecklenburg Land Development Standards Manual*.

- (e) Shared parking shall be permitted pursuant to the regulations of Section 12.203.
  - (f) Bicycle parking. The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.
  - (g) All surface parking shall conform to the internal planting requirements for parking areas in the *Charlotte Tree Ordinance*.
  - (h) Existing non-conforming parking shall be removed if the property undergoes a change of use or expansion of the principal structure in excess of 20% of gross floor area. However, no additional parking is required for the reuse of an existing building, or due to the removal of non-conforming parking.
- (3) Buffers and Screening. Buffers and screening are required for all uses in accordance with the following:
- (a) At a minimum, the buffer requirements of Section 12.302 shall be enforced for all uses.
  - (b) At a minimum, the screening requirements of Section 12.303 shall be enforced for all uses.
- (4) Open space.
- (a) Open space shall be required for all new development in excess of four acres. Such open space shall equal, at a minimum, 15% of the gross lot area.
  - (b) A minimum of 20% of the required open space shall be improved with seating, plantings, or other amenities and accessible to the public or the users of the principal buildings on site.
  - (c) The required open space may include buffers, dedicated greenways, stormwater detention and retention facilities, water bodies, and natural areas.

#### **Section 9.606 Design Standards**

- (1) Signs. Signs are permitted in the RE-1 and RE-2 district in accordance with Chapter 13 except that no sign shall exceed 20 feet in height.
- (2) Connectivity and circulation standards.  
  
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.
- (3) Outdoor lighting. 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 shall be screened in such a way that the light source cannot be seen from any property abutting the RE-3 district that is in residential use or zoned for residential use.
- (4) Building Entrances and Orientation.
  - (a) At least one or more operable pedestrian entrances per building shall be provided in at least one of the following circumstances:
    - 1. When a lot abuts a public street right-of-way, at least one entrance(s) shall be provided along all building façade(s) fronting all public rights-of-way.
    - 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) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
- (5) Building entrances. Doorways 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.
- (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 shall be required along all street frontages (excluding driveways). The width of the planting strip shall be in accordance with the City Council adopted streetscape plan. When the streetscape plan does not specify a planting strip width, an 8' wide planting strip measured from the curb line shall be constructed. If the streetscape 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 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-Mecklenburg 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-Mecklenburg 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 the requirements of Section 9.606 (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).
- (7) Street Walls.
- (a) All 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) No reflective surfaces shall be permitted on street-level exterior facades.
  - (c) 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.

**Section 9.607 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-1 and RE-2.

Any approval must meet the following criteria:

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





## Zoning Text Amendment

Draft for review and comment

Land Design PN 1010135

11/12/17 21/10

## PART 6: RESEARCH DISTRICTS

## Section 9.601. Research Districts established; purposes.

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## Section 9.602. Uses permitted by right.

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

- (1) ~~(4)~~ Applied and basic research laboratories.
- (2) ~~(2)~~ Auction sale of real property and such personal property as is normally located thereon for the purpose of liquidating assets.
- ~~(3)~~ Civic, social service and fraternal facilities.
- (3) \_\_\_\_\_
- ~~(3.1) (RESERVED)~~
- (4) ~~(4)~~ Cultural facilities.
- (5) ~~(4.5)~~ Elementary and secondary schools.  
(Petition 2007-100, §9.602(4.5), 09/17/07)
- (6) ~~(5)~~ Farms, including retail sale of produce grown on the premise.
- (7) ~~(5.1)~~ Financial institutions.
- (8) ~~(6)~~ Government buildings, up to 300,000 square feet and Recreation Centers up to 30,000 square feet.  
(Petition 2005-63, §9.602(6), 06/20/05)
- (9) ~~(7)~~ Graphics research and production facilities.
- (10) ~~(8)~~ Highway and railroad rights-of-ways.

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- (11) ~~(9)~~ Indoor recreation.
- (12) ~~(10)~~ Laboratories for testing products and materials.
- (13) ~~(11)~~ Manufacture of electronic, computing and communications equipment and related devices.
- (14) Merchandise showrooms, up to 5,000 square feet.
- (15) ~~(12)~~ Optical, dental and medical laboratories and clinics.
- (16) ~~(13)~~ Offices, up to 300,000 square feet.
- (17) ~~(13.1)~~ Outdoor seasonal sales.
- (18) ~~(14)~~ Parks, greenways and arboretums.
- (19) ~~(15)~~ Pharmaceutical preparations and production facilities.
- (20) ~~(16)~~ Prototype production facilities and pilot plants.
- (21) ~~(17)~~ Radio and television stations and/or offices.
- (22) ~~(18)~~ Research uses.
- (23) ~~(19)~~ Subdivision sales offices.
- (24) ~~(20)~~ Telephone booths.

(21) Uses similar to those listed above.

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Section 9.603. Uses permitted under prescribed conditions.

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

- (1) ~~(1)~~ Adult care center, subject to the regulations of Section 12.502.
- (2) ~~(1.1)~~ Beneficial fill sites, subject to the regulations of Section 12.523.
- (3) ~~(2)~~ Bus stop shelters, subject to the regulations of Section 12.513.
- (4) ~~(3)~~ Childcare centers, subject to the regulations of Section 12.502.
- (5) ~~(3.1)~~ Day Labor Service agency, subject to regulations of Section 12.530

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LandDesign PN 1010135

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(6) ~~Demolition landfills, subject to the regulations of Section 12.503.~~

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(7) ~~(3.5) Donation drop-off facility, subject to the regulations of Section 12.532.~~  
~~(Petition No. 2004-39, § 9.603(3.5), 09/20/04)~~

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(8) ~~Distribution businesses, including warehousing and repair of items stored in a 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;~~

~~(4) Demolition landfills, subject to the regulations of Section 12.503.~~

(9) ~~(4.1) Large childcare centers, subject to the regulations of Section 12.502~~  
~~(Petition No. 2003-008, §9.603(4.1), 2-17-03)~~

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~~Nursing homes, rest homes, homes for the aged, and elderly and disabled housing~~

(10)

~~(5) Nonconforming structures and uses, subject to the regulations of Chapter 7.~~

(11) ~~(6) Offices and government buildings, over 300,000 square feet, provided that:~~

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

~~b) (b) The use will be separated by a buffer from any abutting property located in a residential district, or from any abutting residential use or low-intensity institutional use outside the Research districts (See subsection 9.605(5)); and~~

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

(12) ~~(7) Open space recreational uses, subject to the regulations of Section 12.516.~~

(13) ~~(8) Outdoor recreation, subject to the provisions of Section 12.540.~~  
~~(Petition No. 2006-169, § 9.603(8), 02/19/07)~~

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~~(9)~~ [RESERVED]

~~(14)~~ ~~(10)~~ Public utility structures, subject to the regulations of Section 12.504.

~~(15)~~ ~~(11)~~ Public utility transmission and distribution lines, subject to the regulations of Section 12.509.

~~(12)~~ [RESERVED]

~~(16)~~ ~~(13)~~ Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

~~(17)~~ ~~(14)~~ Retail establishments and restaurants, provided that:

~~(a)~~ ~~a)~~ The principal use of the lot is for offices, research laboratories, pilot plants, prototype production plants, or other production facilities;

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~~(b)~~ ~~b)~~ The principal use of the lot occupies at least 30,000 square feet of floor area;

~~(c)~~ ~~c)~~ Retail establishments and restaurants will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances exceed 25 percent of the ground floor area, except a restaurant use may occupy up to 50 percent of the ground floor;

~~(d)~~ ~~d)~~ If the proposed use is to be located within the same building as the principal use, then there will be no direct public entrance to the proposed use from outside the building except for a restaurant use;

~~(e)~~ ~~e)~~ If the proposed use is to be located in a building separate from the principal use, then the proposed use will be designed and intended primarily for the use of persons who are employed by the principal use;

~~(f)~~ ~~f)~~ No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and

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

~~(18)~~ ~~(15)~~ Shelters

~~(Petition No. 2005-35, §9.603(15), 04/18/05)~~

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~~(a)~~ ~~a)~~ Accessory Shelter, subject to the regulations of 12.536 ~~(RE-1, RE-2, RE-3)~~.

~~(b)~~ ~~b)~~ Emergency Shelter, subject to the regulations of 12.537 ~~(RE-1, RE-2, RE-3)~~.

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~~\_\_\_\_\_ c) Homeless Shelter, subject to the regulations of 12.538 (RE-1, RE-2, RE-3).~~

~~(19)~~ ~~(16)~~ Stadiums and arenas of no more than 5,000 seats, provided that:

- (a) All parking areas will meet the landscaping standards set out in Chapter 12, Part 2;
- (b) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street;
- (c) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district, an abutting residential use or low intensity institutional use;
- (d) Off-street parking areas and access ways will be designed to allow direct public transit service to the use;
- (e) All building and off-street parking areas and service areas will be separated by a buffer from any abutting property in a residential district, or an abutting residential use or low intensity institutional use outside the Research district (See subsection 9.605(5)); and
- (f) Stadiums and arenas shall be located a minimum of 100 feet from any exterior property lines.

~~(20)~~ ~~(17)~~ Temporary buildings and storage of materials, provided that:

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

~~(21)~~ ~~(18)~~ Vehicle leasing offices and associated accessory ~~and transitional~~ automobile parking in RE-2 ~~and RE-3~~ zoning districts, provided that:

- (a) Vehicle leasing offices will occupy no more than 50 percent of the gross floor area of the building in which such use is located;
- (b) Only typical office functions permitted as a principal use within Research Districts shall occur within buildings located on the premises. No direct in-person customer transactions related to vehicle rentals shall be permitted and customers will not take possession of vehicles directly from the vehicle leasing office.
- (c) No advertising signs or other features typically associated with a vehicle rental facility shall be permitted. Signage shall not be placed on any vehicles parked in the accessory parking area with the exception of identification stickers of no more than 5 square inches in size. Wall and detached signage

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is permitted only to identify the administrative office and shall not designate the site as a vehicle rental facility;

- (d) No vehicle maintenance, repair, preparation or cleaning (other than minor exterior washing) shall be permitted;

- ~~(e) The vehicle leasing administrative office will not be identified as a rental car location in the Telephone Directory, Yellow Pages or in any printed or electronic advertising materials;~~

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- ~~(f)(e)~~ The accessory automobile parking areas shall be limited to passenger vehicles, trucks and vans. No construction-related equipment, no vehicles with over two axles, no vehicles greater than 24 feet in length, and no inoperable or wrecked vehicles of any type are permitted in the accessory parking areas. Trucks and vans may only be parked in an accessory parking area located within 200 feet of a manufacturing, distribution or production use taking place on the site, and such manufacturing, distribution or production use must exist at the time of issuance of the permit associated with the parking of trucks and/or vans vehicles;

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- ~~(g)(f)~~ Accessory and transitional automobile parking shall take place in designated, paved parking areas that shall not exceed a total combined area of one (1) acre in size. Such parking area(s) shall be designed and maintained in accordance with Chapter 12, Part 2. Individual parking spaces located in the designated accessory automobile parking areas shall not be readily visible from public streets and shall not be counted toward meeting the minimum number of off-street parking spaces required in Section 12.202 for the vehicle leasing office.

- ~~(h)(g)~~ In recognition of the transitional nature of the accessory automobile parking associated with vehicle leasing offices, the vehicles parked in the accessory automobile parking areas shall be parked in the permitted parking areas on a short term basis, provided, however, that parking of replacement vehicles may continue in the permitted parking areas on a continuous basis subject to the restrictions set forth in this Section; and

- ~~(i)(h)~~ The accessory automobile parking associated with vehicle leasing offices uses set forth in this Section shall be permitted on lots having a minimum size of twenty (20) acres located in the RE-2 and RE-3 Districts.

- ~~(j) Nothing contained in the foregoing shall limit or restrict any uses permitted by right, under prescribed conditions or as an accessory use in Research Districts~~

(Petition No. 2004-67, §9.603(18)(a), 7/19/04).



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~~(19) Outside, open market on private or public property, for the selling of fresh food, and plants, shall be subject to all applicable State laws and regulations and the regulations of Section 12.610. Such an open air, fresh food market need not comply with the development standards of Section 9.902 nor the parking standards of Section 9.907.~~

## Section 9.604. Permitted accessory uses and structures.

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

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

~~(1.1) (RESERVED)~~

- (2) ~~(2)~~ Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.414.

- (3) ~~(3)~~ Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.

- (4) ~~(4)~~ Fences and walls.

- (5) ~~(5)~~ Helistops, limited, subject to regulations of Section 12.415.

- (6) ~~(6)~~ Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.

- ~~(7) Manager's residence quarters, one dwelling unit/development or project, limited to 1,200 heated square feet.~~

(7) \_\_\_\_\_

- ~~(8) Outdoor lighting, subject to the regulations of Section 12.402.~~

(8) ~~(9)~~

- (9) ~~(10)~~ Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.

- (10) ~~(1011)~~ Satellite dishes and towers, provided that: subject to regulations of subsection 9.605(45).

- (a) They are a necessary part of a permitted use utilizing such equipment as part of its normal operation;

- (b) Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot; and

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- (c) Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 12.303. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.
- (11) ~~(12)~~ Security gate or station.
- (12) ~~(1113)~~ Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
- (13) ~~(124)~~ Structured parking decks as an accessory use to the principal use, subject to the regulations of Section 12.212.

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## Section 9.605. Development standards for research districts.

All uses and structures permitted in the RE-1 and RE-2 districts shall meet the applicable development standards established in this Section and other requirements of these regulations:

- (1) Minimum setback
- The minimum building setbacks along particular streets shall be determined by the approved University Research Park Area Plan City Council adopted streetscape plan. The plan specifies differing setbacks, as appropriate for various road types. When the plan does not specify a setback, the minimum setback for all uses shall be fourteen (14)(24) feet.
- 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 measured from the widest section.
- If new construction incorporates an existing structure located within the minimum setback, the CDOT Director, or his/her designee, and the Planning Director, or his/her designee, may allow the setback for the addition to be reduced to the established setback.
- 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.
- No surface parking space shall be permitted within any required or established setback, or between the front façade of the principal structure and the required setback, except that driveways providing access to the parking area may be installed across these areas.
- Balconies may project up to 2' into the right-of-way, provided the minimum setback coincides with the right-of-way boundary, subject to an approved sidewalk encroachment agreement with CDOT, as applicable. Balconies shall have a minimum clearance of 10' from grade.

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~~Sidewalk arcades may be located within the sidewalk portion of the right-of-way, provided the minimum setback coincides with the right-of-way boundary, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb, whichever is greater.~~

~~The transitional setback requirements of Section 12.103 shall not apply in RE-1 and RE-2 zoning districts.~~

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

	RE-1	RE-2
(a) Maximum floor area ratio (%) <sup>1</sup>	.60	.60
(b) Minimum lot area (acres)	2 acres	4 acres
(c) Minimum lot width (feet)	200*	400*
(d) Minimum setbacks (feet) <sup>3, 4, 5, 6, 7, 8, 9</sup>		
- Lots between 2 and less than 4 acres	40**	N.A.
- Lots between 4 and less than 15 acres	40**	100
- Lots between 15 and less than 20 acres	100	125
- Lots 20 acres or greater	100	150
(e) Minimum side and rear yards (feet) <sup>3, 4</sup>		
- Lots between 2 and less than 4 acres	25***	N.A.
- Lots between 4 and less than 15 acres	25***	35
- Lots between 15 and less than 20 acres	25***	40
- Lots 20 acres or greater	25***	50
<del>RE-1</del> <del>RE-2</del>		
(f) Minimum street side yard on corner lots (feet)		
- Lots between 2 and less than 4 acres	40	N.A.
- Lots between 4 and less than 15 acres	40	75
- Lots between 15 and less than 20 acres	40	85
- Lots between 20 acres or greater	40	100
(g) Maximum height (feet) <sup>2</sup>	40	40

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\*Lots having any part of their frontage on the circular portion of a cul-de-sac right-of-way may use 100 feet in RE-1 and 200 feet in RE-2 as the minimum lot width.

\*\*Minimum setback shall be 100 feet on thoroughfares and collectors.

\*\*\*Minimum side yard shall be 35 feet when abutting a residential district.

N.A. - Not Applicable

## FOOTNOTES TO CHART 9.605(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



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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 Section 12.108.

<sup>3</sup> A gate or security station may be located in a required yard or setback subject to CDOT approval.

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<sup>4</sup> Applicable buffer requirements may require a larger side or rear yard than minimum. See Section 12.302. Also, larger setback and yard requirements may be required along certain streets subject to the requirements of Section 12.103. Larger than minimum setback standard may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

<sup>6</sup> The minimum building setbacks shall be determined by the City Council adopted streetscape plan. The plan specifies differing setbacks, as appropriate for various road types. When the plan does not specify a setback, the minimum setback for all uses shall be fourteen (24) feet. <sup>65</sup> 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 measured from the widest section.

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<sup>7</sup> 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. <sup>86</sup> No surface parking space shall be permitted within any required or established setback, or between the front façade of the principal structure and the required setback, except that driveways providing access to the parking area may be installed across these areas.

<sup>97</sup> The transitional setback requirements of Section 12.103 shall not apply in RE-1 and RE-2 zoning districts.

(2) (8) Applicable buffer requirements may require a larger side or rear yard than minimum. See subsection 9.605(6). Also, larger setback and yard requirements may be required along certain streets subject to the requirements of Section 12.103. Larger than minimum setback standard may be required where a nonresidential use abuts a lot in a residential district. See subsection 12.102(1).

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(3) Outside Storage. Outside storage of any materials, supplies or products shall not be permitted in the research districts.

(4) Security gate or station. A gate or security station may be located in a required yard or setback.

(5) Satellite dishes and towers. Satellite dishes and towers are permitted as an accessory use provided that:

- (a) They are a necessary part of a permitted use utilizing such equipment as part of its normal operation;
- (b) Such dishes and towers may not be located within the setback area of any lot or within the street side yard of a corner lot; and
- (c) Screening shall be installed on the exterior sides of such dishes and towers in accordance with Section 12.303. If walls are chosen for this screening, materials must be compatible with the exterior of other buildings on the site.

(5) Buffers and Screening. Buffers and screening are required for all uses in accordance with the following:

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~~(a) At least one-half of the depth of the setback, side and rear yards, except where driveways access or utility easements are required, must be maintained with existing vegetation and natural features. Under certain circumstances the retention of existing vegetation or natural features may be inappropriate or ineffective. In such cases, an alternative landscaping and screening plan may be submitted to the Planning Director for consideration and approval. These plans must contain sufficient information to indicate why maintenance of existing conditions would be inappropriate or ineffective due to site design, topography, unique relationships to other properties, absence or type of natural vegetation or other special considerations. Details of the proposed landscaping treatment shall indicate topographic changes as well as number, type and size of plant material. Within 20 days the Planning Director shall advise the applicant of the disposition of the alternate proposal. If no specific alternative plan can be approved the maintenance of existing features must be observed. It should be understood that the alternative plan procedure is strictly voluntary and that requirements other than those set forth in Section 12.303 may be imposed in order to insure that the intent of this subsection is met; and~~

~~(b) At a minimum, the screening requirements of Section 12.303 shall be enforced for all uses.~~

CROSS-REFERENCES

~~(6) — Signs. Signs are permitted in the Research districts in accordance with Chapter 13 except that:~~

~~(a) — Signs in the districts may be luminous.~~

~~(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.~~

~~(7)(2) — 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) — Parking of motor vehicles is not permitted in any required established setback or in the front one-half of any required exterior side yard of a corner lot or in the exterior one-half of any interior lot line, or between the front façade of the principal structure and the required setback except that on through lots adjacent to an Interstate Highway, parking is permitted in the setback to within 50 feet of the Interstate right-of-way. The parking area must be paved with a dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across the setback area.~~

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

~~(c) — On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those~~

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on-street parking spaces must be located on the same side of the street as the use, have a dimension of at least 22 feet in length, and be located in areas approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.

In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made non-conforming, with respect to parking.

All recessed, on-street parking shall comply with Charlotte-Mecklenburg's Urban Street Design Guidelines Land Development Standards Manual.

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- (d) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than 35% of the total lot width.

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- (e) Shared parking shall be permitted and encouraged pursuant to the regulations of Section 12.203.

- (f) Bicycle parking. The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district. Bicycle parking and storage facilities shall be required as per Chapter 12, Part 2.

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- (g) All surface parking shall conform to the internal planting requirements for parking areas in the Charlotte Tree Ordinance Charlotte Tree Ordinance.

- (h) Existing non-conforming parking shall be removed if the property undergoes a change of use or expansion of the principal structure in excess of 20% of gross floor area. However, no additional parking is required for the reuse of an existing building, or due to the removal of non-conforming parking.

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Structured parking facilities shall meet the following additional requirements:

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- At least fifty (50%) of the linear street level frontage of the facility shall be devoted to office, civic, or institutional uses.

- An underground parking structures is permitted as an accessory use. Subsurface parking shall not be permitted in the minimum setback.

A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum 7-foot clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

- (3) Buffers and Screening. Buffers and screening are required for all uses in accordance with the following:

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- (a) At a minimum, the buffer requirements of Section 12.302 shall be enforced for all uses.
- (b) At a minimum, the screening requirements of Section 12.303 shall be enforced for all uses.;

(4) Open space.

- (a) Open space shall be required for all new development in excess of four acres. Such open space shall equal, at a minimum, 15% of the gross lot area.
- (b) A minimum of 20% of the required open space shall be improved with seating, plantings, or other amenities and accessible to the public or the users of the principal buildings on site.
- (c) The required open space may include buffers, dedicated greenways, stormwater detention and retention facilities, water bodies, and natural areas.

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Section 9.6076 Urban Design Standards

- (1) Signs. Signs are permitted in the RE-1 and RE-23 district in accordance with Chapter 13 except that no sign shall exceed 20 feet in height.
- (2) Connectivity and circulation standards. Research uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel modes. A pedestrian sidewalk system shall meet the following standards:

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Internal sidewalk connections are required between buildings and from buildings to all publicly accessible on-site facilities (parking areas, bicycle facilities, urban open space, etc.). All internal sidewalks shall be hard surfaced and at least 6' in width.

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External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system, and to adjacent multi-use trails, parks and greenways. The connection shall be no longer than 120% of the straight-line distance from all buildings to the existing or proposed sidewalk, or no more than 20' longer than the straight-line distance, whichever is less. Sidewalks shall be hard-surfaced and at least six (6) feet in width.

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The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.

Urban open spaces:

Urban open spaces for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet. Such buildings must provide useable open space behind the required setback

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~~and on private property proportionate to the building square footage at a rate of one (1) square foot of open space to 100 square feet of gross floor area.~~

~~A maximum of 30% of the required open space may be provided on an enclosed ground floor level.~~

~~All required open space shall be accessible to the users of the building and improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.~~

- (3) Outdoor lighting standards. Outdoor lighting, if provided, shall meet the standards of Section 12.402, and

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 shall be screened in such a way that the light source cannot be seen from any property abutting the RE-3 district that is in residential use or zoned for residential use.

~~All outdoor lighting fixtures for parking lots, urban open spaces, and pedestrian activity areas shall be classified as full-cutoff, cutoff, or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas and service areas shall be classified as full-cutoff, cutoff, or semi-cutoff.~~

(b) ~~No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.~~

- (4) Building Entrances and Orientation.

(c)(a) At least one or more operable pedestrian entrances per building shall be provided in at least two one of the following circumstances:

1. When a lot abuts a public street right-of-way, at least one entrance(s) shall be provided along all building façade(s) fronting all public rights-of-way.

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.

~~Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way or public open space.~~

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(b) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.

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(5) Building entrances. Doorways 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.

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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 shall be required along all street frontages (excluding driveways). The width of the planting strip shall be in accordance with the City Council adopted streetscape plan. When the streetscape plan does not specify a planting strip width, an 8' wide planting strip measured from the curb line shall be constructed. If the streetscape 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 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~~ *Charlotte Tree Ordinance*, and in the ~~Charlotte-Mecklenburg 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~~ *Charlotte Tree Ordinance*.

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(d) ~~Charlotte Tree Ordinance~~ *Charlotte Tree Ordinance*, regulations for tree protection and replacement shall be applicable within this zoning district.

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(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-Mecklenburg Land Development Standards Manual~~. A sidewalk easement shall be required if the sidewalk is not located within the public right-of-way.

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— The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section ~~11.706(9)~~9.606 (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). Streetscape Standards.

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A continuous perimeter-planting strip (excluding driveways) shall be required whenever property abuts a curb. The width of the planting strip shall be provided according to the appropriate street cross-section in the University Research Park Area Plan, relative to the location of the property. When the area plan does not specify a planting strip width, an 8' wide planting strip shall be constructed.

Curbs shall be located adjacent to the perimeter-planting strip, unless specified otherwise in the approved area plan. If the right-of-way width varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.

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Trees shall be planted in the continuous perimeter-planting strip, as per the standards found in the Charlotte Tree Ordinance and in the Charlotte-Mecklenburg Land Development Standards Manual.

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Charlotte Tree Ordinance regulations for tree protection and replacement shall be applicable within this zoning district.

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Sidewalks shall be located and constructed along public street right-of-ways, should abut the perimeter-planting strip, and should be located on the side of the planting strip closest to the building to encourage pedestrian activity. The sidewalk width shall be determined according to the applicable street cross-section in the University Research Park Area Plan, relative to the location of the property. If not specified, then the sidewalk shall be 8' in width. Sidewalks shall meet the standards for concrete sidewalks in accordance with the Charlotte-Mecklenburg Land Development Standards Manual. Sidewalk easements shall be required if the sidewalk is not located within the public right-of-way.

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(9)(f) The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 9.607(7), 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).

(7) Street Walls.

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(a) All 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

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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) No reflective surfaces shall be permitted on street-level exterior facades.

(e) 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.

(c) \_\_\_\_\_

#### Section 9.607, 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-1 and RE-2.

Any approval must meet the following criteria:

1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the RE-1 and RE-2 intent; and

Provides open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the RE-1 and RE-2.

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~~University Research Park~~City of Charlotte Research District

12/23/10

~~University City Partner~~

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

**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 integrated 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.

**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 in addition to the following uses provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Amusement, commercial, indoor
- (2) Art galleries
- (3) Athletic and sports facilities
- (4) Barber and beauty shops
- (5) Clinics, medical, dental & optical
- (6) Clinics, veterinary
- (7) Conference centers including convention centers and halls, exhibit halls, and merchandise marts
- (8) Country and swim clubs
- (9) Cultural facilities, drama, and music
- (10) Dry cleaning and laundry establishments
- (11) Dwellings, attached
- (12) Dwellings, mixed-use
- (13) Dwellings, attached and multi-family, up to 12 in a building
- (14) Dwellings, planned multi-family and attached, or buildings with more than 12 units

- (15) Family childcare homes
- (16) Florist, retail
- (17) Health institutions, including hospitals, clinics, and similar uses
- (18) Hotels and motels
- (19) Information pillars, subject to the regulations of Section 12.416
- (20) Libraries
- (21) Locksmiths
- (22) Manufacturing representative offices
- (23) Merchandise showrooms, up to 5,000 square feet.
- (24) Mobile food vending service
- (25) Parking decks, structured, subject to the regulations of Sections 12.212 and 12.213
- (26) Parking decks, structured, subject to the regulations of Sections 12.212 and 12.213
- (27) Museums
- (28) Offices, professional, business, and general
- (29) Police and fire stations
- (30) Post offices
- (31) Printing and publishing establishments
- (32) Pump stations
- (33) Recreation centers
- (34) Religious institutions
- (35) Repair or servicing of any article, the sale of which is permitted in the district, within an enclosed building up to 5,000 square feet
- (36) Restaurants, including open air or sidewalk cafes
- (37) Retail sales permitted in B-1, up to 100,000 square feet.
- (38) Schools, public and private elementary, junior and senior high



- (39) Signs, bulletin boards, kiosks, and similar structures that provide historical information, information for non-commercial activities, or space for free use by the public
- (40) Studios for artists, designers, photographers, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental or precious jewelry
- (41) Telecommunications and telephone switching
- (42) Theaters (not motion picture)
- (43) Theaters, motion picture
- (44) Transit stations and associated parking facilities
- (45) Universities, colleges, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions, and dormitories for the students of colleges, commercial schools, schools providing adult training

**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 in addition to the following uses provided they meet the standards established in this Section and all other requirements of these regulations:

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502
- (2) Distribution businesses, including warehousing and repair of items stored in a building, provided that:
  - (a) No building to exceed 10,000 square feet.
- (3) Family childcare homes, subject to the regulations of Section 12.502
- (4) Structured parking decks as a principle or accessory use, subject to the regulations of Section 12.212 and Section 12.213.
- (5) Mobile food vending service.

**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) Outdoor lighting, subject to the regulations of Section 12.402.
- (3) Signs, bulletin boards, kiosks, and similar structures that provide historical information, information for non-commercial activities, or space for free use by the general public.

**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: None required.
- (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. When the plan does not specify a setback, the minimum setback for all uses shall be fourteen (14) 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) If new construction incorporates an existing structure located within the minimum setback, the CDOT Director, or his/her designee, and the Planning Director, or his/her designee, may allow the setback for the addition to be reduced to the established setback.
  - (d) 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.
  - (e) 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.
  - (f) The transitional setback requirements of Section 12.103 shall not apply in the RE-3 zoning district.

- (6) Minimum side yards: None, or 35' where the RE-3 district abuts property in residential use or zoned for residential use (single family, multi-family or urban residential zoning district). A minimum 10-foot building separation is required where two adjacent buildings do not adjoin.
- (7) Minimum rear yard: None, or 35' where the RE-3 district abuts property in residential use or zoned for residential use (single family, multi-family or urban residential zoning district). A minimum 10-foot building separation is required where two adjacent buildings do not adjoin.
- (8) Maximum height: 120'.

If a building abuts a residential zoning district or use, it may not be constructed above the 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.

- (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 space per dwelling unit

Hotels/Motels - 0.5 space per room

Manufacturers, Warehouses, and Wholesale – 1 space per 4,000 gross square feet

All Other Uses - 1 space per 400 gross square feet

- 2. No surface parking is permitted within any required setback, or between the permitted use and the required setback, except that on through lots adjacent to an Interstate Highway, parking is permitted in the setback to within 50 feet of the Interstate right-of-way. The parking area must be paved with a dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across these areas.
- 3. Underground parking structures are permitted in accordance with Section 12.213.
- 4. Shared parking is allowed pursuant to the regulations Section 12.203.



5. 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 dimension at least 22 feet in length. 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.
  6. All on-street parking shall comply with *Charlotte-Mecklenburg Land Development Standards Manual*.
  7. The parking requirements of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use.
- (b) Bicycle parking. The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.
- (c) 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. Residential developments, including mixed-use or multi-use developments with a residential component, shall provide security for residents by controlling vehicular and pedestrian access to structured or underground parking areas designated for residential parking.
  2. Controlled gate locations are subject to the approval of CDOT.
- (d) All surface parking shall conform to the internal planting requirements for parking areas in the *Charlotte Tree Ordinance*.
- (e) 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:
1. The valet parking service can be located in the following areas:
    - (i) For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
    - (ii) 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.
  2. The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

3. The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
  4. For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.
- (f) Loading Standards. Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a 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 (single-family, multi-family and urban residential zoning districts) 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. However, multi-family developments zoned RE-3 are exempt from this requirement where they abut other multi-family uses or undeveloped multi-family zoning districts.
  2. 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 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 left 40% - 50% open 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, a masonry wall shall be constructed outside of any public right-of-way to meet the screening requirement.

(12) Open space.

- (a) A minimum of 10% of the site shall be open space. Open space, other than that which is required in accordance with (b) below, may be provided on site or within an off-site open space area provided the off-site open space is owned and managed by one of the following entities:

1. Mecklenburg County, Park and Recreation Department;
2. A property owners' association, or equivalent, within a Municipal Service District of the City of Charlotte.

If provided off site, such open space shall be within 1/4 mile of the site. The land defined to meet this open space requirement off site shall be delineated on a survey recorded prior to the issuance of the certificate of occupancy for the first building constructed or expanded on the site.



- (b) Open spaces for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet.

1. Such buildings must provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:

Lot Size	Open Space Requirement
0-20,000 sq. ft.	1 square foot/200 sq. ft. (gross)
20,001 – 40,000 sq. ft.	1 square foot/150 sq. ft. (gross)
40,001+ sq. ft.	1 square foot/100 sq. ft. (gross)

This open space shall count towards the 10% required open space.

2. A maximum of 30% of the required open space may be provided on an enclosed ground floor level. The remaining open space shall be visible from a street or pedestrian area.
3. All such required open space shall be accessible to the users of the building and improved with seating, plantings, and amenities.

#### Section 11.706. Design Standards.

- (1) Signs. Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 20 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.
- (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 shall be screened in such a way that the light source cannot be seen from any property abutting the RE-3 district that is in residential use or zoned for residential use.

- (4) Building Entrances and Orientation.
- (a) At least one or more operable pedestrian entrances per building shall be provided in at least one of the following circumstances:
1. When a lot abuts a public street right-of-way, at least one entrance(s) shall be provided along the building façade(s) fronting the public right-of-way.
  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) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
- (5) Building entrances. Doorways 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.
- (6) 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, and may not be closer than 2' to the back of the curb. 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.
- (7) 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 shall be required along all street frontages (excluding driveways). The width of the planting strip shall be in accordance with the City Council adopted streetscape plan. When the streetscape plan does not specify a planting strip width, an 8' wide planting strip measured from the curb line shall be constructed. If the streetscape 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 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-Mecklenburg 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-Mecklenburg 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 the requirements of Section 11.706(7), 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).
- (8) 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) No reflective surfaces shall be permitted on street-level exterior facades.
  - (d) Ventilation grates on the building, or emergency exit doors located on the first-floor street façade(s) shall be decorative and part of the overall building design.



**Section 11.707. RE-3 (Optional); purpose.**

The RE-3 district establishes minimum standards for design and development. Those standards, however, might not at all times be appropriate to the particular development. Also, there might be unforeseen circumstances that the RE-3 regulations do not address which impede appropriate site development.

RE-3-Optional (RE-3-O) is an alternative process for innovative design to address challenging site conditions, special problems, and other unique circumstances that RE-3 cannot accommodate. The RE-3 standards, however, shall be guidelines for the development of RE-3-O rezoning petitions. The Board of Adjustment shall not have jurisdiction to grant variances from the RE-3 design standards.

**Section 11.708. RE-3 (Optional); application.**

Petitions for a zoning map amendment to establish a RE-3-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A RE-3-O classification will be considered only by application of the owner of the subject property or his duly authorized agent.

Applications must be accompanied by a schematic plan and by any supporting text, which becomes a part of the amending ordinance. The application must include at least the following information:

- (1) Access to site for adjacent rights-of-way, streets and arterials.
- (2) Parking and vehicular circulation areas.
- (3) Location and size of buildings.
- (4) Entrances and exits, in relation to vehicular and pedestrian circulation.
- (5) Enclosed, sheltered and unenclosed open spaces and plazas.
- (6) Pedestrian circulation.
- (7) Service area for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery.
- (8) Open space, trees, street trees and other plantings, including types, placement and maintenance system.
- (9) Paving to be used on private plazas and walkways.
- (10) Areas to be landscaped or screened.
- (11) Exterior lighting.
- (12) Any information regarding the proposed subdivision of lot(s).
- (13) Signs, banners, flags and pennants to be used.

- (14) Other site elements, spaces and information, which the applicant feels, will assist in the evaluation of the proposed site development.

**Section 11.709. RE-3 (Optional); review and approval.**

- (1) In considering a rezoning petition for the establishment of a RE-3-O, the City Council will consider MUDD standards as guidelines for the development of RE-3-O rezoning petitions. The City Council shall evaluate and act upon RE-3-Optional rezoning petitions taking into consideration the Central City Charlotte Urban Design Plan, the purposes of MUDD stated in Section 9.8501, the appropriateness of the rezoning petition for the area, the harmonious relationship of the rezoning petition to surrounding properties, and any other identified pertinent land use plans. Council shall also consider the potential adverse impacts on the surrounding area, especially in regard to traffic, storm drainages, land values, and compatibility of land use activities.
- (2) In approving an application for the establishment of a RE-3-O, the City Council will consider, evaluate and may attach reasonable and appropriate conditions to the following: the location, nature and extent of the proposed use and its relation to surrounding property; proposed support facilities such as parking areas and driveways; pedestrian and vehicular circulation systems; screening and buffer areas; the timing of development; and such other matters as the City Council may find appropriate or the petitioner may propose. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to final action by the City Council.

**Section 11.710. RE-3 (Optional); effect of approval; alterations.**

- (1) If an application is approved, the RE-3-O and all conditions, which may have been attached, are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, 3 years from the date of approval, the Planning Commission will examine progress made to develop in accordance with approved plans to determine if active development efforts are proceeding. If it is determined by the Planning Commission that active efforts are not preceding, a report will be forwarded to the City Council, which may recommend that action be initiated to remove the RE-3-O designation in accordance with procedures outlined in Chapter 6 of these regulations.
- (2) Changes to approved plans and conditions of development will be processed in accordance with Section 6.207, "Alterations to Approval."

**Section 11.711. RE-3 (Optional); relationship to other ordinances.**

This section governs the urban design plan provisions for the RE-3-O and does not prevent any other appropriate or necessary reviews by other City departments from occurring concurrently.



**Section 11.712 Preliminary review.**

Applicants planning any development or redevelopment in a RE-3 area are required to meet with the Charlotte-Mecklenburg Planning staff, 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 not be issued until the Planning Commission staff approves the proposal as in conformance with this ordinance.

**Section 11.713 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 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 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, 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.

...

**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 12.413. 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.

...

**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 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)*

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.



**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.

**Zoning Text Amendment**  
**Land Design PN-1010135**

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

**Section 11.701. Purpose.**

The adopted University Research Park Area Plan calls for a Research RE-3 district that allows for a broader range of uses and more development potential than typically allowed in a conventional the RE-1 or RE-2 districts, employment center. Development within the RE-3 district should build the University Research Park into a premier lends itself to an employment center with a diverse mixture of uses, sophisticated infrastructure, 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 integrated 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, multi-modal community. Development within RE-3 should furthermore be characterized by its pedestrian scale a well-connected transportation network and environmental sensitivity with emphasis on pedestrian scale and urban quality of the development, and 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.

Applicants planning any development or redevelopment are required to meet with the Charlotte-Mecklenburg Planning staff 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. Building permits will not be issued until the planning staff approves the proposal as in conformance with this ordinance.

**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 in addition to the following uses provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Health institutions
- (2) Hotels and motels
- (3) Manufacturer's representatives, including offices and repair and service facilities
- (4) Merchandise showrooms
- (5) Printing and publishing
- (6) Restaurants, including open-air and sidewalk cafés, without drive-in service
- (7) Buildings for dramatic, musical, or cultural activities

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- ~~— (7) Colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions~~
- ~~— (8) Conference centers, exhibit halls, merchandise marts, and other similar uses~~
- ~~— (9) Dwellings, attached, multi-family and planned multi-family developments, and mixed-use buildings~~
- ~~— (10) Indoor commercial amusement, such as bowling alleys, arcades, indoor playgrounds~~
- ~~— (11) Institutional uses such as churches, synagogues, parish houses, Sunday school buildings, convents, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theaters, art galleries, police and fire stations, public and private elementary, junior, and senior high schools, and pumping stations.~~
- ~~— (12) Professional business, and general and medical offices such as banks, clinics, dental and doctors offices, veterinary clinics, government, post offices, opticians' offices, and similar uses~~
- ~~— (13) Repair or servicing of any article, the sale of which is permitted in the district, within an enclosed building up to 5,000 square feet~~
- ~~— (14) Retail sales limited to uses permitted in the B-1 district~~
- ~~— (15) Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments with less than 30,000 square feet of gross floor area per floor, per single tenant. No drive through windows or outdoor storage is permitted.~~
- ~~— (15) Services such as beauty shops and barber shops, laundries and dry-cleaning establishments, and locksmiths and gunsmiths~~
- ~~— (16) Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry~~
- ~~— (17) Theaters, motion picture~~
- ~~— (18) Telecommunications and telephone switching~~
- (1) ~~(19) Transit stations and associated parking facilities~~ Amusement, commercial, indoor
- (2) Art galleries
- (3) Athletic and sports facilities
- (4) Barber and beauty shops

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- (5) Clinics, medical, dental & optical
- (6) Clinics, veterinary
- (7) Conference centers including convention centers and halls, exhibit halls, and merchandise marts
- (8) Country and swim clubs
- (9) Cultural facilities, drama, and music
- (10) Dry cleaning and laundry establishments
- (11) Dwellings, attached
- (12) Dwellings, mixed-use
- (13) Dwellings, attached and multi-family, up to 12 in a building
- (14) Dwellings, planned multi-family and attached, or buildings with more than 12 units
- (15) Family childcare homes
- (16) Florist, retail
- (17) Health institutions, including hospitals, clinics, and similar uses
- (18) Hotels and motels
- (19) Information pillars, subject to the regulations of Section 12.416
- (20) Libraries
- (21) Locksmiths
- (22) Manufacturing representative offices
- (23) Merchandise showrooms, up to 5,000 square feet,
- (24) Mobile food vending service
- (25) Parking decks, structured, subject to the regulations of Sections 12.212 and 12.213
- (26) Parking decks, structured, subject to the regulations of Sections 12.212 and 12.213
- (27) Museums

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- (28) Offices, professional, business, and general
- (29) Police and fire stations
- (30) Post offices
- (31) Printing and publishing establishments
- (32) Pump stations
- (33) Recreation centers
- (34) Religious institutions
- (35) Repair or servicing of any article, the sale of which is permitted in the district, within an enclosed building up to 5,000 square feet
- (36) Restaurants, including open air or sidewalk cafes
- (37) Retail sales permitted in B-1, up to 100,000 square feet,
- (38) Schools, public and private elementary, junior and senior high
- (39) Signs, bulletin boards, kiosks, and similar structures that provide historical information, information for non-commercial activities, or space for free use by the public,
- (40) Studios for artists, designers, photographers, sculptors, gymnasts, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental or precious jewelry
- (41) Telecommunications and telephone switching
- (42) Theaters (not motion picture)
- (43) Theaters, motion picture
- (44) Transit stations and associated parking facilities
- (45) Universities, colleges, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions, and dormitories for the students of colleges, commercial schools, schools providing adult training,

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Section 11.703 Uses permitted under prescribed conditions.

## Zoning Text Amendment

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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 in addition to the following uses provided they meet the standards established in this Section and all other requirements of 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;

- (1) ~~(b) Landscaping and internal planting requirements shall be met in accordance with Section 11.705(3).~~ ~~(1) Childcare centers in a residence, subject to the regulations of Section 12.502~~
- (2) ~~Distribution businesses, including warehousing and repair of items stored in a building, provided that;~~
  - (a) ~~No building to exceed 10,000 square feet.~~
- (3) ~~(2) Family childcare homes, subject to the regulations of Section 12.502~~
- (4) ~~(3) Structured parking decks as a principle or accessory use, subject to the regulations of Section 12.212 and Section 12.213.~~
- (5) ~~(4) Mobile food vending service.~~

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## 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) ~~(1) Information Pillars, subject to the regulations of Section 12.416.~~
- (2) ~~(2) Outdoor lighting, subject to the regulations of Section 12.402.~~
- (3) ~~(3) Signs, bulletin boards, kiosks, and similar structures that provide historical information, information for non-commercial activities, or space for free use by the general public.~~

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## 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:



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- (1) Maximum Dwelling Units Per Acre (DUA): None.
- (2) Maximum Floor Area Ratio (FAR): None.
- (3) Minimum lot area: None required.
- (4) Minimum lot width: 25' for residential lots, 100' for all other lots.
- (5) Minimum setback:

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- (a) The minimum building setbacks along particular streets shall be determined by the approved University Research Park Area Plan City Council adopted streetscape plan. The plan specifies differing setbacks, as appropriate for various road types. When the plan does not specify a setback, the minimum setback for all uses shall be fourteen (14) 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 measured from the widest section, shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
- (c) If new construction incorporates an existing structure located within the minimum setback, the CDOT Director, or his/her designee, and the Planning Director, or his/her designee, may allow the setback for the addition to be reduced to the established setback.
- (d) 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.
- (e) 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.

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Balconies may project up to 2' into the right-of-way, provided the minimum setback coincides with the right-of-way boundary, subject to an approved sidewalk encroachment agreement with CDOT, as applicable. Balconies shall have a minimum clearance of 10' from grade. Sidewalk arcades may be located within the sidewalk portion of the right-of-way, provided the minimum setback coincides with the right-of-way boundary, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb, whichever is greater.

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- (f) The transitional setback requirements of Section 12.103 shall not apply in the RE-3 zoning district.

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- (6) Minimum side yards: None, or 35' where the RE-3 district abuts property in residential use or zoned for residential use (single family, multi-family or urban residential zoning district). A minimum 10-foot -but 10' building separation is required adjacent to a residential use where two adjacent buildings do not adjoin.

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- (7) Minimum rear yard: None, or 35' where the RE-3 district abuts property in residential use or zoned for residential use (single family, multi-family or urban residential zoning district). A minimum 10-foot building separation is required where two adjacent buildings do not adjoin. None, but 10' building separation required adjacent to a residential use.

- (8) Maximum height: 120'.

— Because different sections of the University Research Park Area vary in character and access and proximity to infrastructure, the maximum number of stories allowed in the structure shall be according to the adopted University Research Park Area Plan.

If a building abuts a residential zoning district or use, it may not be constructed above the 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.

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

- (a) Maximum floor area ratio (%)<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

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~~— 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. Height requirements for other permitted structures are set forth in Section 12.108.~~~~—~~~~— 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:~~

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- ~~(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)~~

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- ~~(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)~~

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- ~~(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, 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~~

- ~~(c) 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.~~

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- ~~(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.~~
- (1) ~~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~~
- (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.~~
- ~~(7) 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 except with the following standards will take precedence exceptions:~~

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(a) Parking Standards.

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

Residential - 1 space per dwelling unit

Hotels/Motels - 0.5 space per room

Manufacturers, Warehouses, and Wholesale – 1 space per 4,000 gross square feet

All Other Uses - 1 space per 600400 gross square feet

2. No surface parking is permitted within any required setback, or between the front façade of the principal structure permitted use and the required setback, except that on through lots adjacent to an Interstate Highway, parking is permitted in the setback to within 50 feet of the Interstate right-of-way. The parking area must be paved with a dust-free, all-weather surface and must be properly drained and landscaped. The space within the required setback must not be used as a maneuvering space for the parking of vehicles, except that driveways providing access to the parking area may be installed across these areas.

~~— Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than 35% of the total lot width.~~

3. Underground parking structures are permitted in accordance with Section 12.213.

4. Shared parking is encouragedallowed pursuant to the regulations Section 12.203.

~~— Existing non-conforming parking shall be removed if the property undergoes a change of use or expansion of the principal structure in excess of 20% of gross floor area. However, no additional parking is required for the reuse of an existing building, or due to the removal of non-conforming parking.~~

5. 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 dimension at least 22 feet in length. 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.



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6. All on-street parking shall comply with ~~Charlotte-Mecklenburg's Land Development Standards Manual.~~

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- ~~(1)7. The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 1,600 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease having a term of not less than five (5) years excluding renewals and need not be located within this district. If at any time the parking arrangements of this section are not met, Neighborhood Development will initiate enforcement of this provision and instruct the Director of Land Use and Environmental Services Agency, or his or her designee, to revoke the occupancy permit for the permitted use and will not issue a building or occupancy permit with respect to the permitted use until such requirements are met. If through no fault of the building owner or management the required parking that is provided through a lease arrangement is lost through condemnation procedures, the building owner or management will not be required to find replacement parking to meet the requirements of these provisions. Spaces in parking structures and lots which are owned by a developer and which exist on the date these provisions become effective, and which are in excess of the requirements for the building(s) with which they are associated, may be used to satisfy the requirements for new or expanded buildings.~~

- (a) Bicycle parking. The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.

- (b) Structured parking decks and underground parking decks providing required parking for residential dwelling units in the Research-3RE-3 zoning district, shall meet the following requirements:

1. Residential developments, including mixed-use or multi-use developments with a residential component, shall provide security for residents by controlling vehicular and pedestrian access to structured or underground parking areas designated for residential parking.

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- (2)2. Controlled gate locations are subject to the approval of CDOT.

~~Loading Standards. Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a 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:~~

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~~Multi-family dwellings (1-24 units): None required~~

~~Multi-family dwellings (25+ units): One (1) space~~

~~Non-residential uses with gross floor area:~~

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- Less than 50,000 square feet: None Required
- 50,000 – 150,000 square feet: One (1) space
- Each additional 100,000 square feet: One (1) space
- 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.

(5)

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- (a) All surface parking shall conform to the internal planting requirements for parking areas in the Charlotte Tree Ordinance.

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- (4) All parking areas for more than 10 motorized vehicles shall provide screening which consists of either a 5-foot-wide planting strip consisting of evergreen shrubbery to sufficient to visually separate land uses, or a finished masonry wall that is a minimum of 2 ½ feet in height, up to a maximum height of 3 feet, and that shall be 40% – 60% open for safety and security purposes, or an alternative as approved by the Planning Director. Evergreen shrubbery shall meet the requirements of Section 12.303(g). However, a wall cannot be substituted for the planting strip along any public street unless supplemented by landscaping in a minimum 3-foot-wide planting strip. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The 5' planting strip or the wall may be eliminated if abutting parking lots are combined or interconnected with motor vehicular and pedestrian access. Shrubs and walls may be reduced in height to 30 inches when located within sight triangles as required by the Charlotte Department of Transportation (CDOT). In no instance shall a chain link fence or a barbed wire fence be permitted.

- (a) 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:

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1. The valet parking service can be located in the following areas:

- (i) For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
- (ii) 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.

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2. The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

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3. The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

4. For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII, "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

(b) Loading Standards. Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a 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.

~~(4)(11)~~ Buffers and Screening.

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(a) Buffers.

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1. All uses shall provide landscaping. Buffers shall be provided along all property lines abutting where the RE-3 district abuts a residentially zoned property (single-family, multi-family and urban residential zoning districts) or a property occupied by a residential use located adjacent to the Research-3 zoning district. 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. Landscaping Buffering shall be provided along all such property lines abutting the alley. However, multi-family developments zoned RE-3 are exempt from this landscaping requirement where they abut other multi-family uses or undeveloped multi-family zoning districts.



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2. Such landscapingbuffering 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 Section 12.302(9)(b), (c), (d), and (e). The 10' planting strip may be reduced to 8' and the shrubs need not be planted if a masonry wall with a height of between 6' to 8' in a side yard, or between 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 landscapingbuffering 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.

(a) 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 left 40% - 50% open 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, a masonry wall shall be constructed outside of any public right-of-way to meet the screening requirement.

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(12) Open space.

- (a) A minimum of 10% of the site shall be open space. Open space, other than that which is required in accordance with (b) below, may be provided on site or within an off-site open space area provided the off-site open space is owned and managed by one of the following entities:

1. Mecklenburg County, Park and Recreation Department;

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2. A property owners' association, or equivalent, within a Municipal Service District of the City of Charlotte.

—If provided off site, such open space shall be within 1/4 mile of the site. The land defined to meet this open space requirement off site shall be delineated on a survey recorded prior to the issuance of the certificate of occupancy for the first building constructed or expanded on the site and shall be delineated on \_\_\_\_\_ plans recorded with the City's \_\_\_\_\_. Acceptance of the delineated area by the identified entity for ownership and maintenance shall be in writing and recorded with the \_\_\_\_\_.

- (b) Open spaces for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet.

1. Such buildings must provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:

<u>Lot Size</u>	<u>Open Space Requirement</u>
<u>0-20,000 sq. ft.</u>	<u>1 square foot/200 sq. ft. (gross)</u>
<u>20,001 – 40,000 sq. ft.</u>	<u>1 square foot/150 sq. ft. (gross)</u>
<u>40,001+ sq. ft.</u>	<u>1 square foot/100 sq. ft. (gross)</u>

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This open space shall count towards the 10% required open space.

2. A maximum of 30% of the required open space may be provided on an enclosed ground floor level. The remaining open space shall be visible from a street or pedestrian area.
3. All such required open space shall be accessible to the users of the building and improved with seating, plantings, and amenities.

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Section 11.706. Design Standards.

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- (1) Signs. Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 20 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:

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- (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.
- (3) Outdoor lighting standards. Outdoor lighting, if provided, shall meet the standards of Section 12.402, and
- (a) All outdoor lighting fixtures for parking lots, and pedestrian activity areas shall be classified as full-cutoff, cutoff, or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas, and service areas shall be classified as full-cutoff, cutoff, or semi-cutoff.
- 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 shall be screened in such a way that the light source cannot be seen from any property abutting the RE-3 district that is in residential use or zoned for residential use.
- (b) No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.
- (4) Building Entrances and Orientation.
- (e)(a) At least one or more operable pedestrian entrances per building shall be provided in at least two of the following circumstances:
1. When a lot abuts a public street right-of-way, at least one entrance(s) shall be provided along all the building façade(s) fronting all the public rights-of-way.
  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.
- Where the University Research Park Area Plan depicts a required sidewalk not specified in the subsections above, an entrance(s) shall be provided on the building façade closest to the required sidewalk.
- (1) If all three (3) of these circumstances exist, only two (2) entrances shall be required, with the third being optional.

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- Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way or public open space.
- Such entrances shall be distinguishable from the rest of the building to provide a sense of entry and to add variety to the streetscape.
- (a) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
- (2)(5) Building entrances. Doorways 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.
- (6) 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, and may not be closer than 2' to the back of the curb. 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 the StateNCDOT shall be required.
- (7) 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 (excluding driveways)-shall be required whenever property abuts a curb along all street frontages (excluding driveways). The width of the planting strip shall be provided according to in accordance with the University Research Park Area PlanCity Council adopted streetscape plan. When the streetscape area plan does not specify a planting strip width, an 8' wide planting strip measured from the curb line shall be constructed. If the streetscape area 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) Curbs shall be located adjacent to tThe perimeter- planting strip shall be located adjacent to the curb, unless specified otherwise in the approved areastreetscape plan. If the right-of-way width varies along the street frontage, the planting strip shall be aligned along the widest right-of-way 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, as per the standards found in the Charlotte Tree Ordinance, and in the Charlotte-

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Mecklenburg Land Development -Standards Manual. Tree pits with irrigation and sub-drainage are optional, may be installed in lieu of a planting strip, as 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.

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- (e) Sidewalks shall be located and constructed as specified in the approved streetscape area plan. Typically, sidewalks along public street rights-of-ways should abut the perimeter- planting strip, and be located on the side closest to the building to encourage pedestrian activity. The sidewalk width and locations shall be determined by the streetscape area 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-Mecklenburg Land Development Standards Manual. SA sidewalk easements shall be required if the sidewalk is not located within the public right-of-way.

- (a)(f) The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 11.706(1097), 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).

(8) Street Walls.

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- (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.

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- (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 included incorporated into the site design, to animate and enliven the streetscape. 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.

The first-floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale, interest, and activity.

- (c) No reflective surfaces shall be permitted on street-level exterior facades.



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

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Section 11.707. RE-3 (Optional); purpose.

The RE-3 district establishes minimum standards for design and development. Those standards, however, might not at all times be appropriate to the particular development. Also, there might be unforeseen circumstances that the RE-3 regulations do not address which impede appropriate site development.

RE-3-Optional (RE-3-O) is an alternative process for innovative design to address challenging site conditions, special problems that addresses new development concepts, innovative design, special problems, public/private ventures, and other unique circumstances that RE-3 cannot accommodate. The RE-3 standards, however, shall be guidelines for the development of RE-3-O rezoning petitions. The Board of Adjustment shall not have jurisdiction to grant variances from the RE-3 design standards.

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Section 11.708. RE-3 (Optional); application.

Petitions for a zoning map amendment to establish a RE-3-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A RE-3-O classification will be considered only by application of the owner of the subject property or his duly authorized agent.

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Applications must be accompanied by a schematic plan and by any supporting text, which becomes a part of the amending ordinance. The application must include at least the following information:

- (1) ~~(1)~~ Access to site for adjacent rights-of-way, streets and arterials.
- (2) ~~(2)~~ Parking and vehicular circulation areas.
- (3) ~~(3)~~ Location and size of buildings.
- (4) ~~(4)~~ Entrances and exits, in relation to vehicular and pedestrian circulation.
- (5) ~~(5)~~ Enclosed, sheltered and unenclosed urban open spaces and plazas.
- (6) ~~(6)~~ Pedestrian circulation.
- (7) ~~(7)~~ Service area for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery.

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- (8) ~~(8) Urban~~ Open space, trees, street trees and other plantings, including types, placement and maintenance system.

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- (9) ~~(9)~~ Paving ~~system~~ to be used on private plazas and walkways.

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- (10) ~~(10)~~ Areas to be landscaped or screened.

- (11) ~~(11)~~ Exterior lighting.

- (12) ~~(12)~~ Any information regarding the proposed subdivision of lot(s).

- (13) ~~(13)~~ Signs, banners, flags and pennants to be used.

- (14) ~~(14)~~ Other site elements, spaces and information, which the applicant feels, will assist in the evaluation of the proposed site development.

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## Section 11.709. RE-3 (Optional); review and approval.

- (1) ~~(1)~~ In considering a rezoning petition for the establishment of a RE-3-O, the City Council will consider MUDD standards as guidelines for the development of RE-3-O rezoning petitions. The City Council shall evaluate and act upon RE-3-Optional rezoning petitions taking into consideration the Central City Charlotte Urban Design Plan, the purposes of MUDD stated in Section 9.8501, the appropriateness of the rezoning petition for the area, the harmonious relationship of the rezoning petition to surrounding properties, and any other identified pertinent land use plans. Council shall also consider the potential adverse impacts on the surrounding area, especially in regard to traffic, storm drainages, land values, and compatibility of land use activities.

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- (2) ~~(2)~~ In approving an application for the establishment of a RE-3-O, the City Council will consider, evaluate and may attach reasonable and appropriate conditions to the following: the location, nature and extent of the proposed use and its relation to surrounding property; proposed support facilities such as parking areas and driveways; pedestrian and vehicular circulation systems; screening and buffer areas; the timing of development; and such other matters as the City Council may find appropriate or the petitioner may propose. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to final action by the City Council.

## Section 11.710. RE-3 (Optional); effect of approval; alterations.

- (1) ~~(1)~~ If an application is approved, the RE-3-O and all conditions, which may have been attached, are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions.

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The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, 3 years from the date of approval, the Planning Commission will examine progress made to develop in accordance with approved plans to determine if active development efforts are proceeding. If it is determined by the Planning Commission that active efforts are not preceding, a report will be forwarded to the City Council, which may recommend that action be initiated to remove the RE-3-O designation in accordance with procedures outlined in Chapter 6 of these regulations.

- (2) ~~(2)~~ Changes to approved plans and conditions of development will be processed in accordance with Section 6.207, "Alterations to Approval."

## Section 11.711. RE-3 (Optional); relationship to other ordinances.

This section governs the urban design plan provisions for the RE-3-O and does not prevent any other appropriate or necessary reviews by other City departments from occurring concurrently.

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## Section 11.712 Preliminary review.

Applicants planning any development or redevelopment in a RE-3 area are required to meet with the Charlotte-Mecklenburg Planning staff, 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 not be issued until the Planning Commission staff approves the proposal as in conformance with this ordinance.

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## Section 11.713 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.

~~University Research Park~~City of Charlotte

12/23/10~~University City Partners~~

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**Section 126.201. 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 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.

...

**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

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

A ~~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, RE-3, 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, ~~or 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-Optional~~ 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.

...

**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.**

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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 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, RE-3, 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.**



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

This ordinance provides for the location of homeless shelters in a wide variety of non-residential zoning districts: INST, ~~RE-1, RE-2, RE-3,~~ 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**

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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](#)

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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.