

## **CHARLOTTE CODE**

### **PART 1: PURPOSE AND PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)**

#### **CHAPTER 11:**

#### **CONDITIONAL ZONING DISTRICTS**

##### **PART 1: PURPOSE**

###### **Section 11.101. Purpose.**

The Conditional Zoning Districts allow for the establishment of certain uses, which, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes specific development standards for these uses, which allow for flexibility in development while protecting existing developed areas. The permitted uses and development standards are contained within each district. The process for approval of a Conditional Zoning District is explained in Chapter 6, Part 2.

##### **PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)**

###### **Section 11.201. Purpose.**

The Mixed Use Districts are hereby established in order to accommodate the development of planned communities that may incorporate a full range of housing types and, in some instances, compatible nonresidential uses that provide goods, services, and employment primarily to serve the residents of the planned community. In order to encourage high quality design and innovative arrangement of buildings and open space uses throughout the project, these districts provide substantial flexibility from the conventional use and dimensional requirements of the general districts. Three mixed-use districts are established with varying degrees of development intensity to address the application of mixed use to various locations within the community. The developmental and locational criteria for the districts are as follows:

- MX-1: This district permits only residential mixed-use development and is applicable to developments 10 acres or larger. This district is intended to be located within any residential areas in the community.
- MX-2: This district permits residential mixed use development (dwellings and permitted accessory uses and structures) on tracts which are 10 acres or larger and residential mixed use and nonresidential use development on tracts which are 36 acres or larger. This district is permitted within the community along major thoroughfares, minor thoroughfares or collector streets having adequate access.

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MX-3: This district permits residential mixed use and major commercial institutional and employment uses. This district is applicable to developments 100 acres or larger. It is intended to be located as a component of "Development Enterprise Areas", or similar areas identified in the adopted Generalized Land Plan, and areas of the community along major thoroughfares.

#### **Section 11.202. Uses permitted by right.**

The following uses shall be permitted by right in the MX-1, MX-2, and MX-3 districts, provided that they meet all requirements of this Part and all other requirements of these regulations:

- (1) [RESERVED]
- (2) Dwellings, detached, duplex, triplex and quadraplex.
- (3) Dwellings, attached and multi-family up to 12 units in a building.
- (4) Farms, including retail sale of produce grown on the premises.
- (5) Group Homes, for no more than 6 clients.
- (6) Highway and railroad rights of way.
- (7) Parks, greenways and arboretums.
- (8) Indoor recreation (MX-3 only).  
*(Petition No. 2005-45, § 11.202(8), 0 4/18/05)*

#### **Section 11.203. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the MX-1, MX-2, and MX-3 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care homes, subject to the regulations of Section 12.502.
- (1.1) Bed and breakfasts (B & B's), subject to regulations of Section 12.521.
- (1.2) Boarding houses, subject to regulations of Section 12.520.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.

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- (3.1) Childcare centers (MX-2, and MX-3 only), subject to the regulations of Section 12.502  
*(Petition No. 2003-008, §11.203(3.1), 2-17-03)*
- (3.2) Childcare centers in a residence, subject to the regulations of Section 12.502.  
*(Petition No. 2003-008, §11.203(3.2), 2-17-03)*
- (4) Civic, social services and fraternal facilities (MX-2 and MX-3 only), provided that:
  - (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (5) RESERVED
- (6) Dormitories (MX-2 and MX-3 only), provided that:
  - (a) The dormitory will be located within one-half mile of the institutional use it is designed to serve;
  - (b) Building walls over 200 square feet and facing a public right of way shall require a minimum of one large maturing tree per 30 linear feet of wall or one small maturing tree per 20 linear feet of wall no closer than 15 feet to the wall; and
  - (c) If there are more than 12 living units in a single dormitory or if there is more than one dormitory on the same lot, the development must be reviewed and approved in accordance with the regulations for planned multi-family or attached development in subsection 9.303(17).

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- (7) Dwellings, mixed use (MX-2 and MX-3 only), provided that:
- (a) The dwelling units will be located in the same building as an office or commercial use permitted in the district;
  - (b) The dwelling units will occupy no more than 75 percent of the total floor area of the buildings on the lot;
  - (c) The minimum lot and yard requirements for the dwelling units shall be the same as the B-1 district; and
  - (d) Development density shall be controlled by the applicable floor-area-ratio.
- (8) Dwellings, planned multi-family and attached development and one multi-family or attached building on a lot with more than 12 units, subject to the regulations of subsection 9.303(19).
- (8.5) Eating, Drinking and Entertainment Establishments, (Type 2), (MX-2 and MX-3 only), subject to the regulations of Section 12.546.  
*(Petition No. 2013-090, § 11.203(8.5), 07/21/2014)*
- (9) Elementary and secondary schools, provided that:
- (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class C buffer for elementary schools and junior high schools and Class B buffer for senior high schools from any abutting residential use or residential zoning (See Section 12.302);
  - (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools and on a lot which fronts a minor thoroughfare or major thoroughfare for senior high schools; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (10) Equestrian oriented subdivisions, subject to the regulations of Section 12.514.
- (10.1) Family childcare homes, subject to the regulations of Section 12.502.

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- (11) Government buildings, up to 12,500 square feet, provided that:
- (a) All buildings, off-street parking and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use (See Section 12.302);
  - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
  - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (12) Nonresidential uses permitted in the B-1 or B-2 districts (MX-2 and MX-3 only), provided that:
- (a) Only B-1 uses are permitted in the MX-2 district and such uses shall occupy no more than 5% of the total project area;
  - (b) B-1 and B-2 uses are permitted in the MX-3 district provided such uses shall occupy no more than 15% of the total project area;
  - (c) Such uses shall be provided and operated primarily for the service and convenience of the residents of the project area;
  - (d) Such uses shall occupy no more than one acre per 100 dwelling units within the project area for the first 100 dwelling units or portion thereof above 149 dwelling units, plus an additional one-half acre per 50 dwelling units above 100 dwelling units;
  - (e) The area to be occupied by such uses shall be planned and designed as an integral part of the total project area;
  - (f) Vehicular access to such uses shall not be provided by way of a private or residential local (Class VI) street;
  - (g) All structures and parking/service areas shall be separated from adjacent residential uses within the project area by a Class B buffer (See Section 12.302);
  - (h) All off-street parking areas shall be landscaped to the standards established in Chapter 12, Part 3;

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- (i) Adult care centers and child care centers, shall be subject to the regulations of Section 12.502; and
  - (j) No direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site of the use will shine into any abutting lots occupied by residential uses.
- (12.1) Outdoor fresh produce stands, subject to the regulations of Section 12.539.  
*(Petition No. 2010-080, § 11.203, (12.1) 05/14/2012)*
- (13) Outdoor recreation, subject to the provisions of Section 12.540.  
*(Petition No. 2006-169, § 11.203(13), 02/19/07)*
- (13.5) Bicycle-sharing station, subject to the regulations of Section 12.543.  
*(Petition No. 2012-066, § 11.203(12.5) 06/18/2012)*
- (13.1) Outdoor seasonal sales, subject to the regulations of Section 12.519.
- (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) Religious institutions, up to 1200 seats, subject to the regulations of Section 12.506.
- (18) Retail and office establishments and Eating, Drinking and Entertainment Establishments (Type 1) only in multi-family and attached buildings, provided that: *(Petition No. 2013-090, § 11.203(18), 07/21/2014)*
- (a) The establishment will be located within a building that contains at least 50 dwelling units;
  - (b) Such establishments will occupy no more than 25 square feet per dwelling unit in the building up to a maximum of 10,000 square feet;
  - (c) The establishment will have no direct public entrance from the outside of the building except for Eating, Drinking and Entertainment Establishments and  
*(Petition No. 2013-090, § 11.203(18)(c), 07/21/2014)*

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- (d) No merchandise or display of merchandise will be visible from outside the building.
- (19) Subdivision sales office, provided that:
  - (a) The use serves the subdivision in which it is located and adjoining subdivision or subdivisions by the same developer or affiliate; and
  - (b) The use shall be terminated upon the completion of the sale of 95 percent of the total number of homes and/or lots; provided however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.
- (20) Temporary buildings and storage of materials, provided that:

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

#### **Section 11.204. Permitted accessory uses and structures.**

The following uses shall be permitted in the MX-1, MX-2 and MX-3 districts as accessory uses and structures, subject to the applicable criteria in 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) Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot and subject to the regulations of Section 12.506.
- (2.5) Crematory facilities within a cemetery, subject to the regulations of 12.542.  
*(Petition No. 2012-012, §11.204(2.5), 03/19/2012)*
- (3) Customary home occupation, subject to the regulations of Section 12.408.
- (4) Drive-in windows as an accessory use to a principal nonresidential use subject to the regulations of Section 12.404 (MX-2 and MX-3 only).
- (5) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (6) Dwelling, accessory units as an accessory units as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.

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*(Petition 2012-067A, §11.204(6), 07/16/2012)*

- (7) Fences and walls, subject to the regulations of Section 12.406.
- (8) Reserved  
*(Petition 2012-067A22.204(8), 07/16/2012)*
- (9) Marinas, subject to the regulations of Section 12.409.
- (10) Land clearing and inert landfills (LCID): on site, subject to the regulations of Section 12.405.
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
- (12) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
- (13) Private kennels, subject to the regulations of Section 12.410.
- (14) Private stables, subject to the regulations of Section 12.411.
- (15) 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.

#### **Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts.**

All uses and structures in the MX Districts shall meet the development standards established in Section 11.209 of this Part, and the following:

- (1) The minimum total project area for development in a mixed use district must be as follows:

MX-1	10 acres
MX-2	36 acres
MX-3	100 acres

- (2) Residential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.205 for the R-6 district for single family development and in Section 9.305 for the R-22MF district for attached and multi-family development. Single family dwellings may have a minimum rear yard of twenty feet if the rear yard does not form the outer boundary of an MX district. Residential development within an MX district need



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not comply with these requirements if it complies with the provisions of subsection 9.205(4).

- (3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.
- (4) Single family, duplex, triplex, and quadraplex residential development within the MX districts shall meet the R-3 residential base maximum average height and the maximum average height listed in Section 9.205 for the residential portion only.  
*(Petition No. 2011-038, § 11.205(4)(5), 07/18/11)*
- (5) Multi-family residential development within the MX-1 district shall meet the R-8MF base maximum average height and the maximum average height regulations listed in Table 9.305 (1)(j)(A) for the multi-family residential portion only. Multi-family residential development within the MX-2 and MX-3 districts, shall meet the R-17MF base maximum average height and maximum height regulations listed in Table 9.305(1)(j)(B) for the multi-family residential portion only.  
*(Petition No. 2011-038, § 11.205(4)(5), 07/18/11)*

#### **Section 11.206. Density limitations.**

- (1) Residential development in the MX districts shall not exceed the maximum residential density indicated in Table 11.206. The calculation of maximum density shall be based on the total project area minus any portion of the total project area to be devoted to nonresidential uses. For the purpose of this calculation, public rights-of-way shall be deemed to be a residential use.

Table 11.206

<u>District</u>	<u>Maximum Dwelling Units Per Acre</u>
MX-1	6.0
MX-2	8.0
MX-3	8.0

- (2) Each phase of a multi-phase project within an MX district should be able to stand as an independent project. At no point in the development of a multi-phase

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project shall the density of residential development in a completed phase of the project area exceed the approved maximum density established by this Section.

- (3) At least 50% of the dwelling units in an MX-1 district shall be detached dwellings.

#### **Section 11.207. Common open space; density bonus.**

- (1) At least 10 percent of the total project area shall be set aside as common open space.
- (2) A density bonus over and above the density otherwise allowed in the MX district may be approved by the City Council provided that the petitioner increases the percentage of the total project area to be devoted to common open space. This bonus may be granted only if specifically requested by the petitioner. Any such bonus shall consist of a one percent increase in the allowable density for every one percent of land area devoted to common open space in addition to the 10 percent required under subsection (1) above, but in no event shall the bonus exceed 35 percent of the allowable density set out in Section 11.206.
- (3) All common open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first 75 percent of the total number of dwelling units to be constructed within the project area.
- (4) No more than 50 percent of all required common open space shall be covered by water.
- (5) Any structures located in any common open space shall be accessory to recreational use of the space and shall cover no more than 5 percent of all common open space.
- (6) The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved.
- (7) All of the required common open space shall be either conveyed to the City of Charlotte, if the City agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the project area, or with respect to outdoor recreation facilities, to the owner or operator thereof.
- (8) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning Director and recorded and filed at the time the subdivision plat for the project area is recorded. The

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covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local taxes on common open space and recreational facilities owned by it, any fees levied by the association that remain unpaid will become a lien on the individual property, and the association shall be able to adjust the assessment to meet changing needs. The covenants and easements shall also prohibit future development of any common open space for other than open space or recreation purposes and shall provide for continued maintenance of any common open space and recreational facilities.

#### **Section 11.208. Innovative development standards.**

After the property has been reclassified to the MX district by the City Council, the Planning Commission, as part of the approval process for development of property located in the MX district, may modify the following standards established in these regulations and Subdivision Ordinance for the City of Charlotte in order to accommodate a development project proposed for the MX district:

- (1) Street right-of-way.
- (2) Street type and construction standards (including width) for public or private streets.
- (3) Sidewalks, curbs, and gutters.
- (4) Minimum lot size.
- (5) Public street frontage.
- (6) Setbacks and yards.
- (7) Open space.
- (8) Height of fences and walls.
- (9) Off-street parking.
- (10) Lot width.
- (11) Building separation.
- (12) Height  
*(Petition No. 2011-038, § 11.208(12), 07/18/11)*

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#### **Section 11.209. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the MX district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the MX district in accordance with Chapter 13.

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### **PART 3: MANUFACTURED HOUSING DISTRICT**

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#### **PART 3: MANUFACTURED HOUSING DISTRICT**

##### **Section 11.301. Purpose.**

The R-MH district is hereby established in order to provide for the proper location and planning of manufactured homes and mobile home parks and subdivisions.

##### **Section 11.302. Uses permitted by right.**

The following uses shall be permitted by right in the R-MH district, provided that they meet with all requirements of this Part and all other requirements of these regulations:

- (1) Farms, including retail sale of produce grown on the premises.
- (2) Manufactured homes.
- (3) Mobile homes.
- (4) Service buildings to house laundry facilities, recreational facilities, meeting rooms for residents of the park or subdivision, and a caretaker's office.
- (5) Parks, greenways and arboretums.
- (6) Dwellings, detached; according to the development standards for detached dwellings in the R-5 district.  
*(Petition No. 2002-073, § 11.302 (6), 7/15/02)*

##### **Section 11.303. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the R-MH district if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care home, subject to the regulations of Section 12.502.
- (2) Child care centers in a residence, subject to the regulations of Section 12.502.  
*(Petition No. 2003-008, § 11.303 (2), 2-17-03)*
- (2.1) Family childcare homes, subject to the regulations of Section 12.502.  
*(Petition No. 2003-008, § 11.303 (2), 2-17-03)*
- (3) Public utility structure, subject to the regulations of Section 12.504.
- (4) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.

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### **PART 3: MANUFACTURED HOUSING DISTRICT**

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#### **Section 11.304. Development standards; density; common area requirements.**

All manufactured homes and mobile homes in the R-MH District shall meet the development standards established in Sections 11.305, 11.306, and 11.307 and the following:

*(Petition No. 2002-073, § 11.304, 7/15/02):*

- (1) A manufactured home or mobile home park or subdivision located within the R-MH district shall be at least 2 acres in area and the maximum size allowed for any rezoning to the R-MH district is 40 acres.
- (2) No structure shall be located within 30 feet of any property line defining the perimeter of the manufactured home or mobile home park or except as otherwise provided in subsection 12.106.
- (3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot and yards shall be developed to the standards of the R-5 district.
- (4) Any structure shall be located at least 20 feet from any internal street and at least 10 feet from any adjacent lot or space within the park or subdivision except as otherwise provided in Section 12.106.
- (5) The overall density of homes within the park or subdivision shall not exceed 6 units per acre.
- (6) There must be at least 4 spaces available at first occupancy in a manufactured home or mobile home park.
- (7) All manufactured and mobile homes, buildings and service areas will be separated by a Class C buffer from any abutting property located in a residential district or abutting residential use.
- (8) At least 8 percent of the total area of a manufactured housing park shall be devoted to recreational use by the residents of the park. Such use may include space for community buildings, gardens, outdoor play areas, swimming pools, ball courts, racquet courts, etc.
- (9) No service building, office, or common recreational area shall be located adjacent to a public street or any property line defining the perimeter of the park or subdivision.

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### **PART 3: MANUFACTURED HOUSING DISTRICT**

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#### **Section 11.305. Streets and utilities.**

- (1) Each lot or space shall be equipped with electricity, drinking water, and wastewater disposal facilities.
- (2) A park shall be equipped with paved private streets built to the specifications of the Charlotte-Mecklenburg Land Development Standards Manual.
- (3) A subdivision shall be equipped with paved public streets built to the specification of the Charlotte-Mecklenburg Land Development Standards Manual.
- (4) Internal streets and circulation patterns shall be adequate to handle the traffic to be generated by the development.

#### **Section 11.306. Foundations, patios and walkways.**

- (1) Each home shall be placed on a permanent stand in accordance with standards set by the North Carolina Department of Insurance.
- (2) Each home shall have an area on site for provision of a permanent patio or deck adjacent or attached to the permanent stand of at least 180 square feet.
- (3) A walkway shall be constructed for each lot or space to connect parking spaces to the manufactured home entrance.
- (4) Attached structures such as an awning, cabana, storage building, carport, windbreak, or porch, which has a floor area larger than 25 square feet and is roofed, shall be considered part of the stand for purposes of all setback and yard requirements.
- (5) The area beneath a home must be fully enclosed with durable skirting within 60 days of placement in the park or subdivision. As a minimum, such skirting must be a product designed and sold for use as skirting or as approved by the Zoning Administrator.

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### **PART 3: MANUFACTURED HOUSING DISTRICT**

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#### **Section 11.307. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the R-MH district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the R-MH district in accordance with Chapter 13.

#### **Section 11.308. Compliance with other regulations.**

Preliminary plans and final plats for manufactured home or mobile home subdivisions shall be submitted to the Planning Department for review and approval in accordance with the requirements of the Subdivision Ordinance.

*(Petition No. 2012-020, § 10.308, 05/14/2012)*

#### **Section 11.309. Replacement of existing mobile homes and manufactured homes.**

An existing mobile home or manufactured home located in a nonconforming mobile home or manufactured housing park in operation at the time of adoption of these regulations may be replaced with another mobile home or manufactured home provided the number of mobile home or manufactured mobile units may not be increased beyond the number available before replacement and the replacing mobile home must not create nonconforming yards, separation distances, or increase existing nonconforming yards or separation distances.



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### **PART 4: COMMERCIAL CENTER DISTRICT**

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#### **PART 4: COMMERCIAL CENTER DISTRICT**

##### **Section 11.401. Purpose.**

The Commercial Center Development (CC) district is hereby established in order to accommodate, in areas outside of the Uptown Charlotte expressway loop, the development of shopping centers and individual retail establishments primarily larger than 70,000 square feet of floor area. The location and design of such large-scale developments typically serve the employment, shopping, or service needs of an area ranging from a neighborhood to the entire community. The standards for this district therefore are designed to ensure compatibility of such development with nearby uses and the orderly development of the community.

*(Petition No. 2002-30, § 11.401, 4-15-02)*

##### **Section 11.402. Uses permitted by right.**

The following uses shall be permitted by right in the CC district, provided that they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Automotive service stations, including minor adjustments, repairs and lubrication.
- (2) Barber and beauty shops.
- (3) Civic, social service and fraternal facilities.
- (4) Clinics, medical, dental and optical.
- (5) Cultural facilities.
- (6) Dry cleaning and laundry establishments, up to 4,500 square feet.
- (7) Dwellings, detached, duplex, triplex, quadraplex, attached, multi-family and mixed-use buildings.  
*(Petition No. 2002-30, § 11.402(7), 4-15-02)*
- (8) Equipment rental and leasing, within an enclosed building.
- (9) Financial institutions.
- (10) Florists.
- (11) Funeral homes and embalming.  
*(Petition No. 2012-012, §11.402(11), 03/19/2012)*
- (12) Government buildings.

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### **PART 4: COMMERCIAL CENTER DISTRICT**

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- (13) Highway and railroad rights-of-way.
- (14) Hotels and motels.
- (15) Indoor recreation.
- (16) Jewelers.
- (17) Locksmiths and gunsmiths.
- (18) Nurseries and greenhouses.
- (19) Offices.
- (20) Outdoor recreation.
- (20.1) Outdoor seasonal sales.
- (21) Parks, greenways and arboretums.
- (21.1) Pet services indoor. (*Petition No. 2010-044, §11.403(21.1), 09/20/10*)
- (22) Post offices.
- (23) Printing and publishing, up to 5,000 square feet.
- (24) Religious institutions.
- (25) Repair or servicing of any article, within an enclosed building, the sale of which is permitted in the district.
- (26) Eating, Drinking and Entertainment Establishments (Type 1).  
(*Petition No. 2013-090, § 11.402(26), 07/21/2014*)
- (27) Retail establishments, shopping centers, and business, personal and recreation services permitted in the B-1 district.
- (28) Telephone booths.
- (29) Theaters, motion pictures.
- (30) Vocational schools, within an enclosed building.

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### **PART 4: COMMERCIAL CENTER DISTRICT**

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#### **Section 11.403. Uses permitted under prescribed conditions.**

The following uses shall be permitted in the CC district, if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care centers, subject to the regulations of Section 12.502.
- (2) Building material sales, retail, provided that:
  - (a) All portions of the business including the storage of all materials must be housed within a completely enclosed building; and
  - (b) Only retail sales of building materials will be permitted. For the purpose of this section this means the sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Childcare centers, subject to the regulations of Section 12.502.
- (4.5) Donation drop-off facility, subject to the regulations of Section 12.532.  
*(Petition No. 2004-39, §11..403(4.5),09/20/04)*
- (5) Dwellings, mixed use, provided that:
  - (a) Any dwelling will be located in the same building as a commercial use permitted in the district;
  - (b) The minimum lot and yard requirements shall be the same as required for the CC district; and
  - (c) Dwellings will occupy no more than 80 percent of the total floor area of all buildings on the lot.
  - (d) Development density will be determined by the floor-area- ratio.
- (6) Dwellings, planned multi-family and attached development, a single multi-family or attached building on a lot with more than twelve (12) units in a building, subject to the requirements of subsection 9.303(19).

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### **PART 4: COMMERCIAL CENTER DISTRICT**

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(6.05) Eating, Drinking and Entertainment Establishments (Type 2), provided that:

- (a) Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.
- (b) Principal use establishments with an accessory drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons are not permitted in CC.  
*(Petition No. 2013-090, § 11.403(6.05), 07/21/2014)*

(6.1) Large childcare centers, subject to the regulations of Section 12.502  
*(Petition No. 2003-008, §11.403(6.1), 2-17-03)*

(7) Reserved  
*(Petition No. 2013-090, § 11.403(7), 07/21/2014)*

(8) Off-street parking, subject to the regulations of Chapter 12, Part 2.

(8.1) Outdoors fresh produce stands, subject to the regulations of Section 12.539.  
*(Petition No. 2005-68, § 11.403(8.1), 06/20/05)*  
*(Petition No. 2010-080, § 11.403, (8.1) 05/14/2012)*

(8.2) Pet services indoor/outdoor, subject to the regulations of Section 12.541.  
*(Petition No. 2010-044, §11.403(8.2),09/20/10)*

(8.5) Bicycle-sharing station, subject to the regulations of Section 12.543.  
*(Petition No. 2012-066, §11.403(8.5) 06/18/2012)*

(9) Public utility structures, subject to the regulations of Section 12.504.

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

(11) Temporary buildings and storage of materials, provided that:

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

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### **PART 4: COMMERCIAL CENTER DISTRICT**

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#### **Section 11.404. Permitted accessory uses and structures.**

The following uses shall be permitted in the CC district as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted use or structure on the lot.
- (1.7) Crematory facility, accessory to a funeral home, subject to the regulations of Section 12.542.  
*(Petition No. 2012-012, §11.404(1.7), 03/19/2012)*
- (2) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.
- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (4) Land clearing and inert landfills (LCID): on site, subject to the regulations of Section 12.405.
- (5) Outdoor lighting, subject to the regulations of Section 12.402.
- (5.5) Outdoor sales accessory, subject to the regulations of Section 12.417.  
*(Petition No. 2006-20, §11.404, 03/20/06)*
- (6) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
- (7) Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
- (8) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.

#### **Section 11.405. Development standards.**

All uses and structures in the CC district shall meet the development standards established in Section 11.407 of this Part, and the following:

- (1) Minimum project size must be at least 5 acres.
- (2) All principal buildings and structures located within the project area shall meet a minimum setback of 35 feet, a minimum side yard, and a minimum rear yard of

## CHARLOTTE CODE

### PART 4: COMMERCIAL CENTER DISTRICT

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25 feet from any exterior property line. This minimum setback may be decreased under the prescribed conditions enumerated in subsection (7) below and approved by the Charlotte-Mecklenburg Planning Department staff.

*(Petition No. 2012-020, § 11.405(2), 05/14/2012)*

As long as the setbacks for principal buildings and structures are decreased as described in subsection (7), the setback for accessory parking may also be decreased accordingly. However, the accessory parking must remain behind the established building setback. All uses and structures may be considered by the Planning Commission for the innovative development options of subsection (3)(b) below.

*(Petition No. 2005-36, § 11.405(2), 04/18/05)*

- (3) Residential Development within the CC district shall meet the area, yard and bulk requirements established in Section 9.305 for the R-22MF district. Certain innovative development options may be considered by the Planning Commission as part of the approval process for the development of the property for residential purposes in the CC district as follows:

(a) The residential element must be one of a mixed-use development. A mixed-use development shall consist of a mixture of one or more residential types and/or densities combined with compatible nonresidential uses that provide goods, services and employment for an area ranging from a neighborhood to the entire community.

(b) In order to encourage high quality design and innovative arrangement of buildings and open space throughout the residential area(s), substantial flexibility from the conventional standards is possible by modifying the following standards established in these regulations and the Subdivision Ordinance:

1. Street right-of-way
2. Street type and construction standards (including width) for public or private streets
3. Lot size
4. Lot width
5. Setbacks and yards
6. Building Separation
7. Public street frontage
8. Off-street parking

*(Petition No. 2002-30, § 11.405(3)(a)(b), 4-15-02)*

- (4) In no event shall the amount of development within the project area exceed a floor-area-ratio of 1.0. If a parking deck is constructed as part of the development, the allowable floor area may be increased by 50 percent.

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### PART 4: COMMERCIAL CENTER DISTRICT

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- (5) All non-residential development and uses at the project perimeter shall be separated by a Class B buffer from any abutting properties located in a residential district, abutting residential uses or low intensity institutional uses. All residential development at the project perimeter shall be subject to the buffer requirements specified in Section 12.302. Buffer requirements for mixed use projects in the CC district, when located within the interior of the development, may be reduced or waived in their entirety.
- (6) A building in a district may not be erected to a height in excess of 40 feet unless the minimum side yard is increased 1 foot for every 2 feet in building height above 40 feet. If a building abuts a residential use or residential zoning, it may not be constructed above the 40-foot limit unless the side and/or rear yard which adjoins the residential use or zoning is increased 1 foot for each foot in building height above 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.
- (7) The minimum setback of 35 feet as prescribed in subsection (2) above may be reduced to 14 feet from the back of the existing or proposed future curb, whichever is larger as determined by the Charlotte-Mecklenburg Planning Department staff and the Charlotte Department of Transportation, if the following criteria are met:  
(*Petition No. 2012-020, § 10.405, (7), 05/14/2012*)

- (a) Street walls. The first floors of all buildings, including structured parking must be designed to encourage and complement pedestrian-scale interest and activity.

It is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor frontage facing the street.

Where expanses of blank wall are necessary, they may not exceed 20 feet in length. A blank wall is a facade which does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation.

Doors may not swing open into the minimum 14-foot setback area, except emergency exit doors.

- (b) Structured parking facilities. Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicle entrances and pedestrian access to the structure.

In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, then they

## CHARLOTTE CODE

### PART 4: COMMERCIAL CENTER DISTRICT

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must be decorative and must be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not visible from the street. The remainder of the street level frontage must be either occupied retail space or an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers. In no instance will cabling alone be sufficient to meet this screening requirement.

The design requirements of this subsection (b) applies to all building facades of parking structures which are visible from any public right-of-way.

- (c) Surface parking. No surface parking or maneuvering space shall be located between any building line and the street, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.
- (d) Service and loading areas. No service or loading area may be oriented towards the street from which the reduced setback will occur, nor be within the area between any building line and the street.
- (e) Streetscape requirements. The streetscape requirements for the reduced setback are as follows:

Street trees and sidewalks are required in accordance with a City Council adopted streetscape plan for the area. If there is no adopted streetscape plan, a six-foot sidewalk separated by a planting strip in accordance with the Charlotte Tree Ordinance, is required along all streets.

*(Petition No. 2001-050, § 11.405(7)(e), 06-18-01)*

#### **Section 11.406. Accessways.**

In addition to the requirements of Chapter 12, Part 2, the following restrictions shall apply:

- (1) Primary vehicular access to the project area shall not be provided by way of a residential local (Class VI) street.
- (2) One driveway is permitted for the first 300 feet of frontage, two driveways for 300-600 feet of frontage, and three driveways for greater than 600 feet of frontage, unless traffic safety considerations otherwise warrant lesser or greater



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### **PART 4: COMMERCIAL CENTER DISTRICT**

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restrictions.

- (3) No parcel of land removed by the developer from the rest of the project area by subdivision or by metes and bounds description shall be permitted to have driveway access to the street unless an approved site plan provides otherwise.

#### **Section 11.407. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the CC district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the CC district in accordance with Chapter 13.

## CHARLOTTE CODE

### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

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#### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

##### **Section 11.501. Purpose.**

The purpose of the Neighborhood Services District (NS) is to encourage and accommodate the development and continued existence of mixed use districts, which provide a focus for neighborhood retail and service activities. This district provides for a variety of neighborhood-oriented retail and service uses intermixed with high density residential uses. Residential uses on the upper floor of commercial structures are strongly encouraged. Emphasis in the district is placed upon creating a pedestrian scale urban environment with strong linkages to the neighborhood and access to transit.

##### **Section 11.502. Applicability.**

The delineation of Neighborhood Services Districts will be done primarily through the area planning process. This does not preclude, however, a private sector initiated rezoning petition to establish a district. The following criteria must be considered for the establishment of the Neighborhood Services District:

- (1) The district must be directly adjacent to or within a residential neighborhood.
- (2) The proposed uses are intended to serve the surrounding neighborhood.
- (3) The district must have frontage on a major or minor thoroughfare, unless an approved site plan provides otherwise.
- (4) The district must have proximity to existing and future transit routes.

##### **Section 11.503. Uses permitted by right.**

The intent of the Neighborhood Services District is to provide for uses that directly serve the neighborhood in which they are located. Uses allowed by right and under prescribed conditions in the B-1 district are allowed.

##### **Section 11.504. Permitted accessory uses and structures.**

Accessory uses and structures, which are permitted in the B-1 district, are allowed.

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### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

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#### **Section 11.505. Development standards.**

All uses and structures in the Neighborhood Services District shall meet the development standards established in Section 11.508 of this Part, and the following:

- (1) The minimum setback shall be 14 feet from the back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts.  
*(Petition No. 2001-050, § 11.505(1), 06/18/01)*
- (2) Nonresidential buildings are encouraged to be attached with no side yards. If a side yard is provided, it shall be a minimum of 10 feet.
- (3) Side yard adjacent to residential district is 10 feet.
- (4) Rear yard adjacent to nonresidential district is 10 feet.
- (5) Rear yard adjacent to residential district is 20 feet.
- (6) Screening shall be provided next to a residential use or district as required in Section 12.303.
- (7) Maximum floor-area-ratio is 2.0. Any residential use incorporated into a commercial or office structure will not be included in the floor-area-ratio calculation. In addition, a commercial or office structure may receive an additional .50 floor-area-ratio if a residential use is incorporated into the structure. If a parking deck is constructed as part of the building, the allowable floor-area-ratio may be increased by .50. The total maximum allowable floor-area-ratio in this district is 3.0.
- (8) Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.
- (9) The NS district is exempt from the buffer regulations of Section 12.302, but must be applicable screening requirement of Section 12.303.

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### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

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#### **Section 11.506. Parking requirements.**

In addition to the requirements of Chapter 12, Part 2, the following shall apply:

- (1) The minimum parking requirements for the Neighborhood Services District are as follows:

Residential                      - 1 space per dwelling unit

All Other Uses- 1 space per 600 square feet

- (2) No parking of motor vehicles is permitted within any required setback.
- (3) Shared parking is encouraged pursuant to the regulations Section 12.203.
- (4) Parking decks shall be developed under the regulations of Section 12.212.
- (5) The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.  
*(Petition No. 2005-013, § 11.506(5), 3/21/05)*
- (6) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.  
*(Petition No2010-073, § 11.506(6), 12/20/10)*

#### **Section 11.507. Streetscape requirements.**

Street trees and sidewalks are required in accordance with a City Council adopted streetscape plan for the area. If there is no adopted streetscape plan, a six-foot sidewalk separated by a planting strip in accordance with the Charlotte Tree Ordinance, is required along all streets.  
*(Petition No. 2001-050, § 11.507, 06-18-01)*

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### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

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#### **Section 11.508. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the NS district shall meet the applicable standards set out in Chapter 12 of these regulations. Signs shall be permitted in the NS district in accordance with Section 11.509.

*(Petition No. 2004-113, § 11.508, 11/15/04)*

- (1) Valet parking service standards for new construction and site reconfigurations.  
*(Petition No. 2007-141, § 11.508(1), 02/18/08)*

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

- (a) The valet parking service can be located in the following areas:
  1. 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.
  2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.
- (b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (d) 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.

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### **PART 5: NEIGHBORHOOD SERVICES DISTRICT**

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#### **Section 11.509. Sign requirements in NS.**

*(Petition No. 2004-113, § 11.509, 11/15/04)*

- (1) Detached signs and wall signs within the NS zoning district are permitted in accordance with Chapter 13 as modified by the following provisions, which shall take precedence:
  - (a) Wall signs are permitted in accordance with Section 13.108(1), with the following exception. Signs may be located on any building wall of a nonresidential structure so long as the maximum sign surface area of all signs on one wall does not exceed 5% of the area of the building wall to which the sign is attached, up to a maximum of 100 square feet.
  - (b) Detached identification signs for free-standing businesses are permitted in accordance with Section 13.109(4), with the exception that the maximum sign surface area shall not exceed 32 square feet and the maximum height shall not exceed 7 feet.
  - (c) Detached identification signs for shopping centers and other multi-tenant buildings are permitted and shall not exceed 64 square feet, and the maximum height shall not exceed 16 feet. Detached identification signs for outparcel lots within shopping centers are permitted and shall not exceed 32 square feet and the maximum height shall not exceed 4 feet.
  - (d) Conditional district approvals made prior to the effective date of Section 11.509, with specific sign specifications shall take precedence over this section.

## CHARLOTTE CODE

### **PART 6: HAZARDOUS WASTE DISTRICT**

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#### **PART 6: HAZARDOUS WASTE DISTRICT**

##### **Section 11.601. Purpose.**

The Hazardous Waste District (HW) is hereby established in order to ensure that hazardous waste treatment and storage facilities are sited in a manner consistent with protecting the public health, safety and welfare and to ensure that risks to adjoining properties and the community in general are minimized to the greatest extent reasonably possible.

##### **Section 11.602. Use permitted under prescribed conditions.**

Hazardous waste treatment and storage facilities and associated accessory uses shall be permitted in the HW district, if they meet the following standards established in this Section and all other requirements of these regulations:

- (1) The use shall comply with the Federal Resource Conservation and Recovery Act of 1976, as amended, [PL 94-580] and the North Carolina Solid Waste Management Act, as amended, (Article 13B. G.S. 130-166.16) for design, siting, materials to be stored on treated and monitoring.
- (2) All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential, research, institutional, or office district.
- (3) Fences, 7 feet or higher, which are not easily climbable, will surround all facilities for the storage and handling of hazardous materials.
- (4) Vehicular access to the operation will be provided only by way of a Class I, Class II, Class III or Class IV street.
- (5) All surface water and groundwater on the property will be protected so as to minimize to the greatest possible extent using the best available technology, the probability of contamination by hazardous materials.
- (6) All sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest possible extent using the best available technology, the probability of contamination by hazardous materials.
- (7) A Class A buffer shall be provided in accordance with Section 12.302.

## CHARLOTTE CODE

### **PART 6: HAZARDOUS WASTE DISTRICT**

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- (8) The types of soil under and within 30 feet of all portions of the proposed site to be used for storage, treatment, loading and handling of hazardous materials as well as under all paved surfaces or roads leading to these facilities, shall not have a natural percolation rate in excess of  $3.5 \times 10^{-4}$  centimeters per second.

#### **Section 11.603. Additional application requirements.**

Applications for hazardous waste treatment and storage facilities must be submitted and reviewed in accordance with Chapter 6, Part 2 and shall include the following additional information:

- (1) Maps of the area within one-quarter mile of the exterior property lines of the proposed site, and including the proposed site, which show:
- (a) all dwelling units, other principal buildings and structures and streets;
  - (b) all significant topographical features;
  - (c) all surface water;
  - (d) all sanitary sewer systems;
  - (e) all storm water management systems; and
  - (f) all wells.
- (2) An engineering certification for the proposed site concerning the factors of:
- (a) depth to seasonal high water table;
  - (b) soil drainage, composition, thickness and permeability;
  - (c) flooding;
  - (d) depth to bedrock; and
  - (e) prevailing wind direction.
- (3) A certification from the appropriate local, State and/or Federal agencies that the use for the proposed site is in compliance with the appropriate local, State and/or Federal regulations governing:
- (a) air quality standards;
  - (b) water quality standards; and
  - (c) wastewater standards.

#### **Section 11.604. Development standards of general applicability.**

Except as otherwise provided in this Part, all uses and structures permitted in the HW district shall meet the applicable development standards set out in Chapter 12 of these regulations. Signs shall be permitted in the HW district in accordance with Chapter 13.



## CHARLOTTE CODE

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

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

##### **Section 11.701. Purpose.**

*(Petition No. 2011-018, § 11.701, 05/23/11)*

The RE-3 district allows for a broader range of research and other uses and more development potential than allowed in the RE-1 or RE-2 districts. (The RE-1 and RE-2 purpose statements are described in Chapter 9, Section 9.601). Development within the RE-3 district lends itself to a research employment based 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.**

*(Petition No. 2011-018, § 11.702, 05/23/11)*

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

- (1) Pharmaceutical preparations and production facilities.
- (2) Printing and publishing establishments.
- (3) Prototype production facilities and pilot plants.
- (4) Telecommunications and telephone switching.

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

- (1) Art galleries
- (2) Athletic and sports facilities
- (3) Barber and beauty shops
- (4) Conference centers

## CHARLOTTE CODE

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

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- (5) Dry cleaning and laundry establishments
- (6) Dwellings, attached
- (7) Dwellings, mixed-use
- (8) Dwellings, attached and multi-family, up to 12 in a building
- (9) Dwellings, planned multi-family and attached, or buildings with more than 12 units
- (10) Family childcare homes
- (11) Florist, retail
- (12) Health institutions, including hospitals and similar uses
- (13) Hotels and motels
- (14) Nursing homes, rest homes, homes for the aged, and elderly and disabled housing
- (15) Offices
- (16) Religious institutions
- (17) Eating, Drinking and Entertainment Establishments (Type 1)  
*(Petition No. 2013-090, § 11.702(17), 07/21/2014)*
- (18) Studios for artists or designers.
- (19) Theaters, motion picture
- (20) Transit stations and associated parking facilities
- (21) Universities, colleges, and vocational schools.

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

*(Petition No. 2011-018, § 11.703, 05/23/11)*

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district except for the following uses which are not permitted in RE-3:

- (1) Vehicle leasing offices and associated automobile parking.

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

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

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502.
- (2) Eating, Drinking and Entertainment Establishments (Type 2) subject to the regulations of Section 12.546.  
*(Petition No. 2013-090, § 11.703(2), 07/21/2014)*
- (3) Retail sales permitted in B-1, up to 10,000 square feet.
- (4) Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only).
- (5) Structured parking decks, subject to the regulations of 11.706(10).

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

*(Petition No. 2011-018, § 11.704, 05/23/11)*

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) Outdoor Sales, subject to the regulations of Section 12.417.
- (2) Drive-in windows, subject to the regulations of Section 12.413. Service lanes shall not be permitted between any façade of the principal structure and any abutting public or private street.
- (3) Structured parking subject to the regulations of Section 11.706(10).

#### **Section 11.705. Development standards.**

*(Petition No. 2011-018, § 11.705, 05/23/11)*

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

- (1) Maximum Dwelling Units Per Acre (DUA): None.
- (2) Maximum Floor Area Ratio (FAR): None.
- (3) Minimum lot area: 10,000 square feet.
- (4) Minimum lot width: 25' for residential lots, 100' for all other lots.

## CHARLOTTE CODE

### PART 7: RE-3 RESEARCH DISTRICT

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- (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 twenty-four (24) feet.
  - (b) The minimum setback shall be measured from the back of all existing or future curbs, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
  - (c) For the purposes of this section, the minimum setback applies to all street frontages, not just to the street frontage toward which the structure is oriented.
  - (d) No surface parking or maneuvering space shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas.
  - (e) The transitional setback requirements of Section 12.103 shall not apply in the RE-3 zoning district.
- (6) Minimum side yards: None, except 35' where abutting a residential use not zoned RE-3 or a residential zoning district.
- (7) Minimum rear yard: None, except 35' where abutting a residential use not zoned RE-3 or a residential zoning district.
- (8) Maximum height: 90'.
- (a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.
  - (b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.
- (9) Parking and Loading. The requirements of Chapter 12, Part 2 shall apply with the following exceptions:

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### PART 7: RE-3 RESEARCH DISTRICT

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(a) Parking Standards.

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

Residential – 1.5 space per dwelling unit

Hotels/Motels – 1.0 space per room

Eating, Drinking and Entertainment Establishments– 1 space per 125 gross square feet

*(Petition No. 2013-090, § 11.705(7), 07/21/2014)*

Retail – 1 space per 250 gross square feet

All Other Uses - 1 space per 400 gross square feet

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

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drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

- a. The valet parking service can be located on private property. The valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.
- b. The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- c. The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic within public rights-of-way.

- (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 loading 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:
  - a. Less than 50,000 square feet: None Required
  - b. 50,000 - 150,000 square feet: One (1) space
  - c. 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.

- (10) Buffers and Screening.

- (a) Buffers.

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1. Buffers per Section 12.302 shall be provided along all property lines where the RE-3 district abuts a property that is not zoned RE-1, RE-2, or RE-3. 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 any property that is not zoned RE-1, RE-2, or RE-3. Buffering shall be provided along all such property lines abutting the alley.
2. Multi-family developments zoned RE-3 are exempt from this requirement where they abut other multi-family uses or undeveloped multi-family zoning districts.

(b) Screening.

1. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from view from a public or private street or from a transit-way. Such screening shall consist of a 5-foot wide planting strip, consisting of evergreen shrubbery sufficient to visually screen these uses, or an alternative as approved by the Planning Director. An optional wall or fence may be used in lieu of the 5-foot planting strip. Walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). Berms shall not be used to satisfy screening requirements.
  - a. Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. The finished side of the fence shall face the abutting property. In no instance shall a fence or wall used for screening be located within a setback. Nor shall a chain link or barbed wire fence be permitted.
  - b. The composition of the screening material and its placement on the lot shall be left up to the discretion of the property owner, as long as the intent of this Ordinance is met. However, a wall cannot be substituted for the planting strip along any public street or transit-way unless supplemented by landscaping in a minimum 3-foot wide planting strip.

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- c. Shrubs used for screening shall be evergreen and at least 2 to 2 ½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the approved plant list in the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual. Walls shall be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).
  - d. The minimum height for walls and fences abutting a residential district shall be 6', or whatever is sufficient to visually screen the use. The minimum height for screening shall be whatever is sufficient to visually screen the uses, but not less than 4'.
- (2) Dumpsters, recycling containers, compactors, large above-ground utility structures and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall, with closeable gate that shall be 40% - 50% open for safety and security purposes. In no instance shall a chain link fence or a barbed wire fence be permitted. Dumpsters are not permitted in any required setback or yard space.
- (3) All parking areas for more than 10 motorized vehicles (except for parking areas for duplex, triplex or quadraplex dwellings on a single lot) 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% - 50% 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. Berms shall not be used to satisfy screening requirements.

If a wall is provided, then the area on either side of the wall shall be wide enough to allow for its maintenance.



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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.

- (4) Any expansion or change of use to a property will require that all screening requirements be met. If an existing parking area is located in the planting strip required for screening, a masonry wall shall be constructed outside of any public right-of-way to meet the screening requirement.
- (5) If the screening requirements cannot be met, the Planning Director shall have the authority to modify the screening requirements, as long as the intent of this section is met.

#### (11) Urban Open Spaces.

- (a) All new development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.
- (b) Private open space is defined as an area that is:
  - 1. Accessible and visible to residents, tenants, and/or users of the development.
  - 2. Improved with seating, plantings, and/or other amenities.
  - 3. Located on the ground floor or first level of the development, or on a roof or terrace level, or in an interior courtyard area of the development, or a combination of these locations.
  - 4. Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
  - 1. Accessible and open to the public.
  - 2. Improved with seating, plantings, and/or other amenities.
  - 3. Visible and accessible from the street or public pedestrian areas.

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4. Located on the ground floor or no more than five feet above or five feet below ground level.
  5. Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

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

- (f) For developments on lots in excess of ten acres (435,600 square feet), at least fifty percent (50%) of the required open space must be centrally located on the site in a common area.

#### **Section 11.706. Design Standards.**

*(Petition No. 2011-018, § 11.706, 05/23/11)*

(1) **Signs.**

- (a) Signs are permitted in the RE-3 district in accordance with Chapter 13 except that no sign shall exceed 7 feet in height, except for information and advertising pillar signs.

- (b) Information and advertising pillar sign heights are subject to the requirements of Section 13.108(b)

*(Petition No. 2010-045, § 11.706 (1)(a)(b), 06/20/11)*

- (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. All lighting shall be shielded with full cut-off fixtures.
- (3) Outdoor lighting standards. Outdoor lighting, if provided, shall meet the standards of Section 12.402, and:
  - (a) The maximum height of a light source (light bulb) detached from a building shall be 20 feet.
  - (b) All outdoor lighting visible from residentially zoned or used property will be full cut-off fixtures.
- (4) Building Entrances and Orientation.
  - (a) At least one or more operable pedestrian entrances per building shall be provided in each of the following circumstances:
    - (1) When a lot abuts a public or private street, at least one entrance shall be provided on each building façade fronting a street.
      - a. Townhouse units are only required to have an entrance on one building façade fronting a street.
      - b. On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
    - (2) When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to public open space, multi-use trail, or greenway.
  - (b) No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
  - (c) Building entrances must be recessed into the face of the building to provide a sense of entry and to add variety to the streetscape. For structures less than 100,000 square feet in gross floor area, the entry way must be 1 square foot for each 1,000 square feet of gross floor area with a 15-square-foot minimum. For buildings over 100,000 square feet, the

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entry way must be at least 100 square feet.

- (d) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor should be visually and physically separated from the sidewalk with an increased setback, additional landscaping or a raised first floor.
- (5) Canopies. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building or 9', whichever is less. In no instance shall such features extend over, or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be 8'. Ground supports for these features are not permitted in the sidewalk or in the public right-of-way. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or NCDOT shall be required.
- (6) Streetscape. Streetscape comprised of a planting strip with street trees and a sidewalk shall be provided along all street frontages in accordance with the following standards:
  - (a) A continuous perimeter planting strip or amenity zone shall be required along all street frontages (excluding driveways). The width of the planting strip or amenity zone shall be in accordance with the City Council adopted streetscape plan. When there is no applicable streetscape plan, an 8' wide planting strip measured from the curb line shall be constructed. If there is no applicable streetscape plan or the plan does not adequately define the curb line, then the curb line shall be determined jointly by Charlotte Department of Transportation (CDOT) Director, or his/her designee, and the Planning Director, or his/her designee.
  - (b) The perimeter planting strip shall be located adjacent to the curb, unless specified otherwise in the approved streetscape plan. If the right-of-way width varies along the street frontage, the planting strip or amenity zone shall be aligned along the widest section of the street (where there is the widest dimension between the backs of curbs).
  - (c) Trees shall be planted in the continuous perimeter planting strip, per the standards in the *Charlotte Tree Ordinance* and in the *Charlotte Land Development Standards Manual*. Tree pits with irrigation and sub-drainage may be installed in lieu of a planting strip, per the requirements of Section 21-13(C)(2)(a)(2) of the *Charlotte Tree Ordinance*.

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- (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. When there is no applicable streetscape plan, then the sidewalk shall be 6' in width. Sidewalks shall meet the standards for concrete sidewalks in accordance with the *Charlotte Land Development Standards Manual*. A sidewalk easement shall be required if the sidewalk is not located within the public right-of-way.
  - (f) The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 11.706(6), including the modification of the planting strip, sidewalk location, and width in order to preserve existing trees and to provide flexibility for a hard surface next to the curb, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).
  - (g) An amenity zone is required in lieu of a planting strip along ground-floor, non residential uses, unless on-street parking is not permitted by CDOT or NCDOT.
- (7) Street Walls.
- (a) All retail and office buildings fronting directly on a street shall be designed so that the first-floor street façade of the building(s) along all streets includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least 50% of the length of the first floor street level frontage.
  - (b) For all other uses, buildings shall be designed so that the first-floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 25% of the length of the first-floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building façade, or incorporated into the site design. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.

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- (c) The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale, interest, and activity.
  - (d) Expanses of blank wall shall not exceed 20 continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
  - (e) No reflective surfaces shall be permitted on street-level exterior facades.
  - (f) Ventilation grates on the building, or emergency exit doors located on the first-floor street façade(s) shall be decorative and consistent with the overall building design.
- (8) Base of High Rise Building. (Buildings exceeding 5 stories in height)
- (a) The first 3 floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.
  - (b) In the design of the building façade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, shall be visually continuous around the building. In the event that a building façade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.
  - (c) Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are permitted.
- (9) Top of Buildings.
- (a) All rooftop mechanical equipment on buildings over 60' in height shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments. Buildings under 60' in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized)

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by integrating it into the building and roof design to the maximum extent feasible.

(10) **Structured Parking Facilities.**

- (a) Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are screened from the street, and/or from adjacent residentially zoned and/or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this objective.
- (b) Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

**Section 11.707. Administrative approval.**

*(Petition No. 2011-018, § 11.707, 05/23/11)*

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 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.

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

*(Petition No. 2011-018, § 11.708, 05/23/11)*

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

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

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

- (2) Application. Petitions for a zoning map amendment to establish a RE-3-O shall be submitted to the Charlotte-Mecklenburg Planning Department.

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

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

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



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#### **Section 11.709. Preliminary review.**

*(Petition No. 2011-018, § 11.709, 05/23/11)*

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