CHAPTER 3: GENERAL PROVISIONS

3.1: APPLICABILITY

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

3.2: URBAN LOT STANDARDS

No building, land or portion thereof shall be erected, used, moved, or altered except in conformity with the regulations specified for the district in which it is located.

A. No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

B. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the regulating district.

C. Front and side yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.

D. Churches and other civic buildings shall be exempt from the front yard setback requirements.

E. Mixed-use or non-residential buildings on corner lots shall be considered to have 2 front yards and shall utilize the minimum front setback for each façade. Residential structures may reduce the required side yard setback for corner lots upon approval of the Planning Director.

F. Only one principal building and its customary accessory building(s) shall be located on any lot, except in appropriate districts that permit a lot to contain both residential and non-residential uses in one or more principal structures or within the same structure.

G. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.

H. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.

I. All lots shall front upon a street built in accordance with Chapter 7. Generally, all buildings shall front directly upon a street in a manner that creates a public space that is conducive to pedestrian use. With the provision of lane or alley access, lots may front upon a close or a square, but shall be of sufficient design to allow for the provision of emergency services.

J. Up to 4 residential lots, platted prior to October 7, 1996 may be accessed from a public street via a privately maintained easement with a minimum width of 35 ft for use by service or emergency vehicles.

K. Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible according to the standards and requirements of Charlotte-Mecklenburg Utility Department. Where there is no reasonable alternative to locating an above ground backflow preventer in the established front yard as determined by the Planning Department, the structure housing the device shall be covered in non-reflective material and shall be surrounded, on all sides visible form public streets and abutting properties, by a landscaped Type A opaque screen.

3.3: MODIFICATION TO LOT SPECIFICATIONS AND IRREGULAR LOT SETBACKS

Front, side, rear yard setbacks may be modified administratively for small commercial uses via application to Zoning Administrator provided that modification is reasonably consistent with the intent, function and requirements of this Ordinance. No change greater than 20% of the approved front yard setback and 10% of the approved side yard setbacks, on not more than two of the three sides will be approved administratively. No change greater than 20% of the approved rear setback will be approved administratively. Request for changes in setbacks greater than the amounts identified shall follow the procedure identified in Chapter 16.7 of this Code.

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Town of Cornelius Planning Department. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

The Planning Director or designee may in their discretion, determine that it is necessary to follow the process identified within Chapter 16.7 to amend required setbacks.

3.4: BLOCKS

The lengths, widths, and shapes of blocks shall be determined with due regard to:

A. The provision of adequate building sites suitable to the special needs of the type of use contemplated, and adequate public open spaces accessible and visible to residents.

B. District requirements and design criteria.

C. Needs of non-vehicular and vehicular traffic circulation and the control and safety of such traffic.

D. Opportunities and constraints of topography, with convenient access to important physical and topographical features such as lakes and rivers, significant areas of trees and other natural features, and areas of high ground offering scenic views.

Streets shall have block lengths between 200 to 500 feet. Exceptions are permitted however, due to topography, environmental protection, preservation of existing buildings, and similar considerations.

Blocks shall have sufficient width to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

SECTION 3.5: PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES

3.5.1 RECREATIONAL VEHICLES

A recreational vehicle shall not be considered a dwelling unit. The use of a recreation vehicle for living, sleeping or housekeeping and its connection to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park designed to accommodate recreation vehicles.

3.5.2 COMMERCIAL VEHICLES

Commercial vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking in residential districts. This shall not be construed as to prevent the temporary parking of delivery trucks, moving vans, and similar vehicles, which deliver goods and services.

No residentially developed lot may be used as the base of operation for any freight hauling truck.

3.6: CONTAINMENT AREAS AND COLLECTION PROCEDURES FOR TRASH AND RECYCLABLES

All containment devices for trash and recyclables, including compactors, dumpsters, roll-out containers, and areas for storing cardboard shall be located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas and collection procedures shall meet the following standards:

A. All commercial, industrial, and multi-family residential containment areas shall be enclosed to contain windblown litter.

B. Enclosures for commercial and multi-family residential containers shall be at least as high as the highest point of the compactor or dumpster.

C. Enclosures for commercial, industrial, and multi-family residential containers shall be made of a material that is opaque at the time of installation and compatible with the design and materials of the principal building.

D. All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to the Mecklenburg County Health Department regulations governing compactor pads.

E. Enclosures for commercial, industrial, and multi-family residential containers shall contain gates to allow for access and security.

F. Equal space shall be allocated for both garbage and recycling containers on site plans for all new commercial, industrial, and multi-family residential developments.

G. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.

H. Roll-out trash containers and recycling bins shall not be placed at the curb more than 24 hours prior to the scheduled collection day and shall be removed no more than 24 hours after collection.

I. Large trash items, such as furniture and appliances, shall not be left at the curbside. Arrangements shall be made for private bulk item pick up off the street and curb.

J. The use of any Donation Drop Box is expressly prohibited, except on site where principal use of lot is a donation facility, whose primary use is to receive donations of goods and materials for charitable purposes.

SECTION 3.7: FENCES, GARDEN WALLS & RETAINING WALLS

A. Front yard fences and garden walls shall not exceed four (4) feet in height. Side and rear yard fences and garden walls shall not exceed eight (8) feet in height.

B. Fence and garden wall height shall be measured at grade.

C. Fences may be placed on the property line, but cannot be within any required utility easement.

D. Temporary fencing for construction sites or a similar purpose shall not exceed eight (8) feet in height and are prohibited in the front yard.

E. A zoning permit is required for all retaining walls except for single-family or two-family (duplex) dwellings residential use retaining walls in the side yard or rear yard.

F. Customary fencing provided as part of a permitted recreational facility shall be exempt from the height restrictions of this section.

G. No portion of a retaining wall (including grid structure) shall be within any landscape buffer area, as defined in Chapter 9.

H. Garden walls shall be constructed a minimum of one (1) foot from the property line.

I. Signage may be placed on retaining walls in keeping with the intent and provisions of Chapter 10 – Signs.