

# CHAPTER 5: ZONING DISTRICT & USE REGULATIONS

## 5.1 GENERAL ZONING DISTRICTS

### 5.1.1: RURAL PRESERVATION (RP)

The Rural Preservation District is coded to accommodate very low-density residential development and agricultural uses, protect natural vistas, and landscape features that define our rural heritage. The district has been developed to protect the continuance of our rural areas and their customary development patterns and uses to prevent the sacrificing of environmentally sensitive landforms, natural vistas and scenic features.

### 5.1.2: GENERAL RESIDENTIAL (GR)

The General Residential District is coded to permit the development of lower density single-family housing. Such development has traditionally been found along the lakefront and in conventional subdivisions. For developments located within a Watershed Overlay District see Section 5.2.1 and 5.2.2 for additional requirements. The High Impervious Cover Option in the Lake Norman Overlay District as detailed in Section 5.2.1 (B)(3) cannot be utilized in this District.

### 5.1.3: NEIGHBORHOOD RESIDENTIAL (NR)

The Neighborhood Residential (NR) district is coded to preserve a mixture of residential uses at medium densities generally between 2 and 4 units per acre, along with other civic and institutional uses normally found in a residential area. Similar building frontages shall face each other. Dissimilar building frontages shall abut to the rear or may be transitioned by block. The street and open space designs in these areas are used to create compatibility along frontages that encourage pedestrian interaction and discourage high automobile speeds. Supplemental regulations for neighborhood developments over 20 acres in the NR District are located in Chapter 6.

### 5.1.4: NEIGHBORHOOD MIXED USE (NMX)

The Neighborhood Mixed Use (NMX) district is coded to provide a mix of commercial and residential activities at the function center of neighborhoods. Small-scale multi-family developments may be allowed subject to a conditional zoning change. The NMX District should also encourage infill and redevelopment in established portions of the community and to serve as a transition between adjacent developed single-family uses and higher-intensity non-residential uses. Supplemental regulations for neighborhood developments over 20 acres in the NMX District are located in Chapter 6.

### 5.1.5: WATERFRONT MIXED USE (WMX)

The Waterfront Mixed Use (WMX) District is coded to allow for a mix of land uses in certain areas that are adjacent to Lake Norman, one of the region's most valuable natural resources and a focal point of town activity. Supplemental requirements for all Waterfront Mixed Use Developments are located in Chapter 6. The WMX District is established to assure quality development along the lake through six (6) main objectives:

- A. To protect public access to the lake
- B. To provide quality public spaces
- C. To effect quality design and a variety of built forms that result in a pedestrian scale as well as unique architecture
- D. To encourage a mix of uses that fosters a sense of community.



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### 5.1.6: TOWN CENTER (TC)

The Town Center district is coded to encourage the redevelopment and expansion of the traditional town center. This center is intended to serve as the civic, cultural and governmental hub of activity for the Cornelius community. This area is projected to serve as a main transportation center utilizing mass transit along a north-south transit corridor (Hwy 115 and/or Southern Railroad R-O-W). To serve effectively, the population density in this immediate vicinity should be higher within immediate walking distance of the transit stop. Town Center minimum building heights are established along main corridors to ensure proper spatial definition and encourage strong pedestrian spaces. Transitions from Neighborhood Residential areas should be accomplished through architectural design and streetscape treatment. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level residential. Higher densities of residential development are encouraged.

### 5.1.7: VILLAGE CENTER (VC)

The Village Center district is coded to encourage the development of large-scale mixed-use districts that compliment and serve the daily needs of adjoining neighborhoods and are supported by existing and planned transportation networks constructed to support the traffic demands of both the auto and the pedestrian. Village Centers traditionally form near the convergence of large, coherent neighborhoods. Building heights ensure proper spatial definition, encourage strong pedestrian spaces and promote mixed use within buildings. Parking requirements may be satisfied using on-street parking, shared rear-lot parking areas or small scale parking lots adjacent to buildings. Buildings in the village center should have similar massing, volume, frontage, scale and architectural features. Transitions from residential areas should be accomplished through proper street design. Vertical mixed-use buildings are encouraged with street level commercial and upper level residential.

### 5.1.8: TRADITIONAL NEIGHBORHOOD DISTRICT (TN) – REPEALED June 7, 1999

The TN District exists on the current zoning map, but has been repealed effective June 7, 1999 and the code provisions of the district have been consolidated into the Neighborhood Residential and Neighborhood Mixed Use Districts. Rather than rezoning the existing Traditional Neighborhood District, the Town Board of Commissioners hereby permits all development approved for a Preliminary Plat before June 7, 1999 to be developed, including any final plat approvals, as a non-conforming district in accordance with the provisions of the supplemental requirements for TND development located in Chapter 6.

### 5.1.9: HIGHWAY COMMERCIAL (HC)

The Highway Commercial district is coded to provide for the location of auto-oriented and auto-dependent uses and/or those uses which have a definable market area which extends beyond the scale of the Neighborhood, Village or Town Center. The intent of these provisions is to facilitate convenient access, minimize traffic congestion and reduce visual clutter along certain designated commercial corridors such as Catawba Avenue (in the vicinity of the Interstate) and Statesville Road (US 21).

### 5.1.10: CORPORATE OFFICE (CO)

The Corporate Office District is coded to promote the establishment and operation of institutional, office, limited commercial and limited residential activities. These districts, in some instances, may serve as transitions between residential districts and other commercial districts, and they shall provide business centers that are attractive institutional and office uses at increased intensities to promote economic development. The district allows sufficient height to make parking decks a more feasible option and it is hoped the use of height for density will facilitate greater preservation of open space and natural features



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on these sites. The principal means of ingress and egress for uses in the districts shall be along collector roads, minor arterials and/or major arterials as designated on the Town's Thoroughfare Plans.

### 5.1.11: BUSINESS CAMPUS (BC)

The Business Campus district is coded to permit the development of campus-style developments that may include corporate office parks, supporting commercial, institutional and light industrial uses. Because of the presence of a high number of employees, these developments should be designed in a manner that is pedestrian friendly. Business Campus districts should consist of institutions of varying types and coordinated office developments of 10 acres or more. The Business Campus will also function in support of transit opportunities allowing workers and visitors access to the facility by permitting the use of parking decks and bus stops.

### 5.1.12: INDUSTRIAL CAMPUS (IC)

Industrial Campus districts are coded to permit the development of light industries. Such developments are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. This district may not be used to circumvent other Sections in the Land Development Code. Industrial Campus Districts may not be used for retail uses. Site plans shall be submitted with all map amendment petitions. Such site plans are not required to be descriptive for interior lots but shall adequately address ingress & egress, buffering & screening, proposed uses and general compatibility to surrounding neighborhoods. Because of the significant impacts certain interior Industrial Campus districts uses have on the community in size and/or use, such developments shall be permitted only upon review of a Master Plan by the Planning Board and approval of the Town Board in accordance with Chapter 12. Individual sites with uses permitted by right may be approved administratively in accordance with the approved Master Plan.

## 5.2: OVERLAY DISTRICTS

### 5.2.1: LAKE NORMAN OVERLAY DISTRICT (LN-O)

In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre or 20,000 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area or in accordance with Chapter 11 of this Code. The Board of Commissioners may approve a higher impervious cover proposal consistent with the intent of the Overlay district. New residuals application sites and landfills are specifically prohibited.

#### A. ALLOWED USES:

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Residential development, as permitted in the underlying zoning classification.
4. Non-residential development, excluding: 1) landfills; 2) sites for land application of residuals or petroleum contaminated soils; 3) the storage of toxic and hazardous materials unless a spill containment plan is implemented and filed with the Mecklenburg County Fire Marshall's Office; and 4) new Industrial Process Discharges requiring a NPDES permit.



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### B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option: Single Family Residential – Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding street right-of-way), except within an approved cluster development.
2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
3. High Impervious Cover Option (Cannot be Utilized in the GR District) – Where new development is proposed to exceed either 2 units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development may not exceed fifty percent (50%) built-upon area.

### 5.2.2: MOUNTAIN ISLAND LAKE OVERLAY DISTRICT (MIL-O)

In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre or 20,000 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area or in accordance with Chapter 11 of this *Code*. The Board of Commissioners may approve a higher impervious cover proposal consistent with the intent of the Overlay district. New residuals application sites and landfills are specifically prohibited.

#### A. ALLOWED USES:

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Residential development, as permitted in the underlying zoning classification.
4. Non-residential development, excluding: 1) landfills; 2) sites for land application of residuals or petroleum contaminated soils; 3) the storage of toxic and hazardous materials unless a spill containment plan is implemented and filed with the Mecklenburg County Fire Marshall's Office; and 4) New Industrial Process Discharges requiring a NPDES permit.

### B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option – Single Family Residential – Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding street right-of-way), except within an approved cluster development.
2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
3. High Impervious Cover Option (Cannot be utilized in the GR district) – Where new development is proposed to exceed either 2 units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development may not exceed seventy percent (70%) built-upon area.



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### 5.2.3: TRANSIT DISTRICT OVERLY (TD-O)

The intent of the Transit District-Overlay is to produce compact areas of higher-density, mixed-use areas that define focal points throughout the community and unify surrounding neighborhoods within walking distance of a proposed transit station.

In general, the street network should be designed to facilitate bus transit; primary and secondary access to buildings should be directly related to the location of transit stops and other transportation amenities.

This Overlay is comprised of those properties that are generally within  $\frac{1}{4}$  mile walking distance of a planned Transit Station. To this end, properties with a Neighborhood Residential classification that fall within a Transit District-Overlay are permitted to construct higher densities of residential housing than permitted by the underlying zoning.

By permitting additional residential development to occur with walking distance of existing and planned commercial centers, the Town seeks to reinforce the long-term viability and quality of life of these areas.

The provisions of this section are only applicable upon completion of a Major Investment Study by the Metropolitan Transit Commission and the subsequent identification of an approximate mass transit station area.

### 5.2.4: TRANSITIONAL RESIDENTIAL OVERLAY (TR-O)

The intent of the Transitional Residential Overlay District is to protect, preserve and enhance residential areas while allowing commercial uses, which are compatible with the adjacent residential uses.

- A. By permitting commercial development to occur within a neighborhood district, the Town seeks to effectively integrate the residential with the commercial development while preserving the residential character and scale of the existing homes in the neighborhood.
- B. Properties in this district are required to meet underlying zoning district requirements such as street improvements and landscaping, etc. The properties that fall within the Transitional Residential Overlay may be required to meet stricter conditions in order to mitigate adverse impacts to the residential community that may result from the commercial use. Conditions may include but are not limited to the following: signage, outdoor displays, lighting, deliveries, parking, hours of operation and trash pickup.
- C. Existing structures in the overlay district that are used for nonresidential purposes shall retain their residential character and scale. Preservation of existing residential structures proposed for mixed use and/or commercial along Catawba Avenue and Main Street are preferred in lieu of new construction unless it is impractical and cost prohibitive to preserve the structure based on its condition.
- D. Any substantial changes to the residential character of existing buildings, including additions of floors, new accessory buildings greater than 120 square feet, front porch enclosures, changes in roof pitch, substantial changes in materials, creation of new door/window openings or closure of door/window openings requires a major architectural variation in accordance with Chapter 4.
- E. The hours of operation shall be compatible with the residential area. The hours of operation shall be between 8 AM and 9 PM, Monday through Saturday. The hours of operation limitation may only be extended upon issuance of a Special Use Permit for the subject property per Chapter 12 of this ordinance. The following activities are prohibited after business hours: loading and unloading of materials, exterior maintenance, refuse removal and other activities that generate unreasonable noise.



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- F. Deliveries are permitted between the hours of 7 AM and 6 PM, Monday through Saturday. Parking of any vehicle on sidewalks is prohibited.
- G. Exterior Lighting shall be in accordance with Chapter 7, with the exception of non-cutoff lights which are prohibited, and outdoor lighting height shall be no greater than eighteen (18) feet above grade.
- H. All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch only during the hours of operation, in order to maintain the residential character of the street.
- I. Outdoor storage is only permitted in the rear yard and shall be screened from public view with a Type A buffer. Only outdoor storage associated with the business is permitted. (Single-family residential is exempt.)
- J. All trash, recyclable materials, yard debris and bulky items shall be in accordance with the Town of Cornelius trash collection contract specifications.
- K. Roll out containers shall be stored in the side or rear yard and fully screened from public view with a fence (i.e. wood, lattice) that has a minimum height of six (6) feet.
- L. Each property shall be permitted one projecting sign or one arm sign in accordance with Chapter 10, Sign Regulations. Wall signs are prohibited; however, a property is permitted one placard not to exceed two square feet. The Planning Director has discretion to permit additional signage types per section 10.2.2, Minor Variance provision.
- M. Upon review by the Planning Director, any proposed use that is deemed to have potential impacts on any adjacent residential use or any proposed use that deviates from any standard set forth in this section, may be required to obtain a Special Use Permit after due consideration of public safety, aesthetics, site conditions, functionality and other factors potentially affecting public interest and safety.

### 5.2.5 AUTOMOBILE SALES DISTRICT OVERLAY (ASD-O)

The intent of the Automobile Sales District Overlay is to allow through conditional zoning, automobile, truck, motorcycle, boat and recreational vehicle (RV) sales as uses in a specific area that would be compatible and appropriate.

Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales uses promote vehicular customer traffic that is more of a regional draw. Therefore, uses of this nature should be located in those areas that are not designated for neighborhood environments that are designed for pedestrian oriented mixed uses.

- A. Project boundaries must be a minimum of three (3) acres in order to file the required conditional zoning (CZ) application.
- B. All principal buildings associated with the automobile, truck, motorcycle, boat and recreational vehicle sales use shall front on a public street, and shall meet the architectural requirements of section 4.6.4.
- C. All projects shall, meet the supplementary requirements per section 6.2.4

### 5.3: CONDITIONAL ZONING (CZ) DISTRICTS

Conditional Zoning Districts (CZ) may be utilized to create new unique districts for those uses or developments noted to allow for CZ in Section 5.4.2. CZ may be utilized in an effort to allow for those situations where a particular use or development, if properly planned, may have particular benefits and/or 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. The applicant must provide an initial proposal that includes all



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proposed uses and standards for the conditional zoning district being proposed. Conditional Zoning shall be subject to the specific procedural rules of Chapter 18.

## 5.4: LAND USE PROVISIONS

### 5.4.1: USES NOT EXPRESSLY LISTED OR ADDRESSED

- A. Uses designated as "permitted uses" and "uses permitted with conditions" are allowed in a district as a matter of right. Uses classified as "special uses" are permitted upon approval of a Special Use Permit approved by the Planning Board.
- B. It is recognized that new types or forms of land use will develop within the Town of Cornelius that are not anticipated by this Ordinance. In order to provide for such changes and contingencies, the classification of any new or unlisted land use shall be made by the Planning Director or designee to determine if the use can reasonably be interpreted to fit into a similar use category described in the Ordinance. The Planning Director or designee may, at their discretion, use other classification methods to determine if and where certain uses may be permitted such as the latest version of the North American Industry Classification System (NAICS) Guide produced by the Bureau of Labor Statistics. If the Planning Director or designee cannot make a determination on a particular use, then The Planning Board may make such a determination after conducting a public hearing.
- C. Unless a use is specifically identified in the "table of uses" as either "permitted", "permitted with conditions", "special use" or "conditional zoning"; or identified as a "nonconforming use", "temporary use" or permitted as an "accessory use" according to this ordinance, then such use is prohibited.

### 5.4.2: TABLE OF USES

Uses designated as "permitted uses" are allowed in a zone as a matter of right and are designated with a "P" in table below. Uses designated as "permitted with supplemental conditions" are allowed in a zone as a matter of right and are designated with a "PC" in the table below. Uses designated with an "S" in the table below are "special uses" and are allowed only after a special use permit has been issued. Uses designated with a "CZ" in the table below are uses that require a "conditional zoning" district process. Uses designated with an "A" or "AC" are only allowed as accessory uses.

<b>P - Permitted By Right</b>	<b>S -Special Use Permit Required</b>	<b>A - Accessory Use Only</b>
<b>PC - Permitted w/ Supp. Conditions</b>	<b>CZ - Conditional Zoning Approval Required</b>	<b>AC - Accessory w/ Supp. Conditions</b>

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Adult Establishment								CZ			
Agricultural Uses	P										
Animal Hospital and Boarding & Grooming Service (no outdoor kennels)				P		P	P	P			P
Animal Hospital (w/ outdoor kennel)								CZ			CZ
Animal Kennel	CZ							CZ			CZ
Antenna Systems	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
ATM (Automated Teller Machine)				AC	AC	AC	AC	AC	AC	AC	AC
Automobile/Boat Repair & Service											



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**P - Permitted By Right**  
**PC - Permitted w/ Supp. Conditions**

**S - Special Use Permit Required**  
**CZ - Conditional Zoning Approval Required**

**A - Accessory Use Only**  
**AC - Accessory w/ Supp. Conditions**

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Automobile, Recreational Vehicle, Boat & Tractor Trailer Parking/Storage											
Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental											
Bar				A	AC	A	A	A	A	A	A
Bed & Breakfast Inn	PC		PC	PC	PC	PC	PC				
Brewery, Large									PC		PC
Brewery, Micro				CZ	CZ	PC	PC	PC	PC	PC	PC
Bus Stop Shelter				PC	PC	PC	PC	PC	PC	PC	PC
Car Wash – Automatic & Self Service								CZ			
Cemetery/Columbarium	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Civic/Institutional Use	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Commercial, Retail & Service Uses 0 - 9,999 square feet				PC	PC	PC	PC	PC	PC	PC	
Commercial, Retail & Service Uses 10,000 - 29,999 square feet				CZ	CZ	PC	PC	PC	PC	PC	
Commercial, Retail & Service Uses 30,000 - 49,999 square feet				CZ	CZ	CZ	CZ	PC	PC	PC	
Commercial, Retail and Service Uses 50,000+ square feet						CZ	CZ	CZ	CZ	CZ	
Community Center, Public				P	AC	P	P	P	P	P	P
Convenience Store							PC	PC	PC	PC	
Country Club	CZ	CZ	CZ		CZ			CZ			
Cruise/Excursion/Dinner Boat				PC	AC		PC				
Day Care/Preschools				PC	AC	PC	PC	PC	PC	PC	
Distribution/Wholesale									P		P
Drive-Through Facilities (Excluding Restaurants)				PC	PC	PC	PC	PC	PC	PC	PC
Duplex			PC	PC							
Dwelling, Manufactured Home, Class A	PC										
Dwelling, Multi-Family			CZ	CZ	CZ		CZ			CZ	
Dwelling, Single-Family	P	P	PC	PC						CZ	
Essential Services, Class I & Class II	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Essential Services, Class III											CZ
Events/Gathering Facility, Indoor				CZ	CZ	CZ	CZ	P	P	P	P



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**P - Permitted By Right**  
**PC - Permitted w/ Supp. Conditions**

**S - Special Use Permit Required**  
**CZ - Conditional Zoning Approval Required**

**A - Accessory Use Only**  
**AC - Accessory w/ Supp. Conditions**

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Events/Gathering Facility, Outdoor	CZ			CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Firing Range (Indoor only)											CZ
Funeral Homes/Crematory				PC		PC	PC	PC			
Golf Course	CZ	CZ						CZ			
Golf Driving Range	AC	AC						PC			
Golf, Miniature				CZ	PC	P	P	P			
Greenways and Trails	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	AC	AC	AC	AC	AC	AC	AC				
Hospital								CZ	CZ	CZ	
Hotel, Motel, Inn				CZ	CZ	CZ	CZ	PC	PC	PC	
Innovative Master Planned Development	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Library				PC	PC	PC	PC	PC	PC	PC	
Manufacturing, Light									PC	PC	PC
Manufacturing, Heavy											PC
Mini-Warehouse/Storage											
Mixed Use Building				PC	PC	PC	PC				
Nightclub					CZ	CZ	CZ	CZ	CZ	CZ	
Nursery (wholesale only)	CZ										
Office				PC	PC	PC	PC	PC	PC	PC	AC
Park	P	P	P	P	P	P	P	P	P	P	P
Park & Ride Facility				CZ		PC	PC	PC	PC	PC	PC
Parking Facility	A	A	A	A	AC	PC	A	A	A	A	A
Private Club					PC	PC		PC			
Recreation Center, Public (0 – 14,999 square feet)				PC		PC	PC	PC	PC	PC	PC
Recreation Center, Public (15,000+ square feet)				CZ		PC	PC	PC	PC	PC	PC
Recreation Facilities	CZ	CZ	CZ	CZ	PC	PC	PC	PC	AC	AC	PC
Rental Cottages	AC	AC	AC	AC							
Residential Care Facility	PC	PC	PC	PC							
Residential Care Home	PC	PC	PC	PC							
Restaurant, Drive Through							PC	PC			
Restaurant, Non-Drive Through				PC	PC	PC	PC	PC	PC	PC	
Restaurant, Brewpub				CZ	PC	PC	PC	PC	PC	PC	
School, Elementary, Middle, Senior High and College (public & private)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
School, Vocational				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Storage, Indoor or Outdoor	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Subdivision, Conservation Rural	CZ										



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**P - Permitted By Right**  
**PC - Permitted w/ Supp.**  
**Conditions**

**S -Special Use Permit Required**  
**CZ - Conditional Zoning Approval**  
**Required**

**A - Accessory Use Only**  
**AC - Accessory w/**  
**Supp. Conditions**

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Subdivision, Conservation Low	CZ										
Subdivision, Conservation Medium	CZ										
Subdivision, Family	PC										
Subdivision, Farmhouse Cluster	PC										
Subdivision, Major	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Subdivision, Minor	P	P	P	P	P	P	P	P	P	P	P
Taproom				AC	AC	AC	AC	AC	AC	AC	AC
Traditional Neighborhood											
Transient Occupancy	PC			PC		PC	PC				
Transient Occupancy in multi-family buildings only		PC	PC								
Warehouse									AC		PC

### 5.4.3: ACCESSORY STRUCTURES/USES

The following uses are permitted within accessory structures:

- |                      |                                   |
|----------------------|-----------------------------------|
| A. Farm structures   | F. Rental Cottages (w/conditions) |
| B. Parking           | G. Artist studio space            |
| C. Gazebo            | H. Sauna                          |
| D. Pool house        | I. Workshop                       |
| E. Equipment storage | J. Conservatory                   |

### 5.4.4: TEMPORARY STRUCTURES/USES

Temporary structures and uses shall be permitted in compliance with the provisions of this Ordinance and all other ordinances of the Town of Cornelius. The Planning Department may issue a temporary use permit for one (1) year only. At the end of one (1) year, the petitioner must file for another extension of one (1) year with the Planning Department. At that time, the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions. The following temporary structures and uses shall be permitted:

- A. CONSTRUCTION TRAILERS AND MOBILE SALES OFFICES - Construction trailers may be permitted on all non-residential construction developments and residential developments with ten (10) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall adhere to all district setbacks and shall not be permitted on the lot more than thirty (30) days after the completion of the development or upon issuance of the final Certificate of Occupancy.
- B. TEMPORARY MANUFACTURED HOME USE – Manufactured homes may be allowed as a temporary use in a zoning district in which such use is not permitted if a disaster occurs which results in the destruction or damage of an occupied single-family dwelling unit greater than sixty (60) percent of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:



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1. The manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line.
2. The Planning Department shall have the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of nine (9) months. Such permit may be renewed on a one-time only basis [for a period not to exceed nine (9) months] by the Planning Director if it is determined upon information submitted by the applicant that:
  - a. Construction of a new dwelling unit is proceeding with diligence; and,
  - b. The granting of this permit will not materially endanger the public, health, welfare or safety; and,
  - c. The location of the manufactured home on the site does not have a significant negative or adverse impact on the value of adjacent properties.
- C. TEMPORARY CLASSROOMS AND OFFICES – Manufactured homes may be used for temporary classroom space as a temporary use granted by the Planning Department, providing that the following conditions are met:
  1. The manufactured homes are necessary to alleviate overcrowding only.
  2. The petitioner of the request must be a church, school, institution of learning, or other public institution.
  3. The manufactured housing shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes.
  4. Landscaping shall be provided to create an aesthetically pleasing appearance.
  5. All required setbacks for the district are adhered to.
- D. TEMPORARY YARD AND GARAGE SALES – Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residential or institutional property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in *Chapter 10 Signs*.

### 5.5: BULK, HEIGHT & DIMENSIONAL REQUIREMENTS

#### 5.5.1: GENERAL LOT PROVISIONS (ALL DISTRICTS)

The following provisions shall apply throughout the zoning jurisdiction of the Town of Cornelius regardless of the underlying regulating district.

- A. All commercial, office, industrial, mixed-use, civic, institutional and multi-family residential buildings shall comply with the provisions of Chapter 4 Building Design Standards.
- B. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.
- C. Satellite dishes may not exceed 2 feet in diameter.
- D. Hedges shall be planted at least 3 feet from the property line.
- E. Mailboxes, newspaper boxes, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only
- F. Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened from view. Mechanical equipment shall be setback a minimum of 5 feet from the property line. Outdoor Storage shall utilize Opaque Screen/Buffer consistent with the requirements of the Screening and Landscaping chapter of this Code.
- G. 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



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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 from public streets and abutting properties, by a landscaped Type A opaque screen.

### 5.5.2: GENERAL LOT PROVISIONS FOR SINGLE FAMILY DISTRICTS

- A. In the Rural Preservation (RP) Zoning District, accessory buildings, pools, and other similar structures shall be constructed as follows:
  1. Zoning Administrator has discretion to allow accessory structures to the rear of the principle structure on double frontage lots if they meet the principle building setback along the property lines adjacent to the street.
  2. Aggregate area (defined by foundation size) not to exceed 7% of lot area.
  3. At the minimal Rural Preservation lot size (or less if non-conforming), no more than 3 accessory buildings may be allowed. If the lot size exceeds the minimum standards, additional accessory structures may be allowed subject to Zoning Administrator approval.
  4. Accessory buildings shall be constructed in the rear yard only. (Exception: Detached garages 600 sf or less and may be placed in side yard with Planning Director approval).
  5. The width of the road frontage plane of an accessory building shall not exceed 50% of the average lot width.
  6. Accessory buildings greater than 600 sf shall have a minimum building separation from the principal structure of 100'. (In the event building separation or side yard setbacks cannot be met due to lot configuration, an alternative site plan may be reviewed and approved by the Planning Director)
  7. One accessory dwelling unit per lot not to exceed 50% of the first floor foot-print square footage of the principle structure.
- B. Accessory buildings, pools and other similar structures in all other residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of 10 feet from the side and rear property lines, except in accordance with Lake Norman buffer requirements according to the "Table of Dimensional Requirements" per section 5.5.5. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists, provided the provisions of Chapter 4, Architectural Requirements are met.
- C. The aggregate floor area of all accessory structures shall not exceed ½ the total floor area of the principal structure.
- D. Single family lots of record platted prior to the adoption of the State-mandated watershed protection regulations by the Town of Cornelius or Mecklenburg County are exempt from the buffer provisions prescribed in the Watershed Protection Section of this ordinance providing that the Final Subdivision Plat creating the lot establishes specific, recorded setback conditions for the subdivision. If no such minimum setback conditions exist per the record plat, then the setback provisions of the underlying zoning district apply.
- E. Any existing residential or accessory structure, or open deck encroachments into the required watershed setback or buffer area are not permitted to be expanded, covered, or enclosed to otherwise increase its current nonconforming condition or add impervious area to the watershed buffer area.
- F. Buildings containing multi-family units (excluding townhomes) with three stories or more shall contain an elevator.



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### 5.5.3: GENERAL LOT PROVISIONS FOR MIXED USE & COMMERCIAL DISTRICTS

- A. All ancillary equipment or facilities associated with a commercial use such as gasoline pumps, car wash bays, etc. shall only be allowed to the side or rear of the principal building
- B. Canopies and awnings are permitted to encroach into the front setback a maximum of 5 feet
- C. Arcades are permitted to encroach into the right-of-way only with permission from the Town and/or NCDOT.
- D. Bays and garage entrances may not face the fronting street.
- E. Surface parking shall be provided to the side or rear of all buildings
  
- F. Parking Decks may be located in the front or along street frontage if the architecture is that of a building front/façade that matches the buildings within the immediate area in theme and design or is approved by the Architectural Review Board with an appropriate façade appearance.

### 5.5.4: URBAN LOT (INFILL) REGULATIONS

- A. 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.
- B. Churches and other civic buildings shall be exempt from the front yard setback requirements.
- C. 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.
- D. 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.
- E. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- F. All lots shall front upon a street built in accordance with Chapter 7. 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.
- G. 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 foot for use by service or emergency vehicles.



# CHAPTER 5: ZONING & USE REGULATIONS

## 5.5.5: TABLE OF DIMENSIONAL REQUIREMENTS

Measure	Unit	ZONING DISTRICTS										
		RP	GR	NR	NMX	WMX	TC	VC	HC	BC <sup>2</sup>	CO <sup>2</sup>	IC <sup>2</sup>
<b>DENSITY/LOT SIZE</b>												
Max. Density	DU/A	0.33	2	3	-	-	12	-	-	-	-	-
Lot Size Min	Acres	3 <sup>1</sup>	0.5	0.33	-	-	-	-	-	-	-	1
Lot Size Min	Sq. Ft.	130680	21780	14520	-	-	-	-	-	-	-	43560
<b>LOT WIDTH</b>												
Min. Frontage at ROW	Feet	35 <sup>3</sup>	35	16	16	16	-	-	-	-	-	-
Frontage Build-Out	%	-	-	-	50	50	75	50	-	-	-	-
Min. Lot Width @ bldg line	Feet	60	60	50	16	16	16	16	50	-	-	-
<b>HEIGHT</b>												
Height - Max (Principal)	Feet	35	-	26	26	-	-	-	-	36	36	36
Height - Min (Principal)	Feet	-	-	-	-	-	26	26	-	-	-	-
Height - Max (Accessory)	Feet	26 <sup>4</sup>	26	26	26	-	-	-	-	-	-	-
Height - Stories Max.	#	2	-	2	2	6 <sup>5</sup>	4 <sup>5</sup>	3 <sup>5</sup>	3 <sup>5</sup>	3 <sup>5</sup>	3 <sup>5</sup>	3 <sup>5</sup>
<b>SETBACKS</b>												
Setback - Front Min	Feet	50 <sup>6</sup>	25 <sup>6</sup>	10 <sup>6</sup>	-	10	-	-	25	-	-	70 <sup>8</sup>
Setback - Front Max	Feet	N/A <sup>4</sup>	N/A	20	15	25	10	-	-	-	-	-
Setback – State Roads	Feet	N/A	25	25	25	25	-	25	25	25	25	25
Setback - Westmoreland Rd. (West of 77)	Feet			170	170							
2nd & 3rd Story ROW Encroachment	Feet	-	-	-	-	5	5	5	-	-	-	-
Setback – Sides	Feet	15 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	-	-	-	-	-	-	-	-
Setback – Rear	Feet	50	25	25	25	-	-	25	30	-	-	-
Setback - Rear Alley	Feet	-	-	0 <sup>7</sup>	0 <sup>7</sup>	0 <sup>7</sup>	0 <sup>7</sup>	0 <sup>7</sup>	-	-	-	-
Parking Setback	Feet	-	-	-	-	-	-	-	-	-	-	30 <sup>8</sup>
Lake Norman - from 760' contour (all structures)	Feet	50	50	50	50	50	50	50	50	50	50	50
Setback – Side d Rear	Feet	10	10	10	10	-	-	10	10	-	-	-



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		ZONING DISTRICTS										
<u>Measure</u>	<u>Unit</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC<sup>2</sup></u>	<u>CO<sup>2</sup></u>	<u>IC<sup>2</sup></u>
Accessory (less than 600 sq. ft)												
Setback – Side and Rear Accessory (600+ sq. ft)	Feet	15	15	15	15	-	-	15	15	-	-	-
Min. District Size	Acres	-	-	-	-	-	-	-	-	10	5	10
District Buffer	Feet	-	-	-	-	-	-	-	-	-	-	80
Residential Buffer	Feet	-	-	-	-	-	-	-	30	100	75	100
Interstate Buffer	Feet	50	50	50	50	50	50	50	50	50	50	50

- <sup>1</sup> Lots platted prior to October 7, 1996 shall be a minimum of 30,000 sf
- <sup>2</sup> Internal Setbacks Not Applicable in BC, CO & IC as long as district buffer is met
- <sup>3</sup> Exception – Family & Farmhouse Cluster Subdivisions
- <sup>4</sup> Exception – Farm Structures
- <sup>5</sup> Max 6 stories allowed with CZ request only
- <sup>6</sup> See section 5.5.4, Infill Setbacks
- <sup>7</sup> Garages on alleys shall be setback 20-ft from edge of pavement
- <sup>8</sup> Bailey Road Industrial Corridor, front setback is 70-ft, parking setback is 30-ft



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