

# CHAPTER 5: ZONING DISTRICT & USE REGULATIONS

## SECTION 5.1: GENERAL ZONING DISTRICTS

### 5.1.1: Rural Preservation (RP)

The Rural Preservation District is coded to accommodate very low density residential development, agricultural uses, and 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 sacrificing 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, along with schools and other civic uses normally found in a residential area. 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.

### 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.

### 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 is in proximity to Lake Norman, one of the region's most valuable natural resources and a focal point of Town activity. The WMX District is established to assure quality development along the lake through four (4) main objectives:

1. To protect public access to the lake.
2. To provide quality public spaces.
3. To effect quality design and a variety of built forms that result in a pedestrian scale as well as unique architecture.
4. To encourage a mix of uses that fosters a sense of community.

### 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. 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



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treatment. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level residential.

### 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. 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.

### 5.1.8: Traditional Neighborhood (TN) – REPEALED June 7, 1999

The TN District exists on the current zoning map, but was repealed effective June 7, 1999 and the Code provisions of the district have been consolidated into the Neighborhood Residential and Neighborhood Mixed Use Districts.

### 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 in the vicinity of the I-77 Exit 28 interchange and Statesville Road (US 21).

### 5.1.10: Corporate Office (CO)

The Corporate Office District is coded to promote the establishment and operation of office uses with 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 provide 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 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.

### 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, 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. 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.



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## 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.

## SECTION 5.2: OVERLAY DISTRICTS

### 5.2.1: Lake Norman Overlay (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 21,780 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.
5. Passive Parks, Greenways and Trails.

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

1. Low Impervious Cover Option: Single Family Residential – Development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 21,780 square feet excluding street right-of-way).
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, excluding any land area below the 760 contour.
3. High Impervious Cover Option (Cannot be Utilized in the GR District) – Where new development is proposed to exceed either two (2) units per acre or twenty-four percent (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.
4. Greenways and trails identified in the Town of Cornelius Pedestrian Plan are exempt from the built-upon area calculations defined by this chapter.

### 5.2.2: Mountain Island Lake Overlay (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 21,780 square feet excluding street right-of-



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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.
5. Passive Parks, Greenways and Trails.

B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option – Single Family Residential – Development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 21,780 square feet excluding street right-of-way).
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, excluding any land area below the 760 contour.
3. High Impervious Cover Option (Cannot be utilized in the GR district) – Where new development is proposed to exceed either two (2) units per acre or twenty-four percent (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.
4. Greenways and trails identified in the Town of Cornelius Pedestrian Plan are exempt from the built-upon area calculations defined by this chapter.

### 5.2.3: Transit District Overlay (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 ¼ mile walking distance of a planned Transit Station.

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.



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### 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: 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 one hundred-twenty (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 Code. The following activities are prohibited after business hours: loading and unloading of materials, exterior maintenance, refuse removal, and other activities that generate unreasonable noise.
- 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 feet (18') 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. All trash, recyclable materials, yard debris and bulky items shall be in accordance with the Town of Cornelius trash collection contract specifications.
- J. 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 feet (6').
- K. 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. Signage requirements specified in Chapter 10 for the TR-O supersede any other signage requirements in Chapter 10, including those of the underlying zoning district.
- L. 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



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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 rentals shall be allowed by right in the ASD overlay district.

Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales and rental 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.

#### PERMITTED USES

- A. Within the ASD-O, Automobile, truck, motorcycle, boat and recreational vehicle sales require conditional zoning (CZ) approval.
- B. Automobile, truck, motorcycle, boat and recreational vehicle service is only allowed as an ancillary use.
- C. Automobile rentals occupying existing buildings shall meet all of the following requirements:
  1. All vehicles must be parked on an approved improved surface.
  2. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar material to prevent standing water and mud.
  3. Site must adhere to Type 'B' landscape requirements as specified in Chapter 9.
  4. All non-conforming signage must be brought into compliance.
  5. Any proposed automobile rental use occupying existing buildings must be reviewed by the Architectural Review Board to discuss potential architectural improvements.
- D. All other uses shall be allowed in accordance with the underlying zoning district.

Any new development for automobile rentals must meet all current Land Development Code requirements.

#### GENERAL PROVISIONS

- A. Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales use 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 or rental use shall front on a public street, and shall meet the architectural requirements of Section 4.2.
- C. All projects shall, meet the supplementary requirements per Section 6.2.3.



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### 5.2.6: Torrence Chapel Traffic Mitigation Overlay

The intent of the Torrence Chapel Traffic Mitigation District Overlay is to allow through conditional zoning, uses in a specific area that would be compatible and appropriate with regard to normal land use and aesthetics, but also with trip generation and congestion management within a contributing area in proximity to the Torrence Chapel/West Catawba intersection.

Uses within the overlay may promote vehicular traffic that is more of a regional draw. Therefore, uses of this nature should be evaluated for impacts on the Torrence Chapel/West Catawba intersection with regard to the impacts of the trips generated.

#### PERMITTED USES

- A. Within the TCTMD-O, all new development uses, redevelopment uses and/or subdivisions (major or minor) shall utilize the conditional zoning (CZ) process.
- B. All other uses shall be allowed in accordance with the underlying zoning district.

### 5.2.7: Chartwell Center Automobile Repair/Service District Overlay (CCARS-O)

The intent of the Chartwell Center Automobile Repair/Service District Overlay is to allow through conditional zoning automobile repair/service as a use in a specific area that would be compatible and appropriate to the surrounding area.

Automobile repair/service 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 which are designed for pedestrian oriented mixed uses.

#### PERMITTED USES

- A. Within the Chartwell Center Automobile Repair/Service District Overlay automobile repair/service uses require conditional zoning (CZ) approval.
- B. All other uses shall be allowed in accordance with the underlying zoning district.

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

## SECTION 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 Code. In order to provide for such changes and contingencies, the





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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 Code. 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 "permitted by right", "permitted with supplemental conditions", "special use", "conditional zoning", accessory use, or accessory with supplemental conditions; or identified as a "nonconforming use" or "temporary use" according to this Code, then such use is prohibited.

### 5.4.2: Table of Uses

Use Table designations:

- "Permitted By right" is allowed in a zoning district as a matter of right and are designated with a "P";
- "Permitted with Supplemental Conditions" is allowed in a zoning district as a matter of right with specific conditions, as identified in Chapter 6 of this Code, and is designated with a "PC";
- "Special Uses" are allowed only after a special use permit has been issued and are designated with an "S";
- Uses that require a "conditional zoning" district process are designated with "CZ";
- Uses designated with an "A" are only allowed as accessory uses. Conditions for "accessory uses with supplemental conditions" (AC), may be found in Chapter 6 of this Code.

<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
ATM (Automated Teller Machine)				AC	AC	AC	AC	AC	AC	AC	AC
Automobile, Truck, Motorcycle, Boat, Manufactured Home, Recreational Vehicle Repair & Service*											
Automobile, Recreational Vehicle, Boat & Tractor Trailer Parking/Storage*											





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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, Truck, Motorcycle, Boat, 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 (100,000+ barrels)											PC
Brewery, Micro (up to 100,000 barrels)				CZ	CZ	PC	PC	PC	PC	PC	PC
Bus Stop Shelter				PC	PC	PC	PC	PC	PC	PC	PC
Car Wash								CZ			
Cemetery/Columbarium	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Child Care/Preschools				PC	AC	PC	PC	PC	PC	PC	
Civic*	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Commercial, Retail & Service Uses 0 - 9,999 square feet				P	P	P	P	P	P	P	
Commercial, Retail & Service Uses 10,000 - 29,999 square feet				CZ	CZ	P	P	P	P	P	
Commercial, Retail & Service Uses 30,000 - 49,999 square feet				CZ	CZ	CZ	CZ	P	P	P	
Commercial, Retail and Service Uses 50,000+ square feet						CZ	CZ	CZ	CZ	CZ	
Convenience Store							PC	PC	PC	PC	
Country Club*	CZ	CZ	CZ		CZ			CZ			
Cruise/Excursion/Dinner Boat				PC	AC		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	
Dwelling, Single-Family	P	P	P	P						CZ	
Essential Services, Class I & Class II	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Essential Services, Class III											CZ
Essential Services, Class IV	CZ	CZ	CZ	P	P	P	P	P	P	P	P
Events/Gathering Facility, Indoor				CZ	CZ	CZ	CZ	P	P	P	P
Events/Gathering Facility, Outdoor	CZ			CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Firing Range (Indoor only)											CZ
Funeral Homes/Crematory				PC			PC	PC			



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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>
Golf Course	CZ	CZ						CZ			
Golf Driving Range	AC	AC						PC			
Golf, Miniature				CZ	P	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
Kennel*	CZ							CZ			CZ
Manufacturing, Heavy											PC
Manufacturing, Light									P	P	P
Mining/Fracking/Quarry Operations											
Mini-Warehouse/Storage											
Mixed Use Building				PC	PC	PC	PC				
Nightclub*					CZ	CZ	CZ	CZ	CZ	CZ	
Nursery (wholesale only)	CZ										
Office				P	P	P	P	P	P	P	A
Park	P	P	P	P	P	P	P	P	P	P	P
Park & Ride Facility				CZ		PC	PC	PC	PC	PC	PC
Parking Area and/or Facility	AC	AC	AC	AC	AC	CZ	AC	AC	AC	AC	AC
Private Club					PC	PC		PC			
Recreation Center, Public (0 – 14,999 square feet)				P		P	P	P	P	P	P
Recreation Center, Public (15,000+ square feet)				CZ		P	P	P	P	P	P
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				P	P	P	P	P	P	P	
Restaurant, Brewpub				CZ	PC	PC	PC	PC	PC	PC	
Salvage											
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
Small Wireless Facility*	S	S	S	S	S	PC	PC	PC	PC	PC	PC



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<b>P - Permitted By Right</b> <b>PC - Permitted w/ Supp. Conditions</b>	<b>S -Special Use Permit Required</b> <b>CZ - Conditional Zoning Approval Required</b>	<b>A - Accessory Use Only</b> <b>AC - Accessory w/ Supp. Conditions</b>
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<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>
(Wireless Facility, Small)											
Storage, Outdoor	AC	AC	AC					AC			AC
Subdivision, Conservation Rural*	CZ										
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									A		P

\* See Chapter 6 for specific conditions.

### 5.4.3: Accessory Structures/Uses

The following uses are permitted within accessory structures:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Farm structures</li> <li>• Parking</li> <li>• Gazebo</li> <li>• Pool house</li> <li>• Equipment storage</li> </ul> | <ul style="list-style-type: none"> <li>• Rental Cottages (w/conditions)</li> <li>• Artist studio space</li> <li>• Sauna</li> <li>• Workshop</li> <li>• Conservatory</li> </ul> |
|---|--|

### 5.4.4: Temporary Structures/Uses

Temporary structures and uses shall be permitted in compliance with the provisions of this Code and all other codes, ordinances, and regulations 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 five (5) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices 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.



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- 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 percent (60%) 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:
1. The manufactured home shall not be placed in the front yard and shall be located no closer than fifteen feet (15') to another principal residential structure on another lot and no closer than ten feet (10') 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 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*.
- E. TEMPORARY PARKING AREA(S) FOR CIVIC USES DURING CONSTRUCTION – During construction, civic uses may add temporary parking area(s) as a principal or accessory use subject to the following:
1. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar approved ground stabilization material, which shall be maintained for the duration of the lot in use to prevent standing water and mud.
  2. The ABC stone, or similar material, must be contained to the parking area using landscaping timbers or other containment device.
  3. Parking spaces shall be marked or identified with concrete wheel stops. For safety reasons, wheel stops shall be painted with safety yellow or orange paint.
  4. Entrance and exit drive(s) shall be clearly marked with signage no larger than four (4) square feet and no taller than 3' high.
  5. Maximum allowed time for such use is 18 months.



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6. All signs, wheel stops, and/or stone or other approved ground stabilization material must be completely removed and the area returned to grass upon construction completion.
7. Such temporary parking areas shall be exempt from the requirements of Chapter 7.
- F. Refer to Chapter 6 for conditions associated with temporary uses.

### SECTION 5.5: GENERAL LOT PROVISIONS

#### 5.5.1: All Districts

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

- A. 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.
- B. All lots shall front upon a street built in accordance with the Mecklenburg County Land Development Standards Manual. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- C. All commercial, office, industrial, mixed-use, school, civic, and multi-family residential buildings shall comply with the provisions of Chapter 4.
- D. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.
- E. 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.
- F. Schools, churches and other civic buildings shall be exempt from the front yard setback requirements.
- G. Satellite dishes may not exceed two feet (2') in diameter.
- H. Hedges shall be planted at least three feet (3') from the property line.
- I. 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.
- J. Mailboxes in new major subdivisions shall be centrally located, as approved by the Town and the United States Postal Service.
- K. 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 five feet (5') from the property line.

#### 5.5.2: Single Family Districts

- A. No yard or lot existing upon adoption of this Code 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 code shall meet the minimum requirements established by this code.
- B. Front 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.
- C. Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning



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Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.

- D. The aggregate floor area of all accessory structures shall not exceed one-half (½) the total floor area of the principal structure.
- E. Up to four (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 thirty-five feet (35') for use by service or emergency vehicles.
- F. 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 seven percent (7%) of lot area.
  3. At the minimal Rural Preservation lot size (or less if non-conforming), no more than three (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 six hundred (600) square feet 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 fifty percent (50%) of the average lot width.
  6. Accessory buildings greater than six hundred (600) square feet shall have a minimum building separation from the principal structure of one hundred feet (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)

### 5.5.3: Mixed Use & Commercial Districts

- A. Canopies and awnings are permitted to encroach into the front setback a maximum of five feet (5')
- B. Bays and garage entrances may not face the fronting street.
- C. All vehicles must be parked on an approved improved surface, and may not be located on grass or in a buffer or landscaped area.

### 5.5.4: Table of Dimensional Requirements

		ZONING DISTRICTS										
Measure	Unit	RP	GR	NR	NMX	WMX	TC	VC	HC	BC	CO	IC
<b>DENSITY/LOT SIZE</b>												
Lot Size Min	Acres	3	0.5	0.33	-	-	-	-	-	-	-	1
Lot Size Min	Sq. Ft.	130680	21780	14520	-	-	-	-	-	-	-	43560
<b>LOT WIDTH</b>												
Min. Frontage at ROW	Feet	35	35	16	16	16	-	-	-	-	-	-
Frontage Build-Out	%	-	-	-	50	50	75	50	-	-	-	-



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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</u>	<u>CO</u>	<u>IC</u>
Min. Lot Width @ bldg line	Feet	60 <sup>1</sup>	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>2</sup>	26	26	26	-	-	-	-	-	-	-
Height - Stories Max.	#	2	-	2	2	6 <sup>3</sup>	4 <sup>3</sup>	3 <sup>3</sup>	3 <sup>3</sup>	3 <sup>3</sup>	3 <sup>3</sup>	3 <sup>3</sup>
<b>SETBACKS</b>												
Setback - Front Min	Feet	50 <sup>4</sup>	25 <sup>4</sup>	10 <sup>4</sup>	-	10	-	-	25	-	-	70 <sup>5</sup>
Setback - Front Max	Feet	N/A	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	10	10	-	-	-	-	-	-	-	-
Setback – Rear	Feet	50	25	25	25	-	-	25	30	-	-	-
Setback - Rear Alley	Feet	-	-	0 <sup>6</sup>	0 <sup>6</sup>	0 <sup>6</sup>	0 <sup>6</sup>	0 <sup>6</sup>	-	-	-	-
Parking Setback	Feet	-	-	-	-	-	-	-	-	-	-	30 <sup>5</sup>
Lake Norman - from 760' contour (all structures)	Feet	50	50	50	50	50	50	50	50	50	50	50
Setback – Side and Rear Accessory (less than 600 sq. ft)	Feet	10	10	10	10	-	-	10	10	-	-	-
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
Interstate Buffer	Feet	50	50	50	50	50	50	50	50	50	50	50





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- <sup>1</sup> Exception – Family & Farmhouse Cluster Subdivisions
- <sup>2</sup> Exception – Farm Structures
- <sup>3</sup> Max 6 stories allowed with CZ request only
- <sup>4</sup> See Section 5.5.2 B, Infill Setbacks
- <sup>5</sup> Bailey Road Industrial Corridor, front setback is 70 feet, parking setback is 30 feet
- <sup>6</sup> Garages on alleys shall be setback 20 feet from edge of pavement

