



**Town of Cornelius
Land Development Code Advisory Board**

**Agenda
July 23, 2018
5:30 PM
Town Hall - Room 204**

Call To Order

Determination of Quorum

Presentations

1. Automotive Service Uses Prohibition - Mr. Evan Miller

Approval of Minutes

1. April 30, 2018

Review And Recommendation On Agenda Items

1. Parking Oversize Vehicles on Public Streets
2. TA 04-18 Ch 3 Commercial Vehicles
3. TA 06-18 Murals
4. 70% Window/Doorway Coverage
5. Building Height in Village Center

Old Business

New Business

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: LDCAB
From: Wayne Herron, AICP
Deputy Manager/Director of Planning

Action Requested:

Mr. Evan Miller has requested to appear before the LDCAB to express his desire that the prohibition on automotive repair and service uses be reconsidered.

Manager's Recommendation:

Hear Mr. Evan Miller.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Chair and LDCAB Members

From: Summer Smigelski, Planning Admin.


Action Requested:

Approval of Minutes

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 04302018Minutes_LDCAB.docx	April 30, 2018 LDCAB Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

April 30th, 2018

5:30 PM

Members Present

Cheryl Crawford, Chair
Norris Woody, Vice Chair
Dave Gilroy
Keith Eicher
Bob Bruton
Chaz Churchwell
Joe Dean
Laura Pegram
Karen Tovar
John Hettwer
Michael Miltich

Members Absent

David Dunn

Staff Present

Wayne Herron, Planning Director
Becky Partin, Comm. Specialist
Summer Smigelski, Admin.

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chairman Crawford called the meeting to order at 5:32 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved the February 26th, 2018 minutes.

Motion made by Mr. Bruton. Seconded by Mr. Dean. All in favor, motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Ms. Pegram, Vice Chair Woody, Mr. Bruton, Mr. Churchwell,
Ms. Tovar, Mr. Hettwer, Commissioner Miltich, Commissioner Gilroy

Opposed: None

Commercial Vehicle Parking in Residential Areas

In the current Land Use Code: Section 3.12 is **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.

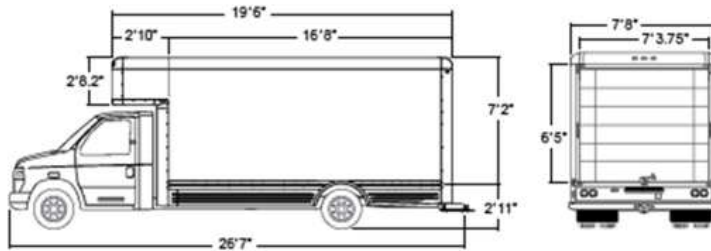
71.09 CERTAIN VEHICLES PARKED ONLY FOR LOADING AND UNLOADING.

It shall be unlawful for any person to park any of the following vehicles on streets or roads within the corporate limits of the town at any time, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:

TOWN OF CORNELIUS LDCAB

April 30th, 2018

Private vehicles whose overall dimensions, including any trailer attached thereto, are more than 80 inches in width or 30 feet in length.



1. On any public street, parking vs. no parking can be regulated. Normally, a request comes from an HOA and Town may consider the request.
2. If parking is allowed, Town cannot discriminate or regulate based on simply commercial versus noncommercial, but may do so based on a defined characteristic of a vehicle, such as size, number of axles, etc.

Town Parking Code

71.09 CERTAIN VEHICLES PARKED ONLY FOR LOADING AND UNLOADING.

(A) It shall be unlawful for any person to park any of the following vehicles on streets or roads within the corporate limits of the town at any time, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:

(2) Private vehicles whose overall dimensions, including any trailer attached thereto, are more than 80 inches in width or 30 feet in length.

After discussion the board agreed to shorten up and start with 23 feet and 7 foot tall. Staff will bring this back to the board.

Commercial Vehicles and Trailers Parking

Mr. Herron presented the current land use code for commercial vehicles and trailers parking.

- Any vehicle currently must be parked on an improved surface in approved space.

After discussion the board agreed to have staff bring back to the board.

Major/Minor Subdivision Definition

Mr. Herron presented Major/Minor Subdivision Definition to the board.

CURRENT DEFINITION:

- Minor Subdivision = 4 lots or less (administrative staff approval)

TOWN OF CORNELIUS LDCAB

April 30th, 2018

- Major Subdivision = 5 lots or more (CZ process through Planning Board, Town Board)

Current definition adopted in January 2015 as part of the Land Development Code update.

Prior to 2015, a minor subdivision was 10 lots or less.

2015 amendment was prompted by citizen complaints and concerns regarding two minor subdivisions located on Bethelwood Lane and Torrence Chapel Road. In both situations, neighbors wanted a forum to voice concerns and communicate with the developers, but since the process was administrative, there were no public meetings and developers declined to meet or talk with neighbors.

Staff and Town Attorney researched State Statutory requirements for minor subdivisions. State law only has provisions for minor subdivisions, but does not dictate or define how they may be defined.

The question was raised.....Do we have to provide for minor subdivisions? Town Attorney advised that while the Statute does not dictate a number for defining minor, most courts would expect there to be a minor process to allow for some administrative review.

After a great deal of debate, it was decided that 4 lots or less was a reasonable provision for minor subdivision.

Research conducted in 2014 showed a range in select local governments in North Carolina from 4 to 12. Median being 10 and average being 8.

REBIC expressed concern at a recent public hearing for the Land Development Code that defining a major subdivision as 4 lots or less was too restrictive and required too many proposals to move through the CZ process.

Town was asked to revisit the major/minor definition and consider raising the threshold.

After discussion the board agreed to keep the Major/Minor Subdivision Definition the same.

Motion made by Commissioner Miltich. Seconded by Mr. Eicher. All in favor, motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Ms. Pegram, Vice Chair Woody, Mr. Bruton, Mr. Churchwell,
Ms. Tovar, Mr. Hettwer, Commissioner Miltich, Commissioner Gilroy

Opposed: None

Murals

Mr. Herron presented murals and what is in the current code

The code currently states that murals have to be approved by the architectural review board.

After discussion the board agreed to have staff draft for administrative approval and bring back to the board for approval.

Next Meeting

Monday, July 23rd, 2018

TOWN OF CORNELIUS LDCAB

April 30th, 2018

Adjournment

Mr. Hettwer made a motion to adjourn the meeting at 6:32pm. Mr. Churchwell seconded. All in favor and motion approved.

In Favor: Chairwoman Crawford, Mr. Dean, Mr. Eicher,
Ms. Pegram, Vice Chair Woody, Mr. Bruton, Mr. Churchwell,
Ms. Tovar, Mr. Hettwer, Commissioner Miltich, Commissioner Gilroy

Opposed: None

DRAFT

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Land Development Code Advisory Board Members

From: Becky Partin

Senior Planner

Action Requested:

Consider an amendment to the Code of Ordinances modify the size of vehicles not allowed to park on public streets:


Private vehicles whose overall dimensions, including any trailer attached thereto, are more than 80 inches in width or 20 feet in length or 8 feet in height.

Previously, the maximum length allowed was 30 feet and there was no height limit.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 Parking_Regulations.docx	Code of Ordinances - Parking Regulations	Ordinance

**AN ORDINANCE TO AMEND
THE TOWN OF CORNELIUS CODE OF ORDINANCES**

WHEREAS, it has become necessary for the Town to update specific Titles within the Town's Code of Ordinances; and

WHEREAS, this change represents a revised Code provision.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that the Code of Ordinances, Title 7, Section 71.09 (A) (2) is hereby amended and adopted as follows:

71.09 CERTAIN VEHICLES PARKED ONLY FOR LOADING AND UNLOADING.

- (A) It shall be unlawful for any person to park any of the following vehicles on streets or roads within the corporate limits of the town at any time, except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:
 - (2) Private vehicles whose overall dimensions, including any trailer attached thereto, are more than 80 inches in width or 20 feet in length or 8 feet in height.

Adopted this _____ day of _____, 2018.

Woody T. Washam, Jr., Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Town Attorney

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Land Development Code Advisory Board Members

From: Becky Partin

Senior Planner


Action Requested:

Review proposed changes to Chapter 3, General Provisions, to allow commercial vehicles over 2 axles to park in commercial districts only in designated loading areas or approved storage areas.

Manager's Recommendation:

Discuss and Consider

ATTACHMENTS:

Name:	Description:	Type:
 ORD TA 04-18 Comm Vehicles.pdf	ORD TA 04-18 Commercial Vehicles	Ordinance

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on _____.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended: AMEND Chapter 3: General Provisions (See Exhibit A).

Adopted this ____ day of _____, 2018.

Woody Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A

SECTION 3.1: GENERAL PARKING

In all non-single family residential uses, vehicles must be parked on an approved improved surface. For single-family residential uses, see Section 6.2.3~~95~~, Outdoor Storage.

3.1.1 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.

3.1.2 COMMERCIAL VEHICLES

Commercial vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking in residential districts and commercial districts, unless in a designated loading area or approved storage area. 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.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Land Development Code Advisory Board Members

From: Becky Partin

Senior Planner

Action Requested:

Consider an amendment to Chapter 10, Signs, to allow murals on street-fronting walls and in all zoning districts.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 ORD_TA_06-18_Murals.pdf	ORD TA 06-18 Murals	Ordinance

**AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS
LAND DEVELOPMENT CODE**

WHEREAS, the Town Board of Commissioners on March 19, 2018 adopted an ordinance which regulates the classification and use of property within its zoning jurisdiction, including its extra-territorial jurisdiction; and,

WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

WHEREAS, the Planning Board of the Town of Cornelius has recommended that the Town Board of Commissioners amend the Cornelius Land Development Code; and

WHEREAS, a public hearing on the amendment has been held by the Town Board of Commissioners on _____.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the following chapters of the Land Development Code be amended: AMEND Chapter 10: Signs (See Exhibit A).

Adopted this _____ day of _____, 2018.

Woody Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A

Chapter 10: Signs

SECTION 10.5: BUILDING MOUNTED SIGN DESCRIPTIONS

P

MURALS

Permissible Districts: ~~HC, IC, NMX, VC, TC, TN, WMX, CO, BC~~ ALL

CRITERIA

Painted mural display applications may be allowed along an ~~available~~-exterior ~~non-street-fronting~~-wall ~~spaces only~~, pending approval by the Zoning Administrator after review and recommendation by the ~~Architectural Review~~Parks, Arts, Recreation and Culture (PARC) Board.

Murals must be painted to suitable portions of ~~non-streetfronting~~-wall surfaces. ~~Murals and~~ may not be painted around or over any windows, awnings or glass doors.

Murals may be externally lighted with building proportionate spotlighting, gooseneck or similar. Fixtures should be adequately spaced, four (4) to six (6) feet apart. No ground mounted uplighting is allowed.

Examples of allowed mural signs:



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Land Development Code Advisory Board Members:

From: Becky Partin

Senior Planner

Action Requested:

Discuss the minimum 70% of street level frontages to be windows or doorways and whether this is a linear or area requirement.

Manager's Recommendation:

Have Discussion.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 23, 2018

To: Land Development Code Advisory Board Members

From: Becky Partin

Senior Planner

Action Requested:

Discuss the Land Development Code building height requirement in the Village Center zoning district and the Village Center Land Use Plan category.

Manager's Recommendation:

Have Discussion

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
