



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

**Agenda
June 24, 2019
5:30 PM
Room 204**

Call To Order

Determination of Quorum

Presentations

1. Citizens Comments and Concerns

Approval of Minutes

1. March 25, 2019

Review And Recommendation On Agenda Items

1. Changeable Copy Signs - Entertainment Venues
2. TA 02-19 Breweries

Old Business

1. Noise Ordinance

New Business

1. Accessory Structure Placement

Next Meeting

1. August 26, 2019

Election Of Chair & Vice Chair

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB

From: Wayne Herron

Action Requested:

Several citizens have asked to address the LDCAB regarding the noise ordinance.

Manager's Recommendation:

Hear citizens comments and concerns.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: Chair and LDCAB Members

From: Summer Smigelski, Admin.


Action Requested:

Review and Approve Minutes

Manager's Recommendation:

Approval of Minutes

ATTACHMENTS:

Name:	Description:	Type:
 03252019Minutes_LDCAB.docx	March 25th, 2019 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

March 25th, 2019

5:30 PM

Members Present

Cheryl Crawford, Chair
Norris Woody, Vice Chair
Keith Eicher
Bob Bruton
Michael Miltich
Karen Tovar
John Hettwer

Members Absent

David Gilroy
Laura Pegram
Chaz Churchwell
Joe Dean
David Dunn

Staff Present

Wayne Herron, Deputy-
Manager/Planning Director
Becky Partin, Senior Planner
Summer Smigelski, Admin.

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chairman Crawford called the meeting to order at 5:35 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved the February 25th, 2019 Notes.

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

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

Opposed: None

Commissioner Miltich recommended change to the Changeable Copy Signs-Entertainment Venues closing statement for the January 28, 2019 minutes.

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

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

Opposed: None

The board unanimously approved the approved the January 28, 2019 minutes with changes.

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

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

Opposed: None

Noise Ordinance-Entertainment Venues

Mr. Herron provided an overview of noise ordinance and how others regulate.

- "Sound becomes noise only when the noise ordinance is violated."
- "If the will or ability to enforce a noise ordinance is absent, it is nothing more than a placebo to placate noise sensitive citizens. The most successful ordinance is one that

TOWN OF CORNELIUS LDCABMarch 25th, 2019

contains only those provisions important to the community. Having an overly complex ordinance reduces the will of those responsible for enforcing it. Amendments can always be made to address new problems as they arise.”

Robert C. Chanaud, Ph.D.

Sources:

- “Noise Ordinances – Tools for Enactment, Modification and Enforcement of a Community Noise Ordinance” by Robert C. Chanaud, Ph.D.
- The National Institute for Occupational Safety and Health (NIOSH), a division of the CDC
- The EPA Model Community Noise Control Ordinance
- The Acoustical Society of America, the Secretariat for American National Standards Committee S12 Noise
- Numerous noise ordinances from around the country

Sound Overview:

- Cornelius’ current ordinance is very subjective and allows interpretation based on circumstances; There are currently no time restrictions for entertainment use
- Decibel measurement is a logarithmic measurement – every 10 dB represents a perceived doubling of sound volume
 - A logarithmic scale is a nonlinear scale used when there is a large range of quantities. Common uses include earthquake strength, sound loudness, light intensity, and pH of solutions.
 - It is based on orders of magnitude, rather than a standard linear scale, so the value represented by each equidistant mark on the scale is the value at the previous mark multiplied by a constant.
- Normal conversation is approximately 60 dB
- Windows attenuate about 15 dB of sound

How Others Regulate

Austin, TX	Max 85 decibels between 10:00 AM & 2:00 AM, as measured at the property line of the business; or is audible at the property line of the business between 2:00 AM and 10:00 AM
Blowing Rock	Plainly & continuously audible such that the max average 65 dB over 10 minute period
Charlotte	85 dB(A) 8 AM – 9 PM Sun-Thur; 60 dB(A) 9 PM – 2 AM Sun - Thur; 85 dB(A) 8 AM – 11 PM Fri-Sat or 60 dB(A) 11 PM – 2 AM following day Measured at the property line of the commercial property generating the sound
Denton, TX	70 dB(A)
Greensboro, NC	85 dB(C) 7 AM-11 PM; 75 dB(C) 11 PM-7 AM
Holmdel, NJ	65 dB(A) 24 hours
Mecklenburg	55 dB(A) 9 AM-9 PM, else 50 dB(A) as measured within residentially occupied property boundary
Orange County, FL	65 dB(A) 7 AM-10 PM, measured at residential property line; else not allowed

Why “A” Weighting is Used:

- “A” weighting is most common & most commonly used for OSHA & DEQ regulations
- “A” measurements are best suited for constant volume and mid-range frequencies
- “A” weighting adjusts the actual sound spectrum to one more nearly like that heard by a person
 - Normal human hearing is from 20 Hz to 20,000 Hz

TOWN OF CORNELIUS LDCAB

March 25th, 2019

Recommendation:

Restriction on Decibel Level

A person may not operate sound equipment at a Place of Public Entertainment in the Designated Area that produces sound in excess of the following decibel limits:

- 85 dB(A) Sunday – Thursday between 8 AM – 9 PM;
- 60 dB(A) Sunday – Thursday between 9 PM and 8 AM the following day;
- 85 dB(A) Friday or Saturday between 8 AM and 11 PM;
- 60 dB(A) Friday or Saturday between 11 PM and 8 AM the following day;

In addition to the above, a Place of Public Entertainment may be cited for a Vibration Offense if an occupant of a residentially occupied structure reports a noise disturbance as defined by a Vibration Perception Threshold that is verified by the responding officer.

Exceptions

The limits specified above shall not take effect on:

- New Year's Eve (December 31), and will instead commence at 12:30 AM on New Year's Day (January 1);
- Saint Patrick's Day (March 17), and will instead commence at 11 PM;
- Independence Day (July 4), and will instead commence at 11 PM;
- The Sunday immediately preceding Memorial Day (last Monday of May), and will instead commence at 11 PM;
- The Sunday immediately preceding Labor Day (first Monday of September), and will instead commence at 11 PM.

Unamplified, non-commercial public speaking and public assembly activities conducted at conversational voice levels on any public property or public right-of-way shall be exempt from the operation of this section if such sound is not plainly audible beyond 50' or does not infringe on the legitimate rights of others.

Method of Noise Measurement

- All measurements shall be made with an ANSI Type 1 Sound Level Meter. The sound level meter shall be calibrated in accordance with the meter manufacturer's recommendations.
- Measurements shall be taken at the property line of the Sound Source.
- The Sound Level Meter shall be held at arm's length with the microphone pointed in the direction of the Sound Source.
- Measurements shall use the "A-weighting" filter and fast response, as defined by the ANSI.
- The maximum Decibel measurement taken over a 10-minute period shall determine compliance.

New Definitions:

- "ANSI" – American National Standards Institute
- "A-Weighting" – a frequency response adjustment of a sound level meter with an "A-weighting" filter, as defined by the American National Standards Institute that analyzes the sound source signal with approximately equal weight to all frequencies. Measurements made with this weighting are designated dB(A) or dBA.
- "Decibel" – sound pressure level as measured by a sound level meter using a weighting network and either the slow or fast meter response as specified by the American National Standards Institute.
- "Designated Area" – Places of Public Entertainment located within and south of the Automotive Sales District Overlay on U.S. Highway 21 and the Business Campus and Town Center zoning districts, as designated on the Land Development Map.

TOWN OF CORNELIUS LDCAB

March 25th, 2019

- “Place of Public Entertainment” – Any location within the Designated Area(s), exterior or interior to a building that regularly permits public entrance for entertainment purposes. For this purpose, “public” means citizens of all types, including but not limited to children.
- “Sound Level Meter” – an instrument which is used to measure sound pressure level, sound level, octave band sound pressure level, or maximum sound level, separately or in combination.
- “Sound Source” – any person, device (including but not limited to musical instruments, radios, televisions), or activity that emits or causes sound, as measured from the property line of said source.
- “Vibration Perception Threshold” – The minimum ground or structure borne vibrational motion necessary to cause a person of normal sensitivity to be aware of the motion through contact or through visual observation of moving objects.
- “Vibration Offense” – operating, or permitting the operation of, any device that creates vibration which is above the Vibration Perception Threshold of any person across a real property boundary to a residentially occupied structure between the hours of 11 PM and 8 AM the following day.

Staff is asking for a recommendation tonight.

The board recognized Scott Karriker, son of Lonnie and Bobbie Karriker at 9516 Westmoreland Road, Jared Reger at 10124 Treetop LN., and George Marcoccia at 10120 Treetop LN.

The board also recognized Co-Owner of Boatyard Eats, David Stockwell at 20339 Christofle Dr.

The board recommended Mr. Stockwell consider sound barriers.

Mr. Stockwell is researching sheets for soundproofing.

After extensive discussion the board agreed to increase the decibel levels that staff recommended from 85 dB(A) to 100 dB(A) and from 60 dB(A) to 75 dB(A). The board also agreed to change the start hours from 8am to 10am.

Motion made by Mr. Woody. Seconded by Mr. Miltich. Six in favor, one opposed, motion approved.

In Favor: Chairwoman Crawford, Mr. Eicher, Mr. Hettwer
Vice Chair Woody, Mr. Bruton, Commissioner Miltich,

Opposed: Ms. Tovar

Changeable Copy Signs-Entertainment Venues

Staff will bring back to the board.

Next Meeting

Monday, April 29, 2019

Adjournment

Mr. Woody made a motion to adjourn the meeting at 6:50 pm. Mr. Bruton seconded. All in favor and motion approved.

In Favor: Chairwoman Crawford, Mr. Eicher, Mr. Hettwer
Vice Chair Woody, Mr. Bruton, Commissioner Miltich,

Opposed: Ms. Tovar

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB Members
From: Wayne Herron, AICP
Deputy Manager

Action Requested:

Staff has been asked to investigate potential amendments to allow entertainment venues to utilize changeable copy signs to announce performances.

The current Code only allows changeable copy signs for school or civic uses. Sandwich boards are allowed in some districts but not along the main corridors of NC 115, US 21, West Catawba and Catawba Avenue.

In 2015 the US Supreme Court ruled that towns cannot regulate content in any way. So, establishments could advertise food and other items on the signs. In addition, other businesses may request changeable copy signs, if allowed for entertainment venues.

Staff will present options for consideration should LDCAB wish to allow changeable copy signs for entertainment venues. The basics:

- Continue to allow changeable copy signs for school or civic uses.
- Allow changeable copy signs for approved entertainment venues with specific size allowances.
- Allow only one changeable copy ground mounted sign per parcel or one changeable copy wall sign per building, but not both on the same parcel.

Manager's Recommendation:

Discuss changeable copy signs and make recommendation.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB Members
From: Becky Partin
Senior Planner

Action Requested:

On May 30, 2019 the Governor signed the "Craft Beer Distribution and Modernization Act" into law. The law allows breweries to produce and sell up to 100,000 barrels annually.

In accordance with the new law, staff is recommending changes to the Land Development Code:

- Modify the definition of a microbrewery to be an establishment where up to 100,000 barrels of beer and malt beverages are made on the premises and sold/distributed. The current limit is 15,000 barrels.
- Modify the definition of a large brewery to be an establishment where 100,000 or more barrels of beer and malt beverages are made on the premises and sold/distributed.
- Remove large brewery as a use allowed in Business Campus.

Manager's Recommendation:

Review proposed changes and make recommendation.

ATTACHMENTS:

Name:	Description:	Type:
 HB_363.pdf	House Bill 363	Backup Material

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-18
HOUSE BILL 363

AN ACT TO CONFIRM THE STATE'S SUPPORT OF THE THREE-TIER SYSTEM FOR DISTRIBUTION OF MALT BEVERAGES AND THE FRANCHISE LAWS, TO MAKE ADJUSTMENTS TO MODERNIZE THE EXEMPTIONS TO THE THREE-TIER SYSTEM, AND TO PROMOTE THE GROWTH OF SMALL AND MID-SIZED INDEPENDENT CRAFT BREWERIES.

Whereas, the General Assembly reaffirms its support of the Beer Franchise Law and the three-tier system for the distribution of malt beverages and finds that the Beer Franchise Law and the three-tier system does all of the following:

- (1) Promotes consumer choice and product variety by providing a platform that enables new malt beverage products to come to market that might not otherwise be available to the consumer. These laws encourage wholesalers to make investments in their businesses necessary to expand distribution of new products and to allow large and small breweries alike an opportunity to enter the market through independent distribution. Wholesaler investments include adding resources such as warehouses, personnel, vehicles, equipment, merchandise, and marketing. Consumers have access to an exceedingly wide array of malt beverage products, unlike other industries that foster closed distribution networks and vertical integration.
- (2) Promotes the growth of the craft beer industry by providing suppliers with access to markets outside of the brewery. Brewers that use wholesalers are able to instantly access and utilize a wholesaler's established infrastructure in markets they may not otherwise be able to enter. Smaller breweries further benefit because wholesalers are able to act independently to carry all brands, from large and small suppliers. The goal of these laws is to allow brewers of all sizes to fairly compete in the marketplace and to access retailers of all sizes.
- (3) Helps ensure that the industry, as a whole, complies with the alcohol laws of this State. A wholesaler must remain independent and free from unfair conduct to promote responsible sales and marketing practices. Wholesaler independence also promotes and maintains fair dealing among industry participants. Ultimately, these measures protect consumers and the public from abuses that might occur absent the three-tier system.
- (4) Promotes a vibrant marketplace that carefully balances fair competition with health and public safety concerns. The Beer Franchise Law and the three-tier system ensure that all three tiers operate independently and on a level playing field so that no one participant or sector of the industry becomes too dominant over the others. These laws allow for fair checks and balances in the beer industry. Wholesaler independence further creates a transparent and accountable distribution system that assists in identifying improper marketing practices and potentially unsafe products when issues arise and provides brewers that engage a wholesaler with an established means to access new markets.



- (5) Prevents vertical integration of the manufacturing, distribution, and retail tiers. This still occurs in other countries today where adverse health and public safety effects are observed. The historical three-tier system model incorporated a deliberate regulatory structure that prevents monopolization. However, as the number of beer industry participants has grown substantially, it is necessary to make important adjustments to the three-tier system to promote the overall success of the beer manufacturing industry in North Carolina by recognizing the different stages of brewery development.
- (6) Assists in collecting excise taxes, particularly from nonresident suppliers. While self-distributing resident breweries are required to remit excise taxes directly to the Department of Revenue, wholesalers collect and remit the excise tax on malt beverages on behalf of resident and nonresident suppliers to the Department of Revenue, totaling approximately \$140 million in excise taxes each year to the State.
- (7) Promotes local regulatory control, temperance, and moderate consumption of malt beverages. The three-tier system in particular incorporates features to promote healthy competition in the marketplace while minimizing overly-aggressive marketing practices, such as limits on quantity discounts, requirements of nondiscriminatory treatment among wholesalers and retailers, and limits on advertising and promotional materials. The three-tier system also provides clear chain of custody for products in distribution, which enables law enforcement to easily track products in the marketplace when issues arise.
- (8) Provides a vital platform that promotes product safety for consumers. Malt beverage distributors invest heavily in infrastructure, such as modern warehouses and vehicles, that maintain product integrity during distribution. There are also strict record-keeping requirements, which enable wholesalers to readily track malt beverage products sold in the market for prompt return in the event of a product recall.
- (9) Encourages wholesalers, under the Beer Franchise Law, to invest capital and labor for suppliers of all sizes, large and small, to expand into new markets with new products. Unfair or arbitrary termination is prohibited, but suppliers who are subject to the Beer Franchise Law are still afforded the ability to terminate a distribution agreement for good cause. The Beer Franchise Law inhibits forced consolidation among wholesalers. The three-tier system also affords small retailers the same market access opportunities to the same wide selection of brands that other large-scale retailers have, and on equal terms.

Whereas, the General Assembly also reaffirms its support of the craft beer industry and makes the following findings:

- (1) The current small-brewery provisions of Chapter 18B of the General Statutes were intended to foster the growth of small craft breweries while simultaneously protecting wholesalers from the risk of economic uncertainty. Since the adoption of those provisions, however, the craft beer industry has seen exponential growth. The craft beer industry now provides a significant source of high-quality manufacturing and service employment and wages and generates significant tax revenue for the State. In addition, the growth of the craft beer industry has resulted in significant positive secondary impacts on the economy through increased business to a myriad of suppliers to the craft breweries, resulting in even greater employment and tax revenue for the State's citizens.
- (2) It is in the best interest of the State to continue supporting the entrepreneurial spirit and economic growth driven by the craft beer industry. Yet it remains

vital to preserve the integrity of the State's three-tier system. Today, mid-sized independent breweries possess only a fraction of the malt beverage market in light of increased consolidation and globalization of large suppliers. Consequently, the growth of these mid-sized independent breweries promotes economic development, employment and wages, and significant tax revenue without the same risks of harm that the three-tier system is designed to minimize.

- (3) In view of these new market realities, the existing small brewery provisions of Chapter 18B of the General Statutes warrant revision. Specifically, recognition for a new category of breweries, Mid-Sized Independent Breweries, is needed to reflect the market's evolution, foster the continued growth of the craft beer industry, promote consumer choice, ensure access to market, and promote stable and healthy competition in the malt beverage industry in this State. The following legislative enactments are expressly intended to further these purposes.

Whereas, the General Assembly finds that regulation of the malt beverage industry and the objectives sought to be achieved by this act fall squarely within the authority granted to the State by the 21st Amendment to the United States Constitution and the inherent police powers of this State; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-100 reads as rewritten:

"§ 18B-100. Purpose of Chapter.

This Chapter is intended to establish a uniform system of control over the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages in North Carolina, and to provide procedures to insure the proper administration of the ABC laws under a uniform system throughout the State. This Chapter shall be liberally construed to the end that the sale, purchase, transportation, manufacture, consumption, and possession of alcoholic beverages shall be prohibited except as authorized in this Chapter. If any provision of this Chapter, or its application to any person or circumstance, is determined by a court or other authority of competent jurisdiction to be invalid or unconstitutional, such provision shall be stricken and the remaining provisions shall be construed in accordance with the intent of the General Assembly to further limit rather than expand commerce in alcoholic beverages, and with respect to malt beverages, unfortified wine, and fortified wine, the remaining provisions shall be construed to enhance strict regulatory control over taxation, distribution, and sale of alcoholic beverages through the three-tier regulatory system and the franchise laws imposed by this Chapter.

Except as provided in this Chapter, local ordinances establishing different rules on the manufacture, sale, purchase, transportation, possession, consumption, or other use of alcoholic beverages, or requiring additional permits or fees, are prohibited."

SECTION 2. G.S. 18B-1104(a)(8) reads as rewritten:

- "(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale ~~only up to 50,000 barrels of malt beverages manufactured by the brewery.~~ brewery per year to unaffiliated retail permittees. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than ~~25,000–100,000~~ barrels of malt beverages produced by it per year. The barrelage limitations set forth in this subdivision apply regardless of the number or type of permits that may be issued to a brewery under this Chapter. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery, and malt beverages produced under

subdivision (6a) of this subsection, at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision under a different trade name than that used at the brewery shall also offer for sale at that location a reasonable selection of competitive malt beverage products. A sale at any additional retail location under this subdivision shall not be considered a wholesale sale for the purposes of Article 13 of this Chapter. Except as provided in G.S. 18B-1116(b), the Commission shall have no authority to grant an exemption to or otherwise allow a brewery permittee more than the three additional retail locations authorized by this subdivision. Malt beverages manufactured by a supplier permittee that owns five percent (5%) or more of a brewery permittee acting under the authority granted in this subdivision shall be included in determining whether the brewery permittee complies with the barrelage limitations set forth in this subdivision."

SECTION 3. G.S. 18B-1116 reads as rewritten:

"§ 18B-1116. Exclusive outlets prohibited.

...

(b) Exemptions. – The Commission may grant exemptions from the provisions of this section. Any exemption entered by the Commission in which any brewery or any officer, director, or affiliate of the brewery has a direct or indirect financial interest in the business of any retailer beyond the number of additional retail locations authorized by G.S. 18B-1104 shall prohibit the brewery's malt beverages from being sold to or purchased by that retailer. In determining whether to grant an exemption, the Commission shall consider the public welfare, the quantity and value of articles involved, established trade customs not contrary to the public interest, and the purposes of this section.

...."

SECTION 4. G.S. 18B-1300 reads as rewritten:

"§ 18B-1300. Purpose.

Pursuant to the authority of the State under the Twenty-First Amendment to the United States Constitution, the General Assembly finds that regulation of the business relations between malt beverage manufacturers and importers and the wholesalers of such products is necessary to:

- ...
- (5) Prevent unfair or unlawful trade practices by enabling wholesalers to refuse to participate in such practices without fear of arbitrary or unlawful retribution from suppliers.
 - (6) Provide wholesalers with rights and remedies in addition to those existing by contract or common law.
 - (7) Govern all agreements between suppliers and wholesalers, including any renewals or amendments.
 - (8) Protect wholesalers against unfair treatment by suppliers.
 - (9) Preserve investments made by wholesalers in franchise agreements through minimization of arbitrary termination.
 - (10) Promote consumer choice by ensuring an independent wholesale distribution tier that enables wholesalers to distribute competing products of other suppliers.
 - (11) Prevent vertical integration of the malt beverage market."

SECTION 5. G.S. 18B-1305(a1) reads as rewritten:

"(a1) Termination by a Small Brewery. – A brewery's authorization to distribute its own malt beverage products pursuant to G.S. 18B-1104(a)(8) shall revert back to the brewery, in the absence of good cause, following the fifth business day after confirmed receipt of written notice

of such reversion by the brewery to the wholesaler. The brewery shall pay the wholesaler fair market value for the distribution rights for the affected brand. For purposes of this subsection, "fair market value" means the highest dollar amount at which a seller would be willing to sell and a buyer willing to buy at the time the self-distribution rights revert back to the brewery, after each party has been provided all information relevant to the transaction. This subsection only applies to a brewery that sells to consumers at the brewery, to wholesalers, to retailers, and to exporters fewer than 25,000 barrels of malt beverages produced by it per year. Malt beverages manufactured by a supplier permittee that owns five percent (5%) or more of a brewery permittee shall be included in determining whether the brewery permittee complies with the barrelage limitations set forth in this subdivision. For purposes of this subsection, the term "barrel" is as defined in G.S. 18B-1104."

SECTION 6. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 7. This act does not apply to any exemption order or amendment thereto entered by the Alcoholic Beverage Control Commission prior to the effective date of this act, or to any such exemption order or amendment that is renewed or reissued by the Commission after the effective date of this act.

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of May, 2019.

s/ Daniel J. Forest
President of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 1:35 p.m. this 30th day of May, 2019

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB Members

From: Wayne Herron

Action Requested:

Staff will provide an update and overview of how the current ordinance is working and potential actions moving forward.

Manager's Recommendation:

Hear update

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB Members
From: Becky Partin
Senior Planner

Action Requested:

The Planning Department received the attached request to consider an amendment to the Land Development Code to allow accessory structures in the front yard - specifically sheds. The property owner states that the front yard of lakefront lots is the lake side, making the the street side of the lot the rear yard - according to the property owner.

Manager's Recommendation:

Discuss and provide direction to staff.

ATTACHMENTS:

Name:	Description:	Type:
 Shed_placement.pdf	Shed Placement Request	Backup Material

April 18, 2019

To Whom It Concerns:

This letter is a request to consider an amendment to the Cornelius Town Land Development Code specifically with regard to Single Family Districts (5.5.2 page 5-13). The ordinance specifies the building "shall be constructed in the rear yard only."

While I understand the reasoning for such an ordinance I maintain that such a "one size fits all" ordinance does an injustice in certain situations. My little outbuilding was legally permitted in 2016 and is adjacent to an outbuilding in my front yard which has been there since around 1978 and is grandfathered in with regard to location in my front yard. Recently I was informed by the Town of Cornelius that the permit was improperly drawn by the firm that built the building. Since I live on the lake my "front yard" has always been referred to as the lake side and the "back yard" as the street side. I realize that front is legally designated by the street side. Several people from the planning office have been out to look at my situation, but have been unable to make any accommodation or exception to this ordinance.

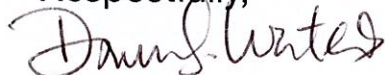
There are many outbuildings in this neighborhood that have been built without the permitting process that I did and are waived since they have been in front yards for a period of five years and are thus grandfathered in.

Even if I wished to build a detached garage the ordinance maintains that it would have to be built in my back yard (thus on the lake side).

I understand that technically I am in violation of the town ordinance, but through no overt action on my part to evade the legal permission to build the structure. Due to the "one size fits all" ordinance I am now in a position of incurring the expense and inconvenience of relocating a structure that is not even visible from the street. Those taxpayers who live on the lake pay some of the highest real estate taxes in the community. It would seem that the powers that be would at least consider a reassessment of the ordinance or a waiver for my building to stay where it is.

Thank you for your consideration of this issue. I would appreciate acknowledgement of action you take with regard to my request.

Respectfully,



Donna G. Waters
20536 Lagoon Drive
Cornelius, NC 28031

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: June 24, 2019

To: LDCAB

From: Wayne Herron

Action Requested:

Next Meeting will be August 26th, unless we receive information that will afford a productive conversation regarding the noise ordinance in time for a July 22nd meeting.

Manager's Recommendation:

Next meeting August 26th.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
