



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

**Agenda
July 27, 2020
5:30 PM
Electronic Meeting via Zoom**

Call To Order

1. Zoom Meeting

Determination of Quorum

Presentations

1. Marquee Signs

Approval of Minutes

1. Approval of February Minutes

Review And Recommendation On Agenda Items

1. Car Wash, Automatic & Self Service
2. Murals
3. TA 02-20 Repeal Ordinance 2018-00685, Parking During Construction
4. Campaign Signs
5. Transient Occupancy

Old Business

New Business

Next Meeting

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: Chair and LDCAB Members

From: Aaron Tucker, Planning Director

Action Requested:

Tonight's meeting can be accessed at this link [Zoom Meeting Link](#)

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members
From: Aaron Tucker
Planning Director

Action Requested:

One of the new owners of Boatyard Eats, Chris Boukedes, is proposing a marquee sign on the building to announce changing events. Staff will present a brief summary of practices in other cities/towns, followed by the request from Mr. Boukedes.

Manager's Recommendation:

Hear presentation and provide direction to staff.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: Chair and LDCAB Members


From: Summer Smigelski, Planning Admin.

Action Requested:

Review and Approve Minutes

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
 02242020MinutesLDCAB.docx	February 24, 2020 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

February 24th, 2020

5:30 PM

Members Present

Kevin Myers
Bob Bruton
Norris Woody, Vice Chair
Keith Eicher
Joe Dean
Michael Miltich, Commissioner
Tricia Sisson, Commissioner
John Hettwer
Karen Tovar

Members Absent

Cheryl Crawford, Chair
Laura Pegram
David Dunn

Staff Present

Wayne Herron, Deputy-Manager
Aaron Tucker, Planning Director
Becky Partin, Senior Planner
Summer Smigelski, Planning Admin.
Monterai Adams, Planner

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Vice Chair Woody called the meeting to order at 5:29 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved the January 27th, 2020 Minutes.

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

In Favor: Mr. Myers, Mr. Woody, Ms. Sisson, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Opposed: None

Microbrewery Buffers

Mr. Tucker gave a brief overview of previous discussions on buffer requirements for breweries. At the January meeting staff was directed to review and bring back recommendations to the board.

Staff presented the following recommendations:

- Recommendation #1- Remove the buffer requirement that is specific to microbrewery, large brewery, and restaurant/brewpub Uses in Chapter 6 as the buffer will still be required in the side & rear yard when adjoining residential in accordance with Chapter 9.
- Recommendation #2- To simplify and streamline the Code, remove 'Restaurant, Brewpub' Use from Chapters 2 (Definitions), 5 (Use Table), and 6 (Uses Permitted with Conditions). The Code defines a Brewpub as "an establishment where food, beer, and malt beverages are made on the premises where 40% or more of the beer produced on site is sold and/or consumed on site. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to offsite accounts, and must meet all North Carolina ABC laws."

After discussion, the board recommends approving both as presented by staff.

TOWN OF CORNELIUS LDCAB

February 24th, 2020

Motion made by Commissioner Miltich. Seconded by Karen Tovar. All in favor, motion approved.

In Favor: Mr. Myers, Mr. Woody, Ms. Sisson, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Opposed: None

Major/Minor Subdivisions

The development community has expressed strong concern that Cornelius is the only municipality that does not have an Administrative (staff) approval process for the subdivision of land into 5 or more lots.

Mr. Herron presented the following recommendations:

Current Minor Subdivision Definition:

A minor subdivision is defined as a subdivision where all of the following conditions exist:

1. No public right-of-way dedication; and,
2. The entire tract to be subdivided is 10 acres or less in size; and,
3. The resultant subdivision will produce 4 or fewer lots.

Proposed Minor Subdivision Definition:

A minor subdivision produces four (4) or fewer lots. **Minor subdivisions do not require improvements such as sidewalk, lighting, landscaping, buffers, etc.**

Current Major Subdivision Definition:

A major subdivision is defined as a subdivision where any one or more of the following conditions exist:

1. Dedication of public right-of-way or other public tracts; or,
2. The entire tract to be subdivided is greater than 10 acres; or,
3. The resultant subdivision will produce more than 4 lots.

Proposed Major-Conditional Subdivision Definition:

A Major Subdivision produces more than four (4) **lots and propose some deviation from the Code such as setbacks, lot size, etc. All Major-Conditional subdivisions shall utilize the Conditional Zoning (CZ) process.**

Proposed **New Major-Standard Subdivision Definition:**

A Major-Standard Subdivision produces more than four (4) lots and meets all other requirements of the Code (lot size, setbacks, buffers, etc.). Major-Standard Subdivisions are allowed by right in all zoning districts.

Mr. Herron opened up for discussion

After discussion Commissioner Miltich made a motion to recommend approval with keeping the lot number to 4 and the Major-Conditional Subdivision process presented by staff. Seconded by Mr. Eicher. All in favor, motion approved.

In Favor: Mr. Myers, Mr. Woody, Ms. Sisson, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Opposed: None

Commissioner Miltich made a motion to recommend the Major-Standard Subdivision cap be 25 lots. Seconded by Mr. Eicher. Eight in favor, Motion approved.

TOWN OF CORNELIUS LDCAB

February 24th, 2020

In Favor: Mr. Myers, Mr. Woody, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Opposed: Ms. Sisson

Commissioner Sisson moves to amend the motion to 30 lots. No Seconds, Motion denied.

In Favor: Ms. Sisson

Opposed: Mr. Myers, Mr. Woody, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Cap stands at 25 lots.

Next Meeting

Monday, April 27th, 2020

Adjournment

John Hettwer made a motion to adjourn the meeting at 6:36 pm. Ms. Tovar seconded. All in favor and motion approved.

In Favor: Mr. Myers, Mr. Woody, Ms. Sisson, Ms. Tovar
Dr. Mike, Mr. Bruton, Mr. Dean, Mr. Eicher, Mr. Hettwer

Opposed: None

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members

From: Aaron Tucker

Planning Director

Action Requested:

Hear presentation and discuss how an automobile detailing service should be classified.

Manager's Recommendation:

ATTACHMENTS:

Name:

Description:

Type:

No Attachments Available

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members
From: Aaron Tucker
Planning Director

Action Requested:


The Land Development Code currently contains sign requirements for murals. However, some of the requirements associated with such signs need to be revised and/or removed for legal reasons. It's important to remember the Town may not consider, or even review, sign content. We can regulate size and location.

Also, the Town wants to consider how to handle murals as works of art with the burgeoning Arts District. Staff proposes distinguishing between murals as signs and murals as works of art.

Murals as signs will basically be treated as any other wall sign. Other than being maintained by the property owner, murals as works of art will not be subject to sign regulations.

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
 Chapter 10 - Murals - Novus.pdf	Ch 10 Signs - Murals	Backup Material

Chapter 10: Signs

SECTION 10.5: BUILDING MOUNTED SIGN DESCRIPTIONS

P

MURALS as a SIGN

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

CRITERIA

A mural is any image painted, applied, or affixed directly on to a nonresidential building wall.

Murals may be permanent or temporary.

Murals must be maintained in good condition by the property owner.

A mural containing graphics, logos, or registered trademarks related to the goods or services provided on site are allowed in accordance with Wall Sign requirements.

Noncommercial messages painted or affixed to a surface that does not direct attention to a business operated for profit, or to a commodity or service for sale may be considered as a work of art Mural.

~~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 Board.~~

~~Murals must be painted to suitable portions of non-streetfronting wall surfaces. Murals may not be painted around or over any windows, awnings or 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 murals as a signs:



Examples of murals as works of art:



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

On July 16, 2018 the Town adopted Ordinance 2018-00685 to modify Section 5.4.4 of the Land Development Code, Temporary Structures/Uses. Item E was added to allow for temporary parking as a principal or accessory use, specifically for civic uses during construction. This item is no longer needed and staff recommends repealing Ordinance 2018-00685.

Manager's Recommendation:

Approve.

ATTACHMENTS:

Name:	Description:	Type:
ORD TA 02-20 Repeal Ord. 2018-00685 Ch 5 Temporary Uses.pdf	ORD TA 02-20 Repeal Ordinance 2018-00685	Ordinance
ORD 2018-00685 TA 03-18 Chapter 5 Parking Areas for Civic Uses.pdf	ORD 2018-00685	Backup Material
CH 05 5.5.4.pdf	CH 05 Zoning & Use Regulations	Backup Material

**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 5: Zoning & Use Regulations (See Exhibit A).

Adopted this _____ day of _____, 2020.

Woody Washam, Jr., Mayor

ATTEST:

Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A

TA 02-20: TEMPORARY STRUCTURES/USES

DELETE Section 5.4.4 E in Chapter 5, Zoning & Use Regulations:

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.
- 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.~~
 - ~~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.~~
- ~~7.1. Such temporary parking areas shall be exempt from the requirements of Chapter 7.~~
- ~~F.E.~~ Refer to Chapter 6 for conditions associated with temporary uses.

**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,

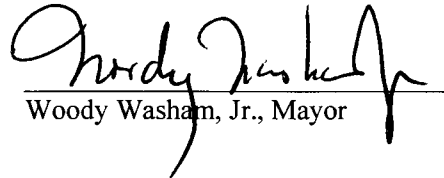
WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

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 July 16, 2018.

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 5: Zoning & Use Regulations (See Exhibit A).

Adopted this 16th day of July, 2018.


Woody Washam, Jr., Mayor

ATTEST:


Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:

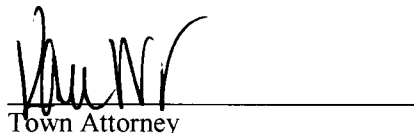

Town Attorney

Exhibit A

TA 03-18: TEMPORARY STRUCTURES/USES

AMEND Chapter 5, Zoning & Use Regulations, Section 5.4.4 to allow temporary parking areas for civic uses during construction as follows:

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:

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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 (60) percent of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:
 - 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*.
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 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.
 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.
- ~~E-F.~~ Refer to Chapter 6 for conditions associated with temporary uses.

CHAPTER 5: ZONING & USE REGULATIONS

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:

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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:
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 - 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.
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 2. The petitioner of the request must be a church, school, institution of learning, or other public institution.
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CHAPTER 5: ZONING & USE REGULATIONS

- ~~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.~~
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 - ~~7. Such temporary parking areas shall be exempt from the requirements of Chapter 7.~~
- ~~F.E.~~ Refer to Chapter 6 for conditions associated with temporary uses.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members
From: Becky Partin
Senior Planner

Action Requested:


Session Law 2019-119 allows any citizen to remove a political sign that remains in a public right-of-way thirty days after the time within which political signs are to be removed.

Staff is recommending changes to Chapter 10 in accordance with state statute.

Manager's Recommendation:

Approve recommendation.

ATTACHMENTS:

Name:	Description:	Type:
 CH_10_Signs.pdf	Ch 10 Signs	Backup Material

CHAPTER 10: SIGNS

10.6 ALLOWED SIGN TYPES – SITE INSTALLED

CAMPAIGN/ELECTION SIGNS

Permissible Districts: ALL Districts

During the period beginning on the 30th day before the beginning date of “one-stop” early voting and ending ~~by~~ on the 10th day after the primary or election day, persons may place political signs as follows:

- Each sign shall not exceed six (6) square feet in area.
- No sign shall be closer than three feet from the edge of the pavement of the road.
- No sign shall obscure motorist visibility at an intersection.
- No sign shall obscure or replace another sign.
- No sign shall be permitted in the right-of-way of a fully controlled access highway.
- The property owner upon whose land the sign is placed shall give express permission for the placement of said signs and will be held responsible for violations.
- No sign shall be placed in any Town owned right-of-way, on any telephone pole or street sign, or on any public property unless otherwise allowed per the NC General Statutes that are modified from time to time.
- Placement of political signage within windows of business is permitted subject to Section 10.5 (Window signs) of this Ordinance and not subject to the 30-day time period.
- Any political sign remaining in the right-of-way of the State highway system more than 30 days after Election Day is deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.
- Any political sign remaining in the right-of-way of streets located within the corporate limits of Cornelius and maintained by the Town more than 30 days after Election Day is deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 27, 2020

To: LDCAB Members
From: Becky Partin
Senior Planner


Action Requested:

Session Law 2019-73 subjects vacation rental properties to the limits of G.S. 160A-424 which contains limitations on permitting, inspections, and fees. Staff proposes removing the conditions associated with Transient Occupancy use in accordance with these limitations (permitting, inspections, fees). No other changes to the Transient Occupancy use are proposed.

Manager's Recommendation:

Recommend approval.

ATTACHMENTS:

Name:	Description:	Type:
 CH_06_Uses_Permitted_With_Conditions.pdf	CH 06 Uses Permitted with Conditions - Transient Occupancy	Backup Material

CHAPTER 6: USES PERMITTED WITH CONDITIONS

6.2.45: TRANSIENT OCCUPANCY

~~Each~~ Transient Occupancy ~~Permit is required for each residence used for transient occupancy is subject to the following conditions:-~~

~~A. Each individual Transient Occupancy in existence on the adoption date of this section, shall be subject to obtaining a permit and shall comply with all standards set forth in this section within sixty (60) days of the effective date specified above including, but not limited to filing the required Permit application.~~

~~B.~~A. Transient Occupancy shall not exceed one individual tenancy within a seven consecutive calendar day period whether the residence is occupied or not.

~~C.~~B. A Transient Occupancy shall only be used for that purpose during the occupancy. No other use (i.e. home occupation, temporary event) shall be permitted in the Transient Occupancy.

~~D.~~C. The Transient Occupancy shall not change the residential character of the dwelling or constitute or create a public nuisance as defined within the Code of Ordinances.

~~E.~~D. Exterior signage related to the Transient Occupancy shall not be permitted on any Transient Occupancy.

~~F.~~E. All Transient Occupancy parking shall occur in the garage, driveway, or designated parking space. There should be no more than two (2) cars per bedroom on premise at any time.

~~G.~~F. Trash containers shall be maintained in the side or rear yard and shall be screened from street view. The Owner/Operator of the Transient Occupancy shall ensure that trash pickup occurs at least once a week at the residence and as otherwise needed for additional trash.

~~H.~~G. Transient Occupancy units shall not have more than a total number of persons calculated by three (3) persons per bedroom on the premises at a time.

~~I. All Owner/Operators of Transient Occupancy shall designate a local contact person who shall be available twenty-four (24) hours a day to respond to occupants, neighbor and Town concerns or complaints.~~

~~J. The Transient Occupancy Permit may not be transferred from one Owner to another or one Transient Occupancy residence to another.~~

~~K.~~H. Owners/Operators of Transient Occupancies shall make all reasonable efforts to minimize outside noise after 10 PM. Further, all occupants of Transient Occupancy dwelling shall comply with Section 92.25 Noise of the Town of Cornelius, Code of Ordinances.

~~L.~~I. Evacuation Plan shall be posted on site to ensure safety of the occupants. ~~The Office of the Mecklenburg County Fire Marshall shall have input in developing the Evacuation Plan.~~

~~M. Each dwelling shall be required to post maximum occupancy as determined by the Office of the Mecklenburg County Fire Marshall and should be adhered to at all times.~~

~~N.~~J. Fines for Violation of this section of the Ordinance shall be as follows:

1. 1st Offense: Warning
2. 2nd Offense: \$200
3. 3rd and all subsequent: \$500

~~O.~~K. All requirements of this section of the Ordinance shall be posted at all times on the premise of the Transient Occupancy dwelling.

~~P. Planning Director, at their discretion, may terminate or not renew a Transient Occupancy permit if it is deemed to be in violation of this Ordinance or determined to negatively affect the adjoining neighbors. Appeals to the Planning Director's permit revocation will be heard by the Cornelius Board of Adjustment in accordance with the provisions of Chapter 16 of this Code.~~



CHAPTER 6: USES PERMITTED WITH CONDITIONS

- ~~Q. A copy of monthly financial reports shall be submitted by each Transit Occupancy Permit holder to the Town each month that detail revenue collected and occupancy tax submitted to Mecklenburg County.~~
- ~~R. No special events permits shall be permitted or allowed at dwellings that have an active Transient Occupancy permit.~~

