



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

**Agenda  
July 25, 2022  
5:30 PM  
Room 204**

**Call To Order**

**Determination of Quorum**

**Approval of Minutes**

1. Approval of May 23 Minutes

**Review And Recommendation On Agenda Items**

1. Accessory Dwelling Units
2. Temporary Commercial Real Estate Signs

**Old Business**

**New Business**

1. Civic Event Signs

**Next Meeting**

1. Next Meeting October 24, 2022

**Adjournment**

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 25, 2022

To: LDCAB Members

From: Becky Partin

Senior Planner


**Action Requested:**

Review May 23, 2022 minutes.

**Manager's Recommendation:**

Approve.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">05-23-2022_DRAFT_Minutes.pdf</a>	May 23 Draft Minutes	Backup Material

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## **Land Development Code Advisory Board**

Minutes – May 23, 2022

### **Members Present**

Bob Bruton  
Joe Dean  
David Dunn  
Keith Eicher  
Colin Furcht, Commissioner  
Dave Gilroy, Commissioner  
John Hettwer  
Norris Woody

### **Members Absent**

Cheryl Crawford  
Laura Pegram  
Karen Tovar

### **Staff Present**

Wayne Herron, Deputy Town Manager  
Becky Partin, Senior Planner

### **VISITORS**

Sal Ciresi, 20113 Norman Colony Road  
Scott Reynolds, 20019 Bethel Church Road

### **DETERMINATION OF QUORUM**

Vice-Chair Woody called the meeting to order at 5:31 PM and determined a quorum was present.

### **PRESENTATIONS**

#### **Temporary Structures in the Front Yard**

Staff provided background on permitted locations of accessory structures, including advice from the Town attorney that it's difficult to enforce non-permanent structures through zoning.

Mr. Ciresi of 20113 Norman Colony Road expressed concern about a trampoline and gym set approximately 15 yards from the road in poor condition. The trampoline is rusted and there are weeds and a dead tree on the property. He stated he is willing to help with cost of moving it. He spoke with the adjacent neighbors who state the property owner is unwilling to do anything. The property is not in an HOA. Mr. Ciresi asked the Board to consider an amendment to the Code that would require free-standing gym sets and trampolines to be in the backyard. If the backyard requirement is not feasible, at least have a minimum setback from the road. Mr. Ciresi believes the location of this trampoline creates an unsafe environment due to its proximity to the road and an unattractive look in the community.

#### **Comments:**

- Committee members recommend Mr. Ciresi send a letter to the property owner and offer to help remove items.
- This is not believed to be a community-wide problem.
- Identify the core of problem in why the owner doesn't want to move the items. Mr. Ciresi speculates it's due to financial and health concerns.

Mr. Herron offered to have Town write a letter to the property owner to offer assistance, on behalf of the LDCAB members, to remove the items at no cost to the property owner.

The Board unanimously supported Mr. Herron's offer to write a letter.

### **APPROVAL OF MINUTES**

The Board unanimously approved the January 24, 2022 minutes.

### **NEW BUSINESS**

#### **Detached Garages**

Staff provided overview of the request by the Flagship property owners to place detached garages in the front yard. The Flagship neighborhood is comprised of 8 single-family lots, each lot a minimum of 1,100' in length. Each lot is accessed from a single private drive entrance/exit on Bethel Church Road.

The current code requires the following for accessory structures:

- Must be placed behind the rear plane of the principal structure.
- The aggregate floor area of all accessory structures shall not exceed one-half the total floor area of the principal structure.
- The Planning Director may permit the placement of an accessory building in the side yard if no practical alternative exists.

Staff reminded the Board of the Hambaugh case, which resulted in another residential unit in the front yard that was used for short term rentals. Options for discussion:

1. Each property owner must request a variance
2. The neighborhood applies for a Conditional Zoning
3. Consider a text amendment to allow detached structures in the front yard of deep length lots.

If the Board recommends allowing detached garages in the front yard, Staff offered the following considerations:

On lots where the principal structure is at least 200 feet (200') from the road right-of-way, the Planning Director may permit the placement of detached garages in the front yard under the following conditions:

1. Only detached garages are permitted in the front yard. No other accessory use is permitted in the front yard.
2. The detached garage must meet accessory structure minimum side yard setback requirement.
3. The detached garage must be located no closer than 150 feet from the road right of way.

Mr. Reynolds stated all property owners are in agreement to allow detached garages in the front yard.

Discussion:

- Can the HOA restrict the number of garage bays? Mr. Reynolds stated yes.
- Concerned that the staff recommendation of a minimum of 200' from the road right-of-way for the principal structure is not enough.
- Detached structures in the front yard can affect neighbor's view from their front porch. Mr. Reynolds responded that residents want the detached garages far enough from the principal structure to still have a front yard.

The Board unanimously recommended the Flagship neighborhood follow the Conditional Zoning process for this request.

#### Accessory Dwelling Units

Staff informed the Board that ADUs are not specifically identified in the Code and have observed an increase in such units for other family members and affordable housing. Staff's observation is that the east side of Town has more investor-owned properties, some of which have accessory dwelling units to drive additional income. The concern is that we will see multiple dwelling units on a single lot, thereby unintentionally increasing density.

The Board directed Staff to draft an ordinance allowing one accessory dwelling unit per residential lot, in the rear or side yard. Limit the size to a maximum of 750 sq. ft., at the discretion of the Planning Director. Mr. Bruton opposed the recommendation.

Staff to draft ordinance and bring back to LDCAB for review.

#### **NEXT MEETING**

The next meeting will be Monday, July 25<sup>th</sup>. Mr. Dean stated he will not be able to attend.

#### **ADJOURNMENT**

The meeting adjourned at 6:45 PM following a unanimous vote by the Board.



## LDCAB SIGN-IN

05/23/22

6:50

[illegible]

## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 25, 2022

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

**Action Requested:**

Review the attached recommended changes to the Land Development Code and continue discussion on accessory dwelling units.

Key items to note in the draft ordinance:

1. Only allowing 1 accessory dwelling unit per property
2. Total accessory building square footage on any property is 50% of the principal structure with a maximum of 5,000sf for all accessory buildings.
3. Must be located in the rear yard.
4. Must be served by same driveway as principal structure.
5. Accessory dwelling units may not be subdivided or separated from the principal structure.

**Manager's Recommendation:**

Provide recommendation.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Code_Changes.docx</a>	ADU Proposed Code Changes	Backup Material

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#### Add definition for Accessory Dwelling Unit (ADU)

A dwelling unit containing areas for sleeping, cooking, and sanitation, separate from and incidental to the principal structure.

#### 5.4.2 – Table of Uses:

Add:

Accessory Dwelling Unit as “PC” (permitted with conditions) in RP, GR, NR, NMX

#### 5.4.3: Accessory Structures/Uses:

Add Accessory Dwelling Unit

#### Chapter 6 – Uses Permitted with Conditions:

##### Accessory Dwelling Units

1. A maximum of one (1) accessory dwelling unit can be located on a property containing one principal single family detached residence. ADUs are not allowed on the same lot of record with a two-family or multi-family dwelling or a family care home.
2. The total square footage of all accessory structures on a property shall not exceed 50% of the square footage of the principal structure, with a maximum of 5,000 square feet of all accessory structures.
3. ADUs may not exceed the maximum lot coverage when added to the square footage of all accessory buildings and the principal building on the lot.
4. Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment), as a freestanding building, or above a detached accessory structure such as a detached garage/workshop/studio.
5. The use of travel trailers, campers, recreational vehicles, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited. A detached accessory dwelling unit may be a manufactured home in zoning districts which permit manufactured homes.
6. Detached Accessory Dwelling Units must be located in the rear yard.
7. Accessory Dwelling Units must comply with all applicable minimum building setback and maximum height requirements.
8. Where public sanitary sewer service is not available to the principal structure, the applicant shall provide an approval from the Mecklenburg County Health Department stating the existing septic system can accommodate the establishment of an accessory dwelling unit.
9. At least one off-street parking space per bedroom shall be provided for an accessory dwelling unit, in addition to existing off-street parking serving the principal use.
10. The accessory dwelling unit shall be served by the same driveway cut serving the principal use.
11. Accessory dwelling units may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
12. Accessory dwelling units may be used for home occupations.

#### Chapter 18 - 18.5.9: Alterations and Amendments to Approvals

B. 3. Modifying the number of **principal** dwelling units.



## REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: July 25, 2022

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

**Action Requested:**

Staff was asked to review the sign code for temporary real estate and construction signs. It has been noted that most such signs in Town have become permanent, remaining on-site for years.



Staff proposes modifying the code to not allow ground mounted temporary real estate or construction signs on sites with existing commercial buildings. Such signs will be allowed if securely attached to the building with no change in size requirements. Existing monument signs may also be utilized.

Ground mounted temporary real estate and construction signs will be allowed on vacant sites and sites with single-family structures.

**Manager's Recommendation:**

Discuss and make a recommendation.

**ATTACHMENTS:**

Name:	Description:	Type:
 <a href="#">Ch_10_Proposed_Code.docx</a>	Proposed Sign Changes	Backup Material
 <a href="#">Ch_10_Signs-Current_Code.docx</a>	Current Code	Backup Material

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## **TEMPORARY REAL ESTATE FOR SALE/LEASE/UNDER DEVELOPMENT/CONSTRUCTION SIGNS**

Permissible Districts: RP, GR, NR, HC, IC, NMX, VC, TC, TN, TR-O, WMX, CO, BC

### **CRITERIA**

Requirements for temporary real estate or construction signs advertising a specific property for sale, lease or rent, under development or under construction are as follows:

- A. Signs shall only appear on the available site or building. No off-premise signs allowed.
- B. One sign per street frontage not greater than six (6) square feet in area in a residential zoning district, and not greater than sixteen (16) square feet in area (not to exceed six feet (6') in height) in nonresidential zoning districts/commercial districts.
- C. All allowed signs shall not be illuminated.
- D. Rigid, weatherproof board construction is required. Vinyl banners are prohibited.
- E. Temporary real estate signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc. Temporary construction signs shall be removed within seven (7) days after issuance of the Certificate of Occupancy of a single tenant building or the first Certificate of Occupancy of a multi-tenant structure.

### **Commercial Buildings**

Temporary real estate signs shall be installed and secured tightly to the building. Only 1 sign per building allowed in accordance with the size specified above in (B). Separate ground mounted real estate or construction signs are not allowed on existing commercial building sites.

### **Vacant Sites and Sites with Single-Family Structures**

- A. Signs must be placed a minimum of 5' behind the right-of-way.
- B. Signs may be constructed as either a single-sided sign that is parallel to the street front or a double-sided sign that is perpendicular to the street front. In the case of a corner lot, a single sign may be double-sided and installed at a 45-degree angle perpendicular to the street corner. Three-sided signs, v-shaped signs, and four-sided vertical box signs are prohibited.
- C. Posts must be decorative and capped.
- D. For vacant sites over twenty (20) acres with approved development plans, additional signage may be approved at the discretion of the Zoning Administrator provided it does not negatively affect the overall aesthetics of the immediate area to which it is placed.

### **Marina/Boat Slip Signs**

Temporary real estate signs for boat slips shall be no larger than three (3) square feet and one sign per slip is permissible, either placed at the specific dock or end of the dock for visibility from the water. Vinyl banners are prohibited for marina/boat slips. Rigid, weatherproof board construction is required.

## BUILDING MOUNTED

### TEMPORARY REAL ESTATE FOR SALE/LEASE/UNDER DEVELOPMENT/CONSTRUCTION SIGNS

Permissible Districts: RP, GR, NR, HC, IC, NM, VC, TC, TN, TR-O, WM, BC, CO

#### CRITERIA

Building mounted real estate or construction signs advertising a specific property for sale, lease, or rent, under development or under construction shall be located as follows:

- A. One sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") ("Constructed by", Company name/logo, contact address is acceptable content) not greater than six (6) square feet in area in a Residential District, and not greater than sixteen (16) square feet in area (not to exceed six feet (6') in height) in nonresidential districts/commercial districts. Any such sign shall only appear on the available building.
- B. All such temporary real estate signs should be removed within seven (7) days after the property has been sold, rented, leased, etc. In instances of construction signs, all such temporary signs should be removed within seven (7) days after issuance of the final Certificate of Occupancy of a single tenant building or the first Certificate of Occupancy of a multi-tenant structure.
- C. All allowed signs shall not be illuminated.
- D. Rigid, weatherproof board construction is required. All signs should be installed and secured tightly to building. No loose, non-secure attachments are allowed.

Examples of permitted building mounted real estate signs:



**TEMPORARY REAL ESTATE FOR SALE/LEASE/UNDER DEVELOPMENT/CONSTRUCTION SIGNS NOT INSTALLED ON A BUILDING** Permissible Districts: RP, GR, NR, HC, IC, NMX, VC, TC, TN, TR-O, WMX, CO, BC

**CRITERIA**

Site Installed real estate or construction signs advertising a specific property for sale, lease, or rent, under development or under construction shall be located as follows:

- A. One sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") ("Constructed by", Company name/logo, contact address is acceptable content) not greater than six (6) square feet in area in a residential zoning district, and not greater than sixteen (16) square feet in area (not to exceed six feet (6') in height) in nonresidential zoning districts/commercial districts. For vacant sites with approved development plans over twenty (20) acres, additional signage may be approved at the discretion of the Zoning Administrator provided it does not negatively affect the overall aesthetics of the immediate area to which it is placed.
- B. Signs may be located on the property being advertised so long as said sign is located a minimum of five feet (5') behind the on-site permanent ground mounted sign. If no on-site permanent ground mounted sign exists, sign shall be located within five feet (5') of the front facade of the building. For sites or locations where there are no alternatives for placement of sign within the prescribed setbacks, the Planning Director at their discretion may issue a minor sign variance per Section 10.2.2 of this Chapter. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street as long as the two signs are at least two hundred fifty feet (250') apart as measured by the shortest straight line.
- C. Provided there is sufficient setback, sign may be constructed as either a: single-sided sign that faces parallel to the street front or double-sided sign that orients perpendicular to the street front. In the case of a corner lot, sign may be double sided and installed at a 45-degree angle perpendicular to the street corner. No three sided signs, v-shaped signs or four-sided vertical box signs are allowed.
- D. In addition to the on-site real estate sign(s), a maximum of two (2) directional signs, each not exceeding six (6) square feet in area, shall be allowed off the subject premises for special events such as open house. Such signs must be placed outside all existing rights-of-way. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", "Open House" etc. Signs may not be erected more than 24 hours before the event and must be removed within 24 hours after the event.
- E. All such temporary signs should be removed within seven (7) days after the property has been sold, rented, leased, etc.
- F. All allowed signs shall not be illuminated.
- G. Site Installed vinyl banners are prohibited for all such real estate signs.
- H. Rigid, weatherproof board construction is required for all real estate signs. For signs within commercial districts it is required that poles be covered with lumecore or similar material and capped.
- I. Temporary real estate signs for Marina Slips should be no larger than three (3) square feet and one sign per slip is permissible, either placed at the specific dock or end of the dock for visibility from the water. Vinyl banners are prohibited for Marina slips. Rigid, weatherproof board construction is required.
- J. All real estate signs for multi-tenant buildings, both those with individual unit ownership and those with multiple tenants, planned or approved after December 31, 2010 shall incorporate into their monument signage or have an approved plan for a single common temporary real estate sign not to exceed sixteen (16) square feet. Plan for a single common real estate sign shall be incorporated into the declaration of covenants, conditions and restrictions of any multi-tenant building. Real estate signs shall be located behind any permanent monument signs that are located on the property and may not be located within any street right-of-way or sight safety triangle.

Examples of allowed site installed temporary real estate signs:



Signs not permitted:

