



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

**Agenda
August 31, 2020
5:30 PM
Electronic Meeting via Zoom**

Call To Order

1. Zoom Meeting

Determination of Quorum

Approval of Minutes

1. July 27, 2020

Review And Recommendation On Agenda Items

1. TA 02-20 Repeal Ordinance 2018-00685, Parking During Construction
2. Transient Occupancy
3. Campaign Signs
4. Changeable Copy/Marquee Signs
5. Murals

Old Business

New Business

Next Meeting

1. Next Meeting Date - October 26

Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 31, 2020

To: Chairman and LDCAB Members

From: Aaron Tucker, Planning Director

Action Requested:

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

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 31, 2020

To: Chair Crawford and LDCAB Members

From: Summer Smigelski, Planning Admin.

Action Requested:

Review and Approve

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
 072020MinutesLDCAB.docx	July 27th, 2020 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS LDCAB

July 27th, 2020

5:30 PM

Members Present

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

Members Absent

Laura Pegram
David Dunn
Kevin Myers
Joe Dean

Staff Present

Aaron Tucker, Planning Director
Becky Partin, Senior Planner
Summer Smigelski, Planning Admin.

VISITORS

See Sign In Sheet.

DETERMINATION OF QUORUM

Chair Crawford called the meeting to order at 5:40 PM and determined a quorum was present.

APPROVAL OF MINUTES

The Board unanimously approved the February 24th, 2020 Minutes.

Motion made by Karen Tovar. Seconded by Commissioner Tricia Sisson. 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

Marquee Signs

Mr. Tucker presented a summary of practices in other cities/towns followed by the request from Mr. Boukedes, the new owner of Boatyard Eats. Mr. Boukedes is proposing a marquee sign on the building to announce changing events.

Current Code Requirements

Changeable copy monument signs are only allowed for school and civic uses (digital & non-digital), max. 64 s.f. School/Civic Uses allowed in all districts (except IC) with CZ approval.

- Only allowed on monument signs.
- Changeable portion limited to 40% of the sign face.
- The changeable copy must continuously show one message for a minimum of one (1) hour before switching to another message, except for time and temperature.
- Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
- The sign surround must match the principle building (brick, stone, or stucco).
- Requires non-conforming to be removed prior to electronic sign installation.
- Changeable copy messaging space may not be sold to commercial enterprises.
- Signs operate only 6:00 AM - 11:00 PM.

TOWN OF CORNELIUS LDCAB

July 27th, 2020

- Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.

What Others Allow

- Marquee: A structure, bearing a sign, projecting over an entrance to a motion picture theater, museum, art gallery, hotel, motel, convention center or hall, conference center, exhibition hall, merchandise mart, building for dramatical, musical, or cultural activity providing changeable copy that relates to the principal use on the premises.
- Marquee signs as a type of wall sign
 - 10% of wall up to 200 s.f.
 - No wall sign shall extend above the parapet or roofline of the building to which the sign is attached, nor shall a wall sign project into the required setback as measured from the back of curb.
 - No wall sign or its supporting structure shall cover any window or part of a window.

Considerations & Discussion Points

- Sign Types – Changeable copy and marquee?
- Uses – What sign types to allow for school, civic, entertainment venues?
 - How will other businesses in the same zoning district react to not being allowed to use changeable copy signs?
- Location - Allow as monument and/or wall signs?
 - Wall sign - Minimum vertical clearance over a sidewalk or entrance? (7'6")
 - Placement on building? Only at primary entrance?
- Size – Same or different size criteria for other monument/wall signs? (current maximum height = 3'4')
- Design – Flat and/or projecting allowed? How much of the sign area can be changeable copy?
- Illumination – Exposed bulbs, neon, box signs allowed?
- Message frequency
- Are temporary signs (A-frame or other) to be allowed?
- Allowed in addition to business identification?

After discussion, the board asked staff to draft recommendations on the size, location, and use of the signs for the next meeting.

Car Wash, Automatic & Self Service

Mr. Tucker conducted a presentation on how an automobile detailing service should be classified.

Current Code

Car Wash, Automatic & Self Service

A commercial establishment primarily engaged in the washing of automobiles. Such washing may be done manually by the customer or with fully automated devices which move the vehicle through a washing device. Accessory self-vacuuming facilities shall be allowed.

- May be allowed in HC with Conditional Zoning Approval.

Automobile, Truck, Motorcycle, Boat, Manufactured Home, Recreational Vehicle Repair & Service

TOWN OF CORNELIUS LDCAB

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An establishment whose primary purpose involves the maintenance and servicing of automobiles, trucks, motorcycles, boats, manufactured homes, and recreational vehicles. The sale of auto parts to the public may be provided on an accessory basis.

Recommended Change

- Definition:

Car Wash; ~~Automatic & Self Service~~

A commercial establishment ~~primarily engaged in the washing~~ providing cleaning and/or ~~detailing~~ of automobiles. Such ~~washing cleaning~~ may be done manually ~~by the customer~~ or with fully automated devices which move the vehicle through a washing device. Accessory self-vacuuming facilities shall be allowed.

- Continue to allow in HC with Conditional Zoning Approval.

Mr. Tucker opened for discussion

After discussion Commissioner Miltich made a motion to recommend approval presented by staff. Seconded by Ms. Sisson. 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

Murals

Mr. Tucker provided a presentation on distinguishing murals as signs and murals as works of art.

Signage vs Works of Art

- Murals used as signage should be treated like any other wall sign (location, size).
- Town may not regulate content.
- With the planned Arts District, staff proposes distinguishing between murals as signs and murals as works of art.
- Other than being maintained by the property owner, murals as works or art will not be subject to sign regulations or review.

Chapter 10 – Murals as a Sign Criteria

- A mural is any image painted, applied, or affixed directly on to a nonresidential building wall.
- 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.
- Murals must be maintained in good condition by the property owner.
- Noncommercial messages painted or affixed to a surface that do 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. Work of Art Murals must be maintained in good condition by the property owner but are not subject to any other requirements of this Chapter.

Mr. Tucker opened for discussion

After discussion Mr. Hettwer made a motion to table the discussion for the next meeting. Seconded by Ms. Sisson. 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

Minutes

TOWN OF CORNELIUS LDCAB
July 27th, 2020

Next Meeting

Monday, August 31st, 2020

Adjournment

Commissioner Miltich made a motion to adjourn the meeting at 7:13 pm. Ms. Sisson 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

DRAFT

REQUEST FOR BOARD ACTION

 **Print**

Date of Meeting: August 31, 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,

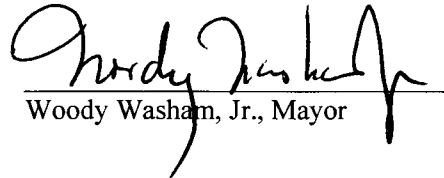
WHEREAS, proper statutory notice of public hearing on the issue of amending the Cornelius Land Development Code has been provided through advertisement in a newspaper of general circulation in the Town; and,

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:

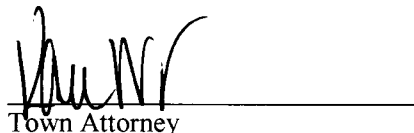

Town Attorney

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

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 31, 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 some of 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.~~



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 31, 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 (Campaign) 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.~~
- 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: August 31, 2020

To: LDCAB Members
From: Aaron Tucker
Planning Director

Action Requested:

In response to a request by business owners to allow changeable copy/marquee signs to announce on-site events, staff is recommending allowing such signs specifically for micro-brewery and non-drive through restaurant uses. These uses must contain a permanent, designated indoor area specifically for live entertainment use on a regular and consistent basis. The following criteria will apply:

- Only allowed on legal, conforming single-tenant signs.
- Only one (1) changeable copy monument or wall sign allowed on site (not both). Changeable copy wall sign may be in addition to principal business identification sign.
- Allowed sign size is in accordance with Section 10.4, Allowed Sign Types-Building Mounted or Section 10.6, Allowed Sign Types-Site Installed Ground Mounted/Single Tenant Monument signs.
- No open face neon allowed.
- Changeable copy is allowed provided:
 1. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 2. For monument signs, the sign surround shall be clad in brick, stone or stucco matching the principle building.
 3. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 4. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential use.
- The sign shall not emit any sound or noise of any type.
- Not allowed in the Transitional Residential District Overlay.
- No temporary banners allowed on-site.

Manager's Recommendation:

Make recommendation for Town Board consideration.

ATTACHMENTS:

Name:	Description:	Type:

CHAPTER 10: SIGNS

SECTION 10.7: ELECTRONIC/DIGITAL SIGNS

SCHOOL AND CIVIC SIGNAGE

*Excludes governmental wayfinding and directional signage in public rights-of-way

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

CRITERIA

For school and civic uses only.

- A. Maximum sign area allowed is sixty-four (64) square feet in accordance with GROUND MOUNTED/MULTITENANT MONUMENT sign section of this ordinance.
- B. Changeable copy is allowed provided:
 1. The changeable face portion of signs shall not exceed 40% of the sign face. Signs may be double sided.
 2. The changeable copy continuously shows one message for a minimum of one (1) hour before switching to another message, except for time and temperature.
 3. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 4. The sign surround shall be clad in brick, stone or stucco matching the principle building.
 5. Electronic Signs shall only be affixed to ground mounted signs.
 6. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 7. Changeable copy messaging space may not be sold to commercial enterprises.
 8. Signs operate only 6:00 AM - 11:00 PM.
 9. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- C. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential district.
- D. Temporary non-snipe signs may be used by schools and civic organizations to promote special events off premise within the Town of Cornelius subject to the following conditions:
 1. Must be securely fastened into the ground as to not create a public safety hazard;
 2. Must have permission of the property owner where sign is being installed;
 3. May be placed no more than 7 days before the event and must come down no later than two (2) days after event.
- E. Daily signage advertising day of events may be placed no earlier than 6 PM the day before and must be removed no later than 8 AM the day after.
- F. One temporary banner will be permitted at a time on site provided that it is completely and securely affixed to poles. Poles must be decorative in nature and must be set back at least fifteen (15) feet from the right-of-way. The Planning Director may issue a minor sign variance for placement of temporary banner when there is no alternative to meeting the fifteen foot (15') setback. No permit is required for this banner type. Dimensions of banners should follow the size requirements of single tenant ground mounted signs.



CHAPTER 10: SIGNS

P

BREWERY, MICRO AND RESTAURANT, NON-DRIVE THROUGH

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

CRITERIA

For Micro Brewery and Non-Drive Through Restaurant uses that contain a permanent, designated indoor area specifically for live entertainment use provided on a regular and consistent basis, to announce on-site activities.

Live entertainment may also occur on-site outdoors.

- A. Only allowed on legal, conforming single-tenant signs.
- B. Only one (1) changeable copy monument or wall sign allowed on site (not both). Changeable copy wall sign may be in addition to principal business identification sign.
- C. Allowed sign size is in accordance with Section 10.4, Allowed Sign Types-Building Mounted or Section 10.6, Allowed Sign Types-Site Installed Ground Mounted/Single Tenant Monument signs.
- D. No open face neon allowed.
- E. Changeable copy is allowed provided:
 - 1. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 - 2. For monument signs, the sign surround shall be clad in brick, stone or stucco matching the principle building.
 - 3. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 - 4. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- F. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential district use.
- G. The sign shall not emit any sound or noise of any type.
- H. Not allowed in the Transitional Residential District Overlay.
- I. No temporary banners allowed on-site.



CHAPTER 10: SIGNS

P

SERVICE STATION LED SIGNS

Permissible Districts: HC, VC, BC, CO

CRITERIA

Permanent ground mounted sign for use only by fuel service stations for the purpose of advertising fuel costs are allowed.

- A. No such sign shall exceed thirty-two (32) square feet with a maximum height of six feet (6'). The LED numerals may not exceed twelve inches (12") in height. Signs may be double sided.
- B. All ground mounted signs shall be located a minimum of five feet (5') behind the street right-of-way. At intersections, no sign shall be in the sight triangle as defined by this ordinance. See example of required sight triangles on Page 10.3.
- C. Color. All lighted LED numerals shall only be green or red in color. LED background screen may only be black.
- D. Illumination. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. Such signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 31, 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: August 31, 2020

To: LDCAB Members

From: Becky Partin

Senior Planner

Action Requested:

The next regularly scheduled meeting is October 26, 2020.

Manager's Recommendation:

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		
