



**Town of Cornelius
Planning Board/Board of Adjustment**

**Agenda
April 24, 2017
6:30 PM
Assembly Room**

Pre-Meeting

A. 5:30pm Room 204 Dinner and Code Update Review - Chapter 6

- 1. Call To Order**
- 2. Determination of Quorum**
- 3. Approval of Minutes**
- 4. Public Hearing**
- 5. Public Hearing and Consideration of Approval**

A. VAR 01-17 Crown Harbor Marina

- 6. Consideration of Approval**

A. TA 01-17 and REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay

B. TA 02-17 Outdoor Storage

C. TA 03-17 Deactivation or Closure of a Conditional Zoning (CZ) Application

- 7. Old Business**
- 8. New Business**
- 9. Next Meeting**
- 10. Adjournment**

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 24, 2017

To: Planning Board Members
From: Wayne Herron, Planning Director

Action Requested:

Continue review of Code update items recommended by the Land Development Code Advisory Board. The Planning Board completed reviews of Chapters 1 through 5 previously. Staff will begin with Chapter 6 at this upcoming session.

Manager's Recommendation:

Review and provide feedback.

ATTACHMENTS:

Name:	Description:	Type:
No Attachments Available		

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 24, 2017

To: Board of Adjustment members

From: Gary Fournier, CZO - Planning Technician

Action Requested:

The applicant is requesting a variance to allow for a wall sign to be mounted on the north wall of the Crown Harbor Marina. The north wall doesn't front a public street, parking lot, or main access point.

Manager's Recommendation:

Hear evidence and render a decision

ATTACHMENTS:

Name:	Description:	Type:
VAR_01-17_Staff_Report.docx	VAR 01-17 Staff Report	Exhibit
Exhibit_A_Zoning_Map.jpg	Exhibit A Zoning Map	Exhibit
Exhibit_B_Vicinity_Map.jpg	Exhibit B_Vicinity Map	Exhibit
Exhibit_C_Property_Map.jpg	Exhibit C_Property Map	Exhibit
Exhibit_D_LDC_Section_10.5.1.pdf	Exhibit D LDC Section 10.5.1	Exhibit
Exhibit_E_Variance_Application.pdf	Exhibit E Variance Application	Exhibit
Exhibit_F_Proposed_Sign_Drawing.pdf	Exhibit F Proposed Sign Drawing	Exhibit
Exhibit_G_Satellite_Photo.pdf	Exhibit G Satellite Photo	Exhibit
Exhibit_H_Satellite_Photo.pdf	Exhibit H Satellite Photo	Exhibit
Exhibit_I_Satellite_Photo.pdf	Exhibit I Satellite Photo	Exhibit
Exhibit_J_Property_Photo.pdf	Exhibit J Property Photo	Exhibit
Exhibit_K_Property_Photo.pdf	Exhibit K Property Photo	Exhibit
Exhibit_L_Property_Photo.pdf	Exhibit L Property Photo	Exhibit
Exhibit_M_Property_Photo.pdf	Exhibit M Property Photo	Exhibit
VAR_01-17_FoF.docx	VAR 01-17 FoF	Exhibit



**VAR 01-17
21660 Crown Lake Drive
Staff Analysis**

March 13, 2017

Applicant: Kimberly Thaxton
PO Box 57
Cornelius, NC 28031

Tax Parcel Reference: 001-762-44

Location: 21660 Crown Lake Drive

Variance Request: The applicant is requesting a variance to allow for a wall sign on the north side wall of the Crown Harbor Marina.

Zoning: Neighborhood Mixed Use (NMX)

Hearing Date: March 13, 2017

Staff Commentary:

The applicant is requesting a variance to allow for a wall sign to be mounted on the north wall of the Crown Harbor Marina. The north wall doesn't front a public street, parking lot, or main access point.

Staff will present testimony at the hearing that covers the following basic facts and will introduce the Town exhibits into evidence:

1. The subject property is within the Town of Cornelius Zoning jurisdiction and is zoned Neighborhood Mixed Use (NMX). The property is shown on the Zoning Map as Exhibit A, on an Aerial Vicinity Map as Exhibit B, and on an Aerial Property Map as Exhibit C.
2. Section 10.5.1 of the Town of Cornelius Land Development Code (LDC) states in part that "Principle building walls and service station canopies on corner lots may have signage on all facades which front on a public street, parking lot, or main access point." LDC Section 10.5.1 is shown as Exhibit D.
3. The Applicant has submitted a Town of Cornelius Variance Application and a drawing showing the proposed sign. The Variance Application is shown as Exhibit E and the drawing is shown as Exhibit F.
4. I obtained three satellite photos of the subject property from the Mecklenburg county website Polaris3G, which are shown as Exhibits G, H, and I.
5. I visited the property and took four pictures, which are shown as Exhibits J, K, L, and M.

The Board of Adjustment shall receive and consider all relevant evidence in the hearing and make its decision based on the competent, material and substantial evidence.

Exhibits:

<i>Exhibit A:</i>	Zoning Map
<i>Exhibit B:</i>	Aerial Vicinity Map
<i>Exhibit C:</i>	Aerial Property Map
<i>Exhibit D:</i>	LDC Section 10.5.1
<i>Exhibit E:</i>	Variance Application
<i>Exhibit F:</i>	Proposed Sign Drawing
<i>Exhibit G:</i>	Satellite Photo
<i>Exhibit H:</i>	Satellite Photo
<i>Exhibit I:</i>	Satellite Photo
<i>Exhibit J:</i>	Property Photo
<i>Exhibit K:</i>	Property Photo
<i>Exhibit L:</i>	Property Photo
<i>Exhibit M:</i>	Property Photo

Exhibit A: Zoning Map

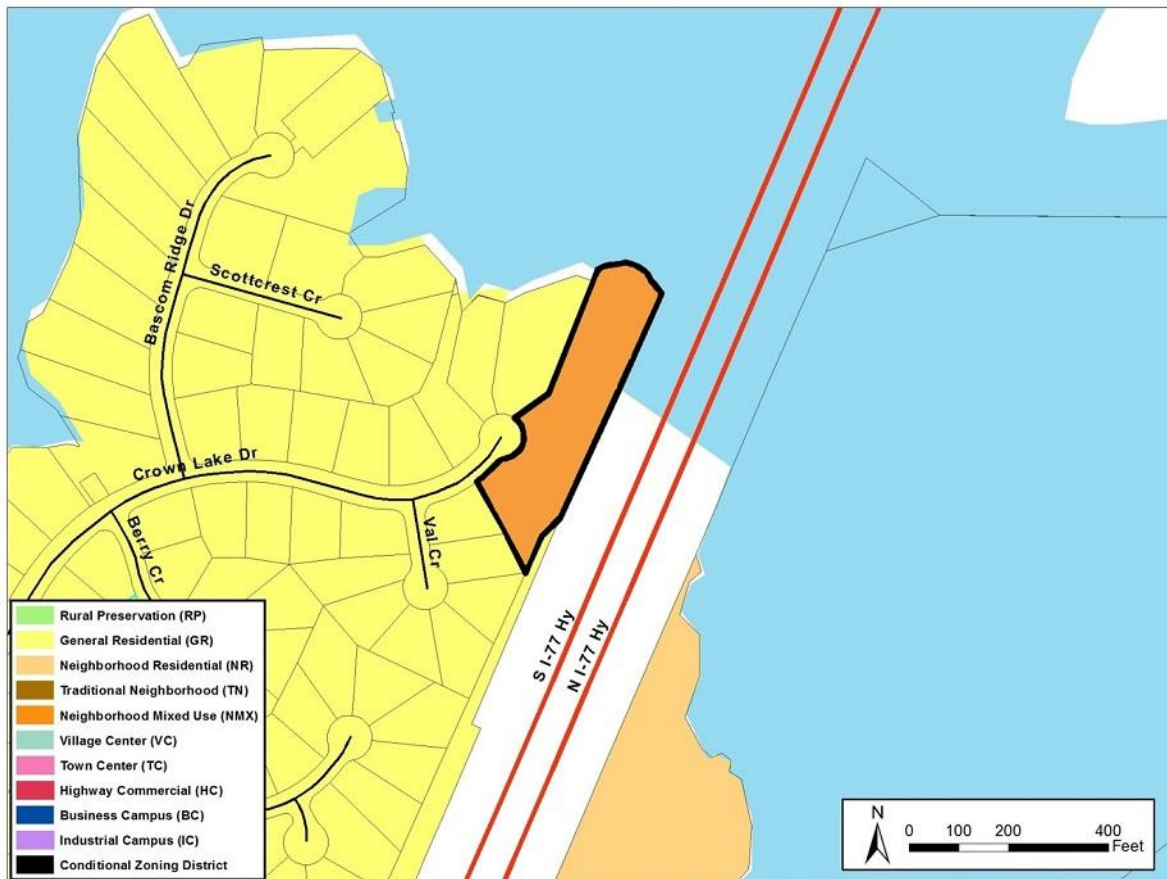


Exhibit B: Aerial Vicinity Map



Exhibit C: Aerial Property Map



CHAPTER 10: SIGNS

10.5 ALLOWED SIGN TYPES – BUILDING MOUNTED

10.5.1 PRIMARY & SECONDARY SIGN TYPES-GENERAL PROVISIONS

* Primary Sign Type-Street Fronting

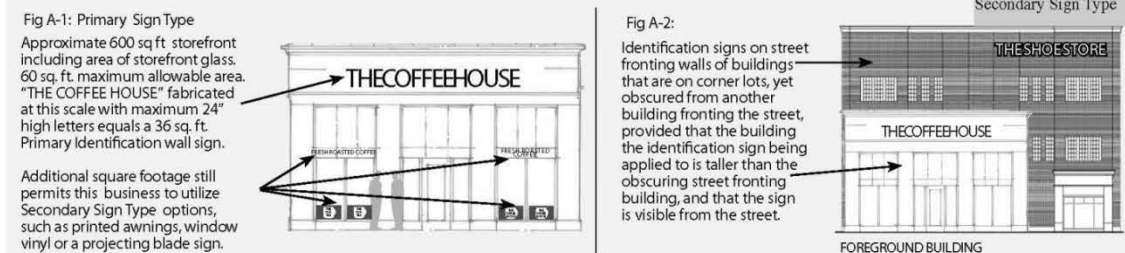
Sign types should typically include acceptable wall mounted signs or wall-mounted lettering. See figure A below. The total area of all signs on a Street Front must be less than 10% of each wall area, not to exceed 100 sq. ft. in area. (See figure A1 below.) In cases of multiple-tenant buildings, any wall sign shall not exceed 10% of the establishment's occupied portion of wall area. See Figure B below.

** Secondary Sign Type

Principle building walls and service station canopies on corner lots may have signage on all facades which front on a public street, parking lot, or main access point. In the instances where an establishment occupies multiple sides of a building, or if additional sign types are desired on a street front, Secondary sign types can typically include acceptable similar wall mounted signs, wall-mounted lettering, awnings, projecting blade signs and window vinyl. Secondary sign types are not limited only to a non-street front side of an establishment. If Secondary sign types are combined into an establishment's Primary sign type, the total area of Secondary sign type must factor into the total aggregate of the Primary total.

Primary Identification signs may be allowed on street fronting walls of buildings that are obscured from another building fronting the street, provided that the taller building the identification sign being applied to is taller than the obscuring street fronting building, and that the sign is visible from the street. See figure A-2 below.

The total of all signs on a non-street fronting wall face must be less than 10% of wall area, not to exceed 64 sq. ft. in area.



10.5.2 LETTERING REQUIREMENTS

Wall Sign Letter & Logo Heights

For businesses less than 35,000 sq. ft., Logos, channel letters, dimensional letters, push-thru letters as part of a sign plaque, should not exceed thirty-six (36) inches in height (see Fig C). In the case of a multi-line letter sign, maximum letter height is eighteen (18) inches in height (See Fig D) and shall not exceed three lines with total height no greater than thirty-six (36) inches. Maximum signage area shall not exceed 10% of any wall face fronting a street (not to exceed 100 sq. ft.) Regardless of maximum allowed sign area, sign should still reflect the proportional and dimensional relationships of the structure. All wall signs on a multi-tenant building should be consistently scaled to each other. (See Fig B)

Retail anchor tenants or businesses of 35,000 sq. ft. or more may be allowed a maximum 48" high, internally illuminated, acrylic faced, channel letter sign for their primary sign facing the street front. Maximum signage area shall not exceed 10% of any wall face fronting a street (not to exceed 100 sq. ft.) Regardless of maximum allowed sign area, sign should still reflect the proportional and dimensional relationships of the structure. All wall signs on a multi-tenant building should be consistently scaled to each other. (See Fig B)

Permission for any increases in size allowances is subject to a variance procedure before the Board of Adjustment to approve any expanded design.

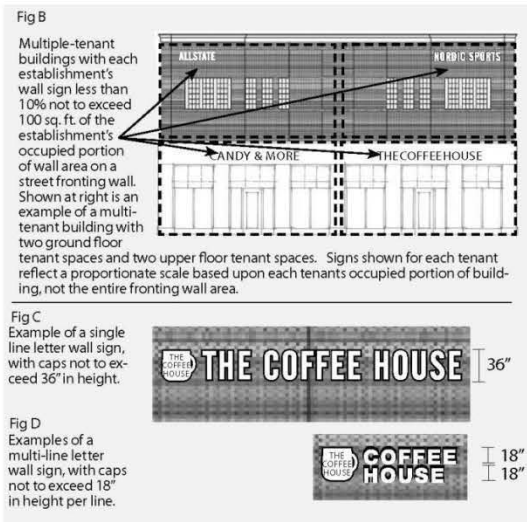


Exhibit E



TOWN OF CORNELIUS VARIANCE APPLICATION

Date Filed: 2 / 10 / 2017	Case #: VAR 01-17 Crown Harbor
Fee Paid: \$ 250	Public Hearing: / /
Applicant: Jim Surane/Kimberly Thaxton	Tax Parcel: 001 76244
Location of Variance: 21460 Crown Lake Dr.	Zoning: HWC NMX <i>KT</i>

I, Kimberly Thaxton, hereby petition the Board of Adjustment for a **VARIANCE** from the literal provisions of the Town of Cornelius Land Development Code because, under the interpretation given to me by the Zoning Administrator, I am prohibited from using the parcel of land described above in a manner shown by the Plot Plan attached to this form. I request a variance from the following provisions of the Zoning Ordinance (cite Section and numbers) 10.5.1 regarding placement of primary and secondary signage.

Describe the variance being requested on the above referenced property:

We would like to have a sign on the back of our building. That is the main entrance for our customers when they arrive to pick up their boat. The front is only used for the bathroom. It is a very small office and customers cannot enter the facility from that entrance. They must go to the back of the building to wait for their boats.

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act (G.S. 160A-388), the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance:

- A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Please State Facts & Arguments in Support of EACH of the Following Statements:

- A. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property

We are unable to have signage to the public. The only place that we can put a sign is virtually useless because it is inside a neighborhood, with no public visibility. The other option, facing the highway is covered by trees.

- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

The building is 20,000 ft and there is no way for the public to know what it is. Our building's front entrance faces a private cul-de-sac.

- C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

We built the building 12 years ago and there is no other way to situate the building on this lot. It was HWC zoning from the beginning, so the neighbors were aware that it would be a business. We need to be able to have signage, like all of the other local business owners.

- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

We intend to have the sign approved to maintain the aesthetic quality of Cornelius. The purpose of the signage is to encourage the economic viability of our local business and since we are located in a neighborhood, we need to be able to let people know where we are located.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Kimberly Thaxton
Name of Appellant (if any)

PO Box 57
Appellant's Address

Cornelius NC 28031
City, State, Zip Code

2/10/17
Date

Crown Harbor Manna LLC
Name of Owner

PO Box 57
Owner's Address

Cornelius NC 28031
City, State, Zip Code

2/10/17
Date

Ktcommercialataol.com

Email Address

Email Address

Signature

Signature

[illegible]

Submit or draw a Site Plan below describing property and variance request. Give all appropriate dimensions, buildings/structures and their distance to property lines, right-of-ways, etc.

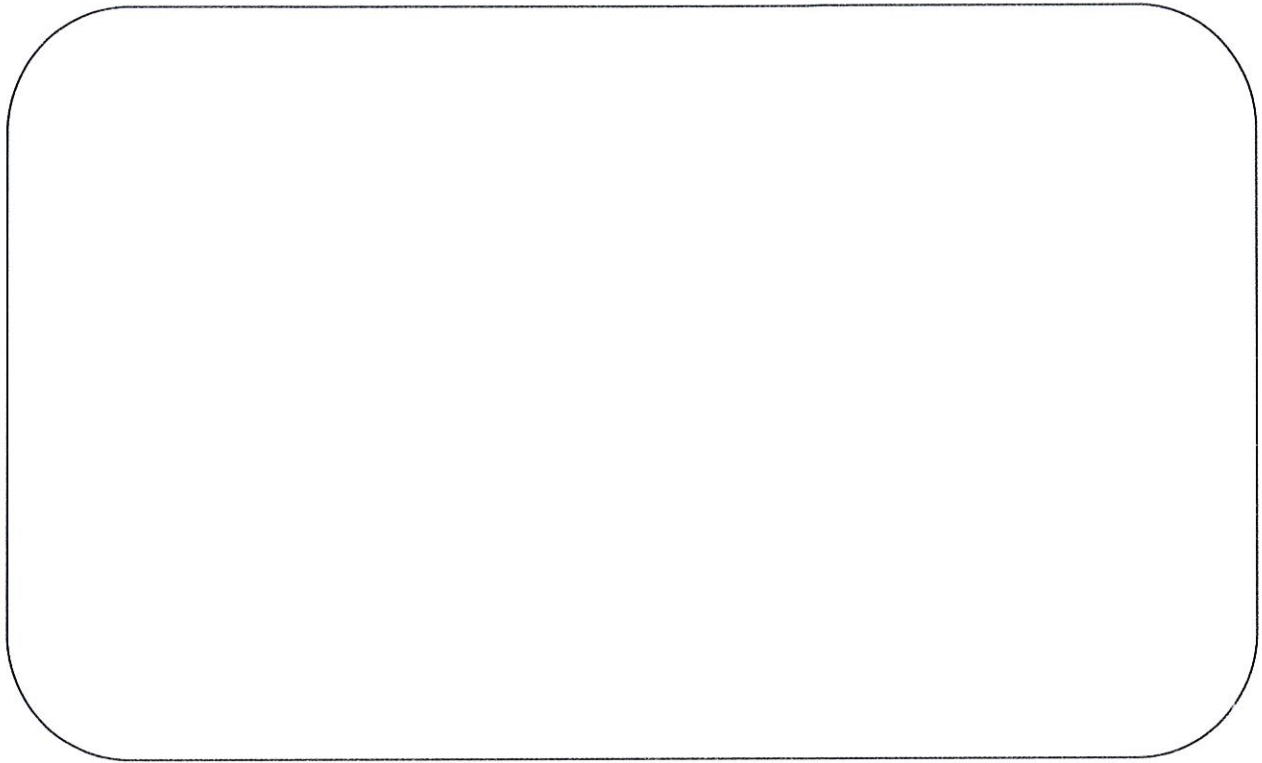
A large, empty rectangular box with rounded corners, intended for drawing a Site Plan. The box is white with a thin black border and occupies the central portion of the page below the instructions.

Exhibit F



Exhibit G



Exhibit H





(I 77
US 21)

Exhibit I

Exhibit J



Exhibit K





Exhibit M





TOWN OF CORNELIUS

Variance FINDINGS OF FACT

Owner/Project: Crown Harbor Marina LLC	Case #: VAR 01-17
Acreage: 3.763	Tax Parcel(s): 001-762-44

The Planning Board, in considering an application for a variance, shall give due consideration to the following:

- The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
- The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be granted.

The Planning Board may only grant a variance, having first held a public hearing on the matter and having made the following determinations:

- A. There are unnecessary hardships resulting from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- C. The hardship does not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

- D. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

☐ YES

☐ NO

The decision to make this finding is based on the following facts: _____

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 24, 2017

To: Planning Board Members
From: Wayne Herron, AICP
Director of Planning

Action Requested:




Staff is recommending an amendment to Chapter 5 of the Land Development Code to add the Torrence Chapel Traffic Mitigation District Overlay. A zoning map amendment is also requested as this overlay will apply specifically to the Highway Commercial zoning district west of I-77 within the Town of Cornelius planning jurisdiction. The map amendment affects approximately 75 parcels in the Highway Commercial zoning district west of I-77, totaling approximately 170 acres.

The purpose of the overlay is to allow through conditional zoning, uses in a specific area that would be compatible and appropriate with regard to normal land use and aesthetics, but also with trip generation and congestion management within a contributing area in proximity to the Torrence Chapel/West Catawba intersection.

Manager's Recommendation:

Approval.

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_01-17_TCTMOD.docx	ORD TA 01-17 Torrence Chapel Traffic Mitigation District	Ordinance
 Property_Owners.jpg	TCTMD-O Property Owners Map	Backup Material
 Ordinance on Rezoning Property REZ_02-17.docx	ORD REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay	Ordinance

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

WHEREAS, the Town Board of Commissioners on October 7, 1996 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 May 1, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 5 of the Land Development Code be amended as shown in Exhibit A.

Adopted this 1st day of May, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

TA 01-17: TORRENCE CHAPEL TRAFFIC MITIGATION OVERLAY DISTRICT

ADD Section 5.2.6 as follows:

The intent of the Torrence Chapel Traffic Mitigation District Overlay is to allow through conditional zoning, uses in a specific area that would be compatible and appropriate with regard to normal land use and aesthetics, but also with trip generation and congestion management within a contributing area in proximity to the Torrence Chapel/West Catawba intersection.

Uses within the overlay may promote vehicular traffic that is more of a regional draw. Therefore, uses of this nature should be evaluated for impacts on the Torrence Chapel/West Catawba intersection with regard to the impacts of the trips generated.

PERMITTED USES

- A. Within the TCTMD-O, all new development uses, redevelopment uses and/or subdivisions (major or minor) shall utilize the conditional zoning (CZ) process.
- B. All other uses shall be allowed in accordance with the underlying zoning district.

The map displays the following neighborhoods and streets:

- Neighborhoods:** Baito, Trintella, Galedon View, Beneveau, Valiant, Galesburg, Orealock, Catmaran, Harken, Olde Quarry, Knox, Cold Spring, Springdale, Merchant, Emporia, Lake Edge, Creek Trail, Hartwell Center, Statesville, and South Hill.
- Streets:** Baito, Trintella, Galedon View, Beneveau, Valiant, Galesburg, Orealock, Catmaran, Harken, Olde Quarry, Knox, Cold Spring, Springdale, Merchant, Emporia, Lake Edge, Creek Trail, Hartwell Center, Statesville, and South Hill.
- Other Labels:** NAUTIQUE, JETTON, ONE NORMAN, KNOX, KUNKERMAN, WASHINGTON, CATAWBA, F-77, HOLIDAY, and STERLINGBAY.

AN ORDINANCE TO AMEND THE TOWN OF CORNELIUS ZONING MAP

REZ 02-17 Torrence Chapel Traffic Mitigation District Overlay (TCTMD-O)

WHEREAS, the Town of Cornelius has initiated that the zoning classification of parcels of land subject to the zoning regulations of the Town be reclassified; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through posting of the property; and

WHEREAS, notice of public hearing on the question of the reclassification of the subject parcels has been provided through advertisement in a newspaper of general circulation in the Town; and

WHEREAS, property owners within and contiguous to the subject parcels have been notified by first class mail of the public hearing on the question of the reclassification; and

WHEREAS, a public hearing on the question of the reclassification of the subject parcel has been held by the Board of Commissioners of the Town of Cornelius; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF CORNELIUS THAT:

The Torrence Chapel Traffic Mitigation Overlay District be added to the following Tax Parcel ID Numbers: 00114401, 00527201, 00527311, 00527314, 00527316, 00527318, 00527312, 00114524, 00527115, 00114516, 00114403, 00114404, 00527302, 00114522, 00114509, 00527117, 00512101, 00527301, 00527104, 00114514, 00527315, 00513128, 00527326, 00114508, 00114410, 00114513, 00114515, 00527113, 00114501, 00114506, 00114507, 00114407, 00527310, 00527111, 00527325, 00527118, 00527112, 00513127, 00512202, 00527107, 00114402, 00527206, 00527328, 00527101, 00527304, 00114512, 00114523, 00527305, 00527323, 00527309, 00527108, 00527308, 00527320, 00527324, 00527105, 00527114, 00114409, 00512194, 00527110, 00527116, 00527203, 00114408, 00527321, 00527322, 00527202, 00513124, 00527205, 00527210, 00527211, 00512203, 00512205, 00527204, 00114517, 00527102, 00527327; located in the existing Highway Commercial zoning district west of I-77 as shown on Exhibit A attached hereto and incorporated herein by reference.

Adopted this 1st day of May, 2017.

Charles L. Travis, III, Mayor

SEAL

ATTEST:

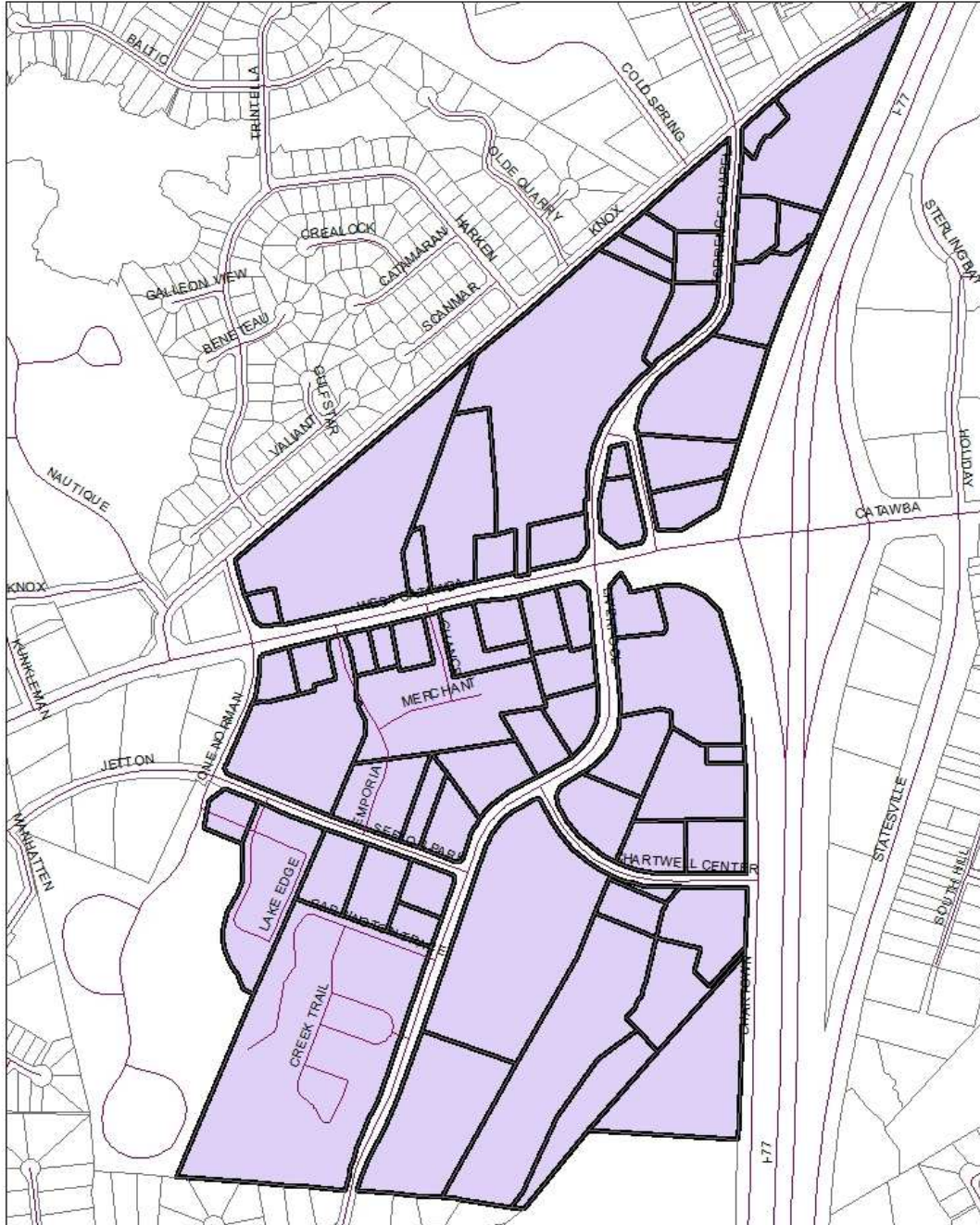
APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

EXHIBIT A

Torrence Chapel Traffic Mitigation Overlay District



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 24, 2017

To: Planning Board Members

From: Wayne Herron, AICP

Director of Planning


Action Requested:

The Land Development Code Advisory Board (LDCAB) and staff are recommending an amendment to the Land Development Code to clarify the definition and location of outdoor storage. The proposed amendment modifies Chapter 2, *Definitions*, and Chapter 6, *Uses Permitted with Conditions*.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_02-17_Outdoor_Storage.docx	ORD TA 02-17 Outdoor Storage	Ordinance
 Outdoor_Storage_Summary.docx	TA 02-17 Outdoor Storage Summary	Backup Material

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

WHEREAS, the Town Board of Commissioners on October 7, 1996 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 May 1, 2017.

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:

1. AMEND Chapter 2: Definitions (See Exhibit A)
2. AMEND Chapter 6: Uses Permitted with Conditions (See Exhibit A)

Adopted this 1st day of May, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 02-17: OUTDOOR STORAGE

ADD the following definitions to Chapter 2, Section 2.3:

Driveway, Improved

A driveway with a surface that is concrete, asphalt or gravel.

Storage, Outdoor

Residential Properties/Uses:

The storage of goods or products as an ancillary use. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp/cover, or within a shed or building.

- **Vehicles:** With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- **Recreational vehicles and trailers:** If not parked on an improved driveway, recreational vehicles and/or trailers shall be stored in the side or rear yard. A limit of one recreational vehicle or trailer per property is allowed to be parked on an improved driveway.
- **Boats/vessels/personal watercraft:** The boat/vessel/personal watercraft must be on a licensed registered trailer and not exceed twenty-six (26) feet in length by the manufacturer's published overall length. In addition, the boat/vessel/personal watercraft may not exceed 6,500 lbs. by the manufacturer's published dry weight. If not parked on an improved driveway, the boat/vessel/personal watercraft shall be stored in the side or rear yard. A limit of one boat or vessel, or two personal watercraft so long as the two personal watercraft are stored on one trailer designed to carry/ hold two personal watercraft, which does not exceed the above length and weight limit, is allowed to be parked on an improved driveway.

Commercial Properties/Uses:

Goods or products shall be stored in the rear yard and screened with an opaque fence or masonry fence/wall that shall match or complement the appearance of the principal structure. In addition, the storage area shall be screened with a type "A" buffer.

REMOVE Chapter 2, Section 2.3: Definition as follows,

Outdoor Storage

The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building.

REMOVE Chapter 6, Section 6.2.26: Outdoor Storage

ADD Chapter 6, Section 6.2.35: Storage, Outdoor

Residential Properties/Uses:

The storage of goods or products as an ancillary use. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp/cover, or within a shed or building.

- Vehicles: With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- Recreational vehicles and trailers: If not parked on an improved driveway, recreational vehicles and/or trailers shall be stored in the side or rear yard. A limit of one recreational vehicle or trailer per property is allowed to be parked on an improved driveway.
- Boats/vessels/personal watercraft: The boat/vessel/personal watercraft must be on a licensed registered trailer and not exceed twenty-six (26) feet in length by the manufacturer's published overall length. In addition, the boat/vessel/personal watercraft may not exceed 6,500 lbs. by the manufacturer's published dry weight. If not parked on an improved driveway, the boat/vessel/personal watercraft shall be stored in the side or rear yard. A limit of one boat or vessel, or two personal watercraft so long as the two personal watercraft are stored on one trailer designed to carry/ hold two personal watercraft, which does not exceed the above length and weight limit, is allowed to be parked on an improved driveway.

Commercial Properties/Uses:

Goods or products shall be stored in the rear yard and screened with an opaque fence or masonry fence/wall that shall match or complement the appearance of the principal structure. In addition, the storage area shall be screened with a type "A" buffer.

OUTDOOR STORAGE

CURRENT

The storage of goods, products, or vehicles as an ancillary use by their owner or on a commercial basis outside of a permanently constructed building.

PROPOSED

Residential Properties/Uses:

The storage of goods or products as an ancillary use. The goods or products shall be stored in the side or rear yard and screened with an opaque fence, a tarp/cover, or within a shed or building.

- Vehicles: With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- Recreational vehicles and trailers: If not parked on an improved driveway, recreational vehicles and/or trailers shall be stored in the side or rear yard. A limit of one recreational vehicle or trailer per property is allowed to be parked on an improved driveway.
- Boats/vessels/personal watercraft: The boat/vessel/personal watercraft must be on a licensed registered trailer and not exceed twenty-six (26) feet in length by the manufacturer's published overall length. In addition, the boat/vessel/personal watercraft may not exceed 6,500 lbs. by the manufacturer's published dry weight. If not parked on an improved driveway, the boat/vessel/personal watercraft shall be stored in the side or rear yard. A limit of one boat or vessel, or two personal watercraft so long as the two personal watercraft are stored on one trailer designed to carry/ hold two personal watercraft, which does not exceed the above length and weight limit, is allowed to be parked on an improved driveway.

Commercial Properties/Uses:

Goods or products shall be stored in the rear yard and screened with an opaque fence or masonry fence/wall that shall match or complement the appearance of the principal structure. In addition, the storage area shall be screened with a type "A" buffer.

Chapter 2 Definition for Improved Driveway: A driveway with a surface that is concrete, asphalt or gravel.

Staff note, replace Chapter 6 conditions with definition language.

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: April 24, 2017

To: Planning Board Members

From: Wayne Herron, AICP

Director of Planning


Action Requested:

The Land Development Code Advisory Board (LDCAB) and staff are recommending an amendment to add Section 18.5.16 to the Land Development Code to allow for the deactivation, or closure, of a conditional zoning (CZ) application if after a period of six months, no activity has occurred on an application.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA 03-17_Deactivation_or_Closure_of_CZ_Application.docx	ORD TA 03-17 Deactivation of CZ Application	Ordinance

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

WHEREAS, the Town Board of Commissioners on October 7, 1996 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 May 1, 2017.

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 to AMEND Chapter 18: Text and Rezoning Amendments (See Exhibit A).

Adopted this 1st day of May, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 03-17: DEACTIVATION, OR CLOSURE, OF CONDITIONAL ZONING APPLICATION

ADD the following to Chapter 18, Section 18.5.16:

18.5.16 Deactivation or Closure of a Conditional Zoning (CZ) Application

- If after a period of six months, no activity has occurred on an application, the application may be deactivated and closed. Activity shall be defined as follows:
 - Submission of a plan for review or presentation
 - Community Meeting
 - A TIA or other required plan is in process of being prepared or reviewed
 - Technical Staff Meeting or Committee Review
 - A Board review
- After five (5) months of no activity, the Town shall notify the applicant that the six (6) month deadline is approaching. The applicant shall be notified of the two available alternatives for action with regard to the application:
 - That activity on the application must occur for the application to remain active
 - A double fee may be paid to keep the application active. If a second six month period passes, a triple fee would be required to keep the application active. No refunds will be provided upon payment of a double or triple fee.
- The applicant may withdraw the application. If requested and/or warranted, any refund of application fees will be at the discretion of the Planning Director based on mailing and advertising costs to date.
- If no contact is made to the Town regarding an action noted above and the six (6) month deadline passes, the application shall be deactivated and closed with no application refund provided.
- Upon withdrawal or deactivation of any application, the applicant may file a new application with new fees being paid at any time. The application and review shall start from the beginning of the review process and be considered as a newly filed application.