



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

**Agenda
August 14, 2017
6:30 PM
Cornelius Town Hall - Assembly Room**

Pre-Meeting

A. 5:30pm Room 204 Dinner and Code Update Review - Chapters 11, 12, 13, 14, 15 and 16

1. Call To Order

2. Determination of Quorum

3. Approval of Minutes

A. July 10, 2017

4. Public Hearing and Consideration of Approval

A. MAV 02-17: Zaika Group LLC

5. Consideration of Approval

A. TA 05-17 Automobile Sales District Overlay Amendment

B. TA 06-17 Election Signs

C. TA 07-17 Subdivision Definition Clarification for Public Streets by NCDOT/Town

D. TA 08-17 Additional Public Hearing for CZ Process

6. Old Business

7. New Business

8. Election Of Chair & Vice Chair

9. Next Meeting

10. Adjournment

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 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 6 previously. Staff will begin with Chapter 11 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: August 14, 2017

To: Planning Board Members
From: Summer Smigelski, Planning Admin.

Action Requested:

Approval of Minutes

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 Minutes_07-2017_Draft.pdf	July 10, 2017 Minutes	Backup Material

Minutes

TOWN OF CORNELIUS PLANNING BOARD

Assembly Room

July 10, 2017

6:30 p.m.

Members Present

Hardy McConnell, Vice Chair
Keith Eicher
Cheryl Crawford, Chair
Susan Johnson
Michael Osborne, Alternate

Members Absent

Lee Peterson
Keith Pickett
Betty Trautwein
Bill Ingram, Alternate

Staff Present

Wayne Herron, Planning Director
Jason Pauling, Senior Planner
Summer Smigelski, Admin. Assistant
Becky Partin, Communication Specialist

Joseph Dean, Alternate

VISITORS

See Sign-In Sheet

Pre-Meeting- 5:30pm

Approval of Minutes

Mr. Eicher made a motion of approval for the May 03, 2017 and the June 12, 2017 minutes. Mr. McConnell seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Crawford, Mr. Osborne,
Mr. Dean, Ms. Johnson, Mr. McConnell,

Opposed: None

Mr. Herron continued the code review recommended by the Land Development Code Advisory Board. The Planning Board discussed Chapter 10 Signs. At 6:24pm the Chair called for a short break and asked everyone to return at 6:30pm for the regular Planning Board meeting.

DETERMINATION OF QUORUM

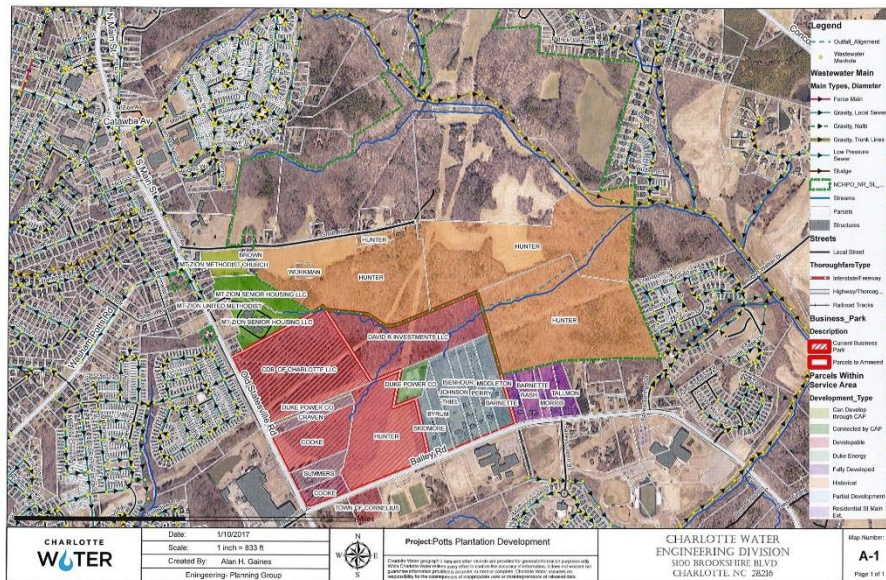
Chair Crawford re-convened the Planning Board meeting at 6:36 pm and noted there was a quorum present.

Recognition of Cheryl Crawford

Mr. Herron thanked Chair Crawford for her contributions. Chair Crawford is rotating off of the Planning Board after having served for the past seven years. Cheryl has served on the sign ordinance committee, LDCAB and been involved with the Land Use Plan Update as well as the Code Update.

REZ 04-17 Hodge HVAC

Mr. Pauling presented REZ 04-17 Hodge HVAC to the board. A request to rezone approximately 4.87 acres located at 18916 Old Statesville Road from Rural Preservation (RP) to Conditional Zoning (CZ) District in order to establish an office/business use on the property. This is a property on Old Statesville Rd. directly across from FXI. The property is almost five acres and has been zoned Rural Preservation (RP). The land use plan designates the property as business campus. The existing house is about 2,600 square feet. The applicant will renovate the interior of the existing property and will eventually add a two story three car garage to the back. The parking will be on the side of the property.



This is a map of water and sewer services in the area. When water and sewer gets extended here that would encourage the business campus growth that we expected.

CONFORMANCE WITH ADOPTED PLANS:

Town Street and Thoroughfare Plans: Where a proposed Development Plan includes any part of a Town street or thoroughfare which has been designated as such in the Cornelius Land Development Plan or on the official Thoroughfare Plan adopted by the Town or North Carolina Department of Transportation Mecklenburg-Union Metropolitan Planning Organization (MPO) or as part of any Transportation Plan adopted by the Town of Cornelius, a right-of-way shall be platted in the location shown on the Plan at the width specified in this Code. That one part of chapter 13 that will affect the property.

Another part of chapter 13 says. As a condition of approval, the Developer shall be required to construct the proposed street or thoroughfare within the borders of his Development in accordance with the adopted standards or plans for such construction. In instances where such a street is scheduled for construction by the Town or the North Carolina Department of Transportation, the Developer may make a payment in lieu of construction equal to his pro-rata share of the costs of construction. Major thoroughfare and highway construction are exempted from this requirement.

THOROUGHFARE PLAN (CMP):

- Section 13.3B of the Town Code states that if a street or thoroughfare is adopted on the Town Thoroughfare Plan, the applicant shall dedicate the right-of-way and provide the Town a payment in lieu for the section crossing their property.
- When this project started, there was some question as to whether a Zion connector was shown on an official thoroughfare plan.
- The Charlotte Regional Transportation Planning Organization(CRTPO) just recently adopted the Comprehensive Transportation Plan (CTP) which acts as the thoroughfare plan for the Town.
- In addition, the Town, NCDOT and CRTPO are conducting a study of NC 115 and the Zion connector, as a parallel to NC 115, has been presented by the Town's engineering consultant as the most viable option to relieve traffic on NC 115, in future years.
- Staff has been evaluating alternatives and options with regard to this requirement, and since it is a current Code requirement, must recommend the dedication of the right-of-way as well as the payment in lieu.

STAFF RECOMMENDATIONS:

Staff is recommending approval of this project subject to the following conditions

1. Town approval is contingent on review and approval by other applicable local, state and federal agencies.
2. The development shall comply with all other applicable requirements of the Town of Cornelius Land Development Code.
3. Town approval incorporates and shall comply with any and all submittals in the case file and correspondence presented to the board in support of this application, including, but not limited to the following: The site/sketch plan, architectural elevations, and any other information related to this case or improvements recommended by the Town and/or other agencies.
4. Applicant shall submit a revised site plan prior to the Town Board hearing indicating the location of the access easement along the Norfolk Southern rail right-of-way to be reserved to the adjoining properties to the south, as well as future public right-of-way for the extension of Zion Street through the property as shown on the Comprehensive Transportation Plan. The applicant shall coordinate with staff, staff's transportation consultants, and NCDOT on the location of the Zion Street right-of-way and dedicate the right-of-way via plat prior to release of certificate of occupancy for the accessory building.
5. Applicants shall also provide payment-in-lieu of construction for the portion of Zion that crosses the property in the back. An estimate of road construction costs shall be provided during permit review, and payment shall be provided prior to certificate of occupancy of the accessory building.
6. The applicants have agreed to voluntary annexation of this property into the Town of Cornelius Corporate Limits. Voluntary annexation requires a petition meeting all State statutory requirements for the entire property, and must be presented to the Town and approved by the Town Board prior to the certificate of occupancy.
7. Steep slopes and large trees shall be preserved within all areas not intended for development of the new accessory building or parking area as shown on the site plan. These areas shall be shown on the construction documents to be protected

from clearing and grading. Tree protection fencing should be installed to the maximum extent possible.

The applicants, Jeff and Sherri Hodge introduced themselves to the board. Mr. Hodge feels this location is a better fit as far as size, just enough space between the neighbors. The main house will be restored with no exterior changes.

Chair Crawford: "Jason, what is the distance from the garage to the future right of way?"

Mr. Pauling: "It's at least five hundred feet."

Chair Crawford: "The second condition, (As a condition of approval, the Developer shall be required to construct the proposed street or thoroughfare within the borders of his Development in accordance with the adopted standards or plans for such construction. In instances where such a street is scheduled for construction by the Town or the North Carolina Department of Transportation, the Developer may make a payment in lieu of construction equal to his pro-rata share of the costs of construction. Major thoroughfare and highway construction are exempted from this requirement.). I would like to make a recommendation to our board to take into consideration to maybe go back and do a text amendment since this property is more of a minor industrial site versus a major industrial site. The payment in lieu is too much for what the applicant is wanting to do there. I would like to make that recommendation but I would like some input from the board."

Mr. McConnell: "I would like to agree with Chair Crawford."

Chair Crawford: "I think we need to take number 5 out of the conditions or change it to reference that we would like to make a text amendment."

Mr. Herron: "You can just delete it and we can pass the recommendation to the Town Board."

Mr. Eicher made a motion to remove condition number five. Mr. McConnell seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Crawford, Mr. Osborne,
Mr. Dean, Ms. Johnson , Mr. McConnell,

Opposed: None

Mr. Eicher made a motion to approve REZ 04-1 Hodge HVAC. Mr. McConnell seconded. All in favor, motion approved.

In Favor: Mr. Eicher, Ms. Crawford, Mr. Osborne,
Mr. Dean, Ms. Johnson , Mr. McConnell,

Opposed: None

Continue Code Review

Mr. Herron continued the discussion on Chapter 10, Signs.

COMMERCIAL WALL SIGNS:

- For a business less than 35,000 sq. ft. the sign should not exceed 36 inches in height.

- For a retail anchor tenant or business of 35, 000 sq. ft. or more the sign should not exceed 48 inches in height
- Wall signs must be less than 10% of the wall area, not to exceed 100 sq. ft
- Multi-line letter height may not exceed 18 inches.



COMMERCIAL

SPECIAL EVENT BANNERS:

- No banner shall exceed 32 sq. ft.
- Only one banner shall be permitted at a time
- Not to exceed 63 days (108 days for a Grand Opening)
- Must be attached to the building's wall

The board discussed allowing business owners to tie banners to the porch railings. The board agreed that there needs to be a more limited time for that. Ms. Johnson recommended that the sign can be up for no more than three days at a time and not more than once a month.

COMMERCIAL MONUMENT SIGNS

SINGLE TENANT:

- Maximum sign area 32 sq. ft.



COMMERCIAL MONUMENT SIGNS

MULTI-TENANT:

- Maximum sign area 64 sq. ft.



ARM-SIGNS

- Maximum sign area 8 sq. ft.



CIVIC-SPECIAL-EVENTS

*Allowable sign types



CIVIC-SPECIAL-EVENTS

- Sign types that are not allowed
- Persons holding sign are allowed on site, but not off site.

Person holding signs



Snipe signs



COMMERCIAL-REAL-ESTATE-SIGNS

- Maximum sign area 16 sq. ft.



ELECTION SIGNS:

- State Statute states that election signs may be posted 30 days in advance of the start of early voting.
- Town Code states 30 days prior to election day.
- Code should be amended to match State Statute.

OLD BUSINESS

None

NEXT MEETING

August 14th, 2017

ADJOURNMENT

Mr. McConnell made a motion to adjourn the meeting at 8:14 p.m. Mr. Dean seconds the motion. All in favor and motion approved.

In Favor: Mr. Eicher, Ms. Crawford, Mr. Osborne,
Mr. Dean, Ms. Johnson, Mr. McConnell,

Opposed: None

Respectfully Submitted:

Cheryl Crawford
Chair

Date

Summer Smigelski
Secretary

Date

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 2017

To: Planning Board Members
From: Jason T. Pauling, AICP - Senior Planner















Action Requested:

A request by Charles Wilber and the Zaika Group to develop a three-story commercial/office building of just over 12,000 square feet at the northwest intersection of Jetton Road Extension and Bethel Church Road (19725 Jetton Road; PID 00512302). The applicant(s) are asking for the following architectural variations for this request: 1) Reduction in the percentage of windows and doors on the Bethel Church Road elevation to 38%. 2) Reduction in the percentage of windows and doors on the Jetton Road side to 56%. All other requirements of chapter 4 are being met. This was presented to the board in May whereas the board asked that it come back with requested changes, including most importantly, addressing the corner elevation along Jetton Road Ext. and Bethel Church Road.

Manager's Recommendation:

Hear Evidence and Render a Decision

ATTACHMENTS:

Name:	Description:	Type:
 major_architectural_variation.pdf	MAV Request Letter	Backup Material
 Quantum_Tech_Zoning.jpg	Zoning Map	Backup Material
 Quantum_Tech_LU.jpg	Land Use Map	Backup Material
 Quantum_Tech_Vicinity.jpg	Vicinity Map	Backup Material
 Quantum_Tech_Property.jpg	Property Map	Backup Material
 Photo_Page.pdf	Photo Page	Backup Material
 MAV_02-16_PB_ZAIKA_GROUP_LLC_8.14.17.docx	Staff Report	Backup Material
 C4-Grd-Erosion.pdf	Site Plan	Backup Material
 a1.pdf	Level 1 Floor Plan	Backup Material
 a2.pdf	Level 2 Floor Plan	Backup Material
 a3.pdf	Level 3 Floor Plan	Backup Material
 a4.pdf	Bethel Church Elevation	Backup Material
 a6.pdf	Jetton Elevation	Backup Material
 a5.pdf	Parking Elevation	Backup Material

THE ZAIKA GROUP, LLC

PO Box 762 Cornelius, NC 28031

Phone: (704) 506-7044

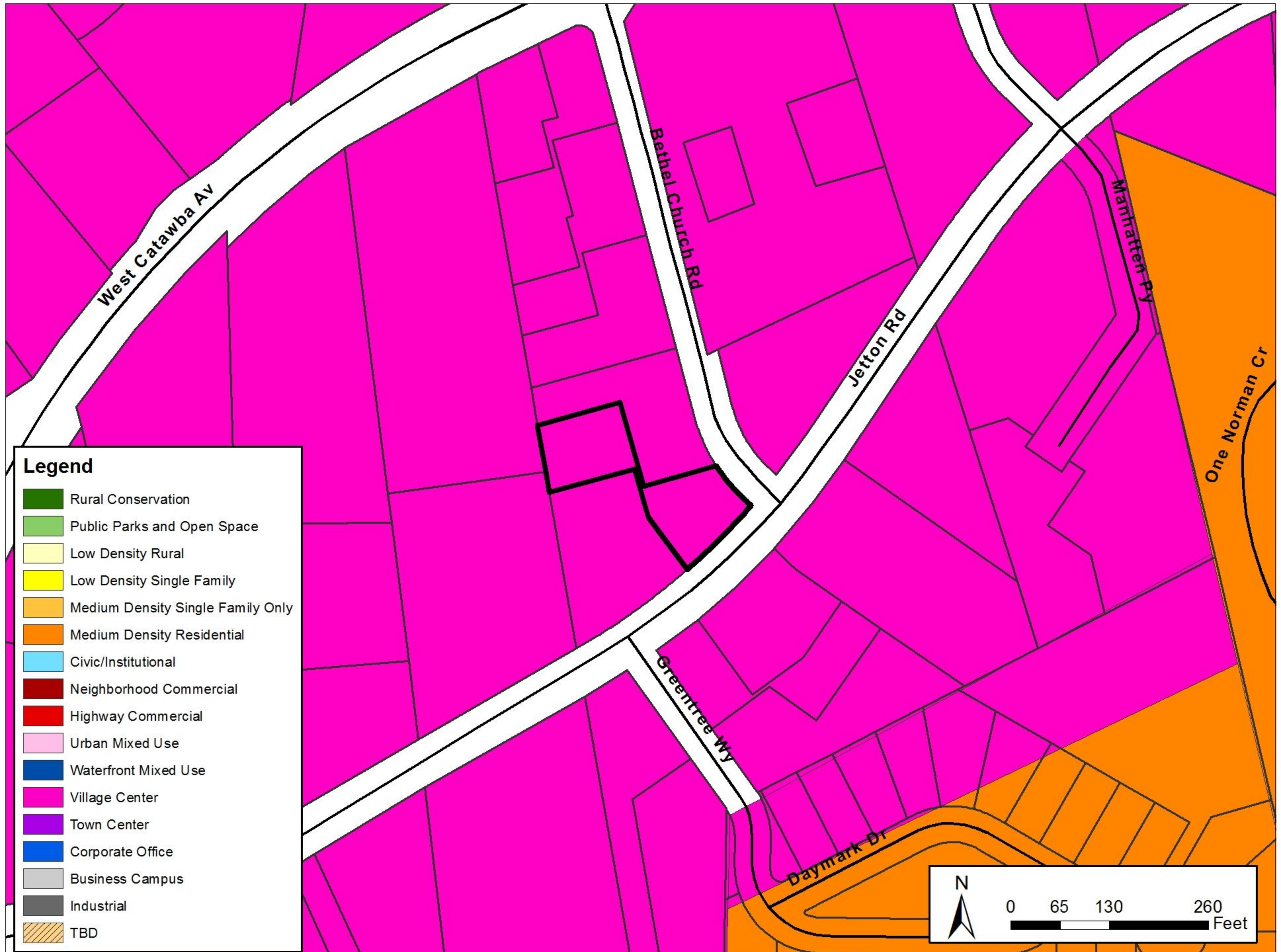
We are requesting variation for Section 4.6.3(B)(3) due to the fact that we will not be having 70% windows on the street frontage of either street. Our storefront/window area will be 56% on Jetton Road side and 38% on the Bethel Church Road side.

Under the General Principles 4.6.1, we will be in compliance with the 10 items listed. Our scale and massing are relative to the adjacent properties, and other existing properties in that vicinity. We are in compliance with the street orientation, lot width and setbacks. As for the architectural style, our proposed building is compatible with, (but not matching) the style of others in that area

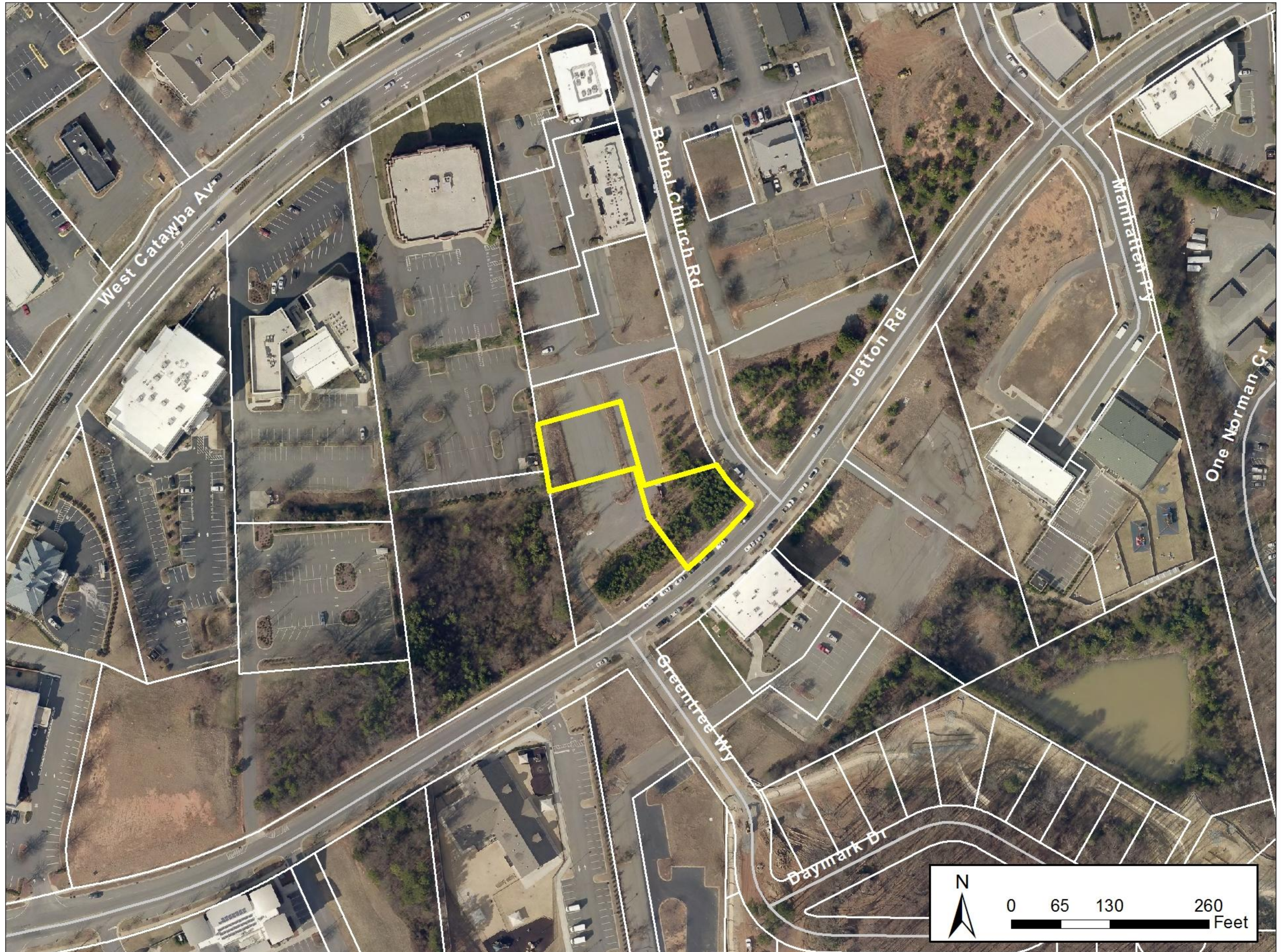
MAV 02-17: Quantum Technology Group



MAV 02-17: Quantum Technology Group



MAV 02-17: Quantum Technology Group



MAV 02-17: Quantum Technology Group









**MAV 02-17
ZAIKA GROUP LLC**

Major Architectural Variation

Staff Analysis – Planning Board

August 14, 2017

Owner/Applicant: The Zaika Group, LLC
P.O. Box 762
Cornelius, NC 28031

Agent: Charles Wilber, AIA
Wilber & Associates
20044 North Zion Ave.
Cornelius, NC 28031

Acreage: 0.489 acres

Tax Parcel Reference: 005-123-02

Existing Use: Vacant

Proposed Use: Office/Commercial – New 3 story building

Zoning: *Village Center (VC)*

Location: 19725 Jetton Road (Corner of Jetton Road and Bethel Church Road)

The proposed building will be close to 9,000 square feet, and will be three stories from the Jetton Elevation, and two-stories from the back (parking lot) elevation. The Bethel elevation shows the transition between the second floor and ground floor. The main tenants, the Zaika Group, will have their offices on the second and third floor, whereas the primary entrance will be from the parking area in the back. The first floor will be leased commercial/office space and will have an entrance from Jetton Road. The building will consist of a stone and glass finish as the primary materials similar to the Aquesta Bank building. The windows on the Jetton elevation will curve out/away from the building to create a unique theme to the architecture. There will be a large balcony overlooking Jetton from the third floor, and another balcony from the second floor overlooking Bethel Church Road.

The Architectural Review Board reviewed the proposed elevations and floor plans, three times at their May, June and July 2017 meetings. The ARB recommended approval of the requested variation on the Jetton side. They also had specific recommendations/suggestions on the Bethel Church side, none of which affect the variation request.

The following variations are being requested by the applicant(s):

1. Section 4.6.3 (B)(3): requires 70% window and door coverage on front elevation. Requested variation is to allow 56% window and door coverage on the Jetton Elevation, and 38% on the Bethel Church elevation.

CONSTRUCTION SEQUENCE:

1. Obtain Grading/Erosion Control plan approval from Mecklenburg County LUESA.
2. Setup an on-site pre-construction conference with the following departments: LUESA Erosion Control Inspector, Land Development Inspector and Zoning Inspector. Failure to schedule such conference 48 hours prior to any land disturbing activity is subject to fine.
3. Install Silt Fence, Skimmer Basin, Construction Entrance, diversion ditches and other measures as shown on plans, clearing only as necessary to install these devices.
4. Call for on-site inspection by inspector. When approved Inspector issues the Grading permit and clearing and grubbing may begin.
5. The Contractor shall diligently and continuously maintain all erosion control devices and structure.
6. For phased erosion control plans, contractor shall meet with Erosion control inspector prior to commencing with each phase of erosion control measures.
7. The land development inspector should be called to conduct inspections on storm drainage, sidewalks, driveway on storm drainage and all aspects of road construction.
8. Stabilize site as areas are brought to finish grade.
9. Coordinate with Erosion Control Inspector prior to removal of erosion control measures.
10. All erosion control measures shall be constructed in accordance with NC Erosion and sediment control and design manual, U.S. department of Agriculture, Mecklenburg County Erosion Control Ordinance and the Charlotte Mecklenburg Land Development standards.
11. Call the Water Quality Inspector to setup a BMP Pre-Construction meeting prior to starting work on the BMP. This meeting should take place 48 hours prior to starting construction on any BMP and shall include the Design Engineer to ensure proper inspections are performed at key BMP installation phases.
12. The design engineer must verify the drainage area is properly stabilized, measures are in place to prevent sedimentation into the BMP, storm drains inlets and pavements have been properly cleaned prior to commencement of BMP construction.
13. Sand Filter shall not be brought online until the site is 100% stabilized.

EROSION CONTROL NOTES:

1. All "Sta" numbers refer to the Mecklenburg County Land Development Standards Manual (MCLDS).
2. On-site burial pits require an on-site demolition landfill permit from the zoning administrator.
3. Any grading beyond the denuded limits shown on the plan is a violation of the County Erosion Control Ordinance and is subject to a fine.
4. Grading more than one acre without an approved Erosion Control plan is a violation of the County Erosion Control Ordinance and is subject to a fine.
5. All perimeter areas and slopes greater than 3:1 shall be stabilized within 7-days. Ground Stabilization on all other areas must be completed within 14-days. Refer to the Erosion Control Ordinance for additional requirements.
6. Additional Measures to control erosion and sediment may be required by a representative of the County.
7. A grading plan must be submitted for any lot grading exceeding one acre that was not previously approved.
8. Temporary Driveway permit for construction entrances in the NCDOT right of way must be presented at the pre-construction meeting.
9. All embankments must be constructed per section 4.0.6 Embankment Requirements in the BMP design manual.
10. Slopes shall be graded no steeper than 2:1. Slopes greater than 10 feet require adequate terracing (MCLDSM #30.16). Soils engineer to verify the stability of slopes greater than 2:1.
11. Soil compaction tests are required on any berm >= 5-ft in height from the natural grade. Soil Compaction must be at 95% proctor and certified by a licensed soil engineer.

ENHANCED EROSION CONTROL NOTES:

1. Surface water draw down devices (risers or skimmers) shall be installed in all sediment basins. Foreboys shall be used in conjunction with all sediment basins. Rock forebay embankments may be used in lieu of porous baffles.
2. Polyacrylamides (PAM) shall be used to reduce turbidity and suspended solids whenever a sediment trap, basin, pit, hole or building foundation is being pumped out to remove sediment laden water. PAM is not required when any of the above is being pumped to an approved sediment basin on-site. This activity must be inspected and approved by the Mecklenburg County Erosion control inspector.
3. Double silt fence shall be used along wetlands, streams, lakes, or other surface water bodies as well as adjacent to SWIM or other water quality buffers. High Hazard silt fence with wire backing and washed stone will be installed as determined necessary by the County Engineer or Inspector.
4. The amount of uncovered area at any one time shall be limited to no more than 20 acres, unless approved by the County Engineer.
5. A 10-foot undisturbed buffer shall be provided around the outside edge of drainage features such as intermittent and perennial streams, ponds, and wetlands. Incidental drainage improvements or repairs will be permitted within the buffer as approved by county staff.
6. Installation of Temporary ground cover or seeding must be performed within 5 working days or slope drains installed after fill slopes are brought up to height.
7. Permanent terraces shall be installed on 2:1 or steeper slopes over 10-ft in height to reduce runoff velocity coming down the slope.

GENERAL EROSION CONTROL NOTES:

1. Prior to construction of new pavement, site shall be graded so as to provide settling areas around catchbasins. Catch basin rims shall be set at finish grade. Areas immediately adjacent to basins shall be several inches below finish grade until pavement is constructed.
2. Erosion and sedimentation control measures shall be in place prior to the commencement of any site work or earthwork operations, shall be maintained during construction, and shall remain in place until all site work is complete and ground cover is established.
3. Stockpiles shall be surrounded on their perimeters with staked siltation fences to prevent and/or control siltation and erosion.
4. Tops of stockpiles shall be covered in such a manner that stormwater does not infiltrate the materials and thereby render the same unsuitable for fill use.
5. In any event, slopes left exposed shall be stabilized within 7 days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices or structures sufficient to restrain erosion. In addition all measures must be shown within the limits of construction.
6. Culvert/pipe inlets and outfalls shall be protected by filter berms until disturbed areas are permanently stabilized.
7. Erosion Control Inlet Berms shall be constructed at all existing catch basins. Temporary Silt fence shall be constructed at all proposed catch basins located in fill areas & subject to stormwater run-off from proposed fill areas during construction, or as directed by the owner/engineer. No sediments shall enter the on-site or off-site drainage systems at any time.
8. All erosion control measures shall be routinely inspected, cleaned and repaired or replaced as necessary throughout all phases of construction. In addition, inspection shall take place after each rainfall event.
9. All proposed slopes steeper than 3:1 shall be stabilized with S75 Matting or better and protected from erosion.
10. The contractor shall keep on site at all times extra siltation fencing for installation at the direction of the engineer or the Erosion Control Inspector to mitigate any emergency condition.
11. Disposal of all demolished materials is the responsibility of the contractor and must be taken off-site in accordance with all federal, state, and local municipal requirements.
12. The area or areas of entrance and exit to and from the site shall be maintained in a condition which will prevent tracking or flowing of sediment onto adjacent rights-of-way. All sediment spilled, dropped, washed or tracked onto adjacent right-of-way must be removed immediately.
13. Tree areas to remain shall be protected and delineated with orange construction fence.

GRADING AND DRAINAGE NOTES:

1. ALL GRADING AND SITE PREPARATION WILL CONFORM TO SPECIFICATIONS AS GIVEN IN REPORT OF GEOTECHNICAL INVESTIGATION.
2. CONTRACTOR SHALL VERIFY EXISTING TOPOGRAPHIC DATA, LOCATIONS OF EXISTING UTILITIES, AND ALL OTHER SITE CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
3. ALL STORM SEWER PIPE TO BE RCP, EXCEPT WHERE NOTED ON THE PLANS OR REQUIRED BY JURISDICTION.
4. FOR DIMENSIONAL LAYOUT, SEE SITE PLAN.
5. FOR GRADING & DRAINAGE FACILITY DETAILS, SEE DETAIL SHEETS.
6. ALL CUT AND FILL SLOPES SHALL BE 3:1 OR FLATTER (SEE PLANS). UNLESS SHOWN OTHERWISE.
7. ALL CONSTRUCTION WITHIN STREET RIGHT-OF-WAY SHALL CONFORM TO APPLICABLE STATE AND LOCAL JURISDICTIONAL REQUIREMENTS.
8. ALL OPEN DRAINAGE SWALES SHALL BE GRASSED, AND RIPRAP MUST BE PLACED AS NECESSARY TO CONTROL EROSION.
9. GRADING CONTRACTOR IS RESPONSIBLE FOR STRIPPING AND STOCKPILING OF TOPSOIL. GRADING CONTRACTOR IS ALSO RESPONSIBLE FOR REMOVING FROM SITE EXCESS TOPSOIL. GRADING CONTRACTOR SHALL PREPARE SUBGRADE FOR PAVEMENT AND CURBS AND BACKFILL CURBS AFTER CURB CONSTRUCTION.
10. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR TOPSOIL INSTALLATION IN LANDSCAPE ISLANDS.
11. CONTRACTOR SHALL CONFINE HIS OFF-SITE ACTIVITIES TO EXISTING RIGHTS OF WAY AND EASEMENTS.

NOTE:

- 1)APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFFSITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
- 2) IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
- 3) THE PURPOSE OF THE STORM DRAIN EASEMENT (SDE) IS TO PROVIDE STORM WATER CONVEYANCE. BUILDINGS ARE NOT PERMITTED IN THE EASEMENT AREA. ANY OTHER OBJECTS WHICH IMPEDE STORM WATER FLOW OR SYSTEM MAINTENANCE ARE ALSO PROHIBITED.
- 4) NO SOIL DISTURBANCE OR COMPACTION, CONSTRUCTION MATERIALS, TRAFFIC, BURIAL PITS, TRENCHING OR OTHER LAND DISTURBING ACTIVITY ALLOWED IN THE TREE PROTECTION ZONE.
- 5) TREE BARRICADE MUST BE INSTALLED BEFORE ANY DEMOLITION, GRADING OR CONSTRUCTION BEGINS, AND NOT REMOVED UNTIL FINAL INSPECTION.
- 6) BEFORE GRADING/CLEARING/CONSTRUCTION BEGINS CALL FOR INSPECTION OF TREE PROTECTION BARRICADES BY URBAN FORESTER.
- 7) TREE PROTECTION BARRICADES MUST MEET OR EXCEED TREE ORDINANCE STANDARDS (IN CITY OF CHARLOTTE TREE ORDINANCE GUIDELINES, APPENDIX 3) OR LAND DEVELOPMENT STANDARDS MANUAL 40.02.
- 8) NO GRUBBING WITHIN TREE PROTECTION ZONE. LEAVE SOIL AND LEAF LITTER UNDISTURBED. SUPPLEMENT WITH 1-2 INCHES OF MULCH RE-SEED WITH GRASS ONLY IN DISTURBED/GRADED AREAS.
- 9) BRUSH, VINES AND SMALL TREES (<6" DIA. OR AS SMALL AS 2" IN CALIPER) MAY BE HAND CLEARED ONLY. CUT FLUSH WITH GROUND SURFACE. EXISTING TREES MAY BE LIMBED UP SIX FEET(LEAVING AT LEAST 1/3 OF THE BRANCHES TO IMPROVE VISIBILITY.
- 10) EXPOSED TREE ROOTS MUST BE CLEANLY CUT WITH A SHARP PRUNING TOOL; BACKFILL ASAP TO MINIMIZE EXPOSURE TO AIR.
- 11) ASBUILT DRAWINGS AND PLANS OF THE STORM DRAINAGE SYSTEM, INCLUDING DESIGNED DITCHES, MUST BE SUBMITTED PRIOR TO FINAL INSPECTION TO THE CITY/COUNTY ENGINEERING DEPARTMENT.



Know what's below.
Call before you dig.
**NORTH CAROLINA
ONE-CALL CENTER INC.**
DIAL 811 or 1-800-632-4949
2 BUSINESS DAYS BEFORE DIGGING
www.nc811.org

DENUDED AREA= 0.23ac.

STABILIZATION TIMEFRAMES (Effective Aug. 3, 2011)		
SITE AREA DESCRIPTION	STABILIZATION	TIMEFRAME EXCEPTIONS
Perimeter dikes, swales, ditches, slopes	7 days	None
High Quality Water (HQW) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed.
Slopes 3:1 or flatter	14 days	7 days for slopes greater than 50' in length.
All other areas with slopes flatter than 4:1	14 days	None, except for perimeters and HQW Zones.

PLOTTED: 5/5/2017
H:\WOODBINEDESIGN\PROJECTS\17006-426 LOT 17\17016-426-BASE.DWG

IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

PROPOSED	
	10' CONTOURS 2' CONTOURS STORM SEWER STORM SEWER MANHOLE GRATE INLET BP= BREAK POINT = SPOT ELEVATION
EXISTING	
	10' CONTOURS 2' CONTOURS STORM SEWER SANITARY SEWER WATER LINE STORM SEWER MANHOLE (MH) CURB INLET (CI) GRATE INLET/YARD INLET (GI/YI)
EROSION CONTROL LEGEND	
TEMPORARY SILT FENCE	
STORM INLET SEDIMENT TRAP	
STONE INLET SEDIMENT TRAP (INSTALL SILT SACKS AFTER PAVING)	
TEMPORARY ROCK CHECK DAM	
STABILIZED CONSTRUCTION ENTRANCE	
TEMPORARY SEEDING	
PERMANENT SEEDING	
CLEARING LIMITS	
DRAINAGE AREA LIMITS	

NOTE: CONTRACTOR SHALL FIELD VERIFY
ALL GRADES PRIOR TO CONSTRUCTION.

SEEDBED PREPARATION NOTES

1. SURFACE WATER CONTROL MEASURES TO BE INSTALLED ACCORDING TO PLANS.
2. AREAS TO BE SEEDBED SHALL BE RIPPED AND SPREAD WITH AVAILABLE TOPSOIL 3" DEEP. TOTAL SEEDBED PREPARED DEPTH SHALL BE 4".
3. LOOSE ROCKS, ROOTS, AND OTHER OBSTRUCTIONS SHALL BE REMOVED FROM THE SURFACE SO THAT THEY WILL NOT INTERFERE WITH THE ESTABLISHMENT AND MAINTENANCE OF VEGETATION. THE SURFACE FOR FINAL SEEDBED PREPARATION AT FINISHED GRADES SHOWN SHALL BE SMOOTH AND UNIFORM.
4. IF NO SOIL TEST IS TAKEN, FERTILIZER AND LIME ARE TO BE USED AS DESCRIBED ABOVE. IN ADDITION .15 LBS/1000 S.F. OF SUPERPHOSPHATE IS TO BE PROVIDED.
5. IF SOIL TEST IS TAKEN, PROVIDE FERTILIZER AND LIME ACCORDING TO RESULTS OF TEST.
6. LIME AND FERTILIZER SHALL BE APPLIED UNIFORMLY AND MIXED WITH THE SOIL DURING SEEDBED PREPARATION.

Erosion Control & Water Quality Inspector:

Nick Finelli – Cornelius, Davidson, Huntersville
(980) 721-9390

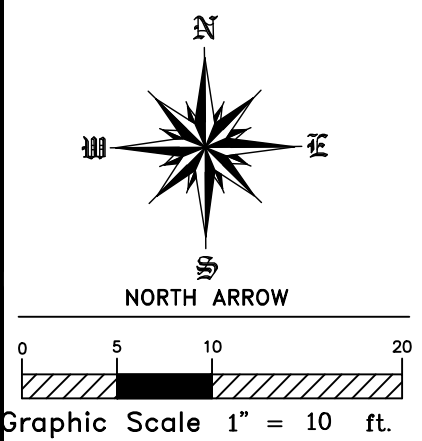
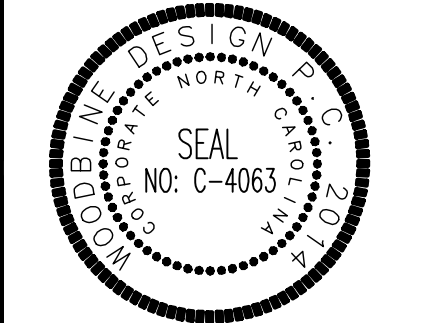
Land Development Inspector:

Tommy Kozlch – Cornelius, Davidson, Huntersville
(704) 634-6753

Zoning Inspector:

Brian Sifford – Cornelius, Davidson, Huntersville
(980) 721-0924

Woodbine Design, P.C.
Land planning & civil engineering
www.woodbinedesign.com
rburgess@woodbinedesign.com
980.722.2669
704.511.5867
20816 N. Main Street, Suite 204
Cornelius, NC 28031

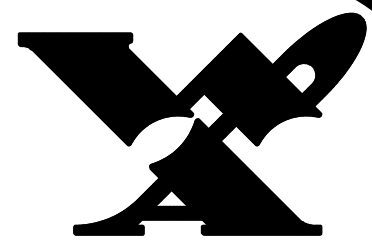


Project: CORNELIUS VILLAGE CENTER LOT #7
Location: 19725 JETTON RD., CORNELIUS, NC 28031
Sheet Title: Mecklenburg, Co.
Grading & Erosion Control Plan

DEVELOPER/OWNER
QUANTUM TECHNOLOGY GROUP
JETTON RD.
CORNELIUS, NC 28031

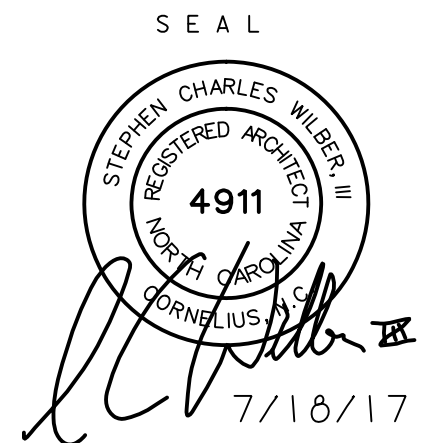
Designed By: Woodbine Design
Drawn By: PW
Date: 5/5/17
Revisions:

Sheet C4 of 7
Project Number 17006



Wilber Associates
Architecture / Planning
P.O. Box 428 - 20044 N. Zion St.
Cornelius, N.C. 28031
704-892-3633

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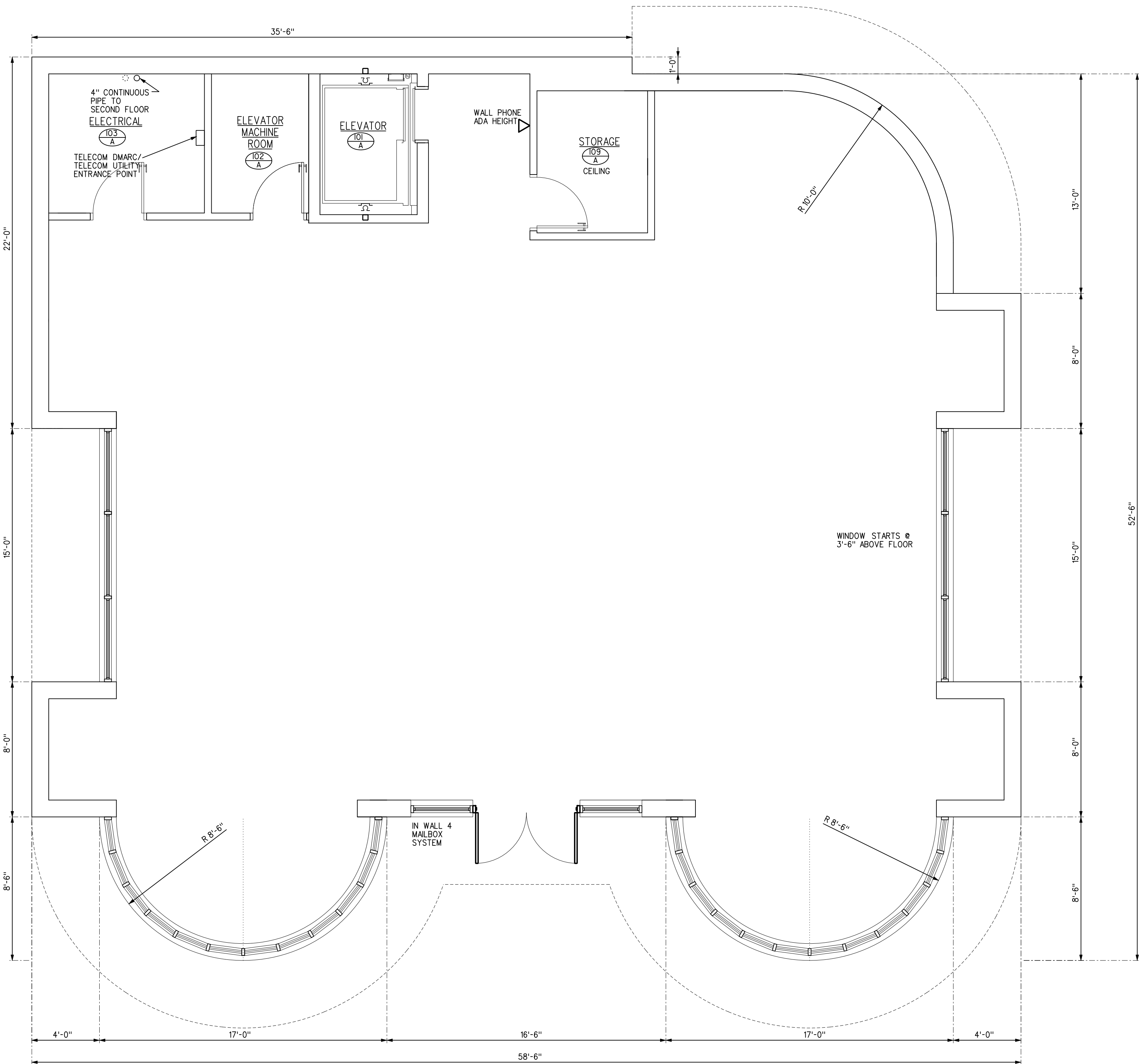


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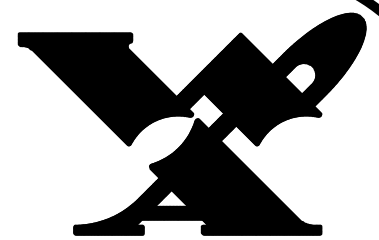
NEW BUILDING FOR
THE ZAIKA GROUP, L.L.C.
19725 JETTON ROAD
CORNELIUS, NC

COMM. NO.	1693
DATE	7/18/17
REVISIONS	

SHEET
A-1
OF
-



LEVEL ONE FLOOR PLAN
1/4"=1'-0"



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SEAL



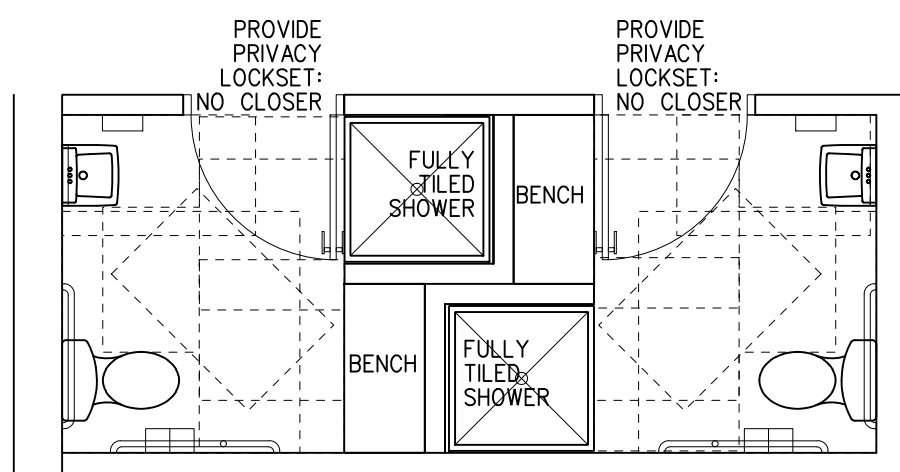
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NEW BUILDING FOR
THE ZAIKA GROUP, L.L.C.
19725 JETTON ROAD
CORNELIUS, NC

COMM. NO. 1693
DATE 7/18/17
REVISIONS

SHEET

A-2
OF

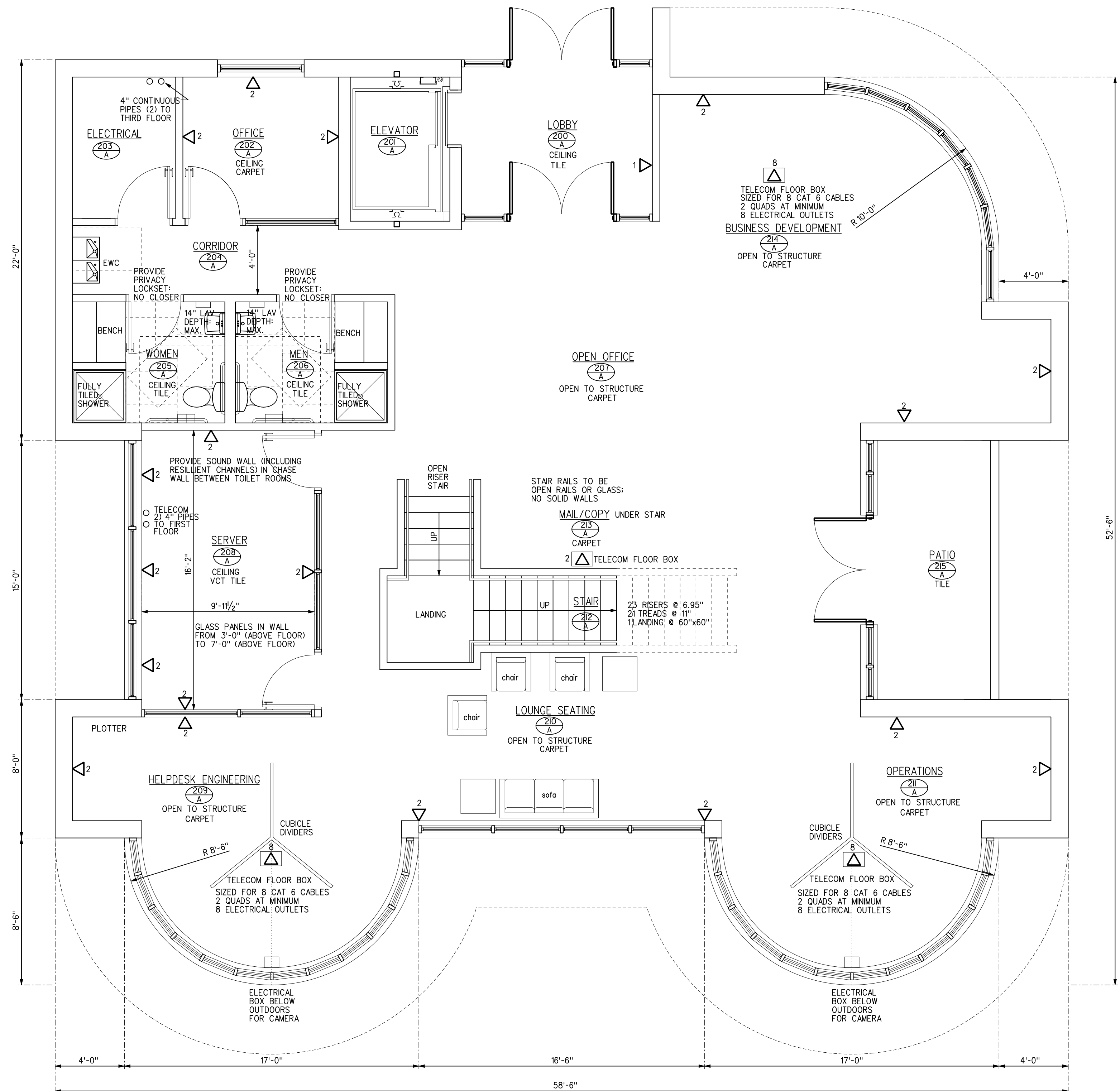


PROVIDE GENERAC GENERATOR TO POWER SERVER ROOM, CONFERENCE, KITCHEN, HELPDESK, ENGINEERING, TOILETS ON LEVELS 2 & 3 AND BOTH LARGE OFFICES ON LEVEL 3.

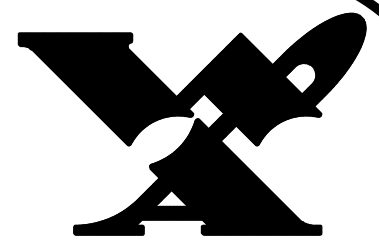
PROVIDE DEDICATED ELECTRICAL OUTLETS IN SERVER ROOM

△ VOICE/DATA
TV TV: NEED SINGLE GANG BOX
△ VOICE/DATA FLOOR BOX

NOTE: PROVIDE ELECTRICAL OUTLETS WHERE VOICE/DATA OUTLETS OCCUR



LEVEL TWO FLOOR PLAN
1/4" = 1'-0"



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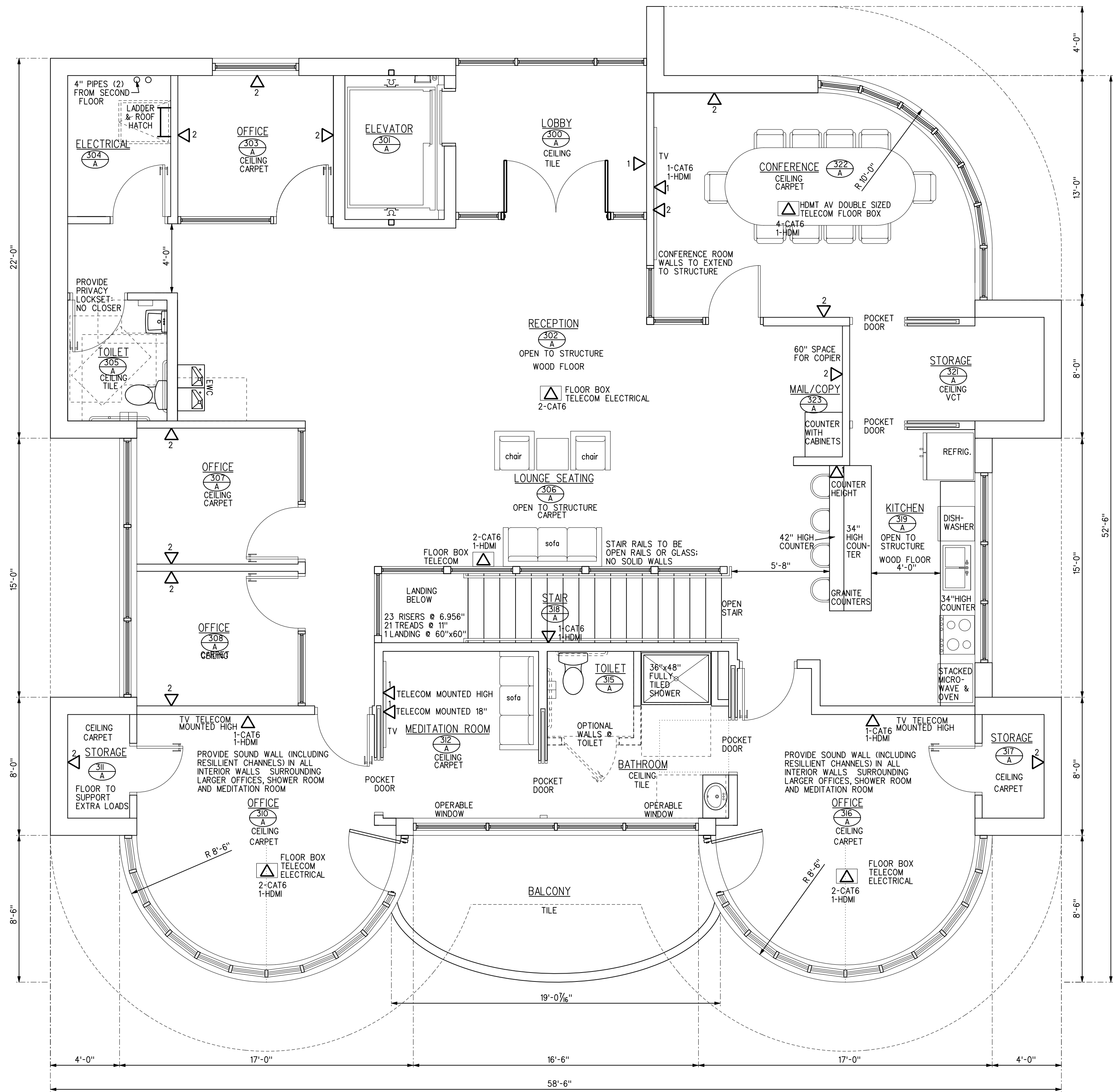
SEAL
STEPHEN CHARLES WILBER III
REGISTERED ARCHITECT
4911
7/18/17

TITLE

NEW BUILDING FOR
THE ZAIKA GROUP, L.L.C.
19725 JETTON ROAD
CORNELIUS, NC

COMM. NO. 1693
DATE 7/18/17
REVISIONS

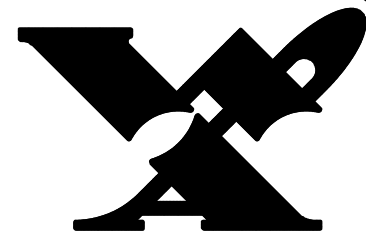
SHEET
A-3
OF
-



△ VOICE/DATA
TV TV: NEED SINGLE GANG BOX
△ VOICE/DATA FLOOR BOX

NOTE: PROVIDE ELECTRICAL OUTLETS WHERE VOICE/DATA OUTLETS OCCUR

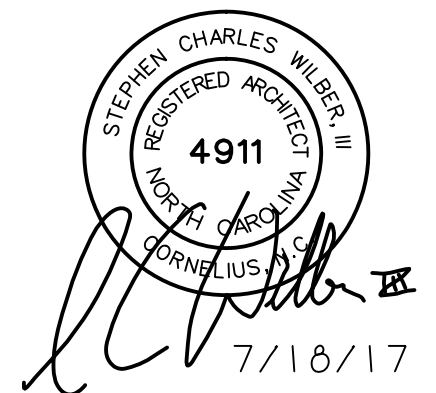
LEVEL THREE FLOOR PLAN
1/4"=1'-0"



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SEAL



TITLE

NEW BUILDING FOR
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19725 JETTON ROAD
CORNELIUS, NC

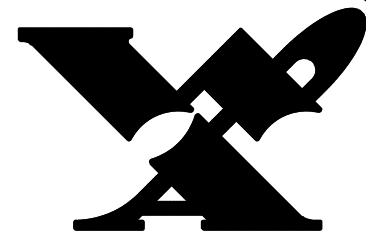
COMM. NO.	1693
DATE	7/18/17
REVISIONS	

SHEET

A - 4
OF
-



BETHEL CHURCH ROAD ELEVATION
1/4" = 1'-0"



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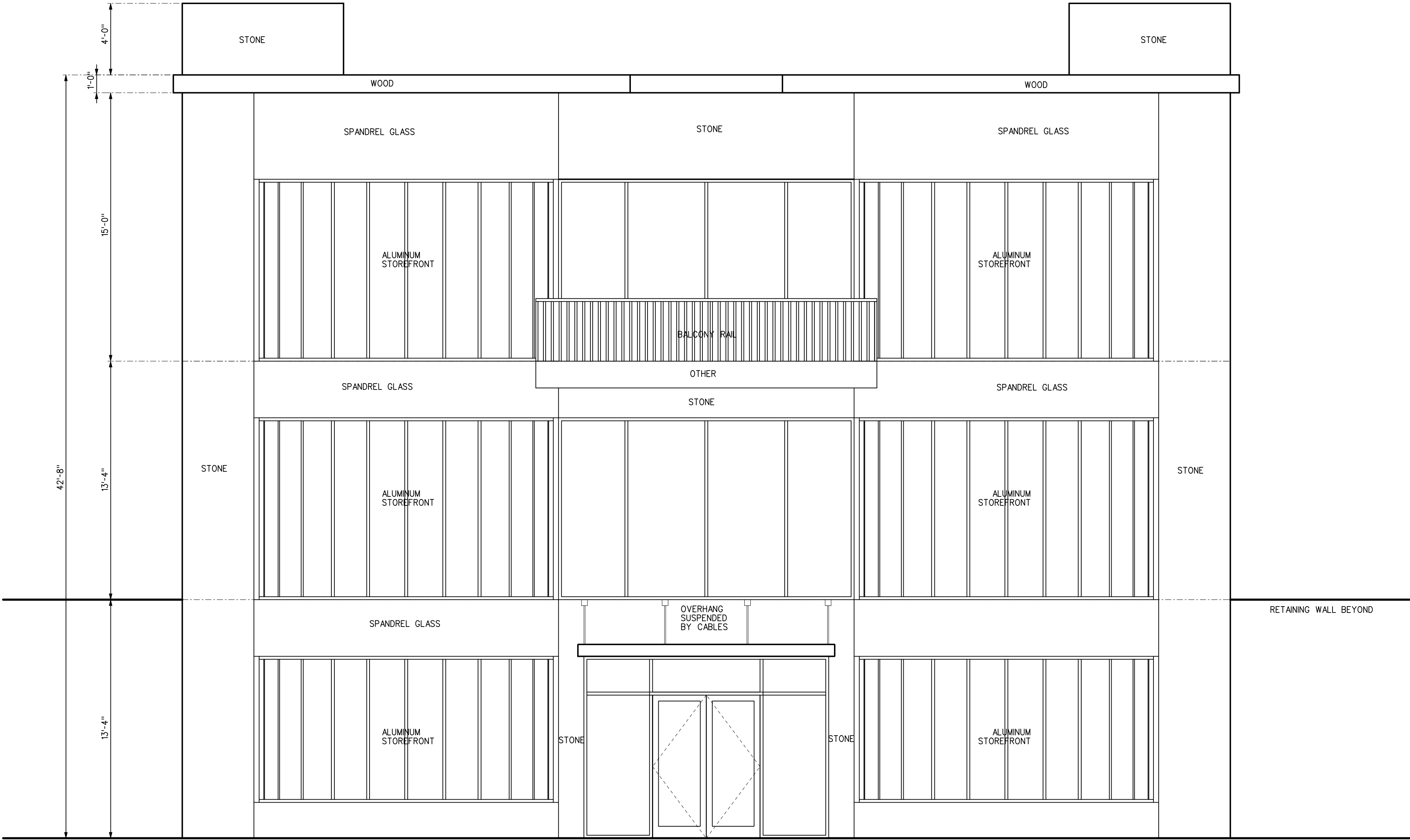


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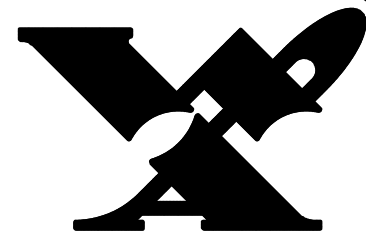
NEW BUILDING FOR
THE ZAIKA GROUP, L.L.C.
19725 JETTON ROAD
CORNELIUS, NC

COMM. NO. 1693
DATE 7/18/17
REVISIONS

SHEET
A-6
OF
-



JETTON ROAD ELEVATION
1/4"=1'-0"



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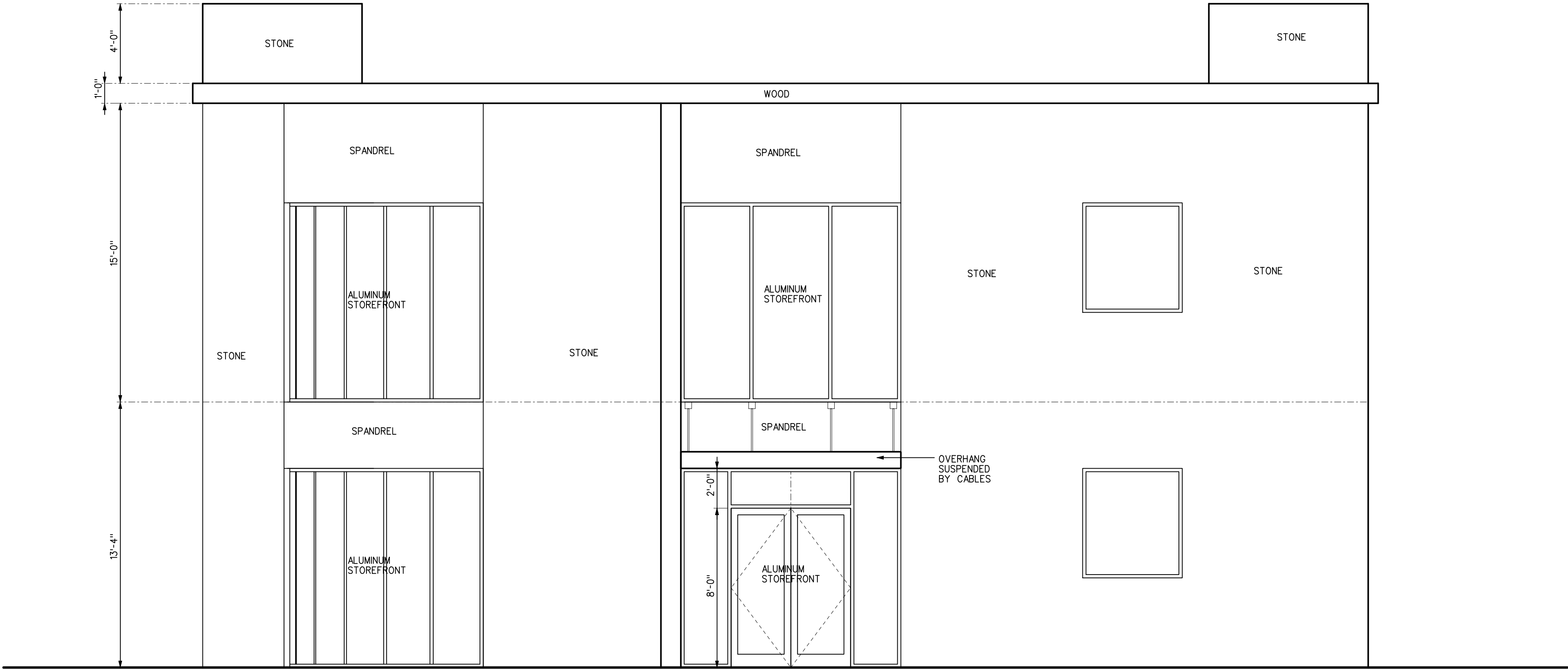


TITLE

NEW BUILDING FOR
THE ZAIKA GROUP, L.L.C.
19735 JETTON ROAD
CORNELIUS, NC

COMM. NO. 1693
DATE 7/18/17
REVISIONS

SHEET
A-5
OF



PARKING ELEVATION
1/4"=1'-0"

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 2017

To: Planning Board Members

From: Wayne Herron, AICP
Director of Planning

Action Requested:

The applicant, Archer Real Estate Holdings, LLC, requests an amendment to the Automobile Sales District Overlay to:

1. Allow automobile rental as a permitted use by right within the overlay district; and
2. Remove the minimum three (3) acre requirement as specified in 5.2.5 (a) for auto rentals.





LDCAB reviewed the proposed amendment and recommends the following:

1. Do not remove the 3 acre minimum for auto sales.
2. Allow auto rental as a permitted use in the auto sales overlay district with the following supplemental standards for occupying existing buildings/developments:
 - a. all signage must conform to current sign ordinance standards
 - b. parking area landscaping must conform to current type "B" buffer standards
 - c. if gravel parking exists, it may continue as long as the gravel area meets standards for upkeep and appearance.
 - d. all vehicles must be parked on an improved surface and may not be parked in grass or open space areas.
 - e. Existing buildings must be reviewed by the Architectural Review Board (ARB) for consideration of improvements.

Manager's Recommendation:

Approval of LDCAB recommendations.

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_05-17_ASD-O_Amendment.pdf	ORD TA 05-17 ASD-O Amendment	Ordinance
 CH_05_Zoning_Use_Regulations-Marked.pdf	TA 05-17 ASD-O Amendment Chapter 5	Backup Material
 CH_06_Uses Permitted With Conditions-Marked.pdf	TA 05-17 ASD-O Amendment Chapter 6	Backup Material
 Application.pdf	TA 05-17 ASD-O Amendment Application	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 August 21, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that the Land Development Code, be AMENDED as follows (See Exhibit A):

- Chapter 5: Zoning & Use Regulations
- Chapter 6: Uses Permitted With Conditions

Adopted this 21st day of August, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 05-17: AUTOMOBILE SALES DISTRICT OVERLAY AMENDMENT

AMEND Chapter 5, Zoning & Use Regulations, as follows:

5.2.5: AUTOMOBILE SALES DISTRICT OVERLAY (ASD-O)

The intent of the Automobile Sales District Overlay is to allow through conditional zoning, automobile, truck, motorcycle, boat and recreational vehicle (RV) sales as uses in a specific area that would be compatible and appropriate. Automobile rentals shall be allowed by right in the ASD overlay district.

Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales and rental uses promote vehicular customer traffic that is more of a regional draw. Therefore, uses of this nature should be located in those areas that are not designated for neighborhood environments that are designed for pedestrian oriented mixed uses.

- A. Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales use project boundaries must be a minimum of three (3) acres in order to file the required conditional zoning (CZ) application.
- B. All principal buildings associated with the automobile, truck, motorcycle, boat and recreational vehicle sales or rental use shall front on a public street, and shall meet the architectural requirements of section 4.6.4.
- C. All projects shall, meet the supplementary requirements per section 6.2.4.

Automobile rentals occupying existing buildings shall meet all of the following requirements:

1. All vehicles must be parked on an approved improved surface.
2. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar material to prevent standing water and mud.
3. Site must adhere to Type 'B' landscape requirements as specified in Chapter 9.
4. All non-conforming signage must be brought into compliance.
5. Any proposed automobile rental use occupying existing buildings must be reviewed by the Architectural Review Board to discuss potential architectural improvements.

Any new development for automobile rentals must meet all current Land Development Code requirements.

5.5.3: GENERAL LOT PROVISIONS FOR MIXED USE & COMMERCIAL DISTRICTS

- A. All ancillary equipment or facilities associated with a commercial use such as gasoline pumps, car wash bays, etc. shall only be allowed to the side or rear of the principal building.
- B. Canopies and awnings are permitted to encroach into the front setback a maximum of 5 feet.
- C. Arcades are permitted to encroach into the right-of-way only with permission from the Town and/or NCDOT.
- D. Bays and garage entrances may not face the fronting street.
- E. Surface parking shall be provided to the side or rear of all buildings.
- F. All vehicles must be parked on an approved improved surface, and may not be located on grass or in a buffer or landscaped area.

~~F.G.~~ Parking Decks may be located in the front or along street frontage if the architecture is that of a building front/façade that matches the buildings within the immediate area in theme and design or is approved by the Architectural Review Board with an appropriate façade appearance.

AMEND Chapter 6, Uses Permitted With Conditions, Section 6.2.4, as follows:

6.2.4 AUTOMOBILE, TRUCK, MOTORCYCLE, BOAT, RECREATIONAL VEHICLE (RV) SALES AND RENTALS (CZ in ASD-0)*

- A. Large surface parking lots should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street, Principal building, or landscaping.
- B. Type C interior plantings shall be provided in and around public parking, and sales, and rental lot areas. Double stacking may be allowed within sales and rental lots on a case by case basis provided that all other parking and screening requirements are met.
- C. All outdoor sales or display of vehicles shall be ~~setback a minimum of twenty feet (20') from the front property line, on approved improved surfaces,~~ and shall be screened with a type B buffer in accordance with Chapter 9, Section 9.4.2(8). Outdoor display areas cannot be located in front of the principal structure and may not be located on grass, or in a buffer or landscaped area.
- D. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

CHAPTER 5: ZONING DISTRICT & USE REGULATIONS

5.1 GENERAL ZONING DISTRICTS

5.1.1: RURAL PRESERVATION (RP)

The Rural Preservation District is coded to accommodate very low-density residential development and agricultural uses, protect natural vistas, and landscape features that define our rural heritage. The district has been developed to protect the continuance of our rural areas and their customary development patterns and uses to prevent the sacrificing of environmentally sensitive landforms, natural vistas and scenic features.

5.1.2: GENERAL RESIDENTIAL (GR)

The General Residential District is coded to permit the development of lower density single-family housing. Such development has traditionally been found along the lakefront and in conventional subdivisions. For developments located within a Watershed Overlay District see Section 5.2.1 and 5.2.2 for additional requirements. The High Impervious Cover Option in the Lake Norman Overlay District as detailed in Section 5.2.1 (B)(3) cannot be utilized in this District.

5.1.3: NEIGHBORHOOD RESIDENTIAL (NR)

The Neighborhood Residential (NR) district is coded to preserve a mixture of residential uses at medium densities generally between 2 and 4 units per acre, along with other civic and institutional uses normally found in a residential area. Similar building frontages shall face each other. Dissimilar building frontages shall abut to the rear or may be transitioned by block. The street and open space designs in these areas are used to create compatibility along frontages that encourage pedestrian interaction and discourage high automobile speeds. Supplemental regulations for neighborhood developments over 20 acres in the NR District are located in Chapter 6.

5.1.4: NEIGHBORHOOD MIXED USE (NMX)

The Neighborhood Mixed Use (NMX) district is coded to provide a mix of commercial and residential activities at the function center of neighborhoods. Small-scale multi-family developments may be allowed subject to a conditional zoning change. The NMX District should also encourage infill and redevelopment in established portions of the community and to serve as a transition between adjacent developed single-family uses and higher-intensity non-residential uses. Supplemental regulations for neighborhood developments over 20 acres in the NMX District are located in Chapter 6.

5.1.5: WATERFRONT MIXED USE (WMX)

The Waterfront Mixed Use (WMX) District is coded to allow for a mix of land uses in certain areas that are adjacent to Lake Norman, one of the region's most valuable natural resources and a focal point of town activity. Supplemental requirements for all Waterfront Mixed Use Developments are located in Chapter 6. The WMX District is established to assure quality development along the lake through six (6) main objectives:

- A. To protect public access to the lake
- B. To provide quality public spaces
- C. To effect quality design and a variety of built forms that result in a pedestrian scale as well as unique architecture
- D. To encourage a mix of uses that fosters a sense of community.

5.1.6: TOWN CENTER (TC)

The Town Center district is coded to encourage the redevelopment and expansion of the traditional town center. This center is intended to serve as the civic, cultural and governmental hub of activity for the Cornelius community. This area is projected to serve as a main transportation center utilizing mass transit



CHAPTER 5: ZONING & USE REGULATIONS

along a north-south transit corridor (Hwy 115 and/or Southern Railroad R-O-W). To serve effectively, the population density in this immediate vicinity should be higher within immediate walking distance of the transit stop. Town Center minimum building heights are established along main corridors to ensure proper spatial definition and encourage strong pedestrian spaces. Transitions from Neighborhood Residential areas should be accomplished through architectural design and streetscape treatment. Individual buildings are encouraged to be mixed vertically with street level commercial and upper level residential. Higher densities of residential development are encouraged.

5.1.7: VILLAGE CENTER (VC)

The Village Center district is coded to encourage the development of large-scale mixed-use districts that compliment and serve the daily needs of adjoining neighborhoods and are supported by existing and planned transportation networks constructed to support the traffic demands of both the auto and the pedestrian. Village Centers traditionally form near the convergence of large, coherent neighborhoods. Building heights ensure proper spatial definition, encourage strong pedestrian spaces and promote mixed use within buildings. Parking requirements may be satisfied using on-street parking, shared rear-lot parking areas or small scale parking lots adjacent to buildings. Buildings in the village center should have similar massing, volume, frontage, scale and architectural features. Transitions from residential areas should be accomplished through proper street design. Vertical mixed-use buildings are encouraged with street level commercial and upper level residential.

5.1.8: TRADITIONAL NEIGHBORHOOD DISTRICT (TN) – REPEALED June 7, 1999

The TN District exists on the current zoning map, but has been repealed effective June 7, 1999 and the code provisions of the district have been consolidated into the Neighborhood Residential and Neighborhood Mixed Use Districts. Rather than rezoning the existing Traditional Neighborhood District, the Town Board of Commissioners hereby permits all development approved for a Preliminary Plat before June 7, 1999 to be developed, including any final plat approvals, as a non-conforming district in accordance with the provisions of the supplemental requirements for TND development located in Chapter 6.

5.1.9: HIGHWAY COMMERCIAL (HC)

The Highway Commercial district is coded to provide for the location of auto-oriented and auto-dependent uses and/or those uses which have a definable market area which extends beyond the scale of the Neighborhood, Village or Town Center. The intent of these provisions is to facilitate convenient access, minimize traffic congestion and reduce visual clutter along certain designated commercial corridors such as Catawba Avenue (in the vicinity of the Interstate) and Statesville Road (US 21).

5.1.10: CORPORATE OFFICE (CO)

The Corporate Office District is coded to promote the establishment and operation of institutional, office, limited commercial and limited residential activities. These districts, in some instances, may serve as transitions between residential districts and other commercial districts, and they shall provide business centers that are attractive institutional and office uses at increased intensities to promote economic development. The district allows sufficient height to make parking decks a more feasible option and it is hoped the use of height for density will facilitate greater preservation of open space and natural features on these sites. The principal means of ingress and egress for uses in the districts shall be along collector roads, minor arterials and/or major arterials as designated on the Town's Thoroughfare Plans.



CHAPTER 5: ZONING & USE REGULATIONS

5.1.11: BUSINESS CAMPUS (BC)

The Business Campus district is coded to permit the development of campus-style developments that may include corporate office parks, supporting commercial, institutional and light industrial uses. Because of the presence of a high number of employees, these developments should be designed in a manner that is pedestrian friendly. Business Campus districts should consist of institutions of varying types and coordinated office developments of 10 acres or more. The Business Campus will also function in support of transit opportunities allowing workers and visitors access to the facility by permitting the use of parking decks and bus stops.

5.1.12: INDUSTRIAL CAMPUS (IC)

Industrial Campus districts are coded to permit the development of light industries. Such developments are typically too large in scale to fit within a neighborhood environment and should be buffered from surrounding neighborhood uses. This district may not be used to circumvent other Sections in the Land Development Code. Industrial Campus Districts may not be used for retail uses. Site plans shall be submitted with all map amendment petitions. Such site plans are not required to be descriptive for interior lots but shall adequately address ingress & egress, buffering & screening, proposed uses and general compatibility to surrounding neighborhoods. Because of the significant impacts certain interior Industrial Campus districts uses have on the community in size and/or use, such developments shall be permitted only upon review of a Master Plan by the Planning Board and approval of the Town Board in accordance with Chapter 12. Individual sites with uses permitted by right may be approved administratively in accordance with the approved Master Plan.

5.2 OVERLAY DISTRICTS

5.2.1: LAKE NORMAN OVERLAY DISTRICT (LN-O)

In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre or 20,000 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area or in accordance with Chapter 11 of this Code. The Board of Commissioners may approve a higher impervious cover proposal consistent with the intent of the Overlay district. New residuals application sites and landfills are specifically prohibited.

A. ALLOWED USES:

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Residential development, as permitted in the underlying zoning classification.
4. Non-residential development, excluding: 1) landfills; 2) sites for land application of residuals or petroleum contaminated soils; 3) the storage of toxic and hazardous materials unless a spill containment plan is implemented and filed with the Mecklenburg County Fire Marshall's Office; and 4) new Industrial Process Discharges requiring a NPDES permit.

B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option: Single Family Residential – Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half



CHAPTER 5: ZONING & USE REGULATIONS

(1/2) acre (or 20,000 square feet excluding street right-of-way), except within an approved cluster development.

2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
3. High Impervious Cover Option (Cannot be Utilized in the GR District) – Where new development is proposed to exceed either 2 units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development may not exceed fifty percent (50%) built-upon area.

5.2.2: MOUNTAIN ISLAND LAKE OVERLAY DISTRICT (MIL-O)

In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre or 20,000 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area or in accordance with Chapter 11 of this *Code*. The Board of Commissioners may approve a higher impervious cover proposal consistent with the intent of the Overlay district. New residuals application sites and landfills are specifically prohibited.

A. ALLOWED USES:

1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Residential development, as permitted in the underlying zoning classification.
4. Non-residential development, excluding: 1) landfills; 2) sites for land application of residuals or petroleum contaminated soils; 3) the storage of toxic and hazardous materials unless a spill containment plan is implemented and filed with the Mecklenburg County Fire Marshall's Office; and 4) New Industrial Process Discharges requiring a NPDES permit.

B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option – Single Family Residential – Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding street right-of-way), except within an approved cluster development.
2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
3. High Impervious Cover Option (Cannot be utilized in the GR district) – Where new development is proposed to exceed either 2 units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development may not exceed seventy percent (70%) built-upon area.



CHAPTER 5: ZONING & USE REGULATIONS

5.2.3: TRANSIT DISTRICT OVERLY (TD-O)

The intent of the Transit District-Overlay is to produce compact areas of higher-density, mixed-use areas that define focal points throughout the community and unify surrounding neighborhoods within walking distance of a proposed transit station.

In general, the street network should be designed to facilitate bus transit; primary and secondary access to buildings should be directly related to the location of transit stops and other transportation amenities.

This Overlay is comprised of those properties that are generally within ¼ mile walking distance of a planned Transit Station. To this end, properties with a Neighborhood Residential classification that fall within a Transit District-Overlay are permitted to construct higher densities of residential housing than permitted by the underlying zoning.

By permitting additional residential development to occur with walking distance of existing and planned commercial centers, the Town seeks to reinforce the long-term viability and quality of life of these areas.

The provisions of this section are only applicable upon completion of a Major Investment Study by the Metropolitan Transit Commission and the subsequent identification of an approximate mass transit station area.

5.2.4: TRANSITIONAL RESIDENTIAL OVERLAY (TR-O)

The intent of the Transitional Residential Overlay District is to protect, preserve and enhance residential areas while allowing commercial uses, which are compatible with the adjacent residential uses.

- A. By permitting commercial development to occur within a neighborhood district, the Town seeks to effectively integrate the residential with the commercial development while preserving the residential character and scale of the existing homes in the neighborhood.
- B. Properties in this district are required to meet underlying zoning district requirements such as street improvements and landscaping, etc. The properties that fall within the Transitional Residential Overlay may be required to meet stricter conditions in order to mitigate adverse impacts to the residential community that may result from the commercial use. Conditions may include but are not limited to the following: signage, outdoor displays, lighting, deliveries, parking, hours of operation and trash pickup.
- C. Existing structures in the overlay district that are used for nonresidential purposes shall retain their residential character and scale. Preservation of existing residential structures proposed for mixed use and/or commercial along Catawba Avenue and Main Street are preferred in lieu of new construction unless it is impractical and cost prohibitive to preserve the structure based on its condition.
- D. Any substantial changes to the residential character of existing buildings, including additions of floors, new accessory buildings greater than 120 square feet, front porch enclosures, changes in roof pitch, substantial changes in materials, creation of new door/window openings or closure of door/window openings requires a major architectural variation in accordance with Chapter 4.
- E. The hours of operation shall be compatible with the residential area. The hours of operation shall be between 8 AM and 9 PM, Monday through Saturday. The hours of operation limitation may only be extended upon issuance of a Special Use Permit for the subject property per Chapter 12 of this ordinance. The following activities are prohibited after business hours: loading and unloading of materials, exterior maintenance, refuse removal and other activities that generate unreasonable noise.



CHAPTER 5: ZONING & USE REGULATIONS

- F. Deliveries are permitted between the hours of 7 AM and 6 PM, Monday through Saturday. Parking of any vehicle on sidewalks is prohibited.
- G. Exterior Lighting shall be in accordance with Chapter 7, with the exception of non-cutoff lights which are prohibited, and outdoor lighting height shall be no greater than eighteen (18) feet above grade.
- H. All outdoor display of goods shall be located immediately adjacent to the storefront on the front porch only during the hours of operation, in order to maintain the residential character of the street.
- I. Outdoor storage is only permitted in the rear yard and shall be screened from public view with a Type A buffer. Only outdoor storage associated with the business is permitted. (Single-family residential is exempt.)
- J. All trash, recyclable materials, yard debris and bulky items shall be in accordance with the Town of Cornelius trash collection contract specifications.
- K. Roll out containers shall be stored in the side or rear yard and fully screened from public view with a fence (i.e. wood, lattice) that has a minimum height of six (6) feet.
- L. Each property shall be permitted one projecting sign or one arm sign in accordance with Chapter 10, Sign Regulations. Wall signs are prohibited; however, a property is permitted one placard not to exceed two square feet. The Planning Director has discretion to permit additional signage types per section 10.2.2, Minor Variance provision.
- M. Upon review by the Planning Director, any proposed use that is deemed to have potential impacts on any adjacent residential use or any proposed use that deviates from any standard set forth in this section, may be required to obtain a Special Use Permit after due consideration of public safety, aesthetics, site conditions, functionality and other factors potentially affecting public interest and safety.

5.2.5: AUTOMOBILE SALES DISTRICT OVERLAY (ASD-O)

The intent of the Automobile Sales District Overlay is to allow through conditional zoning, automobile, truck, motorcycle, boat and recreational vehicle (RV) sales as uses in a specific area that would be compatible and appropriate. Automobile rentals shall be allowed by right in the ASD overlay district.

Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales and rental uses promote vehicular customer traffic that is more of a regional draw. Therefore, uses of this nature should be located in those areas that are not designated for neighborhood environments that are designed for pedestrian oriented mixed uses.

- A. Automobile, truck, motorcycle, boat and recreational vehicle (RV) sales use ~~P~~project boundaries must be a minimum of three (3) acres in order to file the required conditional zoning (CZ) application.
- B. All principal buildings associated with the automobile, truck, motorcycle, boat and recreational vehicle sales or rental use shall front on a public street, and shall meet the architectural requirements of section 4.6.4.
- C. All projects shall, meet the supplementary requirements per section 6.2.4.

Automobile rentals occupying existing buildings shall meet all of the following requirements:

- 1. All vehicles must be parked on an approved improved surface.
- 2. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar material to prevent standing water and mud.
- 3. Site must adhere to Type 'B' landscape requirements as specified in Chapter 9.
- 4. All non-conforming signage must be brought into compliance.
- 5. Any proposed automobile rental use occupying existing buildings must be reviewed by the Architectural Review Board to discuss potential architectural improvements.



CHAPTER 5: ZONING & USE REGULATIONS

Any new development for automobile rentals must meet all current Land Development Code requirements.

5.2.6: TORRENCE CHAPEL TRAFFIC MITIGATION DISTRICT OVERLAY

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.

5.3 CONDITIONAL ZONING (CZ) DISTRICTS

Conditional Zoning Districts (CZ) may be utilized to create new unique districts for those uses or developments noted to allow for CZ in Section 5.4.2. CZ may be utilized in an effort to allow for those situations where a particular use or development, if properly planned, may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. The applicant must provide an initial proposal that includes all proposed uses and standards for the conditional zoning district being proposed. Conditional Zoning shall be subject to the specific procedural rules of Chapter 18.

5.4 LAND USE PROVISIONS

5.4.1: USES NOT EXPRESSLY LISTED OR ADDRESSED

- A. Uses designated as "permitted uses" and "uses permitted with conditions" are allowed in a district as a matter of right. Uses classified as "special uses" are permitted upon approval of a Special Use Permit approved by the Planning Board.
- B. It is recognized that new types or forms of land use will develop within the Town of Cornelius that are not anticipated by this Ordinance. In order to provide for such changes and contingencies, the classification of any new or unlisted land use shall be made by the Planning Director or designee to determine if the use can reasonably be interpreted to fit into a similar use category described in the Ordinance. The Planning Director or designee may, at their discretion, use other classification methods to determine if and where certain uses may be permitted such as the latest version of the North American Industry Classification System (NAICS) Guide produced by the Bureau of Labor Statistics. If the Planning Director or designee cannot make a determination on a particular use, then The Planning Board may make such a determination after conducting a public hearing.
- C. Unless a use is specifically identified in the "table of uses" as either "permitted", "permitted with conditions", "special use" or "conditional zoning"; or identified as a "nonconforming use", "temporary use" or permitted as an "accessory use" according to this ordinance, then such use is prohibited.



CHAPTER 5: ZONING & USE REGULATIONS

5.4.2: TABLE OF USES

Uses designated as "permitted uses" are allowed in a zone as a matter of right and are designated with a "P" in table below. Uses designated as "permitted with supplemental conditions" are allowed in a zone as a matter of right and are designated with a "PC" in the table below. Uses designated with an "S" in the table below are "special uses" and are allowed only after a special use permit has been issued. Uses designated with a "CZ" in the table below are uses that require a "conditional zoning" district process. Uses designated with an "A" or "AC" are only allowed as accessory uses.

Use Category	P - Permitted By Right				S -Special Use Permit Required				A - Accessory Use Only			
	PC - Permitted w/ Supp. Conditions				CZ - Conditional Zoning Approval Required				AC - Accessory w/ Supp. Conditions			
	RP	GR	NR	NMX	WMX	TC	VC	HC	BC	CO	IC	
Adult Establishment								CZ				
Agricultural Uses	P											
Animal Hospital and Boarding & Grooming Service (no outdoor kennels)				P		P	P	P				P
Animal Hospital (w/ outdoor kennel)								CZ				CZ
Animal Kennel	CZ							CZ				CZ
Antenna Systems	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
ATM (Automated Teller Machine)				AC	AC	AC	AC	AC	AC	AC	AC	AC
Automobile/Boat Repair & Service												
Automobile, Recreational Vehicle, Boat & Tractor Trailer Parking/Storage												
Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental												
Bar				A	AC	A	A	A	A	A	A	A
Bed & Breakfast Inn	PC		PC	PC	PC	PC	PC					
Brewery, Large									PC			PC
Brewery, Micro				CZ	CZ	PC	PC	PC	PC	PC	PC	PC
Bus Stop Shelter				PC	PC	PC	PC	PC	PC	PC	PC	PC
Car Wash – Automatic & Self Service								CZ				
Cemetery/Columbarium	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Civic/Institutional Use	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ		
Commercial, Retail & Service Uses 0 - 9,999 square feet				PC	PC	PC	PC	PC	PC	PC		
Commercial, Retail & Service Uses 10,000 - 29,999 square feet				CZ	CZ	PC	PC	PC	PC	PC		
Commercial, Retail & Service Uses 30,000 - 49,999 square feet				CZ	CZ	CZ	CZ	PC	PC	PC		



CHAPTER 5: ZONING & USE REGULATIONS

P - Permitted By Right
PC - Permitted w/ Supp.
Conditions

S - Special Use Permit Required
CZ - Conditional Zoning Approval
Required

A - Accessory Use Only
AC - Accessory w/
Supp. Conditions

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Commercial, Retail and Service Uses 50,000+ square feet						CZ	CZ	CZ	CZ	CZ	
Community Center, Public				P	AC	P	P	P	P	P	P
Convenience Store							PC	PC	PC	PC	
Country Club	CZ	CZ	CZ		CZ			CZ			
Cruise/Excursion/Dinner Boat				PC	AC		PC				
Day Care/Preschools				PC	AC	PC	PC	PC	PC	PC	
Distribution/Wholesale									P		P
Drive-Through Facilities (Excluding Restaurants)				PC	PC	PC	PC	PC	PC	PC	PC
Duplex			PC	PC							
Dwelling, Manufactured Home, Class A	PC										
Dwelling, Multi-Family			CZ	CZ	CZ		CZ			CZ	
Dwelling, Single-Family	P	P	PC	PC						CZ	
Essential Services, Class I & Class II	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Essential Services, Class III											CZ
Events/Gathering Facility, Indoor				CZ	CZ	CZ	CZ	P	P	P	P
Events/Gathering Facility, Outdoor	CZ			CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Firing Range (Indoor only)											CZ
Funeral Homes/Crematory				PC		PC	PC	PC			
Golf Course	CZ	CZ						CZ			
Golf Driving Range	AC	AC						PC			
Golf, Miniature				CZ	PC	P	P	P			
Greenways and Trails	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	AC	AC	AC	AC	AC	AC	AC				
Hospital								CZ	CZ	CZ	
Hotel, Motel, Inn				CZ	CZ	CZ	CZ	PC	PC	PC	
Innovative Master Planned Development	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Library				PC	PC	PC	PC	PC	PC	PC	
Manufacturing, Light									PC	PC	PC
Manufacturing, Heavy											PC
Mini-Warehouse/Storage											
Mixed Use Building				PC	PC	PC	PC				
Nightclub					CZ	CZ	CZ	CZ	CZ	CZ	
Nursery (wholesale only)	CZ										
Office				PC	PC	PC	PC	PC	PC	PC	AC
Park	P	P	P	P	P	P	P	P	P	P	P
Park & Ride Facility				CZ		PC	PC	PC	PC	PC	PC
Parking Facility	A	A	A	A	AC	PC	A	A	A	A	A



CHAPTER 5: ZONING & USE REGULATIONS

P - Permitted By Right
PC - Permitted w/ Supp.
Conditions

S -Special Use Permit Required
CZ - Conditional Zoning Approval
Required

A - Accessory Use Only
AC - Accessory w/
Supp. Conditions

<u>Use Category</u>	<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u>	<u>CO</u>	<u>IC</u>
Private Club					PC	PC		PC			
Recreation Center, Public (0 – 14,999 square feet)				PC		PC	PC	PC	PC	PC	PC
Recreation Center, Public (15,000+ square feet)				CZ		PC	PC	PC	PC	PC	PC
Recreation Facilities	CZ	CZ	CZ	CZ	PC	PC	PC	PC	AC	AC	PC
Rental Cottages	AC	AC	AC	AC							
Residential Care Facility	PC	PC	PC	PC							
Residential Care Home	PC	PC	PC	PC							
Restaurant, Drive Through							PC	PC			
Restaurant, Non-Drive Through				PC	PC	PC	PC	PC	PC	PC	
Restaurant, Brewpub				CZ	PC	PC	PC	PC	PC	PC	
School, Elementary, Middle, Senior High and College (public & private)	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
School, Vocational				CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Storage, Indoor or Outdoor	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Subdivision, Conservation Rural	CZ										
Subdivision, Conservation Low	CZ										
Subdivision, Conservation Medium	CZ										
Subdivision, Family	PC										
Subdivision, Farmhouse Cluster	PC										
Subdivision, Major	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Subdivision, Minor	P	P	P	P	P	P	P	P	P	P	P
Taproom				AC	AC	AC	AC	AC	AC	AC	AC
Traditional Neighborhood											
Transient Occupancy	PC			PC		PC	PC				
Transient Occupancy in multi-family buildings only		PC	PC								
Warehouse									AC		PC

5.4.3: ACCESSORY STRUCTURES/USES

The following uses are permitted within accessory structures:

- | | |
|----------------------|-----------------------------------|
| A. Farm structures | F. Rental Cottages (w/conditions) |
| B. Parking | G. Artist studio space |
| C. Gazebo | H. Sauna |
| D. Pool house | I. Workshop |
| E. Equipment storage | J. Conservatory |



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 Ordinance and all other ordinances 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 ten (10) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall adhere to all district setbacks and 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 (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 (15) feet to another principal residential structure on another lot and no closer than ten (10) feet 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 or institutional 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*.



CHAPTER 5: ZONING & USE REGULATIONS

5.5 BULK, HEIGHT & DIMENSIONAL REQUIREMENTS

5.5.1: GENERAL LOT PROVISIONS (ALL DISTRICTS)

The following provisions shall apply throughout the zoning jurisdiction of the Town of Cornelius regardless of the underlying regulating district.

- A. All commercial, office, industrial, mixed-use, civic, institutional and multi-family residential buildings shall comply with the provisions of Chapter 4 Building Design Standards.
- B. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.
- C. Satellite dishes may not exceed 2 feet in diameter.
- D. Hedges shall be planted at least 3 feet from the property line.
- E. Mailboxes, newspaper boxes, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- F. Trash containers, mechanical equipment and outdoor storage shall be located in the side or rear yard and shall be screened from view. Mechanical equipment shall be setback a minimum of 5 feet from the property line. Outdoor Storage shall utilize Opaque Screen/Buffer consistent with the requirements of the Screening and Landscaping chapter of this Code.
- G. Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible according to the standards and requirements of Charlotte-Mecklenburg Utility Department. Where there is no reasonable alternative to locating an above ground backflow preventer in the established front yard as determined by the Planning Department, the structure housing the device shall be covered in non-reflective material and shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped Type A opaque screen.

5.5.2: GENERAL LOT PROVISIONS FOR SINGLE FAMILY DISTRICTS

- A. In the Rural Preservation (RP) Zoning District, accessory buildings, pools, and other similar structures shall be constructed as follows:
 - 1. Zoning Administrator has discretion to allow accessory structures to the rear of the principle structure on double frontage lots if they meet the principle building setback along the property lines adjacent to the street.
 - 2. Aggregate area (defined by foundation size) not to exceed 7% of lot area.
 - 3. At the minimal Rural Preservation lot size (or less if non-conforming), no more than 3 accessory buildings may be allowed. If the lot size exceeds the minimum standards, additional accessory structures may be allowed subject to Zoning Administrator approval.
 - 4. Accessory buildings shall be constructed in the rear yard only. (Exception: Detached garages 600 sf or less and may be placed in side yard with Planning Director approval).
 - 5. The width of the road frontage plane of an accessory building shall not exceed 50% of the average lot width.
 - 6. Accessory buildings greater than 600 sf shall have a minimum building separation from the principal structure of 100'. (In the event building separation or side yard setbacks cannot be met due to lot configuration, an alternative site plan may be reviewed and approved by the Planning Director)
 - 7. One accessory dwelling unit per lot not to exceed 50% of the first floor foot-print square footage of the principle structure.
- B. Accessory buildings, pools and other similar structures in all other residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of 10 feet from the side and rear property lines, except in accordance with Lake Norman buffer requirements according to the "Table



CHAPTER 5: ZONING & USE REGULATIONS

of Dimensional Requirements” per section 5.5.5. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists, provided the provisions of Chapter 4, Architectural Requirements are met.

- C. The aggregate floor area of all accessory structures shall not exceed ½ the total floor area of the principal structure.
- D. Single family lots of record platted prior to the adoption of the State-mandated watershed protection regulations by the Town of Cornelius or Mecklenburg County are exempt from the buffer provisions prescribed in the Watershed Protection Section of this ordinance providing that the Final Subdivision Plat creating the lot establishes specific, recorded setback conditions for the subdivision. If no such minimum setback conditions exist per the record plat, then the setback provisions of the underlying zoning district apply.
- E. Any existing residential or accessory structure, or open deck encroachments into the required watershed setback or buffer area are not permitted to be expanded, covered, or enclosed to otherwise increase its current nonconforming condition or add impervious area to the watershed buffer area.
- F. Buildings containing multi-family units (excluding townhomes) with three stories or more shall contain an elevator.

5.5.3: GENERAL LOT PROVISIONS FOR MIXED USE & COMMERCIAL DISTRICTS

- A. All ancillary equipment or facilities associated with a commercial use such as gasoline pumps, car wash bays, etc. shall only be allowed to the side or rear of the principal building.
- B. Canopies and awnings are permitted to encroach into the front setback a maximum of 5 feet.
- C. Arcades are permitted to encroach into the right-of-way only with permission from the Town and/or NCDOT.
- D. Bays and garage entrances may not face the fronting street.
- E. Surface parking shall be provided to the side or rear of all buildings.
- E-F. All vehicles must be parked on an approved improved surface, and may not be located on grass or in a buffer or landscaped area.
- F-G. Parking Decks may be located in the front or along street frontage if the architecture is that of a building front/façade that matches the buildings within the immediate area in theme and design or is approved by the Architectural Review Board with an appropriate façade appearance.

5.5.4: URBAN LOT (INFILL) REGULATIONS

- A. Front and side yard setbacks for infill lot development shall be equal to the average for similar principal structures on the same side of the street and within the same zoning district within 300 feet of either side of the lot in question.
- B. Churches and other civic buildings shall be exempt from the front yard setback requirements.
- C. Mixed-use or non-residential buildings on corner lots shall be considered to have 2 front yards and shall utilize the minimum front setback for each façade. Residential structures may reduce the required side yard setback for corner lots upon approval of the Planning Director.
- D. Nothing in this Ordinance shall require any change in the plans, construction, or designed use of any building or structure for which a building permit was secured prior to the adoption of this Ordinance, providing the building permit remains valid.
- E. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- F. All lots shall front upon a street built in accordance with Chapter 7. With the provision of lane or alley access, lots may front upon a close or a square, but shall be of sufficient design to allow for the provision of emergency services.



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- G. Up to 4 residential lots, platted prior to October 7, 1996 may be accessed from a public street via a privately maintained easement with a minimum width of 35 foot for use by service or emergency vehicles.

5.5.5: TABLE OF DIMENSIONAL REQUIREMENTS

		ZONING DISTRICTS										
Measure	Unit	RP	GR	NR	NMX	WMX	TC	VC	HC	BC ²	CO ²	IC ²
DENSITY/LOT SIZE												
Max. Density	DU/A	0.33	2	3	-	-	12	-	-	-	-	-
Lot Size Min	Acres	3 ¹	0.5	0.33	-	-	-	-	-	-	-	1
Lot Size Min	Sq. Ft.	130680	21780	14520	-	-	-	-	-	-	-	43560
LOT WIDTH												
Min. Frontage at ROW	Feet	35 ³	35	16	16	16	-	-	-	-	-	-
Frontage Build-Out	%	-	-	-	50	50	75	50	-	-	-	-
Min. Lot Width @ bldg. line	Feet	60	60	50	16	16	16	16	50	-	-	-
HEIGHT												
Height - Max (Principal)	Feet	35	-	26	26	-	-	-	-	36	36	36
Height - Min (Principal)	Feet	-	-	-	-	-	26	26	-	-	-	-
Height - Max (Accessory)	Feet	26 ⁴	26	26	26	-	-	-	-	-	-	-
Height - Stories Max.	#	2	-	2	2	6 ⁵	4 ⁵	3 ⁵	3 ⁵	3 ⁵	3 ⁵	3 ⁵
SETBACKS												
Setback - Front Min	Feet	50 ⁶	25 ⁶	10 ⁶	-	10	-	-	25	-	-	70 ⁸
Setback - Front Max	Feet	N/A ⁴	N/A	20	15	25	10	-	-	-	-	-
Setback – State Roads	Feet	N/A	25	25	25	25	-	25	25	25	25	25
Setback - Westmoreland Rd. (West of 77)	Feet			170	170							
2nd & 3rd Story ROW Encroachment	Feet	-	-	-	-	5	5	5	-	-	-	-
Setback – Sides	Feet	15 ⁶	10 ⁶	10 ⁶	-	-	-	-	-	-	-	-
Setback – Rear	Feet	50	25	25	25	-	-	25	30	-	-	-
Setback - Rear Alley	Feet	-	-	0 ⁷	0 ⁷	0 ⁷	0 ⁷	0 ⁷	-	-	-	-
Parking Setback	Feet	-	-	-	-	-	-	-	-	-	-	30 ⁸



CHAPTER 5: ZONING & USE REGULATIONS

<u>Measure</u>	<u>Unit</u>	<u>ZONING DISTRICTS</u>										
		<u>RP</u>	<u>GR</u>	<u>NR</u>	<u>NMX</u>	<u>WMX</u>	<u>TC</u>	<u>VC</u>	<u>HC</u>	<u>BC</u> ²	<u>CO</u> ²	<u>IC</u> ²
Lake Norman - from 760' contour (all structures)	Feet	50	50	50	50	50	50	50	50	50	50	50
Setback – Side and Rear Accessory (less than 600 sq. ft.)	Feet	10	10	10	10	-	-	10	10	-	-	-
Setback – Side and Rear Accessory (600+ sq. ft.)	Feet	15	15	15	15	-	-	15	15	-	-	-
Min. District Size	Acres	-	-	-	-	-	-	-	-	10	5	10
District Buffer	Feet	-	-	-	-	-	-	-	-	-	-	80
Residential Buffer	Feet	-	-	-	-	-	-	-	30	100	75	100
Interstate Buffer	Feet	50	50	50	50	50	50	50	50	50	50	50

¹ Lots platted prior to October 7, 1996 shall be a minimum of 30,000 sf

² Internal Setbacks Not Applicable in BC, CO & IC as long as district buffer is met

³ Exception – Family & Farmhouse Cluster Subdivisions

⁴ Exception – Farm Structures

⁵ Max 6 stories allowed with CZ request only

⁶ See section 5.5.4, Infill Setbacks

⁷ Garages on alleys shall be setback 20-ft from edge of pavement

⁸ Bailey Road Industrial Corridor, front setback is 70-ft, parking setback is 30-ft



CHAPTER 5: ZONING & USE REGULATIONS

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CHAPTER 6: USES PERMITTED WITH CONDITIONS

- H. Co-location is encouraged. Co-location may occur on poles of non-conforming Antenna Systems. Co-location of additional equipment is permitted for public uses of antenna nodes.
- I. Antenna Systems in existence before the adoption of this ordinance may expand and change after going through an amendment process for the appropriate right of way permit or similar approval and an administrative zoning approval process.
- J. In the event of non-removal of outdated and unused antenna systems equipment, all other projects involving the company who has not removed equipment shall not be permitted to obtain additional permits for new antenna system service.
- K. Obsolete equipment or unused portions of Antenna Systems that are abandoned must be removed within 90 days of abandonment. In the event of non-removal of outdated and unused antenna systems equipment, all other projects involving the company who has not removed equipment shall not be permitted to obtain additional permits for new antenna system service.

6.2.3 AUTOMATIC TELLER MACHINE

- A. Freestanding ATM structures shall be visible from a public street for security reasons.
- B. Freestanding ATM's may be located within a required setback, but may be no closer than five feet to any property line.
- C. Freestanding ATM structures exterior materials shall match the principal building.
- D. Freestanding ATM structures shall be reviewed by the Architectural Review Board.
- E. Drive Through only ATM's shall meet the conditions listed in this section for Drive-Through window facilities.

6.2.4 AUTOMOBILE, TRUCK, MOTORCYCLE, BOAT, RECREATIONAL VEHICLE (RV) SALES AND RENTALS (CZ in ASD-0)*

- A. Large surface parking lots should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street, Principal building, or landscaping.
- B. Type C interior plantings shall be provided in and around public parking, and sales, and rental lot areas. Double stacking may be allowed within sales and rental lots on a case by case basis provided that all other parking and screening requirements are met.
- C. All outdoor sales or display of vehicles shall be setback a minimum of twenty (20) feet from the front property line, on approved improved surfaces, and shall be screened with a type B buffer in accordance with Chapter 9, Section 9.4.2(8). Outdoor display areas cannot be located in front of the principal structure and may not be located on grass, or in a buffer or landscaped area.
- D. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

6.2.5. AUTOMOTIVE LEASING AND/OR SERVICE (HC as a Conditional Use Only)*

- A. Large surface parking lots should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot shall be limited to three acres, unless divided by a street, principal building, or Type A Opaque Screen/Buffer.
- B. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.





**TOWN OF CORNELIUS
LAND DEVELOPMENT CODE
TEXT AMENDMENT APPLICATION**

Date Filed: / /	Case #:
Fee Paid: \$	Public Hearing: / /

Section Number(s):	<u>5.2.5</u>
Title of Section:	<u>Automobile Sales District</u> <u>Overlay</u>

Reasons why the Text Amendment should be changed: to add Automobile
rental as a permitted use by right within
the overlay district.

-- delete 5.2.5 (a) minimum three (3) acre requirement

ARCHER REAL ESTATE HOLDINGS LLC

Name of Petitioner/Agent

233 HALLMARK RD.

Petitioner's Address

STATESVILLE NC, 28625

City, State, Zip Code

[Signature]

Petitioner's Signature

704-363-4216

Telephone Number

Fax Number

dtarcher.1@gmail.com

SAME

Name of Owner

SAME

Owner's Address

City, State, Zip Code

Owner's Signature

Telephone Number

Fax Number

REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 2017

To: Planning Board Members

From: Wayne Herron, AICP
Director of Planning

Action Requested:

Consider a modification to Chapter 10, Signs, with respect to election signs to be in compliance with North Carolina General Statute 136-32. Specifically:



1. Signs may be posted beginning on the 30th day before the beginning date of "one-stop" early voting; and
2. Signs are to be removed by the 10th day after the primary or election day.

The LDCAB unanimously recommended approval of the amendment.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_06-17_Election_Signs.pdf	ORD TA 06-17 Election Signs	Ordinance
 CH_10_Signs-marked.pdf	TA 06-17 Election Signs, Chapter 10	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, in accordance with the provisions of North Carolina General Statute 136-32 regulating political signs; 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 August 21, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 10: Signs, of the Land Development Code, be AMENDED (See Exhibit A).

Adopted this 21st day of August, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 06-17: CAMPAIGN/ELECTION SIGNS

AMEND Chapter 10, Campaign/Election Signs to comply with North Carolina General Statute 136-32 as follows:

CAMPAIGN/ELECTION SIGNS

Permissible Districts: ~~RP, GR, NR, MHN, HC, IC, WMX, BC, CO, NMX, VC, TC, TN, TRD~~ O ALL Districts

During the period beginning on the 30th day before the beginning date of “one-stop” early voting and ending 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.
- 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 10.6 of this Ordinance and not subject to the 30-day time period.

CHAPTER 10: SIGNS

WARNING/PUBLIC INTEREST SIGNS

Permissible Districts: RP, GR, NR, MHN, HC, IC, NMX, VC, TC, TN, TRD-O

"Warning", "No Trespassing" and similar informational signs provided they do not exceed four (4) sq. ft. in area.



STADIUM SIGNS/RECREATIONAL SIGNS

Permissible Districts: RP, GR, NR, MHN, HC, IC, NMX, VC, TC, TN, TRD-O

Signs located within a stadium intended to be read only by persons seated within the stadium, and not from any right of way outside of the stadium.



Maximum size allowed 32 sq. ft. in total area.

Facility signage associated with naming shall be limited to 32 square feet in total area.

All free standing signage shall not exceed 6 feet in total height.

Internal pedestrian signage shall not exceed 2 square feet in total area.

YARD SALE SIGNS

Permissible Districts: RP, GR, NR, MHN, HC, IC, NMX, VC, TC, TN, TRD-O

One (1) on-premise and three (3) off-premise yard sale signs per yard sale. All such signs may be placed no earlier than twenty-four (24) hours before the sale and shall be removed within twenty-four (24) hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right of way.



FARM PRODUCT SIGNS

Permissible Districts: RP, GR, NR, MHN, HC, IC, NMX, VC, TC, TN, TRD-O

One on-premises temporary farm sign shall be allowed not to exceed six (6) sq. ft. and four (4) ft. in height and set back a minimum of 10-feet from all property lines.



Such signs shall be for seasonal sales only, and shall be removed at the end of the growing season.

Two (2) off-premise signs shall be allowed not to exceed eight (8) sq. ft. and four (4) ft. in height. They shall only be placed at major approaches within 1000-feet of the advertised location from Friday 6:00 PM until the following Sunday 8:00 PM.

CAMPAIGN/ELECTION SIGNS

Permissible Districts: ~~RP, GR, NR, MHN, HC, IC, NMX, VC, TC, TN, TRD-O~~ ALL Districts

During the period beginning on the 30th day before the beginning date of "one-stop" early voting and ending 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.
- 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 10.6 of this Ordinance and not subject to the 30-day time period.



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 2017

To: Planning Board Members

From: Wayne Herron, AICP
Director of Planning

Action Requested:



The Town's Subdivision definition currently contains an exemption for the public purchase of right-of-way for new streets. With the Town and NCDOT having numerous projects through the TIP, Bonus Allocation and the Town Bond Program, the Town Attorney wanted to make sure the definition was clear moving forward.

An amended definition has been provided that offers clarity to the public acquisition portion of the definition.

Manager's Recommendation:

Approve

ATTACHMENTS:

Name:	Description:	Type:
 ORD-TA_07-17_Subdivision_Definition.docx	ORD TA 07-17 Subdivision Definition	Ordinance
 CH_02_Definitions-marked.docx	TA 07-17 Subdivision Def Clarification	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 August 21, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 2: Definitions, of the Land Development Code, be AMENDED as specified in Exhibit A.

Adopted this 21st day of August, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 07-17: SUBDIVISION DEFINITION

MODIFY the Subdivision definition in Chapter 2, as follows:

Subdivision

All divisions of a lot or parcel of land into one or more new lots, building sites, or other divisions for the purpose of sale, lease, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance provided, however, any combination or recombination of lots that results in modified lot boundary lines, shall require a recombination plat administratively approved by the Planning Director or designee and recorded at the Mecklenburg County Register of Deeds;
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets; **for clarity, this exception is intended to include all public acquisition by purchase (negotiated or eminent domain) of land for existing or new public streets initiated by a public entity such as NCDOT or the Town and is distinguished from a street right of way dedication by a non-governmental entity (at no cost to the public entity) in connection with sale, lease or building development;**
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this code;
5. The division of a tract into plots or lots used as a cemetery.

CHAPTER 2: DEFINITIONS

SECTION 2.1: INTENT

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

SECTION 2.2 INTERPRETATION

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. Any word denoting gender includes the female and the male.
- D. The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- E. The word "lot" includes the word "plot" or "parcel" or "tract".
- F. The word "shall" is always mandatory and not merely directory.
- G. The word "structure" shall include the word "building."
- H. The word "District Map," or "Cornelius Land Development Map," shall mean the Official Land Development Map of Cornelius, North Carolina.
- I. The term "Town Board" shall mean the "Board of Commissioners of the Town of Cornelius, North Carolina."
- J. The term "Planning Board" shall mean the "Planning Board of the Town of Cornelius, North Carolina."
- K. The term "Zoning Administrator" shall mean the "Zoning Administrator of Cornelius, North Carolina."
- L. The term "Planning Department" shall mean the "Planning Department of the Town of Cornelius, North Carolina."
- M. The terms "Ordinance", "Code", and "Land Development Code" shall be synonymous and refer to the "Town of Cornelius Land Development Code."



CHAPTER 2: DEFINITIONS

SECTION 2.3: DEFINITIONS

A

Abandonment

A property, use, or structure which has been physically and objectively discontinued, relinquished, or vacated for a consecutive period of one-hundred eighty (180) or more days without any intention of transferring rights to the property to another owner or lessee or of resuming the use of the property regardless of intent of the owner, lessee, or previous occupant, or any other affiliated parties and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

Accessory Building

A structure subordinate or incidental to the principal structure. Accessory structures include detached garages (with or without dwelling units), storage buildings, pools, pool houses, piers and other water related structures, etc.

Addition

1. A structure added to the original structure after the completion of the original;
2. An extension or increase in floor area or height of a building or structure.

Adjacent, Adjoining Lot or Land

A lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way.

Adult Care Home

A residential care home for aged or disabled persons 18 years of age or older. (North Carolina General Statutes Chapter 131D) (see Residential Care Home)

Adult Establishment

Any place defined as an “Adult Establishment” or “Sexually Oriented Establishment” as defined by G.S. § 14-202.10 as such statute may be amended from time to time, including Adult Cabarets, except that the definition of “Massage Business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult Establishments specifically include any Massage Business where “massages” are rendered by any person exhibiting “Specified Anatomical Areas” and/or where “massages” are performed on any client’s “Specified Anatomical Areas”. “Specified Anatomical Areas” are those defined by G.S. § 14-202.10 as such statute may be amended from time to time. Adult establishment may consist of, include, or have the characteristics of any or all of the following:

1. Adult or Sexually Oriented Bookstore Sales and Distribution
2. Adult or Sexually Oriented Paraphernalia Sales and Distribution
3. Adult or Sexually Oriented Cabaret
4. Adult or Sexually Oriented Mini Motion Picture Theater
5. Adult or Sexually Oriented Motion Picture Theater



CHAPTER 2: DEFINITIONS

Agriculture

The production, keeping, or maintenance of plants and animals useful to man, used exclusively as a bonafide agricultural operation by the owner or tenant.

Agricultural Use of Water

The use of waters for stock watering, irrigation, and other farm purposes.

Alley

A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration

Any change or expansion in the size, configuration, or location of a structure; or any change or expansion in the use of a structure or lot, from a previously approved or legally existing size, configuration, location, or use.

Amendment, Major

An amendment to any Town Board approved Plan that constitutes a 20 percent or greater increase or decrease in building area, parking area, impervious area or open space from the originally approved plan. This does not apply to residential uses. A Major Amendment also includes a change of use that differs from the uses approved under a Special Use Permit. A Major Amendment to a Site Plan shall be approved by the Town Board of Commissioners.

Amendment, Minor

An amendment to any Town Board approved Plan that constitutes a less than 20 percent increase or decrease in building area, parking area, impervious area or open space from the originally approved plan. This does not apply to residential uses. A Minor Amendment does not include a change of use that differs from the uses approved under a Special Use Permit.

Amendment, Text

A change to any text of the Land Development Code.

Amendment, Zoning Map

See *Rezoning*.

Ancillary/Accessory Use

A use subordinate or incidental to the primary use of a property.

Antenna Systems

A network of spatially separated antenna nodes or similar technology connected to a common source via a transport medium that provides or enhances wireless service within a geographic area or structure(s). Antenna or similar technology elevations are generally at or below 30 feet high and node installations are compact. This definition does not include cell towers, other essential services as defined within this chapter or similar transmission devices. Antenna systems may be within public or private street right of way or on private property and may be owned by public and/or private



CHAPTER 2: DEFINITIONS

entities. Nothing in this definition shall limit its applicability to future antenna or transmission technology that performs functionally in the same or similar manner.

Apartment Buildings

A building containing three (3) or more residential dwelling units. Such units may be leased separately or developed as condominiums.

Arcade

A walkway adjacent to a building which is covered by a roof yet is not fully enclosed.

Architectural Feature

A prominent or significant part or element of a building, structure, or site.

Architectural Style

The characteristic form and detail of buildings. Common styles in Cornelius include Colonial, Neo-Classical, Federal, American Victorian, and Arts & Crafts.

Architectural Variation, Major

A significant deviation from architectural facade requirements due to a unique building use, provided the overall pedestrianism of the street is maintained in accordance with all other standards. The Planning Director has discretion over what constitutes a Major or Minor Architectural Variation. The Planning Board shall approve a Major Architectural Variation.

Architectural Variation, Minor

A slight deviation from architectural requirements. The Planning Director has discretion over what constitutes a Major or Minor Architectural Variation and may approve a Minor Architectural Variation.

Attached Home

Rear yard buildings that share common side walls. Attached homes may be townhomes or condominium units.

Auto Dependent Design

The construction of buildings and development to accommodate the car as the predominant and most reasonably available method of transportation i.e.: drive through windows, plentiful parking located in front of entrances; wide road lanes with the elimination of on-street parking, sidewalks, and street trees; and large intersections. The codification of auto design standards in engineering regulations makes the car the principle means of transport for all necessary trips, thereby inhibiting the construction of mixed uses and compact development.

Automobile/Boat/Heavy Equipment/Manufactured Home Sales and Service

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing or sale of new or used automobiles, boats, heavy equipment and/or manufactured homes generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle leasing, rental, parking service, preparation or repair work conducted as an accessory use. This definition includes but is not limited to auto dealerships, auto



CHAPTER 2: DEFINITIONS

body shops, auto service stations, boat repair or sales, car washes, convenience stores, gas stations, heavy equipment leasing, sales, or service, manufactured home sales or service, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Awning

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

B

Banner

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation's applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar

A use that may be primary or ancillary to a restaurant, nightclub, private club or other commercial facility where food, beer and/or malt beverages are served.

Base Flood Elevation

The highest height, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

Bedroom Unit

A private room for sleeping quarters separated from other rooms, and accessible to a bathroom without crossing another bedroom.

Bed and Breakfast Inn

A use that takes place within a building that prior to such an establishment, was a single family residence, that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where the provision of meals is limited only to guests. The homeowner shall reside on site and employment shall not exceed 2 full time employees not including the owner(s).

Berm

A raised earth mound which is planted with ornamental vegetation.

Best Management Practices (BMP)

A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Block

A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.



CHAPTER 2: DEFINITIONS

Buffer (Non-Watershed)

An area of land, open space, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen adjacent land uses or property, or to separate development from a stream or water body, or an area intended to preserve vegetation along a designated corridor, or to separate one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer (Watershed)

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the full pond elevation of impounded structures and from the bank of each side of streams or rivers.

Buffer, District

In Industrial Campus and Business Campus districts, an undisturbed perimeter area in which no parking areas or structures, except ancillary transit related structures, may be constructed.

Buildable Area

The area of a lot remaining after the minimum yard and open space requirements of the Land Development Code has been met.

Building

Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Building Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

Building Footprint

The land area on which a building is located or proposed for location.

Building Line

A line parallel to the street line touching that part of a building façade closest to the street that defines the public realm. Respecting building lines means to place walls or landscaping in such a manner as to continue the frame where there is an absence of buildings.

Building Mass

The height, width, and depth of a structure.

Building Permit

A permit obtained from Mecklenburg County Engineering and Building Standards Department as the Town's agent for the construction, repair, alteration, or addition to structure, which sets the



CHAPTER 2: DEFINITIONS

inspection schedule and construction techniques for a particular project and specified use in accordance with adopted building codes and other prevailing standards for construction, and includes the Town's necessary zoning approval.

Building, Principal

A principal dwelling shall be a structure under one roof and must contain a room or combination of rooms designed for year around habitation with bathroom and kitchen facilities designed for use as a permanent residence by one family. Each principal dwelling, and all components thereof, shall contain continuous cover on a permanent foundation and provide areas for heated living and comfort of human occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A principal dwelling/building may not at any time be considered an accessory structure.

Build Out

The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire Town's jurisdiction.

Build-To Line

The line at which construction of a building is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building facade line on a street.

Building Setback Line

A line establishing the minimum allowable distance between the nearest part of any building, including eaves and overhangs, but excluding porches, bay windows, covered porches, decks, and patios, to the nearest edge of a street right-of-way, property line, or easement line, when measured perpendicular thereto.

Building Type

The standard classification of building construction as Allyard, Sideyard, Rearyard, Courtyard, Civic, and Special Use types.

Built-Upon Area

The portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Built-Upon Area Calculation

For each piece of land, divide the amount (area) of impervious surface located on-site by the total land area under consideration. Multiply the resulting fraction by 100 to get the percent built-upon area.



CHAPTER 2: DEFINITIONS

C

Caliper

The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches.

Canopy

A structure constructed of rigid materials, which is attached to a building that serves as an overhang intended to shield persons from the elements.

Canopy, Service Station

A structure constructed of rigid materials which is either free-standing or attached to a building that serves as an overhang intended to shield persons from the elements while using the service station.

Carport

A roofed accessory structure providing space for the parking of motor vehicles and enclosed on not more than two sides. Carports attached to the principal structure that are enclosed are considered an addition to the principle structure and must meet the building setback requirement for the district.

Certificate Of Appropriateness

A certificate stating that work to be done on a structure within the National Register Historic District meets the criteria which maintains the structure as historic and a contributing structure to the District.

Certificate of Occupancy (CO)

A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Champion Tree

A classification the state and federal forestry agencies use to define the largest or large trees of a specific species.

Change of Use

Any use of a building or land that substantially differs from the previous use.

Child or Adolescent Care Home

A residential care home for handicapped persons under the age of 18. (North Carolina General Statutes Chapter 168) (see Residential Care Home)

Civic Uses

Uses intended to serve as public gathering places. Such uses include governmental offices, parks, churches or other places of worship, schools, clubs and organizations (i.e., American Legion, Boy Scouts, Kiwanis, etc.) and post offices.



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Clear-Cutting

The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.

Cluster Development

Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments.

CMUD (Charlotte-Mecklenburg Utility Department)

The regional public water and sewer authority which serves the residents of the jurisdiction of this ordinance.

Commercial Use

All retail sales establishments, office uses (i.e. medical, financial), service industry uses (i.e. restaurants, hotels/motels/inns), wholesale businesses, light manufacturing, and general business (i.e. mini-storage, convenience stores).

Community Character

The image of a community or area as defined by such factors as its built environment, natural features and open space elements, type of housing, architectural style, infrastructure, and the type and quality of public facilities and services.

Conservatory

A greenhouse for raising plants.

Construction Activity Area (zone)

An area 20 feet around the building foot print.

Construction Documents

The drawings necessary to prepare a site for construction, guide the construction of improvements, and complete the site following construction of improvements. These plans may include an overall site plan, preliminary subdivision plat, grading plan, soil and erosion control plan, landscaping plan, lighting plan, site details, street cross sections, storm water detention details, etc.

Contiguous

Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.

Controlled Access Highway

A roadway, according to State and Federal guidelines, designed for through traffic only with access connections at selected interchanges of public roads, with no direct access from private roads or drives.



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Convenience Store

A use where certain retail goods and vehicular fuels are sold at the retail level. Such a use may permit car washes as an accessory use, but shall not allow the installation of such automotive items as lubricants, tires, batteries, or minor automobile repair and maintenance work.

Country Club

Land area and buildings containing recreational facilities, clubhouses and customary accessory uses which are open to members and their guests, or to the general public on a fee basis.

Critical Area

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Critical Root Zone (CRZ)

A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for the trees survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight feet.

Cul-de-sac

A street designed with a closed end and does not intersect with another street which is terminated by a vehicular turnaround.

D

Day Care Centers

A place where daytime care, supervision, and protection is provided to 3 or more children who are not the legal wards or foster children of the attendant adult within an occupied residence.

Deciduous

Shrubs and trees that lose their leaves annually.

Dedication

A fee simple transfer of land ownership to a homeowners association, governmental unit or agency, or non-profit land trust or conservancy for a specified purpose. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

Density, Gross

The number of dwelling units on the entire area of a tract or parcel of land.



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Density, Net

The number of dwelling units on a tract or parcel of land minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

Detached Home

Allyard or sideyard buildings that function as a principal residential for one or two families.

Developable Acreage

That portion of a tract or parcel of land which can be developed under the provisions of this ordinance not including public rights-of-way, streams or other water bodies, wetlands under the jurisdiction of the US Army Corps of Engineers, or areas of flood hazard.

Developer

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development

The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; the removal of ground cover, and any use or extension of the use of land.

Development (Watershed)

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Diameter at Breast Height (DBH)

The caliper of a semi-mature or mature tree measured at 4 feet above the existing ground level.

District

An area delineated on the Land Development Map which sets forth standards and guidelines for all development within.

District, Overlay

A zoning district that encompasses one or more underlying zoning district and that imposes additional requirements above that required by the underlying zoning district.

Disturbed Ground

Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

Donation Drop Box

An accessory use, vehicle, trailer, storage unit, structure, box, bin, enclosed area or other receptacle separate from a building that is intended for use as a collection point for donated items such as



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clothing or other household materials at times when no employee or representative of the organization is present to accept donations.

Drainage Basin

The area of land which drains to a given point on a body of water.

Drainageway

Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Drip Line

An imaginary vertical line extending from the outer most portion of the tree canopy to the Ground that defines the exterior limits of the tree canopy.

Drive-Through Window Facility

A drive through facility is an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles. A drive through facility includes, but is not limited to, pharmacy, ATM machines, restaurant dry cleaners and financial institutions.

Driveway

A private roadway providing ingress and egress from a street or thoroughfare to a property and for the off-street travel. Parking areas are separate from driveways, though the two may be combined.

Driveway, Improved

A driveway with a surface that is concrete, asphalt, brick, gravel, or other similar material.

Duplex

A structure containing two dwelling units, totally separated from each other by an unpierced wall extending from the ground to the roof, each of which has direct access to the outside.

Dwelling or Dwelling Unit

A building, or portion thereof, providing complete and permanent living facilities for one family. This term shall not apply to a hotel, motel, guesthouse, or other structures designed for transient residence.

E

Easement

A grant by the property owner of a strip of land for a specified purposes and use by the public, a corporation, or persons, such as for utilities.

Eave

The projecting lower edges of a roof overhanging the wall of a building.



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Encroachments

Any portion of a structure or appurtenance extending beyond a designated zoning setback, easement, property line, or public right-of-way.

Entertainment Use

Any establishment which provides active recreational opportunities such as miniature golf, batting cages, arcades, carnival games, go-cart or other motorized vehicle tracks, waterslides, or passive recreation such as movie theaters.

Entrance, Primary

The principal, functional doorway for public or direct-entry access into a building.

Environmentally Sensitive Area

An area with one or more of the following environmental characteristics: steep slopes, flood plain, soils classified as having high water tables, soils classified as highly erodible, subject to erosion, or highly acidic, land incapable of meeting percolation requirements, stream corridors, mature stands of native vegetation, springs or aquifer recharge and discharge areas, wetlands and wetland transition areas, or habitats of endangered species.

Esplanade

A wide pedestrian walk formal in design which runs parallel to a waterfront. An esplanade may be made of pavers, asphalt, crushed gravel, grass, wood decking, or concrete.

Essential Services

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceed 180 ft in height. This definition does not include Antenna Systems as defined in this section. Essential Services are divided into 3 classes:

Class 1 Transmission lines (above and below ground) including electrical, natural, gas, and water distribution lines; pumping stations, lift stations, telephone switching facilities (up to 200 sq. ft) and wireless communications facilities.

Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage plants, and landfills.

Establishment

A place of business or residence, including its staff and possessions, or an organized group, or a group of people who control a field of activity or rule a society or government.



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Evergreen

Shrubs and trees that retain their foliage throughout the year.

Evergreen Screen

Plants growing a minimum of 8 feet in height at maturity that retains foliage year round and are planted to provide a dense vegetative screen for the purposes of visual mitigation.

Existing Development

Structures, buildings, site specific plan or other projects that are completely built or that at a minimum have established a vested right as of the effective date of this ordinance based on at least one of the following being satisfactorily proven to the Planning Department for the specific development in question:

1. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the development, or
2. having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
3. having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record)

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Expansion

An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements or structures.

Extraterritorial Jurisdiction (ETJ)

The area outside municipal limits where the Town of Cornelius exercises planning, zoning, and subdivision powers.

F

Facade

The vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, recess lines (a line prescribed for the full width of the facade above which the facade sets back, the location of which is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).



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Family

A group of one to five persons not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single household. Domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Care Home

See *Residential Care Home*.

Family Subdivision

Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Farm, Bona Fide

The raising of crops or livestock, including orchards, vineyards, or nurseries, along with any buildings or structures necessary to conduct such activities.

FEMA (Federal Emergency Management Authority)

The agency responsible for the promulgation and maintenance of official Flood Hazard Boundary Map and/or Flood Insurance Rate Maps.

Fence

A structure used to delineate, enclose, screen, separate or define a boundary, particularly for privacy or to delineate the public or private realm of a property.

Five (5) Minute Walk

The five-minute walk is the basic increment of good traditional neighborhood design. An average adult can walk ¼ mile (1320 feet) in five minutes. For the purposes of this code, higher densities of residential development are encouraged within a five-minute walk of a designated neighborhood, village, and town centers. Properties just outside (within 130 feet) of the ¼ mile radius may qualify for privileges associated with this measurement provided there is a qualified pedestrian connection (sidewalk required) to the designated center.

Flat Roof

Refers to the silhouette formed by a roofline or a particular roof system. This is separate from the roof line which can be stepped or flat in appearance through architectural elements such as cornices, mansards, and parapets; or pitched as with residential homes.

Floodway

The channel of a stream, river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently two feet).



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Flood Fringe

The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Flood Plain, Flood Hazard Area

The low, periodically flooded lands adjacent to streams, rivers and lakes as designated by the Federal Emergency Management Authority (FEMA) as susceptible to flooding, and shown on the official Flood Hazard Boundary Map and/or Flood Insurance Rate Maps for the Cornelius area.

Floor Area Ratio (FAR)

The gross floor area of all buildings or structures on a lot divided by the total lot area.

Frontage

The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street.

Frontage Buildout Line

The portion of lot frontage which has a building or wall running parallel to it.

G

Garage

An attached or detached structure to a residential building which may serve as an equipment storage building, parking enclosure, artist studio, or workshop. Detached garages may also be used as rental cottages.

Gazebo

A freestanding, roofed, open sided structure providing a shady resting place.

General Commercial Use

Business and retail establishments providing consumer services and products. See permitted and prohibited uses list for each District.

Grade

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a building, structure, or sign.

Greenways and Trails

Linear open space along a natural or constructed corridor, which may be improved and used for pedestrian or bicycle passage. Greenways and trails often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas. Existing and proposed community greenways are identified in the Town of Cornelius Pedestrian Plan.

Ground Cover

A prostrate plant grown less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while



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eliminating the maintenance of mowing hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Group Home

See *Residential Care Home*.

H

Halfway House

See *Residential Care Home*.

Height

The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof. Towers, spires, steeples, and enclosed roof top mechanical equipment are not counted in height measurements. Exceptions to this definition are listed within this code.

Historic Structure

Any structure designated or eligible for designation on the National Register for Historic Places.

Historic District

A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

Home Occupation

An occupation or profession conducted within a dwelling unit by a residing family member which is incidental and subordinate to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses (Mail order retail sales are excluded from this requirement) generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one employee. Home Occupations include day care centers where daytime care is provided to less than 3 children who are not the legal wards or foster children of the attendant adult within an owner-occupied residence.

Hotel/Motel/Inn

A building facility containing sleeping rooms offering transient lodging accommodations to the general public for rental or occupancy and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.



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I

Impervious Surface or Cover

All areas covered by buildings, pavement (not including ungrouted pavers for sidewalks), gravel, rooftops of stored merchandise i.e.: cars and manufactured housing displays, even if located on grass surfaces. Wooden slatted decks and pool surfaces are exempt.

Individual Private Facility

Water-related structures constructed on an occupied single-family residential lot for use by the owner or occupants which accommodate a maximum of two boats.

Industrial Uses and Development

Any non-residential use that requires an NPDES permit for an industrial or stormwater discharge or involves the use or storage of any hazardous materials or substances or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Infill Lot Development

The development of new housing or other buildings on scattered vacant sites in a built-up area.

Innovative Master Planned Development (IMPD)

A development that is determined by the Planning Director or designee to be unique and innovative based on the type of development or specific use, or mix of uses on a single or multiple sites with properties that are planned, developed, operated and maintained according to a comprehensive plan or as a single development containing one or more structures.

Innovative Project

A site plan or specific use that is determined by the Planning Director or designee to be innovative based on the following criteria: sustainability of the structure or development rare and unique use in community unique size and/or character, or not fitting specifically in an existing zoning property

Institutional Uses

Large scale civic and semi-civic uses such as elementary and secondary schools, colleges, hospitals, assisted living facilities, convents, monasteries, hospices, and other long-term medical care facilities.

Interconnected Streets

Refers to streets that provide through access to other streets. Interconnected means the existence of a grid or grid pattern and may include either straight or curvilinear designs.

Interstate Highway

A controlled access highway, which is part of the Federal Interstate Highway System.

Irregularly Shaped Lots

Lots which are located on corners or at intersections which create lots with three sides or lots with more than four sides, with corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes, and the maintenance of street vistas.



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Island, Landscape

In parking lot design, built-up structures, usually curbed, placed at the end or middle of parking rows as a guide to traffic and for landscaping, signage, or lighting.

L

Land Disturbing Activity

Any use of land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction that affects the critical root zone.

Land Use Segregation

The practice of prohibiting mixed use development or close proximity of residential and non-residential uses. This is accomplished through zoning standards which emphasize the separation of all uses and the buffering and screening of dissimilar uses from one another. The highly negative impacts of such practices result in auto dependent design that demands greater land area coverage to accommodate cars.

Landfill

A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes or other applicable solid waste disposal statutes or rules. For the purpose of this ordinance this term does not include composting facilities.

Landscaped Areas

Any portion of a site or property containing vegetation following construction activity completion.

Landscaping Plan

The Site Plan Application prescribed by this Ordinance which details pre-construction protection of existing vegetation and post-construction supplemental plantings.

Large Brewery

An establishment where beer and malt beverages are made on the premises at an annual rate of over 15,000 barrels (~465,000 gallons) per year and may contain a Taproom.

Large, Medium, and Small Maturing Trees

Tree height categories. Large Maturing trees grow to a minimum height of 40 ft. Medium Maturing trees grow to a minimum of 20 ft. Small Maturing trees grow to a minimum of 10 ft.

Lettering, Cut-out

Signs, which have there, message “cut-out”, of the surface of the sign. This “cut-out” portion may be lettering, numerals, emblems, devices, trademarks, or trade names or any combination thereof, such that the light source located in the interior of the sign shines through the “cut-out, or cut away” section of the front face of the sign.

Light, Cutoff

Artificial exterior lighting fixture designed to ensure that no light is emitted above the fixture or below a horizontal plane parallel to the ground.



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Light, Non-Cutoff

Artificial exterior light fixture designed to emit light directly above the fixture or above a horizontal plane to the ground.

Live-Work Unit

See *Mixed-Use Building*.

Loading Space

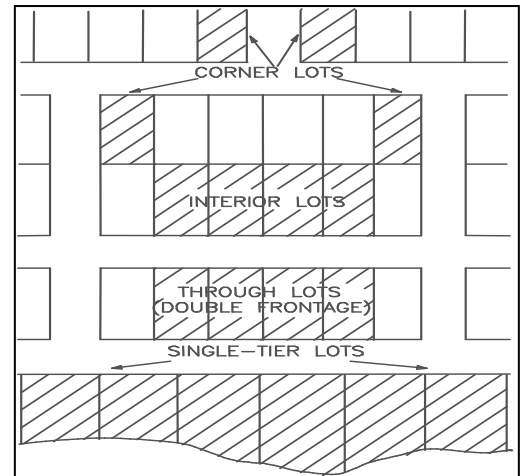
An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title which is occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot Types

1. Corner Lot - A lot located at the intersection of 2 or more streets.
2. Interior Lot - A lot other than a corner lot with only one frontage on a street.
3. Through Lot (Also Double Frontage, Reverse Frontage) - A lot other than a corner lot with frontage on more than one street. Through lots abutting 2 streets may be referred to as double frontage lots.
4. Single-Tier Lot - A lot which backs up to a limited access highway, a railroad, a water body, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.
5. Flag Lot - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private rig



Low Impact Development (LID)

An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resources systems and reduce infrastructure costs. LID allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.



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M

Maintained Easement

A recorded or legally established right of way or easement made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by all vehicles.

Manufactured Home Park

A parcel or subdivision of land to accommodate manufactured housing per the provisions of this ordinance.

Manufactured Housing

Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code. A residential dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. This term does not include a recreational vehicle but includes mobile homes.

Manufacturing, Heavy

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, health or safety hazards, or uses that otherwise do not constitute “light manufacturing,” or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing exceeds 25 percent of the floor area of all buildings on the lot. “Heavy manufacturing” shall include, but not be limited to, the following: enameling, lacquering, or the plating or galvanizing of metals; foundries or mills producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stonecutting; tire recapping and retreading; tobacco products manufacture; tobacco stemming and redrying plants. This shall include resource extraction and recycling and salvage operations.

Manufacturing, Light

The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute “heavy manufacturing”, resource extraction, or recycling and salvage operations.

Marina

A facility for the storing, servicing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities for owners, crews, and guests. See Water Related Structure, Pier.



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Massing

The shape and form a building takes on through architectural design.

Mass Transit

A public common carrier transportation system for people having established routes and fixed schedules.

Master Plan

A scaled site specific drawing of a proposed development that includes a subdivision of land and proposed buildings and/or improvements. A Master Plan combines the subdivision and site plan process for the proposed development build-out on one plan. All subdivisions, except for single-family and two-family residential subdivisions, shall be considered a Master Plan and process accordingly. A Master Plan shall be approved by the Town Board. Construction Documents shall also be approved prior to permitting.

Master Planned Development

An area of contiguous properties that is planned, developed, operated, and maintained according to a comprehensive plan as a single development containing one or more structures with appurtenant common areas.

Mechanical Equipment

All HVAC (heating, ventilation, and air conditioning) equipment located on the roof of a building or outside a home or building.

Mental Health Care Home

A residential care home for persons with mental illness, developmental disabilities, and/or substance abuse problems. (North Carolina General Statutes Chapter 122C) (See Residential Care Home)

Microbrewery

An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) of beer per year. The brewer may sell to a retailer or directly to a customer. A Microbrewery must contain a Taproom.

Mini-Storage Facilities

A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Mitigation

Actions taken on-site and/or off-site to offset the effects of temporary or permanent loss of a buffer.

Mixed Use

The presence of residential and nonresidential complementary and integrated uses within the same complex or same building. Mixed use can also refer to different categories of nonresidential uses such as institutional, retail, and office within the same complex of building. The advantage of mixed uses is the promotion of architectural compatibility and pedestrian scaled environments. Mixed-use neighborhood centers provide convenience goods and services for residents of the surrounding area.



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The neighborhood business area usually serves residents within five minutes driving time. The stores include food, drugs, hardware, clothing, and sundries; services include barber and beauty parlors, cleaners, and so on. The major characteristics of the neighborhood centers are its scale. It usually does not contain any large stores designed to serve several neighborhoods.

Mixed-Use Building

Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently.

Mobile Home

A structure, transportable in one(1) or more sections which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation which is constructed in accordance with the rules and regulations as set forth in "Mobile Homes, Modular Dwelling Units and other Factory Building Structures," 1970 edition, published by the North Carolina Department of Insurance.

Modular Home

A dwelling unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Multi-Family

Three or more attached dwelling units located on a single lot of record. (Exception: Rental Cottages in accessory buildings)

N

Native Ornamental Species

Native woody plants, distinctively noted for their ornamental characteristics including flowering dogwood, (cornus florida), American Holly (Ilex Opaca), Eastern Redbud (Cercis Canadensis), American Hornbeam (Carpinus Caroliniana)

Neighborhood Commercial Use

Commercial activities which include retail sales establishments, office uses (ie: medical, financial), service industry uses (ie: restaurants, inns), and convenience stores which are designed and/or operated to service the daily needs of the residents of the surrounding neighborhood.

Neighborhood Store

A general retail operation that sells groceries and other perishable and non-perishable household goods. The average size of such stores is 2,500 sq. ft. and may include additional uses such as a café, a contract post office, an automatic bank teller, and a newsstand.

Nightclub

An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted.



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Nonconforming Lot

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Sign

Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Nonconforming Structure or Building

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Non-Conforming Uses

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a district, or which does not comply in any fashion with any of the regulations of this ordinance or any amendments thereto. If the property or structure is vacant or unused on the effective date of this Ordinance or any amendment thereto, it shall be conclusively presumed that the property or structure is subject to the provisions of this Ordinance or any amendments thereto. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Non-Residential Development

All development other than residential development, agriculture and silviculture.

Nuisance

An interference with the enjoyment and use of property.

O

Office Use

Professional, service, and governmental occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

Off-Street Parking

Parking which occurs on a lot and not on a street or other public right of way.

On Site, Off Site

Located on the lot relative to a use, or structure; or located off the lot relative to a use, or structure.

One-Family Home

See *Single Family Residential*.



CHAPTER 2: DEFINITIONS

Open Decks and Patios

Permanent uncovered accessory structures that project from an existing principal use.

Open Space

Any area which does not consist of streets, right of ways, parking, or easements, and serves as a passive or active recreational area, as conservation land for important vistas and topographic features, or as pervious cover for watershed requirements. This area provides, or has the potential to provide, environmental, social and/or economic benefits to the community whether direct or indirect. Definitions and design standards in this Ordinance categorize open space by type.

Open Space, Common Area

Common area open spaces are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.

Open Space, Public

Public open spaces shall be dedicated to a local government or non-profit conservancy organization for ownership and maintenance. Public open spaces shall maintain free and public access. Hours of access may be restricted in accordance with health and safety guidelines.

Ordinance

A document of regulations enforceable as municipal law.

Ornamental Tree, Shrub

A deciduous or evergreen tree or shrub planted primarily for its ornamental value or for screening purposes.

Outdoor Kennel

The containment of animals outside a permanently constructed building for an extended period of time. This does not include fenced areas for brief animal exercise.

Outdoor Sales/Display

The sale or display of products outside of a permanently constructed building or structure, including but not limited to vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards. This does not include occasional "sidewalk" sales or promotions.

Outparcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Overlay District

A set of regulations which add an additional layer of design provisions to an underlying zoning district.



CHAPTER 2: DEFINITIONS

P

Parapet

That portion of a building wall or false front that extends above the roof line.

Parcel

A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

Park

Land owned or leased by the Town of Cornelius or another unit of government, which is used or intended for use for active or passive public recreation.

Park and Ride Facility

A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance of the park and ride facility

Parking Area or Parking Lot

All the area in square footage of land designated for the storage of cars. The parking area also includes all areas for storage and trash facilities. Any public or private area, under or outside of a building or structure, designed and used for parking or storing motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Space

A space which is designed for the parking or temporary storage of an automobile as prescribed by the Ordinance.

Party Wall

A common shared wall between two separate structures, buildings or dwelling units and lacking cross access between structures without exiting each structure.

Paved

Any surface area covered by crushed compacted gravel, concrete, asphalt, brick or stone pavers, or similar material in durability, appearance, and permeability.

Pedestrian Oriented Development

Development which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to accomplish certain trips, and will provide a variety of interesting and detailed streetscapes which balances the needs of the pedestrian and the car.

Pennant

See *Banner*.



CHAPTER 2: DEFINITIONS

Perennial Stream

Streams which flow year round and are identified on United States Geological Survey (USGS) maps or identified through local government studies.

Performance Guarantee

Any security that may be accepted by the Town or another government unit to assure that improvements required as part of an application for development will be satisfactorily completed.

Permitted Uses

Uses allowed to occur by right within a designated zoning or other planning district.

Pervious Surface

Any material that permits full or partial absorption of stormwater into previously unimproved land.

Pier and Pier Facility

A water-related structure extending into the water from the shore, whether floating or fixed to the lake bottom, for use as a boat landing place or promenade, constructed of pylons and decking for mooring and access to a boat or watercraft.

Pier Zone, Projection Envelope

The area beyond which no structure may extend out into navigable waters.

Plat, Final

A map of all or a portion of a subdivision that is the legal instrument for recordation. Final plats for Major Subdivisions or Master Plans shall be consistent with the approved Preliminary Plat and be recorded following Construction Document approval.

Plat, Preliminary

A map indicating the layout of a subdivision, typically submitted and approved with Construction Drawings for a Major Subdivision or Master Plan.

Platted Lot

A lot surveyed and recorded at the county Register of Deeds office.

Playground

An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Porch

A projection from the outside wall of a dwelling covered by a roof which can project beyond a setback. Roofed open areas may be screened, attached to or part of and with direct access to or from a building.

Portico

An open porch or walkway covered by a roof and typically leading to the building entrance.



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Premises

All of a parcel of real property with a separate and distinct number and designation shown on a recorded plat, survey, parcel map, subdivision map, or a parcel legally created or established pursuant to this Ordinance. Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.

Principal Building

A building in which the principal use of the premises is conducted.

Private Club

A for-profit establishment that (1) is organized and operated solely for social and recreational purposes; (2) which may include the sale of alcoholic beverages; and (3) is not open to the general public, but rather to members and guests. Indoor entertainment and dancing facilities may be provided. Excluded from this definition are facilities used by non-profit fraternal and service organizations. A private club shall include a business licensed as such by the ABC Commission.

Private Driveway

A privately maintained roadway serving 2 or fewer lots, building sites or other division of land and not intended to be public ingress or egress

Promenade

See *esplanade*.

Property

Real property and fixtures subject to the provisions of this Ordinance.

Protected Area

The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Pruning

The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public Hearing

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed ordinances, amendments or other official Town business which require public participation and input.

Public Safety Station

Police, fire and rescue stations.



CHAPTER 2: DEFINITIONS

Public Utilities

Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, stormwater drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Q

Quadrangles

A rectangular area, such as a courtyard, enclosed by buildings.

R

Recreation, Active

Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or field.

Recreation, Passive

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers, and similar table games.

Recreation Center, Public

A building, use, or facility at least 50,000 square feet owned or operated by a governmental agency and serving as a facility where recreation programs are offered to the public, including office space for the agency which owns or operates the facility, or a similar facility. Potential amenities may include, but are not limited to gymnasiums, indoor track, indoor and outdoor swimming, playgrounds, performing arts facility, cardio/strength training/fitness room, locker rooms, party room, kitchen, meeting space, racquetball/handball/indoor tennis courts, climbing wall, game room, etc. Outdoor recreation shall be permitted as accessory to the principal use of the recreation center.

Recreational Facilities

An area of land or combination of land and water resources for public use that is developed for active and/or passive recreational pursuits with various manmade features that accommodates such activities. Such areas shall be designed in the form of playgrounds, parks, squares, greenbelts, and parkways. They shall be designed to serve the immediate neighborhood in which they are located, or can be regional in scope, serving several neighborhoods.

Recreational Vehicle

A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.



CHAPTER 2: DEFINITIONS

Reservation

The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

Residential Care Facility

An institutional facility in which supervision, care, therapeutic, or medical services are provided for more than six persons in a residential capacity or which do not otherwise meet the requirements of a Residential Care Home.

Residential Care Home

A residential home in which the homeowner provides residential supervision, care, or therapeutic services for six or less adults, adolescents, or children with mental illness, developmental disabilities, substance abuse problems, and/or temporary or permanent physical, emotional, or mental handicaps or disturbances, but not including persons who require lock down or are dangerous or violent toward others. Medical care is provided on an incidental and occasional basis. Homes not meeting all these requirements fall into the category of Residential Care Facility.

Residential Development

Buildings for residential use such as attached and detached single-family dwellings, apartment buildings, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. Residential development includes residential care homes.

Residuals

Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission or other permitting authority.

Restaurant

An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant/Brewpub

An establishment where food, beer, and malt beverages are made on the premises where 40% or more of the beer produced on site is sold and/or consumed on site. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to offsite accounts, and must meet all North Carolina ABC laws.

Restaurant, Fast Food

An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Retail Sales

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.



CHAPTER 2: DEFINITIONS

Retail, Support

Establishments within a Business Campus development that provide goods and serve the daily needs of workers, including but not limited to restaurants, dry cleaners, and drug stores. Support retail may only be located on the first floor of multi-floor building in accordance with Chapter 6.

Retention (Detention) Basin

Engineered facilities for storing or detaining rain water runoff from a site. Retention delays the flow off a site to prevent flooding. Detention stores water on a site to allow time for pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters (see watershed).

Rezoning, Standard

A map amendment under which all permitted uses in the general district are permitted. No particular uses are specified and no site specific plan is required.

Roofline

The highest point of a flat roof and the lowest point of a pitched or mansard roof. Cupolas, chimneys, towers or other minor projections above the roofline are excluded.

R-O-W (Right Of Way)

An area of land dedicated for public or private infrastructure such as streets, sidewalks, railroads, sewer lines, water lines, electric lines, and gas lines.

S

Satellite Dish Antenna

Any antenna including any supporting structure designed to receive or transmit visual and/or verbal signals via orbiting satellites or similar sources, excluding microwave antennae.

School

A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education. Site criteria for each respective school classification may vary but the following minimum campus are generally recognized:

Elementary School – 18 acres

Middle School – 38 acres

High School – 100 acres

Sediment

Solid particulate mineral or organic matter transported by water, air, or ice.

Self-Storage Facility

A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individually for varying periods of time. This use or structure may also be called a mini-storage or mini-warehouse facility.



CHAPTER 2: DEFINITIONS

Service Uses

For profit or non-profit uses providing a public service or a commercial/retail element for use by the general public.

Setback

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member whichever is nearest to the property line or right-of-way.

Shade Tree

Any large maturing tree which provides a crown width sufficient to shade a minimum of 1,200 square feet.

Shopfront

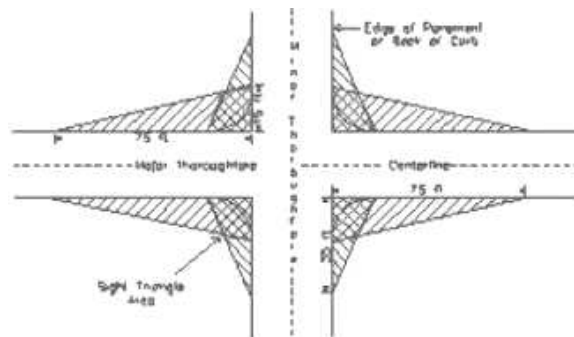
A business or retail use. The facade of a shopfront is aligned directly on the frontage line with the entrance at grade. This is typical for sidewalk retail. Shopfronts often have awnings or a colonnade. A transition line should separate the signage from the facade below.

Shrub

Vegetation that is planted for ornamental or screening purposes.

Sight distance triangle

The triangular area formed at street intersections by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway), each point being 75 feet from the intersection along a major thoroughfare and 35 feet along the minor thoroughfare from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway). Generally, nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



Sign

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic



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organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising

A sign, other than a directional sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either commercial or noncommercial copy.

Sign, Arm

A sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole. The face of such sign shall not be more than three (3) feet from the ground.

Sign, Campaign or Election, Political

A sign that advertises a candidate or issue to be voted upon on a specific Election Day.

Sign, Canopy or Awning

A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by Ordinance. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the canopy face.

Sign, Changeable Copy

A message center or reader-board that is designed so that its informational content or copy can be changed or altered by manual, electrical, electro-magnetic, or electronic means. The changeable copy is counted as part of the sign face.

Sign Clearance

The shortest vertical distance between the grade of the adjacent sidewalk or street and the lowest point of any sign.

Sign, Construction

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign Copy

Alphabetic, pictorial, numerical, and/or graphic of permanent or removable words, letter, figures, characters, symbols, logo's or insignia that are used on a sign display surface area.

Sign, Channel Illuminated

A sign whose light source is located in the interior of a sign so that light illumination shines through the front surface of the sign in specific "cut-away" areas. Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message, may be displayed by channel cutting the words, lettering, figures, etc. out of the surface of the sign. The sign itself is illuminated through cuts, or channels made through the surface of the sign.



CHAPTER 2: DEFINITIONS

Sign, Directional

Any sign that provides on-site directional assistance for the convenience of the public, an on-site sign indicating the location of exits, entrances, or parking.

Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property are identified.

Sign, Double Faced

A sign designed to be seen from two opposite directions and shall be considered as one sign provided that the faces are the same elevation and form an angle of 45 degrees or less.

Sign, Face, Copy Arm

The part of the sign that can be used to identify, advertise, or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel trim, color, or internal illumination used that differs from the building, structure, or object the sign is placed on, against, or upon.

Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanically moved reflective material to attract attention.

Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Government

Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure or other land use, designed to identify to the public such land use. Examples of government signs include speed limit signs, town limit signs, street name signs, traffic signs. Conversely a sign placed on a public building such as library, school or public safety building which identifies said building, shall not be considered a government sign.

Sign, Ground Mounted

Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign, Height

The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or surface beneath the sign, whichever is less.

Sign, Home Occupation

A sign containing only the name and occupation of a permitted home occupation.



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Sign, Identification or Logo

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Sign, Illuminated

A sign which is illuminated by artificial light whether internally or externally lit.

Sign, Illuminated, Internally

A sign where the source of illumination is inside the sign and the light emanates through the message of the sign through transparent or translucent material rather than being reflected off the surface.

Sign, Incidental

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to: drive through window menu boards, signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted

A sign illuminated only by light cast upon the sign from an external light source.

Sign, Logo (Interstate)

A sign used on limited access highways to direct motorists to nearby businesses and services.

Sign, Menu Board

A permanently mounted sign displaying the bill of fare for a drive-through restaurant.

Sign, Monument

A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, or commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Sign, On-Premises

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.



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Sign, Pole Mounted

A detached sign that is mounted on a freestanding pole or other support so that the top edge of the sign face or area is six feet or more above grade.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed as or converted to an A or T-frame sign; or umbrellas used for advertising purposes. Such a sign, whether or not bolted to the ground, shall nonetheless be deemed to be a "portable sign".

Sign, Primary Identification

The sign that ranks first in importance for the premises, usually the largest sign on the premises. The primary sign is used to display the name, address, crest, or trademark, logo, or other identifying symbol of the business, individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed. Also, a permanent sign announcing the name of the subdivision, shopping center, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Recreational

A sign that allows for sponsorship advertising internal to a site or recreational facility to communicate information about a business, service, commodity, accommodation, attraction, or other enterprise or activity. This signage is incidental to the primary signage for the recreational facility and must not be oriented to the primary street.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof of a building or over a canopy or parapet.

Sign, Sandwich Board or A-Frame

A portable a-frame sign constructed with two faces which rest at an angle less than 45 degrees to each other.



CHAPTER 2: DEFINITIONS

Sign, Structure

Any structure which supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Structural

The molding, battens, capping, nail strips, latticing, and platforms which are attached to the sign structure.

Sign, Temporary

Any sign, designed in structure, to be temporary in nature and to be used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or be completed within a two week period.

Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property and the vehicle is not primarily for transportation purposes. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

Significant Vegetation

A large canopy tree over 18 inches in diameter at breast height which displays a root zone, canopy, and structure characteristic of the particular species and is in good health and vigor.

Single Family Residential

Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit (exception: rental studios and apartments). Such uses include family care homes and group homes as defined in this chapter.

Site Plan, Special Use Permit

A scaled site specific drawing of a proposed development for a special use presented to the Planning Board in order to obtain Special Use Permit approval.

Site Plan, Major

A scaled site specific drawing of any proposed multi-family, mixed-use, or commercial development within the RP, GR, NR, TN, IC, and BC districts or any development over 30,000 square feet in any district. Construction Documents shall be approved prior to permitting.



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Site Plan, Minor

A scaled site specific drawing of a proposed non-residential development that does not require a Special Use Permit. A Minor Site Plan is typically submitted with Construction Documents for administrative approval.

Site Plan, Site Specific Plan

A diagram to scale showing the development plans for a project and containing all information required of Site Plans and/or Subdivision Plats.

Site Survey

A map done by a surveyor accurately depicting the scale distances and measurements of all planned structures on a lot which may include topographical information and existing naturally occurring and constructed elements or structures, such as streams, wetlands, rock outcroppings, etc.

Special Event

A planned temporary activity not to exceed fourteen (14) continuous days.

Special Use

A use subject to specific conditions and which requires the approval of the Planning Board before the issuance of a zoning permit for such use.

Specimen Tree

Any healthy, existing tree over 18 inches in caliper measured at DBH, excluding Sweet Gum, Catalpa, Wild Cherry, Wild Elm, Princess, Hackberry, and Tree-of-Heaven trees found in a field or open grown condition, or along the edge of a forest stand or tree stand and displaying the root zone, canopy, and structure characteristic of the particular species.

Sphere of Influence

An area designated by agreement among all the municipalities of Mecklenburg in which each municipality may exercise extension of their corporate boundaries (annexation). Spheres of influence grant no planning, zoning, or subdivision authority, unless otherwise permitted by the State of North Carolina.

Square

A centrally located public open space that is urban in nature.

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.



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- Recreational vehicles (which includes motorhomes, towables/ 5th wheels, and folding/ tent campers) and trailers (excluding boat trailers discussed below): 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 in the front yard.
- Boats/ vessels/ personal watercraft: If not parked on an improved driveway, boats/ vessels/ personal watercraft shall be stored in the side or rear yard. Boats/ vessels/ personal watercraft stored in the front yard must be on an appropriate trailer parked on an improved driveway. A limit of two trailers for boat/ vessel/ personal watercraft are allowed in the front yard. Each boat/ vessel shall not exceed twenty-six (26) feet in length by the manufacturer' s published overall length. In addition, each trailer's load may not exceed 6, 500 lbs by the manufacture' s published dry weight.

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.

Storm Water Runoff

Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Storm water runoff carries pollutants off of paved surfaces into streams and rivers, and causes flooding by speeding up the rate of water flow into streams and rivers.

Stormwater Drainage Facilities

The system of inlets, pipes, channels, ditches and catch basin used to collect and transport stormwater.

Story

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above that is habitable. A mezzanine in the front portion of the building is considered a habitable story for the purposes of this Code. Further, for Mixed Use Buildings, the habitable floor area of the second story shall be approximately equal to the habitable floor area of the first story.

Stream

A drainage feature on the land surface for conveying water.

Street

A right-of-way for vehicular traffic. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication on the remaining half of the street must be furnished by the subdivider. Where there may exist a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.



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Street Orientation

The direction of the architectural front facade of a building in relation to the street.

Street, Private

A street that has not been accepted by the municipality or other governmental entity for public maintenance.

Street, Public

Any public right of way used for vehicular traffic that is permanently maintained by the Town of Cornelius or State of North Carolina and is open to all traffic.

Street Tree

A tree planted along the street within the right-of-way except along an alley.

Street Vista

A view framed by buildings at the termination of the axis of a thoroughfare.

Street Yard

The area of land along the front property line parallel to a R-O-W reserved for tree planting and landscaping.

Structure

Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein described.

Subdivision

All divisions of a lot or parcel of land into one or more new lots, building sites, or other divisions for the purpose of sale, lease, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance provided, however, any combination or recombination of lots that results in modified lot boundary lines, shall require a recombination plat administratively approved by the Planning Director or designee and recorded at the Mecklenburg County Register of Deeds;
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;



CHAPTER 2: DEFINITIONS

3. The public acquisition by purchase of strips of land for the widening or opening of streets; **for clarity, this exception is intended to include all public acquisition by purchase (negotiated or eminent domain) of land for existing or new public streets initiated by a public entity such as NCDOT or the Town and is distinguished from a street right of way dedication by a non-governmental entity (at no cost to the public entity) in connection with sale, lease or building development;**
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this code;
5. The division of a tract into plots or lots used as a cemetery.

Subdivision, Conservation

A subdivision design strategy that focuses on preserving higher percentages of land in common open space thereby clustering homes on developed portions of the land with greater flexibility in the zoning and development regulations for individual lots. In a conservation subdivision, ideally 40 to 60 percent of land is set aside as open space, and the process begins by identifying the land to be conserved first, and ends with drawing in lot lines for the planned homes. These design steps occur in an order opposite that of conventional subdivisions.



Subdivision, Major

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

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



CHAPTER 2: DEFINITIONS

Subdivision, Minor

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

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

Suburban Sprawl

The name given to development designed according to segregated use zoning standards, and auto dependent criteria concerning access and parking. The resultant development provides for a low density landscape of independently designed uses connected by a system of hierarchical streets which do not provide through access. A majority of the land in this model is relegated to street and parking surfaces, and although the building density and population may be low, the amount of usable open space is minimal to none, and traffic congestion is common.

Sustainable

Having the ability to accommodate and maintain population growth and economic expansion through intelligent design.

T

Taproom

A room that is ancillary to the production of beer at a brewery, microbrewery, and restaurant/brewpub where the public can purchase and/or consume only the beer produced on site.

Technical Review Committee

A committee comprised of Town staff and Town contract employees charged with preliminary technical review of Subdivisions, Site Plans, and Construction Documents. The departments represented on the Committee include Planning, Parks and Recreation, Public Works, Police, Fire, and Mecklenburg County Land Use and Environmental Services Agency.

Temporary Structures

Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classroom or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principle home renovations are done, and produce stands. The duration permitted for a temporary structure is established by this ordinance.

Temporary Use Permit

A permit issued by the Planning Department allowing a use which is not permitted within a district to continue as long as certain criteria are being met by the applicant.

Thoroughfare

See *Street*.

Thoroughfare Plan



CHAPTER 2: DEFINITIONS

The Official Thoroughfare Plan of the Town of Cornelius or the Official Mecklenburg-Union Planning Organization Thoroughfare Plan.

Tinting

The coloring of a window such that all translucence of that window is more than 50% opaque.

Top of Bank

The landward edge of the stream channel during high water, bankfull conditions at the point where water begins to overflow onto the floodplain.

Topping

Any pruning practice that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree.

Toxic Substance

Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression of reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Tract

All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

Traditional Neighborhood

A Traditional Neighborhood incorporates the best in design principles to produce compact, mixed use, pedestrian scaled, sustainable communities. Traditional Neighborhoods pursue certain objectives through their design:

1. By bringing within walking distance most of the activities of daily living, the elderly and the young gain independence of movement.
2. By reducing the number and length of car trips, traffic congestion is minimized and road construction costs are reduced.
3. By organizing appropriate building densities, alternative forms of transportation can be easily provided when appropriate.
4. By providing public open spaces such as parks, squares, and streets, people can come to know each other and to watch over their collective security.
5. By providing a full range of housing types and workplaces, age and economic class are integrated and the bonds of authentic community are formed.
6. By providing suitable sites for civic buildings, community awareness and civic responsibility are encouraged.

Traffic Impact Analysis (TIA)

A tool used to evaluate the incremental impacts that development, redevelopment and/or change of development use may have on the surrounding transportation system which helps local decision



CHAPTER 2: DEFINITIONS

makers evaluate whether a development is appropriate for a site, or identify certain mitigation measures that are necessary to maintain the integrity of the transportation network.

Trails, Greenway

Pedestrian paths for walking or jogging within parkways or greenbelts. Trails are informal in design and run through natural settings. They differ from the formal design of promenades and esplanades in parks and squares.

Transient Occupancy

Occupancy that is intended to be temporary, or which is offered or advertised as being available for a term less than ninety (90) days. In determining whether a property is used as a transient occupancy, such determination shall be made without regard to the form of ownership of the property or unit, whether the occupant has a direct or indirect ownership interest in the property or unit and without regard to whether the right of occupancy arises from a rental agreement, other agreement or the payment of consideration. Occupancy of units for less than three (3) weeks per year are not considered Transient Occupancy.

Transitional Yard

The area of a property running along the side or rear yard of a nonresidential lot when it abuts a residential lot used as a buffer. Transitional yards are planted with trees and landscaping to reduce noise, and other impacts on less intense property uses.

Transit Station

Any premises for the storage or parking of transit equipment and the loading and unloading of passengers.

Transportation Services

Services including but not limited to taxi cabs, limousines, charter buses, and mass transit.

Tree and Root Protection Area

The tree and root protection zone is that area of a lot which is not needed for building and driveway construction excluding the construction activity area, (an area 20 feet around the building foot print), any street right-of-way, utility easements, drainage ways, and soil absorption waste disposal areas. No construction activity, movement and placement of equipment, or material storage shall be permitted on the tree and root protection area. The root protection area includes an area, generally, 18-24 inches deep and a distance from the trunk of a tree equal to 1/2 its height or its drip line, whichever is greater.

Tree Survey

A description of the existing trees, understory vegetation, and topographical features on a site prior to development for the purpose of identification.

Tree, Canopy



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A tree with a height at maturity greater than 30 ft. and which produces significant shade due to the shape of the canopy tree.

Tree, Small

A tree with an expected height at maturity no greater than 30 ft.

Two-Family Home

See *Duplex*.

U

Underpinning

The skirting around the base of a manufactured home or temporary structure which forms a continuous wall around the structure from the foundation or grade level, to the base, or bottom floor level, of the structure. Underpinning material is prescribed by this ordinance.

Urban Park

A primarily hard surface space that serves as an outdoor room for people to gather in. It should serve as a link between a building and the pedestrian network, and/or as a focal point between two or more structures. They are especially desirable at transit stops to increase the convenience and comfort of transit riders while providing points of orientation within the core area.

Urban Tree Canopy

A cluster of canopy trees within an urban or municipal environment.

Uses Permitted with Conditions

This Ordinance lists all allowable uses by District. The allowable uses are split into 2 categories; uses permitted by right and uses permitted with conditions. The latter are provided with criteria that must be met in order for the use to be allowed within the district.

V

Variance

Permission granted on the basis of proof of physical hardship by the Planning Board as the Board of Adjustment following quasi-judicial proceedings to depart from or relax the literal requirements of this Ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

Variance (Watershed)

A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Vested Right

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site Specific Plan currently in effect or as otherwise allowed by law.



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W

Warehouse or Distribution

The operation of a facility for the principal use of storing of goods, materials, trailers, cars not currently for sale, or boats or for the distribution of goods and materials to another location. This shall include structures or buildings associated with the operation of such principal use but does not include manufacturing, or industrial incidental storage of raw materials used by the business on-site or finished product of the business made on-site.

Waterfront Lot

A lot which is deeded to the 760 foot contour line of Lake Norman or Lake Cornelius and which may provide water access with permitted water-related structures. Waterfront lots may extend into the surface waters, but shall have all water rights designated to Duke Energy and/or its assigns.

Water-Related Structure

Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, marine railways, piers, floats and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water related structures.

Watershed

The entire land area contributing surface drainage to a specific point. The watershed delineates the boundaries of the Watershed District, which sets development standards for impervious surface areas and water quality.

Watershed Administrator

An official or designated person of the Town of Cornelius responsible for administration and enforcement of the Watershed Protection provisions of this Ordinance.

Watershed Protection District

Any area designated by the State of North Carolina and shown on the Official Watershed Protection Map of the Town of Cornelius where development restrictions are imposed to increase water quality for water supply sources. All development within the designated water supply watershed district shall conform to the provisions of this Code concerning activity with the Watershed Overlay Districts.

Watershed Variance (Major)

A variance from the minimum statewide watershed protection rules that results in any one or more of the following:

1. The relaxation, by a factor greater than ten (10) percent, of any management requirement under the low impervious cover option;
2. The relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high impervious cover option;
3. Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.



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Watershed Variance (Minor)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high impervious cover option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low impervious cover option.

Wetlands

Areas defined as wetlands under the jurisdiction of the US Army Corps of Engineers and subject to State and Federal regulation and protection. Wetlands generally include, swamps, marshes, bogs, and similar areas characterized by alluvial soils, plants, or hydrology.

Y

Yard

Open space that lays between the principal building or buildings and the nearest lot line. The minimum required yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this ordinance. Yards are further classified as front, rear, and side. Yard configuration establishes building typologies. Uses and structures that may be permitted in required yards include accessory structures, patios, decks and open porches, bay windows, open steps, driveways, fences, and permitted signs, underground utilities, existing vegetation, required landscaping and lighting.

Yard, Front

A space extending the full width of the lot between the architectural front of a building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically this yard is required to remain open and unoccupied, with the exception of certain encroachments such as porches, bay windows, porticos, arcades, stoops, sidewalks, street trees, street furniture, fences, walls, and landscaping. For aesthetic purposes, parking is not permitted to be located in the front yard regardless of whether the principal structure is set farther back than required. No lot shall be deemed to have frontage on or along any water front or any other similar features.

Yard, Rear

A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line. Generally, accessory structures are permitted within this yard.

Yard, Required

The open space between a lot line and the yard line and the façade of a building within which no structure may be located except as permitted in this Ordinance.

Yard, Side

A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building facade. Side yards extend from the sides of a building to a street R-O-W or property line.



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Z

Zoning District

See *District*.

Zoning Permit

Written permission issued by the Town of Cornelius Planning Department for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.



REQUEST FOR BOARD ACTION

 [Print](#)

Date of Meeting: August 14, 2017

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

Action Requested:

Staff has received citizen inquiries to study and re-evaluate the public input process provided for within conditional zoning cases. Currently, the meetings involved with conditional zoning cases are as follows:

1. Pre Development Review Committee (PDRC)
2. Community Meeting (developer led)
3. Architectural Review Board (ARB)
4. Planning Board
5. Town Board (Town sponsored and statutory required public hearing)

LDCAB recommends adding a public hearing immediately following the community meeting, which will be held at the next regularly scheduled Town Board meeting.

The additional public hearing will allow for public input, but no decision shall be rendered by the Town Board. No additional time will be added to the current conditional zoning process and no additional advertising costs will be incurred.

Manager's Recommendation:

Approval

ATTACHMENTS:

Name:	Description:	Type:
 Ch_12_Development_Review_Process-marked.pdf	TA 08-17 Additional Public Hearing, Chapter 12	Backup Material
 ORD-TA 08-17_PH_for_CZ_Chapter_12.pdf	ORD TA 08-17 Additional Public Hearing for CZ Process	Ordinance

CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12.1: PURPOSE AND INTENT

The purpose of these requirements is to establish an orderly process to develop land within the jurisdiction of the Town of Cornelius consistent with standard development practices and terminology. It is the intent of this Code to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, the Planning Board and Parks and Recreation Commission, and the Town Board of Commissioners.

It is also the intent of this Section to ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance. It is also the intent to ensure that compliance is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public. This Section provides for adequate and efficient provision of facilities and/or infrastructure, and the dedication of land, rights-of-way, and easements, so as not to burden the fiscal resources of the Town. These provisions include the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces, and other provisions required for the public good of the Town of Cornelius.

The Town of Cornelius Board of Commissioners shall adopt from time to time, a schedule of fees for application and approval processing as specified in this ordinance. This process, as established, provides the applicant an opportunity to submit a Development Plan for review and approval by the Town prior to the submission of Construction Documents. This Development Plan shall be the guiding document in the review of the Construction Documents for final approval and permitting.

12.2: APPLICABILITY

In general, the review process described in this Chapter shall be used for all uses and development other than individual single or two family detached homes (as permitted) and their accessory structures on a single lot. The Zoning Administrator or designee may waive the required Development Review Process only in the following cases when it is determined that the submission of a development plan in accordance with this Chapter would serve no useful purpose:

- A. Accessory Structures or
- B. Any enlargement of a principal building by less than twenty percent (20%) of its existing size provided such enlargement will not result in site or landscaping improvements; or
- C. A change in principal use where such change would not result in a change in lot coverage, off-street parking access or other external site characteristics, except where a Special Use Permit has been issued.

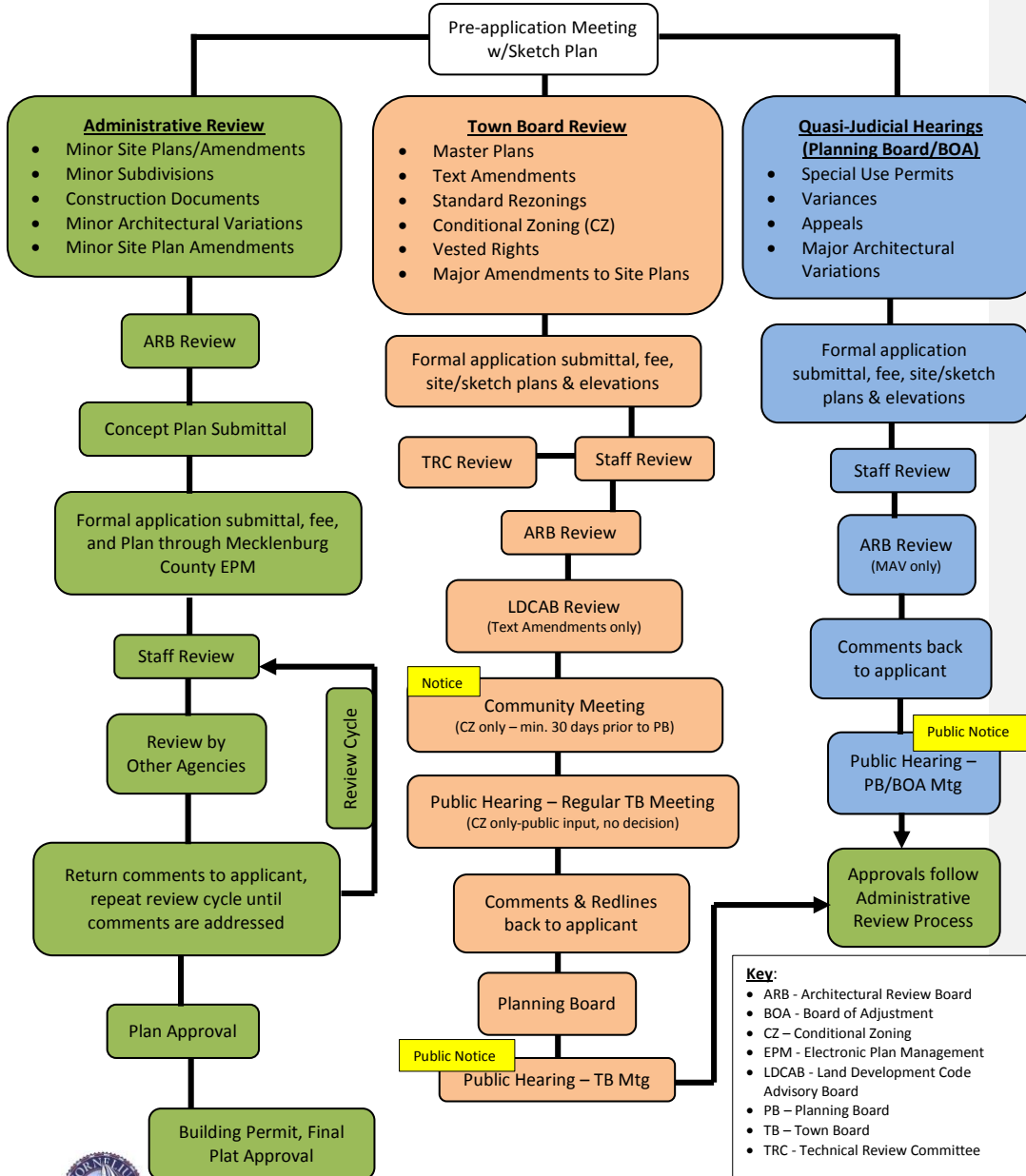


CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12:3 DEVELOPMENT REVIEW PROCESS

Commented [BP1]: This heading was added, causing subsequent sections to be renumbered.

Also added the Public Hearing following the Community Meeting for CZ applications.



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12.4: PRE-APPLICATION MEETING AND SKETCH PLAN

The Applicant shall schedule a pre-application meeting with the Planning Staff to review a Sketch Plan of the proposed development. The Planning staff will advise the applicant of all applicable Town regulations and policies and suggest development alternatives. This stage is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of the Town of Cornelius and does not confer upon the applicant any development rights.

The Planning Department may submit a Sketch Plan to other departments or agencies for input and recommendations. After a reasonable review of the Sketch Plan, the Planning Department shall forward all appropriate comments to the applicant. The requirements for submission are listed in Section 13.4 Sketch Plan Requirements.

12.5: PROCEDURES FOR ADMINISTRATIVE APPROVAL

The Planning Director or designee will determine that an application is complete based on review of the Plans for compliance with the Code and all related plans and policies. Concept plans and Construction Documents may then be prepared in accordance with the specifications of Section 13.6. Submittals for Minor Architectural Variations may include elevations and any other drawings or documents that the Planning Director or designee deem necessary to render a decision.

The Planning Director or designee may require that the Plans be circulated to the relevant Town, County and State agencies and officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval is recommended.

Once the Planning Director or designee deems the Plans or Construction Documents to be complete and in compliance with all provisions of this Ordinance, it may be approved. Approval of Construction Documents also constitutes approval of the Preliminary Plat. Final Plats for Minor Subdivisions will also be reviewed by the Planning Department and approved administratively.

12.6: PROCEDURES FOR PLANNING BOARD APPROVAL

All Minor Amendments to Town Board approved Plans, Major Architectural Variations and Special Use Permits shall be approved by the Planning Board after having held a Public Hearing.

12.6.1 APPLICATION AND PLANNING DEPARTMENT REVIEW:

A Plan of the proposed site plan amendment, architectural variation or Special Use Permit shall be submitted and shall be accompanied by a completed application and payment of a fee as adopted by the Town Board of Commissioners. The Planning Director or designee will present the Plan to the Technical Review Committee and may require the Plan to be circulated to other relevant governmental agencies and officials. The requirements of the submission are listed in Section 13.5.

12.6.2 PUBLIC HEARING BY THE PLANNING BOARD:

The Planning Board shall conduct a public hearing. Notice of the public hearing shall be given as follows:



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

- A. A notice shall be published in a newspaper having general circulation in the town not less than ten (10) days or more than twenty-five (25) days prior to the date established for the Public Hearing.
- B. A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all contiguous property owners.

12.6.3 CONSIDERATION BY THE PLANNING BOARD:

After the public hearing, the Planning Board shall have up to sixty (60) days from the date of their first regularly scheduled meeting of consideration to defer, approve, approve with conditions, or deny the Plan. Alternatively, the Planning Board may suspend the review period and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the Development Plan or deferral of its consideration. If the Application is denied, the reasons for denial shall be provided to the applicant in writing.

Following denial by the Planning Board, the Applicant may file a new Application and associated fee. Unless the Planning Board explicitly states conditions that must be met prior to the resubmission of an Application, the Applicant shall not submit a new Application for the same property within one (1) year of the date of denial by the Planning Board unless the Application is significantly different from the previously denied Application. All Applications shall be resubmitted for full review beginning with Section 12.56.1 unless the Application is resubmitted to address conditions set forth by the Planning Board for re-application.

Approval of a Plan shall constitute final Planning Board approval except for any required approval of Construction Documents.

12.7: PROCEDURES FOR TOWN BOARD APPROVAL

Plans may be approved by the Town Board of Commissioners after having held a Public Hearing and upon review and recommendation by the Planning Board and, if applicable, the Parks and Recreation Commission.

12.7.1 APPLICATION AND PLANNING DEPARTMENT REVIEW:

A Plan of the proposed development shall be submitted and shall be accompanied by a completed application and payment of a fee as adopted by the Town Board of Commissioners. The Planning Director or designee will present the Plan to the Technical Review Committee and may require that the Plan be circulated to other relevant governmental agencies and officials for comments and recommendations. The requirements for submission are listed in Section 13.5.

12.7.2 REVIEW BY THE PLANNING BOARD AND OTHER APPLICABLE BOARDS:

Once the Planning Department has received a complete application and has had adequate time to review and make comments, they shall schedule the Application for review by the Planning Board and other boards (if applicable) at their next regularly scheduled meetings.

The Planning Board shall have up to sixty (60) days from the date of their first regularly scheduled meeting of consideration to recommend deferral, approval, approval with conditions, or denial of the application to the Town Board of Commissioners. Alternately, the Planning



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

Board may suspend the review period and request additional information of the applicant in order to aid in the review of the Development Plan or deferral of its consideration.

If no recommendation is made within the sixty (60) day period, the Application shall move forward to the Town Board without recommendation.

12.7.3 PUBLIC HEARINGS BY THE TOWN BOARD OF COMMISSIONERS:

For conditional zoning applications only, the first public hearing shall be conducted immediately following the community meeting, at the next regularly scheduled Town Board meeting. This hearing allows for public input, but no decision on the rezoning application shall be rendered by the Town Board.

Upon receipt of recommendations from the Planning Board and other applicable boards, the Town Board of Commissioners shall conduct a public hearing, in the case of conditional zoning requests, this will be the second public hearing. Notice of ~~the~~ this public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in the town not less than ten (10) days or more than twenty-five (25) days prior to the date established for the Public Hearing.
- B. A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all contiguous property owners.

12.7.4 CONSIDERATION BY THE TOWN BOARD OF COMMISSIONERS:

After the public hearing, the Town Board shall have up to sixty (60) days from the date of their first regularly scheduled meeting of consideration to defer, refer back to the Planning Board, approve, approve with conditions, or deny the Development Plan. Alternatively, the Town Board may suspend the review period and request additional information of the applicant, other governmental agencies, or interested/affected parties in order to aid in the review of the Development Plan or deferral of its consideration. If the Application is denied, the reasons for denial shall be provided to the applicant in writing.

Following denial by the Town Board, the Applicant may file a new Application and associated fee. Unless the Town Board explicitly states conditions that must be met prior to the resubmission of an Application, the Applicant shall not submit a new Application for the same property within one (1) year of the date of denial by the Town Board unless the Application is significantly different from the previously denied Application. All Applications shall be resubmitted for full review beginning with Section 12.57.1 unless the Application is resubmitted to address conditions set forth by the Town Board for re-application.

Approval of a Plan shall constitute final Town Board approval for all phases of the development except for any required approval of Construction Documents.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12.7.5 REVIEW AND APPROVAL OF CONSTRUCTION DOCUMENTS:

Following approval of the Development Plan by the Planning Board or Board of Commissioners, the applicant may submit Construction Documents in accordance with Section 13.6 Construction Documents. The Planning Department and other agencies as necessary shall review the Construction Documents for conformance with the approved Plan.

If the Application is denied, the reasons for denial shall be provided to the applicant in writing. Following denial, the Applicant may file a new Application and associated fee and follow the procedures as prescribed in this subsection.

Approval of the Construction Documents shall also constitute Preliminary Plat approval for Major Subdivisions and Zoning Permit Approval for Site Plans.

No grading or infrastructure construction work may commence until the Construction Documents are approved.

Final Plats shall be prepared in accordance with Section 13.8 and shall be approved administratively by the Planning Department.

12.7.6 EFFECT OF APPROVAL OF THE PRELIMINARY PLAT:

Only after receiving Preliminary Plat approval as prescribed by this Chapter and other written approval and necessary permits from the appropriate regulating agencies, shall the developer begin grading, soil erosion, and infrastructure construction on the development.

Approved Preliminary Plats are valid for 1 year from the date of approval by the Town of Cornelius. Reasonable and necessary extensions may be granted at the Board's sole discretion if a written request by the developer is made to the Town Board forty-five (45) days prior to the 1-year anniversary of preliminary plat approval. Upon expiration of approval prior to final plat approval and recordation, a new application for subdivision will be required in accordance with the process before development can recommence.

Approval of Construction Documents and a Preliminary Plat constituting an individual phase of a multi-phase project, which has not been entirely approved, does not constitute approval by the Town of any remaining phases. For approved preliminary plats consisting of multiple phases, only the phase that is to be developed for sale immediately shall be submitted for final plat approval.

Any substantial changes proposed to an approved preliminary plat shall be reviewed by the Planning Board and approved or denied by the Town Board of Commissioners as amended Construction Documents.

All required infrastructure improvements for the preliminary plat shall be in place within 1 year of preliminary plat approval. If circumstances beyond the control of the developer do not allow for the completion of the required work within the 1 year period or the size of the phase is such that 1 year is insufficient time to complete all required work, then the developer may file a written request for an extension with Town Board no later than forty-five (45) days prior to the



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

1 year anniversary of preliminary plat approval by the Town as provided above. If infrastructure work is not completed within 1 year and/or no extension request is filed with Town Board and approved, preliminary plat approval becomes null and void on the day of the 1-year anniversary and a new application will be required.

12.7.7 REVIEW AND APPROVAL OF FINAL PLAT:

The developer shall initiate the final subdivision plat approval process by submitting the Final Plat and copies of any required improvement guarantees to the Planning Department. During the review period, the Zoning Administrator or designee will confirm the accuracy of the Final Plat. If substantial errors are found, including inconsistencies with the approved Preliminary Plat, the Final Plat shall not be approved and the review period suspended until the applicant has corrected such errors. A list of the needed corrections shall be provided to the applicant. Once complete, the Final Plat shall be approved or denied by the Zoning Administrator or designee.

The Final Plat shall constitute all portions of a phase the approved Preliminary Plat. No Final Plat shall be approved unless and until the subdivider has installed in that area all improvements required by this ordinance or has posted any required improvement guarantees as prescribed by this Ordinance.

Any conditions placed by the Town on the approval of the Final Plat shall be addressed by the subdivider.

Approved Final Plats must be filed by the applicant for recording with the Register of Deeds of Mecklenburg County within thirty (30) days of the date of approval by the Zoning Administrator or designee; otherwise, such approval shall be null and void. After recordation, the subdivider shall provide one (1) certified mylar copy for permanent file in the Planning Department.

12.7.8 REVISIONS TO FINAL PLATS:

Revisions to Final Plats may only be approved administratively by the Planning Department under the following circumstances:

- A. No lot or tract of land shall be created or sold that is smaller than the minimum size as required by this Code for the District in which the subdivision is located.
- B. Rights-of-way shall not be changed.
- C. Street alignment and block sizes shall not be changed.
- D. Property lines shall not be changed to cause the building setbacks of any lot to become non-conforming.
- E. Non-conforming or flag lots shall not be created.
- F. The character of the area shall be maintained.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12.7.9 PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS:

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of Town of Cornelius, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Cornelius may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

12.8 AMENDMENTS TO CONDITIONAL USE PERMITS

Major Amendments to Conditional Use Permits shall follow the Conditional Zoning Process. Minor Amendments to Conditional Use Permits shall follow the Special Use Permit Process.

12.9 VESTED RIGHTS REQUIREMENTS

12.9.1 GENERAL PROCEDURES

Pursuant to G.S.160A-385.1 and notwithstanding any other provision or amendment thereto, a landowner may apply for approval of a site-specific development plan as defined in the statute that shall entitle said landowner to develop property in accordance with said plan.

All requests for Vested Rights shall be accompanied by a site-specific development plan in accordance with the provisions of Section 13.5 Development Plan Requirements. A request to extend vesting rights to a previously approved Development Plan shall be reviewed and approved by the Town Board of Commissioners after notice and public hearing.

12.9.2 TOWN BOARD ACTION

The Town Board shall determine whether or not to accord a vested right after the review and consideration of the Planning Department and Planning Board in accordance with the procedures listed in 12.57. The Town Board may not require the landowner to waive his vested right as a condition of development approval. The Town Board may approve the vested rights for a period greater than two (2) years, provided the total period does not exceed five (5) years from the date of plan approval of the site.

The vesting of any plan beyond a two (2) year period may only be authorized by the Town Board where it is found that due to (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years.

12.9.3 EFFECT OF APPROVAL OF VESTING

The effect of the Town Board approving a vested plan shall be to vest such site plan for a period of two (2) years to five (5) years as approved by the Town Board from the date of approval.



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A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site-specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development plan except under the following conditions where such rights are terminated and revoked:

- A. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or,
- B. The Town determines after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the plan; or,
- C. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
- D. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town Board of the plan; or,
- E. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in plan. In such case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that this change in State or Federal law has a fundamental effect on the plan.

Once a vested right is granted to a particular plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are consistent with the original approval.

The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.



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12.9.4 CONSTRUCTION DOCUMENT PROCESS FOR VESTED SITE-SPECIFIC PLANS:

Preliminary Plats for Minor Subdivisions with previously vested site-specific plans shall be reviewed for compliance and consistency and subsequently approved by the Zoning Administrator or designee in accordance with the provisions of Section 12.5 of this Ordinance, providing the proposed Preliminary Plat for the Minor Subdivision does not deviate from, and is subdivided in accordance with the previously approved site specific plan.

Preliminary plats with previously vested site-specific plans shall be reviewed for compliance and consistency by the Zoning Administrator or designee and subsequently approved by the Town Board of Commissioners in accordance with the provisions of Section 12.67.4 of this Ordinance, providing the proposed Preliminary Plat does not deviate from, and is subdivided in accordance with the previously approved site specific plan.

12.9.5 Revocation or Expiration of a Vested Right:

The vested right, resulting from the approval of a site-specific development plan, may be revoked by the Town Board as provided for in this Chapter. In addition, a revocation may occur if the Town Board determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Land Development Code. The vested right shall otherwise expire at the end of the approval period established by the Town Board.

A building permit issued by the Mecklenburg County Building Inspector pursuant to G.S. 160A-417 may not expire or be revoked because of the running of time on a piece of property while a plan has been approved and the vested right period has not otherwise expired.

12.10 IMPROVEMENT GUARANTEES

In lieu of meeting the requirement for the completion, installation and dedication of any and all improvements (e.g., water, sewer, street lights, etc.) prior to final plat approval for subdivisions or Certificate of Occupancy for Site Plans, the Town of Cornelius or its authorized agent may enter into a written agreement with the developer whereby the developer shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat or Certificate of Occupancy may be approved by the Zoning Administrator or designee or authorized agent, if all other requirements of this ordinance are met. To secure this agreement, the developer shall provide either one, or a combination of the following guarantees equal to 1.25 times the entire cost of the improvements secured, except as identified within the Maintenance Guarantee subsection.

12.10.1 SURETY PERFORMANCE BOND(S)

The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina, and approved by the Town Board. The bond shall be payable to the Town of Cornelius (or its authorized agent) and shall be in an amount equal to 1.25 times the entire cost, as estimated by the developer and verified by the County, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town. Any expenses associated with the cost verification by the Town shall be paid entirely by the developer.



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12.10.2 CASH OR EQUIVALENT SECURITY:

The developer or developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town (or its authorized agent) or in escrow with a financial institution designated as an official depository of the Town. The amount of deposit shall be equal to 1.25 times the entire cost, as estimated by the developer, and verified by the County, of installing all required improvements.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town of Cornelius (or its authorized agent) an agreement between the financial institution and himself guaranteeing the following:

- A. That said escrow amount will be held in trust until released by the Town of Cornelius and may not be used or pledged by the developer in any other transaction during the term of the escrow; and
- B. That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the Town to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

12.10.3 MAINTENANCE GUARANTEE

All improvements required by this ordinance shall be guaranteed against defects in workmanship and materials by the developer for a period of one year from the date of the filing of the final plat or the date of the completion of the improvement, whichever is later. The developer shall file with the Town Manager a maintenance bond with adequate sureties in an amount determined by the Town Manager or Consulting Engineer to be sufficient to assure proper maintenance and repair of such improvements for the one-year warranty period.

12.10.4 DEFAULT

Upon default, meaning failure on the part of the developer to complete the required improvements in the time required by this ordinance or as spelled out in the performance bond or escrow agreement, then the surety, or financial institution holding the escrow account, shall, if requested by the Town, pay all or any portion of the bond or escrow fund to the Town of Cornelius up to the amount needed to complete the improvements based on an estimate by the Town. Upon payment, the Town, in its discretion, may expend such portion of said funds, as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements.

12.10.5 RELEASE OF GUARANTEE SECURITY

The Town may release a portion of any security posted as the improvements are completed and recommended for approval by the Town Manager. Within 30 days after receiving the Town Manager's recommendation, the Town of Cornelius shall approve or disapprove said improvements. When the Town of Cornelius approves said improvements, it shall immediately release the portion of the security posted which covers the cost of the improvements approved by the Town Board.



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**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 August 21, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius, North Carolina that Chapter 12: Development Review Process, of the Land Development Code, be AMENDED as specified in Exhibit A.

Adopted this 21st day of August, 2017.

Charles L. Travis, III, Mayor

ATTEST:

APPROVED AS TO FORM:

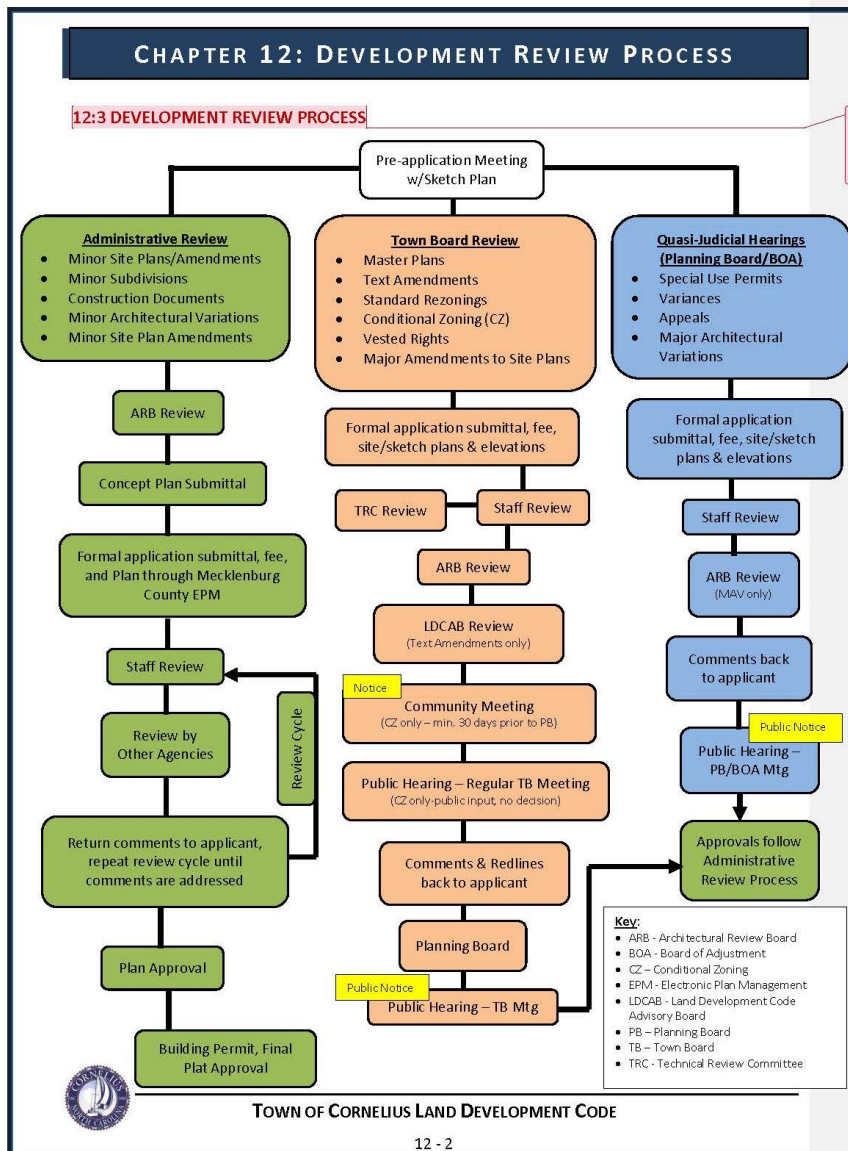
Lori A. Harrell, Town Clerk

Karen Wolter, Town Attorney

Exhibit A

TA 08-17: ADDITIONAL PUBLIC HEARING FOR CZ PROCESS

AMEND Section 12.3 in Chapter 12, as follows:



Commented [BP1]: This heading was added, causing subsequent sections to be renumbered.
Also added the Public Hearing following the Community Meeting for CZ applications.

AMEND Section 12.7.3 in Chapter 12 as follows:

12.7.3 PUBLIC HEARINGS S BY THE TOWN BOARD OF COMMISSIONERS:

For conditional zoning applications only, the first public hearing shall be conducted immediately following the community meeting, at the next regularly scheduled Town Board meeting. This hearing allows for public input, but no decision on the rezoning application shall be rendered by the Town Board.

Upon receipt of recommendations from the Planning Board and other applicable boards, the Town Board of Commissioners shall conduct a public hearing, in the case of conditional zoning requests, this will be the second public hearing. Notice of ~~the~~ this public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in the town not less than ten (10) days or more than twenty-five (25) days prior to the date established for the Public Hearing.
- B. A notice of the public hearing shall also be sent by first class mail by the Zoning Administrator or designee to the affected property and to all contiguous property owners.