

Land Development Code



Town of Cornelius
Adopted June 2, 2025

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TEXT AMENDMENTS

Case #	Approval Date	Chapter(s) or Section(s)
TA 03-18	July 16, 2018	Chapter 5, 5.5.4 Temporary Uses – Parking during construction (civic only)
TA 04-18	October 1, 2018	Chapter 3, 3.1.2 Commercial Vehicles – oversize vehicles in commercial areas
TA 09-17	November 5, 2018	Chapters 2, 4, 5, 6 – Small Wireless Facilities
TA 02-18	November 5, 2018	Chapters 11, 13 – Built Upon Area Averaging
TA 05-18	November 19, 2018	Chapter 4 – 70% glass requirement
TA 03-19	December 2, 2019	Chapter 5 – Chartwell Center Automobile Repair Service District Overlay
TA 02-19	January 6, 2020	Chapters 2, 5, 6 – Brewery (Micro & Large)
TA 01-21	April 5, 2021	Chapters 2, 5 – Car Wash Definition
TA 02-21	June 21, 2021	Chapters 1, 2, 5, 6, 8, 9, 11, 12, 13, 14, 16, 18 – G.S. 160D; Chapters 12, 18 – PH name change in CZ process; Chapters 5, 6 – Removal of Rental Cottage Use
TA 02-22	December 19, 2022	Chapters 2, 5, 6, 7, 8, 13 – Prohibit Flag Lots
TA 01-22	January 17, 2023	Chapters 2, 5, 6, 18 – Accessory Dwelling Unit
TA 01-23	November 20, 2023	Chapter 7 – Parking Lot/Private Drive Maintenance
TA 02-23	November 20, 2023	Chapter 7 – Gated Street Access
TA 03-23	November 20, 2023	Chapters 12, 13, 18 – CZ Process Amendment
TA 04-23	November 20, 2023	Chapters 3, 16 – Shipping Containers
TA 01-24	February 19, 2024	Chapter 7, 7.3- Bicycle Parking
TA 02-24	February 19, 2024	Chapter 7, 7.5.11-Decorative Outdoor Lighting Chapter 10, 10.7 Prohibited Sign Types
TA 04-24	February 19, 2024	Chapters 2, 10, 14 - Signs
TA 05-24	May 6, 2024	Chapter 16 -Planning Board
TA 01-25	June 2, 2025	Chapters 2, 5, 6 – Vape/CBD/Tobacco and Electronic Gaming Uses



CHAPTER 1: PURPOSE / APPLICABILITY

SECTION 1.1: TITLE

This Ordinance is titled as “The Official Land Development Code of the Town of Cornelius, North Carolina”, and shall be known as the “Land Development Code”. The official map designating the various zoning districts shall be titled, “Town of Cornelius Official Zoning Map”, and shall be known as the “Zoning Map.”

SECTION 1.2: AUTHORITY

Zoning provisions enacted herein are under the authority of G.S. 160D-702, which extends to cities the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community. It is further authorized under G.S. 160D-703 which authorizes cities to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of the district. The statutes also require that all such regulations shall be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted herein are under the authority of G.S. 160D-804 which provide for the coordination of streets within proposed subdivisions with existing or planned street and with other public facilities, the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area, and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding.

SECTION 1.3: APPLICABILITY

These regulations apply to the development and use of all land and structures within the corporate limits of the Town of Cornelius, North Carolina and within the extraterritorial jurisdiction exercised by Ordinance and as now or hereafter fixed, said territory being indicated on the Zoning Map as is on file at the Cornelius Planning Department. This map and its boundaries shall be incorporated herein by reference.

In accordance with G.S. 160D-104, development approvals run with the land.

SECTION 1.4: RELATION TO OTHER ORDINANCES

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective.

SECTION 1.5: SEPARABILITY

If any Section or specific provision or standard of this Code or any regulating district boundary arising from it is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Should any section or provision of this Code be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.



CHAPTER 1: PURPOSE / APPLICABILITY

SECTION 1.6: ZONING MAP INTERPRETATION

The map entitled Town of Cornelius Zoning Map, as adopted by the Town of Cornelius Board of Commissioners establishes the official zoning districts and overlay districts.

The following rules shall apply in the interpretation of district boundaries and the location of centers shown on the zoning map:

- Boundaries delineating the centerline of streets, highways, or alleys shall follow such centerlines.
- Boundaries delineating lot lines shall follow such lot lines.
- Boundaries delineating the Corporate Limits shall follow such Corporate Limits.
- Boundaries shown approximately following the Extraterritorial Jurisdiction boundaries or Sphere of Influence of the Town of Cornelius shall follow such boundaries.
- Boundaries indicated as following railroad lines shall be midway between the main tracks.
- Boundaries shown parallel to or extensions of features indicated in this Section shall be construed as such. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- Where the actual location of existing physical or natural features vary with those shown on the Zoning Map, or in other circumstances not covered by this Section, the Planning Board shall have the authority to interpret the District boundaries.
- Centers shown at the intersection of streets shall be at the intersection of the street centerlines.
- Centers shown at parks, schools, or other civic spaces shall be at the center of such areas.

SECTION 1.7: PROCESSES AND PROCEDURES

A. Types of Decisions. There are three types of decisions that are made by various boards, staff members, other agencies, and committees:

1. **Legislative.** Legislative decisions set policy and provides the decision-making board with the maximum amount of discretion. The legislative process typically includes public engagement. In connection with any requested rezoning of property or amendment to this Ordinance, there is a required public hearing with broad public notice and a mandatory planning board review.
2. **Quasi-judicial.** Quasi-judicial decisions require the board to apply standards that are already set in the ordinance using a legalistic process to gather quality evidence to resolve contested facts, and to apply those facts to standards that involve judgment (such as being “compatible “ or “harmonious” with the surrounding neighborhood). Public engagement is limited to those who have relevant evidence on whether the proposal meets the standards.
3. **Administrative.** Administrative decisions require staff to apply objective standards set in the ordinance to facts that are supplied in applications. If the application meets the standards it is approved; if not, it is denied. The process is bureaucratic in nature, with minimal discretion or public engagement.

B. Available Approvals/Permits and Process. As an overview, the following approvals and permits are contemplated by this LDC:

1. Legislative Amendments to development ordinance or Zoning Map (legislative)
 - i. Text Amendments
 - ii. Zoning Map Changes
 - iii. Conditional Rezoning



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2. Quasi-judicial
 - i. Variances
 - ii. Special Use Permits
 - iii. Appeals
3. Administrative
 - i. Subdivision Plats
 - ii. Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits
 - iii. Miscellaneous Permits, such as Temporary Use Permits (administrative).

Table 1: Summary: Approvals, Type of Hearing, Responsible Party

Approval	Type of Hearing	Responsible Party (final decision-maker)
LDC Text Amendment	Legislative	Town Board
Zoning Map Change	Legislative	Town Board
Conditional Zoning	Legislative	Town Board
Variance (including watershed variances)	Quasi-judicial	Board of Adjustment
Special Use Permit	Quasi-judicial	Board of Adjustment
Appeal of Decision by Zoning administrator	Quasi-judicial	Board of Adjustment
Final Subdivision Plat (for recording at Register of Deeds)	Administrative	Administrator
Land Development Permits, such as Zoning Permits, Grading Permits, and Building Permits	Administrative	Administrator (or Meck County or third party service provider)

SECTION 1.8: EFFECTIVE DATE

These regulations shall become effective on June 21, 2021. Upon such date, these regulations shall supersede, repeal, and replace the Cornelius Land Development Code, as amended, adopted on October 7, 1996; the Cornelius Zoning Ordinance, as amended, adopted on October 17, 1988; and, the Cornelius Subdivision Ordinance, as amended, adopted on March 15, 1993.



CHAPTER 1: PURPOSE / APPLICABILITY

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CHAPTER 2: DEFINITIONS

SECTION 2.1: INTENT

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

SECTION 2.2: INTERPRETATION OF ZONING MAP

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Zoning Map, the following rules shall be used to interpret the maps:

- Where a map shows a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement, or navigable or non-navigable waterway, it shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway varies slightly from the location as shown on a map, then the actual location shall control. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.
- Where a map shows a boundary line as being located a specific distance from a street line or other physical feature, that distance shall control.
- Where a map shows a district boundary to approximately coincide with a property line or city, town, or county border, the property line or city, town, or county border shall be considered to be the district boundary, unless otherwise indicated.
- Where a map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the map.
- In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.
- If it is alleged by any party that an error exists on the zoning map with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, historical district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this Code relating to zoning information, the party may request a review by the Planning Board of the alleged error.
- Whenever a single lot is located within two (2) or more different zoning districts, each portion of that lot shall be subject to the regulations applicable to the district in which it is located.

SECTION 2.3: FRACTIONAL REQUIREMENTS AND DISTANCE MEASUREMENTS

Whenever any requirement of this Code results in a fraction of a unit, a fraction of a half or more will be rounded up to the next whole unit and a fraction of less than a half will be disregarded. Whenever a density calculation for a lot of record existing prior to this Code results in less than one dwelling unit being permitted, the fractional requirement will be disregarded and one dwelling unit will be permitted.

Distance separations for various uses are required for many uses in this Code. Unless otherwise specified, the following rules shall apply in determining such measurements.



CHAPTER 2: DEFINITIONS

- Measurements shall be made from lot line to lot line (rather than from the edge of a building footprint).
- Measurements shall be made using the shortest straight-line distance (i.e., "as the crow flies") between lots.

SECTION 2.4: TEXT CONTROLS OVER GRAPHICS

This Code contains numerous graphics, pictures, illustrations and drawings. However, in case of conflict between the text and a graphic, picture, illustration or drawing, or any other depiction, the text shall control.

SECTION 2.5: INTERPRETATION OF WORDS/TERMS

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

SECTION 2.6: DEFINITIONS

A

Abandonment

A property, use, or structure which has been physically and objectively discontinued, relinquished, or vacated for a consecutive period of 180 days or more 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.



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Accessory Dwelling Unit (ADU)

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

Accessory Structure

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.

Accessory Use

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

Active Construction

On-site activities such as installation, erection, fabrication, alteration, demolition or removal of structures/facilities, or additions that directly contribute to the completion of improvements contemplated or shown on construction plans.

Addition

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 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

Agricultural Uses

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



CHAPTER 2: DEFINITIONS

Alley

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



Amendment, Major

An amendment to any Town Board approved Plan, except Minor Amendments and changes allowed through the Administrative Amendment Process as specified in Section 18.5.9, Alterations and Amendments to Approvals. A Major Amendment also includes a change of use that differs from the uses previously approved under a Special Use Permit or Conditional Use Permit. A Major Amendment to a Town Board approved plan shall follow the conditional zoning process. Any amendment to an approved residential development plan will follow the procedures specified in Section 18.5.9.

Amendment, Minor

A Minor Amendment is an Administrative Amendment to any approved plan as allowed in Section 18.5.9, Administrative Amendment Process.

Amendment, Text

A change to any text of the Land Development Code.

Amendment, Zoning Map

A change to the zoning map in accordance with Chapter 18.

Animal Hospital

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Facilities may be located outdoors and may include but not be limited to kennels and training/exercise areas.

Apartment Buildings

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

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 Craftsman.

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.



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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.

ATM (Automated Teller Machine)

An automated device that performs banking or financial functions at a location outside of or remote from the controlling financial institution.

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

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

Automobile, Truck, Motorcycle, Boat, Manufactured Home, Recreational Vehicle Sales and Rental

Any building, premises, and land, in which or upon the primary use of land is a business that involves the sale of new or used automobiles, trucks, motorcycles, boats, manufactured homes, and recreational vehicles. Also included in this definition is vehicle leasing, rental, preparation, maintenance, service or repair work conducted as an accessory use.

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 ornamentations applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar

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

Bed and Breakfast Inn

A use 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.

Berm

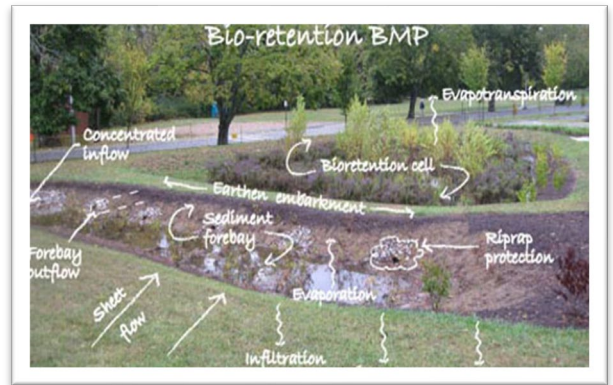
A raised earth mound.



CHAPTER 2: DEFINITIONS

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.



Brewery, Large

An establishment where beer and malt beverages are made on the premises at an annual rate of 100,000 or more barrels per year and may contain a taproom.



Brewery, Micro

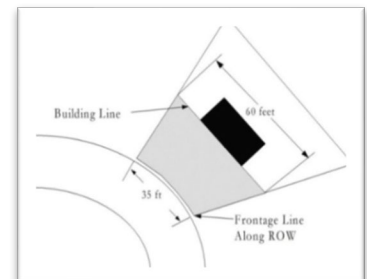
An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 100,000 barrels per year. The brewer may sell to a retailer or directly to a customer.

Buffer

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 body of water, 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.

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 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 a structure, which sets the inspection schedule and construction techniques for a particular project and specified use in



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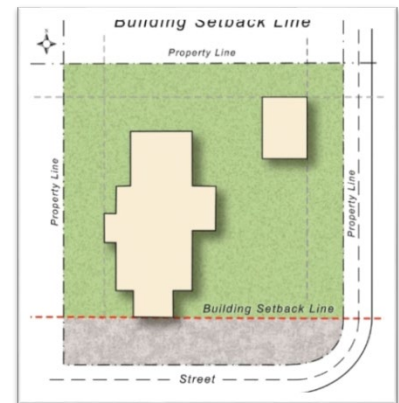
accordance with adopted building codes and other prevailing standards for construction, and includes the Town's necessary zoning approval.

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 porches, covered porches, decks, and patios, to the nearest edge of a street right-of-way, property line, or easement line, when measured perpendicular thereto.



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.

C

Caliper

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

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.



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Canopy, Convenience Store

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.

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 appropriate building setback requirement.



Car Wash

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

Cemetery/Columbarium

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries. A cemetery may also include a columbarium.

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 Code and all other applicable regulations.

Change of Use

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

Child Care Centers

A place where care, supervision, and protection is provided to three (3) or more children who are not the legal wards or foster children of the attendant adult.

Civic Uses

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

College/University

A private or public educational institution where students attend to earn associates, baccalaureate, masters, or doctoral degrees.



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Co-location

The location of wireless telecommunication antennae or equipment from more than one provider on one common tower, building, or cabinet.



Commercial, Retail and Service Uses

All retail sales establishments, service industry uses (i.e. restaurants, financial), and general business.

Common Open Space

Land and/or water areas within the site designated for a particular development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Conditional Zoning

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

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.

Construction Trailer (Temporary Use)

A structure standing on wheels, towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at a construction site on a temporary basis.

Contiguous

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

Convenience Store

A use where certain goods and vehicular fuels are sold. Such a use may permit car washes as an accessory use, but shall not allow the installation of automotive items such 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



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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

Deciduous

Shrubs and trees that lose their leaves annually.

Deck

A structure without a roof, either freestanding or attached to a building, which is supported by posts or pillars.

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

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

Developer

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development

This definition includes any of the following:

1. The construction, erection, alteration, or enlargement, renovation of any structure.
2. The excavation, grading, filling, clearing, or alteration of land.
3. The subdivision of land as defined in G.S. 160D-802.
4. The initiation or substantial change in the use of land or the intensity of use of land.



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Development Approval

An administrative or quasi-judicial approval made pursuant to this Code that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Code, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation

A legislative approval made pursuant to this Code including but not limited to a unified development ordinance, zoning regulation, text amendment, conditional zoning regulation, major subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, or any other regulation adopted pursuant to this Code that regulates land use or development.

Diameter at Breast Height (DBH)

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

Distribution/Wholesale

The disbursement of goods on a large scale.

District

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

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



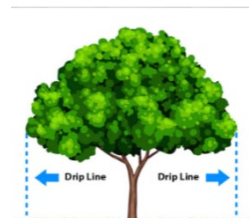
Down Zoning

A zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

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.



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Drive-Through 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, restaurants, dry cleaners and financial institutions.

Driveway

A private roadway providing ingress and egress from a street or thoroughfare to a property and for 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.

Dry Cleaning/Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning service outlets. Such a facility may be a freestanding use or may be combined with a retail dry cleaning store and is considered light manufacturing.

Dry Cleaning, Retail

A store where customers bring clothing and textiles to be cleaned using a chemical solvent other than water. Cleaning may occur on-site or at a separate facility. See Dry Cleaning/Laundry Plant.

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, used and occupied for human habitation or intended to be so used.

Dwelling, Multi-Family

Three or more attached dwelling units located on a single lot of record.

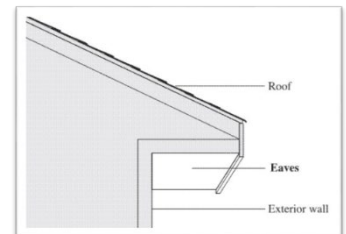
Dwelling, Single-Family Attached

Buildings that share common side walls and are platted for individual ownership along a public street. Attached homes may be townhomes.

E

Eave

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



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Electronic Gaming Establishment

A business where persons utilize electronic machines (including but not limited to computers and gaming terminals) to conduct games of chance or sweepstakes, and where cash, merchandise or anything else of value is redeemed or otherwise distributed or placed on an account or other record, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, cybercafés, business centers, or by whatever other terminology such establishment might be known. Electronic gaming operation does not include any lottery-related activity approved by the State of North Carolina.

Encroachments

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

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 exceeds 180 feet in height. This definition does not include Antenna Systems as defined in this section. Essential Services are divided into four (4) 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.



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Class 4: A government use or facility owned or operated by the Town or its designee, serving in one of the following capacities, including, but not limited to: an agency office, rescue services (including volunteer rescue services), emergency medical services, public safety station, fire station (including volunteer fire station), public safety services and dispatch, or personnel training and development center. A public safety station may contain living quarters for on-duty personnel. Facilities for the maintenance of equipment housed at the operation site are also permitted. The following uses and/or activities shall not be classified as a Class 4 Essential Service: vehicle storage yard; outdoor/indoor firing range; jail; prison; sanitary landfill; solid waste transfer or disposal facility; wastewater treatment facility; educational or health institution; university; group home; half- way house or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Events/Gathering Facility (Indoor or Outdoor)

Auditorium, assembly hall, amphitheater, community center, structure or facility designed, intended, or used primarily for outside and/or inside performing art events or other spectator events and contains seating for spectators of those events. The sale of beverages, snack foods, and sundries geared to on premise consumption or usage by spectators shall be permitted.

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. 160D-1110), or
3. Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160D-108, 108.1).

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.



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F

Facade

The vertical surface of a building which is set along a frontage line.

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 workers employed and living on the premises may be housed on site without being counted as a family or families.

Farm, Bona Fide

The production and activities relating or incidental to the production of crops, fruits, vegetables, sod, or ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market meeting one of the present use value criteria:

1. Agricultural land, consisting of at least ten (10) acres, or horticultural land, consisting of at least five (5) acres, both of which may be in one or more tracts that are in actual production
2. A minimum of twenty (20) acres of forestland for which a woodland management plan has been prepared by the U.S. Forest Service

Bona Fide Farms in the Cornelius extra-territorial jurisdiction (ETJ) are exempt from the zoning regulations of this Code.

Farmer's Market

An outdoor market at which fruits and vegetables are regularly sold to the general public on a retail basis. Other food items, handmade crafts, and baked goods native to this region may also be sold at such establishments provided that these items may not constitute a majority of total sales.

Fence

A structure used to delineate, enclose, screen, separate or define a boundary.

Fenestration

Architectural treatment over, around or near a window, door or other feature of relief on the elevation of a building.

Flag Lots

A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street. Flag lots are prohibited.

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).

Flood Fringe

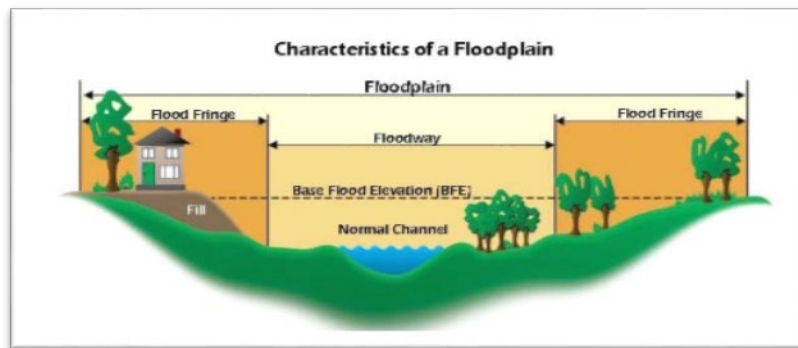


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The land area located between the limits of the floodway and the maximum elevation subject to inundation by the base (1% chance) flood.

Flood Plain, Flood Hazard Area

The low, periodically flooded lands adjacent to streams, rivers and lakes as designated by the Federal Emergency Management Agency (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.

Frontage Line

A line running parallel to the shortest horizontal distance from the front property line or right-of-way to the nearest point of the base of the structure or its supporting member, whichever is nearest to the property line or right-of-way.

Funeral Home/Crematory

A facility used for the preparation of the deceased for burial or deposit and the display of the deceased and ceremonies connected therewith. Such facility may also sell caskets and other items associated with a funeral service.

G

Garage

An attached or detached structure to a residential building which may serve as storage or parking enclosure.

Gazebo

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

Golf Course



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An area designed for golf, including at least 9 holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

Government Facilities

The offices of the executive, legislative, judicial, administrative and regulatory branches of Federal, State and Local governments. Also could be a facility operated by a non-profit organization which provides informational, educational, social or economic counseling or similar services to persons residing in a neighborhood. This definition includes, but is not limited to all uses in the following SIC Groups:

91. Executive, Legislative and General
92. Justice, Public Order, and Safety
93. Finance, Taxation & Monetary Policy
94. Administration of Human Resources
95. Environmental Quality and Housing Services
96. Administration of Economic Programs
97. National Security and International Affairs

Grade, Street

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's approved plans (i.e. Pedestrian Plan, Bicycle Plan, Greenway Master Plan, etc.).

H

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.

Historic Structure

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

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, no signage, and



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having only one employee. Home Occupations include day care centers where 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.

Hospital

An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities, emergency services, and staff offices. A hospital shall provide facilities for the overnight and extended stay of persons in need of medical treatment and may have accessory uses such as a prayer chapel, gift shop, cafeteria, etc. that serves the needs of staff, patients and visitors.

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.

HVAC Equipment

See Mechanical Equipment.

I

Impervious Surface or Cover

All areas covered by buildings, pavement, gravel, rooftops, and manufactured housing displays, even if located on grass surfaces. Wooden slatted decks and pool surfaces are exempt.

Infill Lot Development

The construction of a new home or expansion of an existing home in an established area, where infrastructure and services are already in place and there are no setbacks on the associated recorded plat.

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.

K

Kenel

A place where more than six (6) dogs or other domesticated animals are groomed, bred, boarded, trained, kept, or sold, either as a principal use or accessory use.

L

Land Disturbing Activity



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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.

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.

Landscaping Plan

The site plan application prescribed by this Code which details pre-construction protection of existing vegetation and post-construction supplemental plantings.

Large, Medium, and Small Maturing Trees

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

Legislative Decision

The adoption, amendment, or repeal of a regulation under this Code. Or, the decision to approval, amend, or rescind a development agreement.

Legislative Hearing

A hearing to solicit public comment on a proposed legislative decision, such as a rezoning or text amendment. Legislative hearings are conducted by the Town Board.

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 Front

See *Frontage*.

M

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



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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% 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.

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% of the floor area of all buildings on the lot.

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.

Massing

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

Mechanical Equipment

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

Mining/Fracking/Quarry Operations

A process or business of extracting resources such as coal, minerals, stone, metals, jewels, or other geological materials from the earth.

Mini-Warehouse/Storage

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

Mixed Use

The presence of residential and nonresidential complementary and integrated uses within the same complex or development. Mixed use can also refer to different categories of nonresidential uses such as retail and office within the same complex of buildings. 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. The neighborhood



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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, retail dry cleaners, etc.

Mixed-Use Building

Buildings with the ground floor occupied by commercial/retail/service uses and residential units above.

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

See Dwelling, Multi-Family.

N

Nightclub

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

Nonconforming Lot

A lot, the area, dimensions, or location of, which was lawful prior to the adoption, revision, or amendment of this 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 this Ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the currently 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 this 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.

Nuisance

An interference with the enjoyment and use of property. See Town of Cornelius Code of Ordinances Chapter 92.



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Nursery (wholesale only)

A wholesale enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold. Nurseries may include the use of greenhouses for growing purposes. Goods may also be grown and displayed outdoors.

O

Office Use

Professional and governmental occupations within a building or buildings which do not generally involve the on-site sale of goods to customers (i.e. medical).

Off-Street Parking

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

Open Space

Any area which does not consist of buildings, streets, rights-of-way, or parking areas, 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.

Open Space, Improved

Open space that is activated for public use in either a passive or active fashion. Improved open space may consist of trails, picnic areas, community gardens, ballfields, play fields and playgrounds, tennis courts, dog parks, meadows, greens, closes, attached squares, detached squares, plazas, esplanades, forecourts, urban parks, greenbelts, etc.

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.

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.



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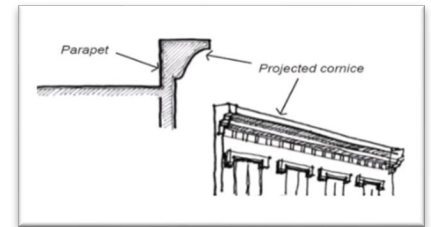
Overlay District

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

P

Parapet

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



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 site owned and operated by a public agency, which may include a parking lot, a parking deck, and any associated transit shelters or facilities designed for drivers to leave their cars and use mass transit services beginning, terminating, or stopping within walking distance of the facility

Parking Area and/or Facility

All the area of land designated for the parking of cars. Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Patio

An outdoor space where the ground is usually covered by a hard material, such as concrete, brick or other paving surface and no roof structure.

Paved

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

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 by right within a designated zoning or other planning district.

Pervious Surface

Any material that permits full or partial absorption of stormwater.

Pier and Pier Facility



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See Water-Related Structure.

Plat, Final

A map of all or a portion of a subdivision that is the legal instrument for recordation.

Plat, Preliminary

A map indicating the layout of a subdivision.

Platted Lot

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

Porch

A projection from the outside wall of a dwelling covered by a roof. 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.

Principal Building

A principal dwelling shall be a structure under one roof and must contain a room or combination of rooms designed for year-round 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.

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.

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.

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,



CHAPTER 2: DEFINITIONS

transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Q

Quasi-Judicial Decision

A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, and appeals of administrative determinations.

Quasi-Judicial Hearing

An evidentiary hearing conducted by the Planning Board acting as the Board of Adjustment to gather competent, material, and substantial evidence in order to make findings for decisions involving variances, special use permits, and appeals of administrative determinations.

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 fields.

Recreation, Passive

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, and picnicking.

Recreation Center, Public

A building, use, or facility 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. 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.

Recreation 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

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.

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.

Retail

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

Retention (Detention) Basin

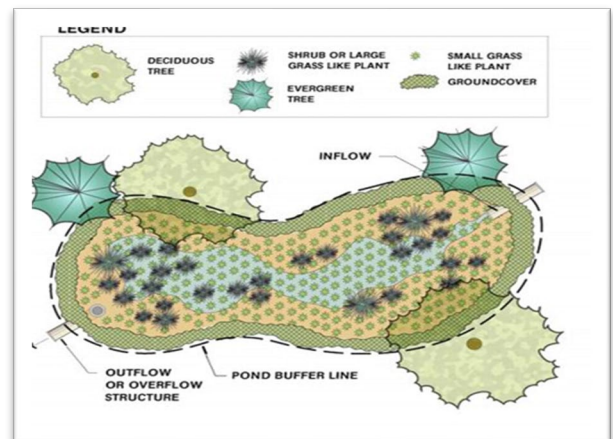
Engineered facilities for storing or detaining rain water runoff from a site. Retention delays the flow off a site to prevent flooding. Detention stores water on a site to allow time for pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters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

Right-of-Way (R-O-W)

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

Road, Frontage

See Frontage



CHAPTER 2: DEFINITIONS

Road, Private

Any right-of-way used for purposes of motor vehicle travel that has not been accepted for maintenance or ownership purposes by a public entity.

Road, Public

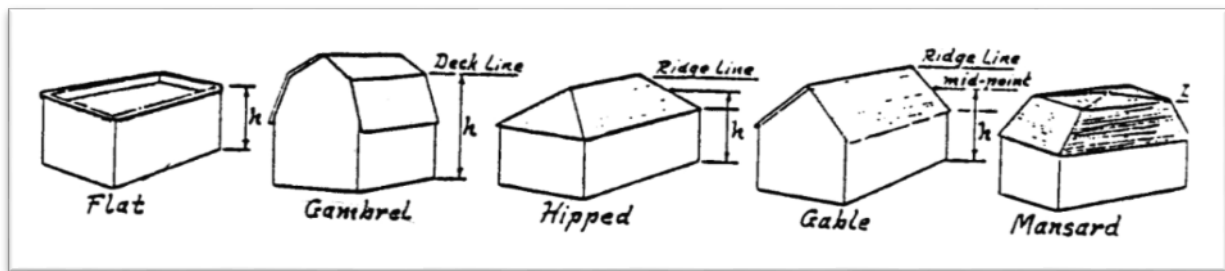
Any right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Cornelius, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina or Town of Cornelius for public travel by the recordation of a plat of a subdivision with the Mecklenburg County Register of Deeds Office.

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.

Roof Pitch

A numerical measure of the steepness of a roof, measuring the vertical rise divided by its horizontal span. Roof pitch is general given in a ratio format such as 3:12, 4:12, 6:12, etc. There are several common roof pitch types as follows:



S

Salvage

The storing of automobiles, trucks, motorcycles, boats, manufactured homes, recreational vehicles, and other goods or products (or parts thereof) damaged or deemed a total loss.

School, Elementary, Middle, Senior High and College (Public & Private)

Any public, private or parochial institution offering instruction for learning and study.

School, Vocational

A secondary or higher education facility primarily teaching usable skills that prepares students, who may be of all age groups, for jobs in a specific trade or vocation upon graduation. Examples of vocational schools include schools that teach: auto mechanics, secretarial studies, machine repair, computer technology, etc.

Sediment

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



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

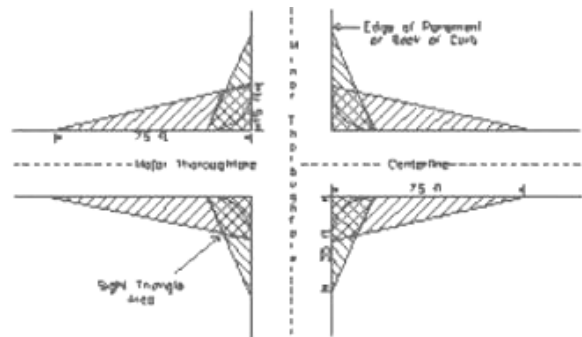
The shortest horizontal distance from the property line or right-of-way to the nearest point of the base of the structure and/or deck or its supporting member whichever is nearest to the property line or right-of-way. If there is any portion of the structure that extends beyond the base more than 18", the setback shall be measured from the overhang and/or extension.

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.

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' from the intersection along a major thoroughfare and 35' 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, 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, school, or civic 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.



CHAPTER 2: DEFINITIONS

Sign, Campaign or Election, Political

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

Sign, Awning

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

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 are back to back.



CHAPTER 2: DEFINITIONS

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, 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, and 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, 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, 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, Lettering, Cut-out

Signs which have their 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.

Sign, Logo (Interstate)

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



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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.

Sign, Pole Mounted

A detached sign that is mounted on a freestanding pole.

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, Projecting

Any sign other than a wall, awning, 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.



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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.

Sign, Structural Canopy/Architectural Façade Structures

A sign that is a part of or attached to a horizontal structural protective cover over a door, entrance, first floor window, or outdoor service area, or integrated into or on top of a first-floor architectural structure on the front façade of a building.

Sign, Structure

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

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.

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.

Significant Vegetation

A large canopy tree over 18" 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.

Site Plan

A diagram to scale showing the development plans for a project and containing all information required of site plans and/or subdivision plats.

Special Use Permit

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

Storage, Outdoor



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Residential Properties/Uses:

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

- Vehicles: With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- Recreational vehicles (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 26' in length by the manufacturer's published overall length. In addition, each trailer's load may not exceed 6,500 pounds 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.

Story

That portion of a building included between the upper surface of a floor and the roof above that is habitable. A mezzanine in the front portion of the building is considered a habitable story for the purposes of this Code.

Street

A right-of-way for vehicular traffic.

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.



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Street Tree

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

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.

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.

- 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;
- The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- 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;
- 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;
- The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the N.C. General Statutes.

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% - 60% 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.



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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.

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.

In accordance with G.S. 160D-802 (c), any tract or parcel to be divided as a Minor Subdivision may not be further subdivided as a Minor Subdivision for 10 years. Such subdivision must follow the Conditional Zoning Process.

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.

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



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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.

Topping

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

Traffic Impact Analysis (TIA)

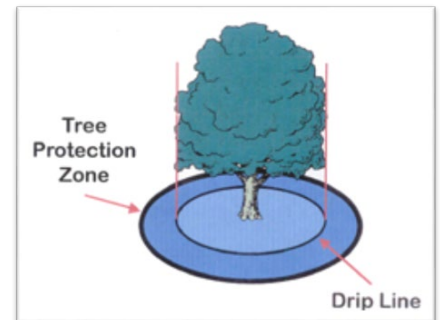
A tool used to evaluate the incremental impacts that development may have on the surrounding transportation system, which helps local decision makers evaluate whether a development is appropriate for a site, or identify certain mitigation measures that are necessary to maintain the integrity of the transportation system.

Transient Occupancy

Occupancy that is intended to be temporary, or which is offered or advertised as being available for a term less than 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.

Tree and Root Protection Area

The tree and root protection zone is that area of a lot which is around the drip line of a tree. 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

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

U



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V

Vape/CBD and/or Tobacco Shop

A use that primarily engages in the sale, display and/or storage of tobacco, tobacco products, vaping products, or CBD oils and other consumable hemp derived commodities that are permitted under state law. These products may include, but are not limited to, cigarettes, cigars, pipe tobacco, smokeless tobacco, electronic vaping/smoking devices, Kratom, CBD, hemp derived Delta-8, e-liquid, and vaping accessories. An area may also be included whereby patrons share the tobacco or non-tobacco products, or products from a communal hookah, water pipe, or similar device. This definition does not include commercial, retail, and service uses that sell the above-listed products on a clearly incidental basis, such as gas stations, convenience stores, grocery stores, and medical spa type businesses.

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.

W

Warehouse

A facility for the principal use of storing of goods, materials, trailers, cars not currently for sale, or boats. 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.



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Watershed

The entire land area that contributes 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 Town of Cornelius Watershed & Environmental Features Map 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 10%, of any management requirement under the low impervious cover option;
2. The relaxation, by a factor greater than 5%, 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.

Watershed Variance (Minor)

A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to 5% 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 10%, 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.

Wireless Facility

Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include the following: (A) the structure or improvements on, under, within, or adjacent to which the equipment is collocated (B) Wireline backhaul facilities; (C) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles that is otherwise not immediately adjacent to or directly associated with a particular antenna.



CHAPTER 2: DEFINITIONS

Wireless Facility, Small

A wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. Such facilities may be installed on a new, modified, or replacement pole no greater than 50' in height or extended no more than 10' above such pole or wireless support structure.

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. 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 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 bay windows, sidewalks, street trees, street furniture, fences, walls, and landscaping. 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 principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Generally, accessory structures are permitted within this yard.

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 façade.

Z

Zoning Administrator

A person (the Planning Director or designee) and any other officials designated by the Town Manager to administer this Ordinance.



CHAPTER 2: DEFINITIONS

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.

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CHAPTER 3: GENERAL PROVISIONS

SECTION 3.1: GENERAL PARKING

In all non-single family residential uses, vehicles must be parked on an approved improved surface. For single-family residential uses, see Section 6.2.39, Outdoor Storage.

3.1.1: Recreational Vehicles

A recreational vehicle shall not be considered a dwelling unit. The use of a recreation vehicle for living, sleeping or housekeeping and its connection to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited.

3.1.2: Commercial Vehicles

Commercial vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking in residential districts, and commercial districts unless in a designated loading area or approved storage area. This shall not be construed as to prevent the temporary parking of delivery trucks, moving vans, and similar vehicles, which deliver goods and services.

No residentially developed lot may be used as the base of operation for any freight hauling truck.

SECTION 3.2: CONTAINMENT AREAS AND COLLECTION PROCEDURES FOR TRASH AND RECYCLABLES

All containment devices for trash and recyclables, including compactors, dumpsters, roll-out containers, and areas for storing cardboard shall be located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas and collection procedures shall meet the following standards:

- A. All commercial, industrial, and multi-family residential containment areas shall be enclosed to contain windblown litter.
- B. Enclosures for commercial and multi-family residential containers shall be at least as high as the highest point of the compactor or dumpster.
- C. Enclosures for commercial, industrial, and multi-family residential containers shall be made of a material that is opaque at the time of installation and compatible with the design and materials of the principal building.
- D. All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to the Mecklenburg County Health Department regulations governing compactor pads.
- E. Enclosures for commercial, industrial, and multi-family residential containers shall contain gates to allow for access and security.
- F. Equal space shall be allocated for both garbage and recycling containers on site plans for all new commercial, industrial, and multi-family residential developments.
- G. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.



CHAPTER 3: GENERAL PROVISIONS

- H. Rollout trash containers and recycling bins shall not be placed at the curb more than 24 hours prior to the scheduled collection day and shall be removed no more than 24 hours after collection.
- I. Large trash items, such as furniture and appliances, shall not be left at the curbside. Arrangements shall be made for private bulk item pick up.
- J. The use of any Donation Drop Box is expressly prohibited, except on site where principal use of lot is a donation facility, whose primary use is to receive donations of goods and materials for charitable purposes.

SECTION 3.3: FENCES, GARDEN WALLS & RETAINING WALLS

- A. Fence and garden wall height shall be measured at grade.
- B. Fences may be placed on the property line but cannot be within any required utility easement.
- C. Temporary fencing for construction sites or a similar purpose shall not exceed eight feet (8') in height and are prohibited in the front yard.
- D. Customary fencing provided as part of a permitted recreational facility shall be exempt from the height restrictions of this section.
- E. Fences, garden walls and retaining walls shall be maintained by the property owner or their assigns.
- F. Garden walls shall be constructed a minimum of one foot (1') from the property line.
- G. Residential Uses:
 - 1. Front yard fences and garden walls shall not exceed four feet (4') in height. Side and rear yard fences and garden walls shall not exceed eight feet (8') in height.
 - 2. Driveway gate, posts, and monuments shall be permitted in the front, side, or rear yard and shall be no more than eight feet (8') in height.
- H. Commercial Uses:
 - 1. Fences are permitted only where they are of uniform design, materials and construction.
 - 2. Fences shall be constructed such that the finished (sheathed) side is oriented towards adjoining lots, streets, or the public right-of-way.
 - 3. The use of chain link fences visible from any public street is not permitted, except for commercial, industrial, school, or civic uses where evergreen plant landscaping covers no less than two-thirds (2/3) of the fence area at the time of installation.

SECTION 3.4: SHIPPING CONTAINERS

With an approval of a Special Use Permit (see Section 16.5.4), shipping containers as an ancillary use supporting the on-site conforming commercial use (excluding storage use), shall meet all of the following standards:

- 1. One container per acre with a maximum of three containers allowed on a parcel. One container is defined by the original size of the container. Stacking or connecting containers shall constitute multiple containers and must follow the limits specified.
- 2. A site plan and building permit are required.
- 3. Containers must be placed in the side or rear yard and outside of any required buffers.
- 4. Minimum side and rear setback are 10'.
- 5. Use of such containers is considered permanent and as built upon impervious area.
- 6. Containers may not be placed in parking lots if the minimum parking space requirement is not met, or placement disrupts safe vehicle or pedestrian circulation.
- 7. Elevations must be reviewed by the Architectural Review Board and containers must be maintained in good condition and in accordance with the ARB approval.



CHAPTER 4: BUILDING DESIGN

SECTION 4.1: ELEMENTS OF ARCHITECTURAL COMPATIBILITY

There are 11 architectural design elements, which create urban space. Building compatibility is attained through the incorporation of a combination of these elements within neighboring buildings. A specific project may not need to incorporate all 11 elements to maintain architectural compatibility provided those elements not addressed do not create incompatibility.

1. Building silhouette: similar pitch and scale to a roofline.
2. Spacing between building facades: setbacks or notches between primary facades, which frame the structure.
3. Setback from property line: building setback and/or primary façade setback from the property line.
4. Proportion of windows, bays, and doorways: vertical or horizontal elements tied together in bands across façade lengths.
5. Proportion of primary façade: size of facades similar in area and height to width ratios.
6. Location and treatment of entryway: important visual commonality between structures.
7. Exterior materials used: similar materials and treatment add to detail and monumentality of a building.
8. Building Scale: similarity of building height and configuration.
9. Landscaping: ordered street plantings tie buildings together and define space.
10. Shadow patterns from massing and decorative features: the light and dark surfaces from materials used and projections from window bays and setbacks create visual breaks.
11. Style of architecture: similar architectural styles create building harmony along a block face.

SECTION 4.2: ARCHITECTURAL STANDARDS

All new construction, with the exception of single-family residential dwelling units and duplexes, shall conform to the architectural requirements of this Section. The Planning Director may approve minor variations to this Section provided similar materials, configurations, and/or techniques are used that fulfill the intent of this Section. Major variation to building façade requirements due to unique building use requirements may be approved by the Planning Board, provided the overall pedestrianism of the street is maintained in accordance with all other standards. All variations shall be noted on the final approved plan. All structures shall adhere to the following general principles:

4.2.1: General Standards

- A. The front elevations facing the street and the overall massing shall be pedestrian in scale.
- B. Adjacent buildings shall be architecturally compatible through similar silhouettes, spacing between facades, setbacks, proportions, treatments, exterior materials, scale, massing, and/or architectural style. See Section 4.1, Elements of Architectural Compatibility.
- C. The primary entrance shall be both architecturally and functionally designed on the front façade of the building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting façade. The use of fire-escape or exit-only doors as primary entrances is explicitly prohibited.
- D. All new construction shall conform in street orientation, massing, lot width, and setbacks to adjacent existing and proposed structures.
- E. Ground mounted mechanical equipment shall be located to the rear or side yard and screened from off-site view. Roof-mounted mechanical equipment shall be screened from off-site view by a parapet wall.



CHAPTER 4: BUILDING DESIGN

- F. Loading and service delivery areas shall be located to the rear or side yard away from the primary street frontage.
- G. Canopies and awnings shall be canvas or similar material and shall be permitted to encroach over a sidewalk to within two feet of a public street curb and may be illuminated by external lighting only.
- H. The front façade of all buildings shall extend parallel to the frontage line of the lot.

4.2.2: Non-Residential, Mixed-Use, and Multi-Family Buildings

A. Materials

1. Building walls:

- a. All districts except IC: Building walls shall be brick, cast concrete, stucco, stone, marble, or other materials similar in appearance and durability. Regular or decorative concrete block, and siding (non-vinyl) materials may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
 - b. IC District: All building walls visible from a public street shall be brick, cast concrete, stucco, stone, marble, decorative concrete, masonry, or other materials similar in appearance and durability. All accessory buildings shall be clad in materials similar in appearance to the principal structure.
- 2. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles, or similar material.
 - 3. Flat roofs shall incorporate parapet walls to conceal the flat portions of the roof that are visible on the front and side elevations from any public street.

B. Configurations

- 1. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
- 2. Sky- lights shall be flat (non-bubble).
- 3. All Districts Except IC:
 - a. For commercial buildings, at least 60% of street frontage wall areas (including parapets) shall be in windows or doorways. Street level windows shall be visually permeable. Mirrorized glass is not permitted in any location. Faux or display casements are not permitted in lieu of exterior window treatments for the frontage elevation.
 - b. No frontage wall shall remain unpierced by a window or functional general access doorway for more than 16 feet.
 - c. Each exterior door that provides access to an individual unit or any shared door shall contain a porch, stoop, or awning that forms as the predominant aspect of the building design. Porches shall constitute at least 15% of the front facade of apartment units.
 - d. For buildings greater than 100 feet in width, there shall be no uninterrupted wall length exceeding 75 feet. An interruption may consist of a change in place or a change in texture/masonry patterns.
 - e. For buildings less than 75 feet in width, one interruption is required within 30 feet on either side of the center of the building.
 - f. At least one (1) ground entrance to every dwelling shall be located within a walking distance of 100 feet to the parking area within the development designated to serve that dwelling.
 - g. Garage doors are not permitted on the front elevation of any multi-family dwelling.
 - h. Detached garages or garage buildings shall be located in the side or rear yard only.



CHAPTER 4: BUILDING DESIGN

C. Techniques

1. Stucco shall be float finish.
2. Windows shall be set to the inside of the building face wall.

4.2.3: School and Civic Buildings (Churches, Government Offices, and other Civic Facilities)

Schools, churches, and government buildings should be built so that they terminate a street vista whenever possible and shall be of sufficient design to create visual anchors for the community. Such buildings shall adhere to the provisions as marked below.

A. Materials

1. Building walls shall be clad in stone, stucco, brick, marble. Decorative cast concrete and wood or vinyl siding may be used as a minority element on facades facing public streets.
2. Roofs shall be clad in slate, sheet metal, corrugated metal, or diamond tab asphalt shingles, or other material similar in appearance and durability.
3. Gutters and down spouts shall be made of copper or galvanized painted metal.
4. Columns, if provided, shall be made of wood, cast concrete, or fiberglass.
5. Stained glass or other decorative window treatments are encouraged.

B. Configurations

1. Two wall materials may be combined horizontally on one facade. The heavier material should be below.
2. Flat roofs are permitted; however, buildings adjacent to residential structures shall have pitched roofs or architectural features similar to the adjacent residential structures to ensure compatibility. This requirement may be waived when it is deemed to serve no meaningful purpose or public benefit.

C. Techniques

Windows shall be set to the inside of the building face wall.

4.2.4: Small Wireless Facilities

- A. Shall be collocated on existing poles where feasible;
- B. May be installed on a new, modified, or replacement pole not to exceed 50 feet in height or extend no more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is located;
- C. Shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community;
- D. Shall be installed at property lines and street corners where feasible;
- E. Shall be located such that they do not interfere with public health or safety, such as but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New facilities shall not be installed directly over any water, sewer, or service line;
- F. Shall be of the same or better nature as other utilities in the immediate area (same or better decorative pole type; underground; etc.)
- G. Shall Bear no signs or advertising devices except as required by law.



CHAPTER 4: BUILDING DESIGN

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CHAPTER 5: ZONING DISTRICT & USE REGULATIONS

SECTION 5.1: GENERAL ZONING DISTRICTS

5.1.1: Rural Preservation (RP)

The Rural Preservation District is coded to accommodate very low-density residential development, agricultural uses, and 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 sacrificing 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, along with schools and other civic uses normally found in a residential area. 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.

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.

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 is in proximity to Lake Norman, one of the region's most valuable natural resources and a focal point of Town activity. The WMX District is established to assure quality development along the lake through four (4) main objectives:

1. To protect public access to the lake.
2. To provide quality public spaces.
3. To effect quality design and a variety of built forms that result in a pedestrian scale as well as unique architecture.
4. 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. 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.



CHAPTER 5: ZONING & USE REGULATIONS

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. 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.

5.1.8: Traditional Neighborhood (TN) – REPEALED June 7, 1999

The TN District exists on the current zoning map, but was repealed effective June 7, 1999 and the Code provisions of the district have been consolidated into the Neighborhood Residential and Neighborhood Mixed Use Districts.

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 in the vicinity of the I-77 Exit 28 interchange and Statesville Road (US 21).

5.1.10: Corporate Office (CO)

The Corporate Office District is coded to promote the establishment and operation of office uses with 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 provide 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.

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, 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. 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.



CHAPTER 5: ZONING & USE REGULATIONS

SECTION 5.2: OVERLAY DISTRICTS

5.2.1: Lake Norman Overlay (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 21,780 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of 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.
5. Passive Parks, Greenways and Trails.

B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option: Single Family Residential – Development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 21,780 square feet excluding street right-of-way).
2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed 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, excluding any land area below the 760 contour.
3. High Impervious Cover Option (Cannot be Utilized in the GR District) – Where new development is proposed to exceed either two (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 50% built-upon area.
4. Greenways and trails identified in the Town of Cornelius Pedestrian Plan are exempt from the built-upon area calculations defined by this chapter.

5.2.2: Mountain Island Lake Overlay (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 21,780 square feet excluding street right-of-way. All other residential and non-residential development shall be allowed at a maximum of 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.



CHAPTER 5: ZONING & USE REGULATIONS

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.
5. Passive Parks, Greenways and Trails.

B. DENSITY AND BUILT-UPON LIMITS:

1. Low Impervious Cover Option – Single Family Residential – Development shall not exceed two (2) dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 21,780 square feet excluding street right-of-way).
2. Low Impervious Cover Option: All Other Residential and Non-Residential – Development shall not exceed 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, excluding any land area below the 760 contour.
3. High Impervious Cover Option (Cannot be utilized in the GR district) – Where new development is proposed to exceed either two (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 70% built-upon area.
4. Greenways and trails identified in the Town of Cornelius Pedestrian Plan are exempt from the built-upon area calculations defined by this chapter.

5.2.3: Transit District Overlay (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.

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.

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.



CHAPTER 5: ZONING & USE REGULATIONS

- 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: 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 Code. The following activities are prohibited after business hours: loading and unloading of materials, exterior maintenance, refuse removal, and other activities that generate unreasonable noise.
- 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 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. All trash, recyclable materials, yard debris and bulky items shall be in accordance with the Town of Cornelius trash collection contract specifications.
- J. 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 feet (6').
- K. 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. Signage requirements specified in Chapter 10 for the TR-O supersede any other signage requirements in Chapter 10, including those of the underlying zoning district.
- L. 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.



CHAPTER 5: ZONING & USE REGULATIONS

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.

PERMITTED USES

- A. Within the ASD-O, Automobile, truck, motorcycle, boat and recreational vehicle sales require conditional zoning (CZ) approval.
- B. Automobile, truck, motorcycle, boat and recreational vehicle service is only allowed as an ancillary use.
- C. 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.
- D. All other uses shall be allowed in accordance with the underlying zoning district.

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

GENERAL PROVISIONS

- 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 4.2.
- C. All projects shall, meet the supplementary requirements per Section 6.2.4.

5.2.6: Torrence Chapel Traffic Mitigation 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.



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5.2.7: Chartwell Center Automobile Repair/Service District Overlay (CCARS-O)

The intent of the Chartwell Center Automobile Repair/Service District Overlay is to allow through conditional zoning automobile repair/service as a use in a specific area that would be compatible and appropriate to the surrounding area.

Automobile repair/service 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 which are designed for pedestrian oriented mixed uses.

PERMITTED USES

- A. Within the Chartwell Center Automobile Repair/Service District Overlay automobile repair/service uses require conditional zoning (CZ) approval.
- B. All other uses shall be allowed in accordance with the underlying zoning district.

SECTION 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.

SECTION 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 Code. 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 Code. 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 "permitted by right", "permitted with supplemental conditions", "special use", "conditional zoning", accessory use, or accessory with supplemental conditions; or identified as a "nonconforming use" or "temporary use" according to this Code, then such use is prohibited.

5.4.2: Table of Uses

Use Table designations:

- "Permitted By right" is allowed in a zoning district as a matter of right and are designated with a "P";



CHAPTER 5: ZONING & USE REGULATIONS

- "Permitted with Supplemental Conditions" is allowed in a zoning district as a matter of right with specific conditions, as identified in Chapter 6 of this Code, and is designated with a "PC";
- "Special Uses" are allowed only after a special use permit has been issued and are designated with an "S";
- Uses that require a "conditional zoning" district process are designated with "CZ";
- Uses designated with an "A" are only allowed as accessory uses. Conditions for "accessory uses with supplemental conditions" (AC), may be found in Chapter 6 of this Code.

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

Use Category	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
ATM (Automated Teller Machine)				AC	AC	AC	AC	AC	AC	AC	AC
Automobile, Truck, Motorcycle, Boat, Manufactured Home, Recreational Vehicle Repair & Service*											
Automobile, Recreational Vehicle, Boat & Tractor Trailer Parking/Storage*											
Automobile, Truck, Motorcycle, Boat, Manufactured Home, Recreational Vehicle Sales & Rental*											
Bar				A	AC	A	A	A	A	A	A
Bed & Breakfast Inn	PC		PC	PC	PC	PC	PC				
Brewery, Large (100,000+ barrels)											PC
Brewery, Micro (up to 100,000 barrels)				CZ	CZ	PC	PC	PC	PC	PC	PC
Bus Stop Shelter				PC	PC	PC	PC	PC	PC	PC	PC
Car Wash								CZ			
Cemetery/Columbarium	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC
Child Care/Preschools				PC	AC	PC	PC	PC	PC	PC	
Civic*	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	
Commercial, Retail & Service Uses 0 - 9,999 square feet				P	P	P	P	P	P	P	
Commercial, Retail & Service Uses 10,000 - 29,999 square feet				CZ	CZ	P	P	P	P	P	



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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 & Service Uses 30,000 - 49,999 square feet				CZ	CZ	CZ	CZ	P	P	P	
Commercial, Retail and Service Uses 50,000+ square feet						CZ	CZ	CZ	CZ	CZ	
Convenience Store							PC	PC	PC	PC	
Country Club*	CZ	CZ	CZ		CZ			CZ			
Cruise/Excursion/Dinner Boat				PC	AC		PC				
Distribution/Wholesale									P		P
Drive-Through Facilities (Excluding Restaurants)				PC	PC	PC	PC	PC	PC	PC	PC
Duplex			PC	PC							
Dwelling, Accessory	AC	AC	AC	AC							
Dwelling, Manufactured Home, Class A	PC										
Dwelling, Multi-Family*				CZ			CZ			CZ	
Dwelling, Single-Family	P	P	P	P						CZ	
Electronic Gaming Establishment								CZ			
Essential Services, Class I & Class II	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Essential Services, Class III											CZ
Essential Services, Class IV	CZ	CZ	CZ	P	P	P	P	P	P	P	P
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			
Golf Course	CZ	CZ						CZ			
Golf Driving Range	AC	AC						PC			
Golf, Miniature				CZ	P	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
Kennel*	CZ							CZ			CZ
Manufacturing, Heavy											PC
Manufacturing, Light									P	P	P
Mining/Fracking/Quarry Operations											
Mini-Warehouse/Storage											
Mixed Use Building				PC	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>
Nightclub*					CZ	CZ	CZ	CZ	CZ	CZ	
Nursery (wholesale only)	CZ										
Office				P	P	P	P	P	P	P	A
Park	P	P	P	P	P	P	P	P	P	P	P
Park & Ride Facility				CZ		PC	PC	PC	PC	PC	PC
Parking Area and/or Facility	AC	AC	AC	AC	AC	CZ	AC	AC	AC	AC	AC
Private Club					PC	PC		PC			
Recreation Center, Public (0 – 14,999 square feet)				P		P	P	P	P	P	P
Recreation Center, Public (15,000+ square feet)				CZ		P	P	P	P	P	P
Recreation Facilities	CZ	CZ	CZ	CZ	PC	PC	PC	PC	AC	AC	PC
Residential Care Facility	PC	PC	PC	PC							
Residential Care Home	PC	PC	PC	PC							
Restaurant, Drive Through							PC	PC			
Restaurant, Non-Drive Through				P	P	P	P	P	P	P	
Restaurant, Brewpub				CZ	PC	PC	PC	PC	PC	PC	
Salvage											
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
Small Wireless Facility* (Wireless Facility, Small)	S	S	S	S	S	PC	PC	PC	PC	PC	PC
Storage, Outdoor	AC	AC	AC					AC			AC
Subdivision, Conservation Rural*	CZ										
Subdivision, Conservation Low*	CZ										
Subdivision, Conservation Medium*	CZ										
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								
Vape/CBD and/or Tobacco Shop								CZ			
Warehouse									A		P

* See Chapter 6 for specific conditions.



CHAPTER 5: ZONING & USE REGULATIONS

5.4.3: Accessory Structures/Uses

The following uses are permitted within accessory structures:

- Accessory Dwelling Unit
- Artist Studio Space
- Conservatory
- Equipment storage
- Farm structures
- Gazebo
- Parking
- Pool House
- Sauna
- Workshop

5.4.4: Temporary Structures/Uses

Temporary structures and uses shall be permitted in compliance with the provisions of this Code and all other codes, ordinances, and regulations of the Town of Cornelius. The Planning Department may issue a Temporary Use Permit for one (1) year only. At the end of one (1) year, the petitioner must file for another extension of one (1) year with the Planning Department. At that time, the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions. The following temporary structures and uses shall be permitted:

- A. CONSTRUCTION TRAILERS AND MOBILE SALES OFFICES - Construction trailers may be permitted on all non-residential construction developments and residential developments with five (5) or more dwelling units. Construction trailers and mobile residential neighborhood sales offices shall not be permitted on the lot more than 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 60% of its current tax value. In this instance, a manufactured home may be placed on the lot containing the dwelling unit that was destroyed or damaged to give the occupants a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. Such use is subject to the following conditions:
 1. The manufactured home shall not be placed in the front yard and shall be located no closer than 15 feet to another principal residential structure on another lot and no closer than 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.



CHAPTER 5: ZONING & USE REGULATIONS

4. Landscaping shall be provided to create an aesthetically pleasing appearance.
5. All required setbacks for the district are adhered to.
- D. TEMPORARY YARD AND GARAGE SALES – Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residential property in any district. Such sales on the same lot shall be limited to no more than two (2) days per calendar month. Additional regulations can be found in *Chapter 10 Signs*.
- E. TEMPORARY PARKING AREA(S) FOR CIVIC USES DURING CONSTRUCTION – During construction, civic uses may add temporary parking area(s) as a principal or accessory use subject to the following:
 1. Unpaved lots should have a minimum of four inches (4") of ABC stone or similar approved ground stabilization material, which shall be maintained for the duration of the lot in use to prevent standing water and mud.
 2. The ABC stone, or similar material, must be contained to the parking area using landscaping timbers or other containment device.
 3. Parking spaces shall be marked or identified with concrete wheel stops. For safety reasons, wheel stops shall be painted with safety yellow or orange paint.
 4. Entrance and exit drive(s) shall be clearly marked with signage no larger than four (4) square feet and no taller than 3' high.
 5. Maximum allowed time for such use is 18 months.
 6. All signs, wheel stops, and/or stone or other approved ground stabilization material must be completely removed and the area returned to grass upon construction completion.
 7. Such temporary parking areas shall be exempt from the requirements of Chapter 7.
- F. Refer to Chapter 6 for conditions associated with temporary uses.

SECTION 5.5: GENERAL LOT PROVISIONS

5.5.1: All Districts

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

- A. 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.
- B. All lots shall front upon a street built in accordance with the Mecklenburg County Land Development Standards Manual. All non-residential structures on a lot shall have access available from a public street for use by service or emergency vehicles.
- C. Flag lots are prohibited.
- D. All commercial, office, industrial, mixed-use, school, civic, and multi-family residential buildings shall comply with the provisions of Chapter 4.
- E. Corner lots shall have two front yards and utilize the minimum front setbacks for each unless otherwise determined by the Planning Director.
- F. Only one principal building and its customary accessory building(s) shall be located on any lot, except in appropriate districts that permit a lot to contain both residential and non-residential uses in one or more principal structures or within the same structure.
- G. Schools, churches and other civic buildings shall be exempt from the front yard setback requirements.
- H. Satellite dishes may not exceed two feet (2') in diameter.
- I. Hedges shall be planted at least three feet (3') from the property line.
- J. 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.



CHAPTER 5: ZONING & USE REGULATIONS

- K. Mailboxes in new major subdivisions shall be centrally located, as approved by the Town and the United States Postal Service.
- L. 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 five feet (5') from the property line.

5.5.2: Single Family Districts

- A. No yard or lot existing upon adoption of this Code shall be reduced in size or area below the minimum requirements of the regulating district. Yards or lots created after the effective date of this code shall meet the minimum requirements established by this code.
- B. Front 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.
- C. Accessory buildings, pools and other similar structures in all residential zoning districts shall be constructed in the rear yard only and shall be set back a minimum of ten feet (10') from the side and rear property lines, except in accordance with Lake Norman buffer requirements specified in the "Table of Dimensional Requirements" in this Chapter or the recorded plat, if so noted. The Planning Director may permit the placement of an accessory building in a side yard, if no practical alternative exists.
- D. The aggregate floor area of all accessory structures shall not exceed one-half (½) the total floor area of the principal structure.
- E. Up to four (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 feet for use by service or emergency vehicles.
- F. 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 principal 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 three (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 square feet or less and may be placed in the 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 square feet shall have a minimum building separation from the principal structure of 100 feet. (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)



CHAPTER 5: ZONING & USE REGULATIONS

5.5.3: Mixed Use & Commercial Districts

- A. Canopies and awnings are permitted to encroach into the front setback a maximum of five feet (5')
- B. Bays and garage entrances may not face the fronting street.
- C. All vehicles must be parked on an approved improved surface and may not be located on grass or in a buffer or landscaped area.

5.5.4: Table of Dimensional Requirements

		ZONING DISTRICTS										
Measure	Unit	RP	GR	NR	NMX	WMX	TC	VC	HC	BC	CO	IC
DENSITY/LOT SIZE												
Lot Size Min	Acres	3	0.5	0.33	-	-	-	-	-	-	-	1
Lot Size Min	Sq. Ft.	130680	21780	14520	-	-	-	-	-	-	-	43560
LOT WIDTH												
Min. Frontage at ROW	Feet	35	35	35	16	16	-	-	-	-	-	-
Frontage Build-Out	%	-	-	-	50	50	75	50	-	-	-	-
Min. Lot Width 30' from ROW	Feet	50	50	50	50	50	50	80	80	-	-	-
Min. Lot Width @ bldg line	Feet	60 ¹	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 ¹	26	26	26	-	-	-	-	-	-	-
Height - Stories Max.	#	2	-	2	2	6 ²	4 ²	3 ²	3 ²	3 ²	3 ²	3 ²
SETBACKS												
Setback - Front Min	Feet	50 ³	25 ³	10 ³	-	10	-	-	25	-	-	70 ⁴
Setback - Front Max	Feet	N/A	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	10	10	-	-	-	-	-	-	-	-
Setback - Rear	Feet	50	25	25	25	-	-	25	30	-	-	-



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<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>	<u>CO</u>	<u>IC</u>
Setback - Rear Alley	Feet	-	-	0 ⁵	0 ⁵	0 ⁵	0 ⁵	0 ⁵	-	-	-	-
Parking Setback	Feet	-	-	-	-	-	-	-	-	-	-	30 ⁴
Lake Norman - from 760' contour (all structures)	Feet	50	50	50	50	50	50	50	50	50	50	50
Accessory Setback – Side and Rear	Feet	10	10	10	10	-	-	10	10	-	-	-
Min. District Size	Acres	-	-	-	-	-	-	-	-	10	5	10
District Buffer	Feet	-	-	-	-	-	-	-	-	-	-	80
Interstate Buffer	Feet	50	50	50	50	50	50	50	50	50	50	50

¹ Exception – Farm Structures

² Max 6 stories allowed with CZ request only

³ See Section 5.5.2 B, Infill Setbacks

⁴ Bailey Road Industrial Corridor, front setback is 70 feet, parking setback is 30 feet

⁵ Garages on alleys shall be setback 20 feet from edge of pavement



CHAPTER 5: ZONING & USE REGULATIONS

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CHAPTER 6: USES PERMITTED WITH CONDITIONS

SECTION 6.1: PURPOSE

The Town of Cornelius finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. This Chapter specifies those requirements that must be met as indicated in the Table of Uses in Chapter 5.

Each use shall be permitted in compliance with all conditions listed for the use in this chapter.

SECTION 6.2: USE CONDITIONS

6.2.1: ACCESSORY DWELLING UNITS (ADU)

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

6.2.2 ADULT ESTABLISHMENTS

- A. No such adult establishment shall be located less than 1,000 feet from a school, church, childcare center, civic building, park, lot in residential use, lot with residential districting or other adult establishment.
- B. All openings shall have an opaque glazing to discourage visibility of the interior.



CHAPTER 6: USES PERMITTED WITH CONDITIONS

- C. The maximum floor area of each use shall be 3000 square feet.
- D. No exterior signage or building element shall be pornographic in nature or convey any such idea or element.

6.2.3: AUTOMATED 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 (5') 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, MANUFACTURED HOME, RECREATIONAL VEHICLE (RV) SALES, RENTAL, REPAIR AND SERVICE

- 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 a type 'B' buffer option.
- B. Type 'C' interior plantings shall be provided in and around public parking, 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 on approved improved surfaces, and shall be screened with a type 'B' buffer in accordance with Chapter 9. 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. All painting and/or external repair of damaged, wrecked, dismantled or inoperative vehicles, and all "auto body work", shall be done behind closed doors in a properly ventilated indoor area.
- E. There shall be no outdoor storage of damaged, wrecked, dismantled, or inoperative vehicles.
- F. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

6.2.5: AUTOMOBILE, RECREATIONAL VEHICLE, BOAT, AND TRACTOR TRAILER PARKING/STORAGE AS A PRINCIPAL USE

- 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 a type 'B' buffer option.
- B. Type 'C' Interior Plantings shall be provided in and around the parking/storage areas.
- C. A Type 'A' screening buffer is required around the perimeter of the parking/storage area.
- D. Fences visible from the street (separate of the required buffer) shall be a maximum of eight feet (8') in height, shall be decorative, and shall be made of wood, wrought iron, or similar material. Fences not visible from the street shall be a maximum of eight feet (8') in height and may be constructed of another durable material.



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6.2.6: BAR, NIGHTCLUB

- A. Any bar or night club shall be located a minimum of 300 linear feet from any residential dwelling unit on a residentially zoned property, as well as 300 linear feet from any school or house of worship facility. A bar or nightclub within a multi-tenant development shall be 300 feet from the zones and uses noted above, as measured from the building footprint of the tenant space containing the bar or nightclub. This provision shall not apply within the TC district.
- B. Any bar or night club in the TC District with over 2,000 square feet of indoor gross space used for the business (not counting storage space or area devoted to the display and/or sale of stock in trade intended for off-premise use or consumption, nor the area devoted to the kitchen preparation area) shall have a menu of prepared food available for purchase and consumption on premise and operational kitchen on premise for the preparation thereof and equipment for the cleaning of reusable serving ware for food and beverage.
- C. Bars and night clubs shall preserve visibility into establishments from the sidewalk/street to include no tinting, painting or covering (curtains, blinds, paper, etc.) of windows. Further, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material which renders the opening functionally obsolete or to causes it to be opaque.

6.2.7: BED AND BREAKFAST INN

- A. Single family homes used as bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- B. Single family homes used as bed and breakfast inns may not subdivide existing rooms into less than 200 square feet.
- C. The bed and breakfast inn shall be owner-occupied.
- D. No more than two (2) full-time employees, not including the owners.
- E. All guest parking shall be to the rear of the home. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.
- F. Bed and Breakfast Inns in the NR district are permitted only on property fronting Main Street or Catawba Avenue.

6.2.8: BREWERY, LARGE

- A. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25% of the gross floor area of all buildings on a lot.
- B. A Type 'A' screening buffer is required where a large brewery is adjacent to a residentially zoned property.

6.2.9: BREWERY, MICRO

- A. Production cannot exceed 100,000 barrels of beer per year.
- B. Shall provide a taproom, except if located in IC.
- C. Outdoor storage of goods and materials shall not be permitted in the Neighborhood Mixed Use, Town Center, Village Center Districts, or Waterfront Mixed Use.
- D. Outdoor storage of goods and materials used in assembly, fabrication, or processing in the Business Campus, Corporate Office, and Highway Commercial Districts shall be screened from view, and shall not exceed 25% of the gross floor area of all buildings on a lot.



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- E. A Type 'A' screening buffer is required where a microbrewery is adjacent to a residentially zoned property.

6.2.10: BUS STOP SHELTERS

- A. Bus stop shelters shall be visually and functionally compatible with surrounding development.
- B. Seating and protection from the weather shall be provided.
- C. A trash receptacle shall be provided.
- D. All bus stop shelters shall be consistent with CATS requirements.

6.2.11: CEMETERY/COLUMBARIUM

- A. Brick walls between 1.5' and 3' are permitted.
- B. Wood or wrought iron fences between 2.5' and 8' are permitted.
- C. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum of eight feet (8').
- D. Tombstones, crypts, monuments, and mausoleums shall be located a minimum of 20 feet from any side or rear lot line and at least 30 feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which the cemetery is located. Gravesites shall be set back 20 feet from the side or rear lot lines.

6.2.12: CHILDCARE/PRESCHOOLS

- A. Childcare and preschools shall be located on lots which provide ample outdoor play area. Play areas shall be enclosed with a fence, a minimum of 2,500 square feet, and located in the rear or side yard. Fences shall be a minimum of six feet (6') in height. Childcare and preschools located adjacent to parks are exempt from this provision.
- B. On-street parking may be used to fulfill parking requirements.
- C. All play equipment shall be located in the fenced area. Front yards shall not be used as playground areas.
- D. Decorative fencing or a vinyl coated chain link fence screened with landscaping shall be provided when the fence is visible from the street.

6.2.13: CIVIC USES

- A. Parking shall be located towards the interior of the lot. Parking may not occur within a front setback or corner side setback.
- B. Front setbacks may be altered to preserve views or significant trees.
- C. Civic Use development over three (3) acres shall provide 90% of the parking on-site.

6.2.14: CONVENIENCE STORE

- A. Automatic Car Washes are only allowed in the rear yard and as accessory uses.
- B. Fuel pumps shall only be in the rear yard and screened from view to the greatest extent practical.
- C. No above grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be located closer than 25 feet to any public right-of-way and ten feet (10') to any exterior property line or within any required setback, whichever is greater. Pump island canopies shall not be located closer than ten feet (10') to a public right-of-way.
- D. Vacuuming facilities may be located outside the building, but may not be located within any required buffer area or adjacent to a residential district.



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- E. Any other accessory uses such as propane tank exchange, ice coolers, newspaper boxes, etc. outside the principal structure may only be located in the rear yard.

6.2.15: COUNTRY CLUB

- A. A country club building shall form a central gathering place for a neighborhood.
- B. Parking shall be to the rear and/or side of the building(s).
- C. The principal building shall face the fronting street and shall not be setback a distance that inhibits pedestrian access.

6.2.16: CRUISE/EXCURSION/DINNER BOAT

- A. Harbor or mooring of any existing or proposed Cruise/Excursion/Dinner Boat, whether on an incidental, occasional, routine, or permanent basis shall only occur within a commercial/non-residential marina as classified under the provisions of the Duke Energy Lake Management Division Shoreline Management Guidelines.
- B. Prior to consideration by the Town, the applicant must submit an operation plan to the Lake Norman Marine Commission for recommendation. The Lake Norman Marine Commission make specific recommendation regarding safety issues associated with the operation plan, including overall safety conditions within the proposed operating area and any potentially hazardous conditions associated the use, operation, and physical configuration of the commercial/non-residential marina.
- C. The required operation plan should include proposed hours of operation; a plan or plans to scale of the marina and any other proposed ports of call denoting on-site commercial facilities to service the boat, location of proposed berth area, ingress and egress route from the berth within the marina to the main channel; and the minimum dimensions between commercial slips through which the boat will pass. The plan shall denote the location(s) or area within the commercial marina dedicated as berthing areas for non-power watercraft, and personal recreational watercraft. The plan shall also include the dimensions and seating capacity of the boat.
- D. The boat must be equipped with radar, meet all Coast Guard requirements for the class, must not exceed 80 feet in length; hull design for minimal wake.
- E. The boat is excluded from operation in any marina or cove less than 50 feet in length or waters less than ten feet (10') in depth.
- F. Dockage should permit a minimum operating and turning radius of 2-1/2 times the lengths of the boat.
- G. Pier mooring shall meet all applicable commercial code requirements. Flotation shall be a minimum of 40 pounds per square foot of live load.
- H. The mooring area and pier should directly access the boat. Common use of pier area serving existing residential or recreational craft or interference with private boat pier users in the marina or private pier area is not permitted.
- I. Public restroom facilities and an adequate effluent pump-out station are required at the marina.
- J. Adequate on-site parking at the marina facility must be provided to specifically service this use.
- K. Hours of operation are between 9:00 AM and 11:00 PM.
- L. Any amplified sound for recreational, or entertainment is permitted only during the prescribed hours of operation. Any amplification of sound is to be directed to within the boat.



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M. Operation outside of the marina is restricted to greater than 200 feet from shore.

6.2.17: DRIVE-THROUGH FACILITIES

- A. Drive-through facilities located on the side of a building, with the exception of banks, shall be limited to one-lane only, and shall be screened from off-site view with a type 'A' landscape buffer per Chapter 9. Multiple order/service lanes are only allowed in the rear yard, and limited to a maximum of two (2) for all drive through facilities, with the exception of banks. Banks may have a maximum of two lanes, whether the drive-through facility is located in the side or the rear.
- B. All menu boards, drive through service windows, or other drive-through structures must be located on the rear or side of the principal structure, shall not conflict with the primary public entrance, and must be screened from off-site view with a type 'A' landscape buffer per Chapter 9.
- C. Buildings that include drive-through facilities shall still conform to frontage build out requirements. However, the building may be setback in order to allow one drive-through exit lane in front of the principal building in order for the drive-through facility to be physically separated from other vehicular traffic and pedestrians. Drive-through exit lanes may be within the front yard area but cannot be within the street right-of-way and must be screened from the right-of-way by a wall a minimum of three feet (3') in height. A hedgerow shall be provided between the right-of-way and the wall. The wall must contain materials that match the principal building.
- D. Buildings that contain a drive-through facility must have one primary, designated public entrance that does not conflict with the drive-through circulation. The public entrance shall be located in the front from the public sidewalk or adjacent to the public parking area.
- E. Adequate vehicle stacking for drive-through facilities shall be located outside of and physically separated from the right-of-way of any street and onsite parking, and shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way. Adequate vehicle stacking for drive-through facilities shall not be located in any front yard area.
- F. Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall conform to the lighting standards set forth in Chapter 7.
- G. Adequate vehicle stacking shall be determined by industry standard and shall be verified by the Town of Cornelius.
- H. The drive-through facility shall not have a separate ingress/egress from the main thoroughfare. If the property is on a corner lot and/or backs up to a minor street or thoroughfare, drive through ingress shall be provided from the minor street or thoroughfare.
- I. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands and physically separated from onsite parking areas.
- J. Drive-through lanes shall be designed and placed away from pedestrian crosswalks. The site shall provide and clearly demarcate separate, safe pedestrian circulation routes.
- K. All signage for the drive-through facility including menu boards and directional signs shall be in accordance with Chapter 10 of this Code.
- L. Weather protection devices, such as canopies, shall be provided at the drive through window and at the menu boards. These canopies shall be incorporated into the building expression, and the massing and scale should be appropriate and appear as an extension of the structure.



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- M. Drive-through walls shall be brick, cast concrete, stucco, stone, marble, or other materials similar in appearance and durability. Regular or decorative concrete block may be used on building walls not visible from a public street or as an accent material only.
- N. Any detached drive-through facility shall be clad in materials similar in appearance to the principal structure.
- O. Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, diamond tab asphalt shingles, or similar material.
- P. Flat roofs shall incorporate parapet walls to conceal the flat portions of the roof that are visible on the front and side elevations from any public street.
- Q. Materials associated with the drive-through facility should be consistent with the building façade and should be an extension of the building.
- R. Any developer of a proposed drive-through facility that can establish quantitative drive-through traffic levels that require significant vehicle stacking and can demonstrate based on site characteristics that the only travel route for the additional traffic stacking is for it to wrap around the proposed structure and can provide aesthetically adequate and appropriate buffer and screening for such wrap around traffic stacking while assuring pedestrian safety, may apply for a conditional zoning review and request conditional zoning consideration for such wrap around traffic drive-through facility.

6.2.18: DUPLEX

- A. Development consisting only of duplex(es) are not permitted on lots greater than three (3) acres.
- B. Duplex developments must be visually compatible with the surrounding neighborhood.
- C. Duplexes on corner lots shall be designed in a way that each unit fronts on a different street.
- D. Parking for at least one unit of a duplex shall be located in the rear yard.
- E. Each unit in the duplex must have a separate entrance and separate drive.

6.2.19: DWELLING, MANUFACTURED HOME, CLASS A

- A. In no instance may a manufactured home be used for a nonresidential purpose.
- B. A manufactured home must bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:
- C. Materials
 - 1. The exterior siding shall consist of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
 - 2. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
 - 3. A continuous, permanent brick foundation or curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.
- D. Configurations
 - 1. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.



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2. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four feet (4') for each 12 feet of horizontal run, or the standard of each individual manufacturer's equivalent to a 4' x 12' roof pitch.
 3. The roof of the manufactured home shall have an overhang (eave) extending at least ten inches (10") from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.
 4. The front facade of the building shall extend parallel to the frontage line.
- E. Techniques
1. The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
 2. The tongue, axes, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

6.2.20: DWELLING, MULTI-FAMILY

- A. Minimum of three (3) acre development size within NMX district.
- B. All multi-family buildings with three (3) or more stories shall contain an elevator.
- C. The ground floor of any mixed-use building shall exclusively contain retail, service or office uses.
- D. All multi-family units must be located on the second floor or above.
- E. All multi-family buildings shall have interior corridors accessed via an enclosed stairway or elevator. Primary external access to any multi-family residence shall be prohibited.
- F. In accordance with the Land Use Plan, a maximum of 10% of the overall floor area is allowed for multi-family units in the Corporate Office zoning district.

6.2.21: ELECTRONIC GAMING ESTABLISHMENT

- A. An Electronic Gaming Establishment may operate from 9:00 am until 9:00 pm each day.
- B. The maximum collective number of machines, terminals, and/or computers for customer use at any Electronic Gaming Business is five (5).
- C. All applicable State and local permits must be issued to the applicant prior to issuance of a zoning permit for an Electronic Gaming Business.
- D. The establishment must be a minimum of one thousand (1,000) linear feet from any Civic use, Child Care/Preschool, Public Park or Recreation Facility, Public or Private School, Hospital, lot in residential use, lot with residential districting, or another Electronic Gaming Business, measured from property line to property line.
- E. Maximum square footage for electronic gaming establishments shall not exceed 2,000 square feet.
- F. No alcohol sales, consumption or possession shall be allowed on premises.

6.2.22: ESSENTIAL SERVICES, CLASS 1 & 2

- A. Free-standing wireless communications towers exceeding 35 feet in height, and electric substations require Conditional Zoning.
- B. Wireless communications towers in all districts (except HC and IC districts) may not exceed the maximum permitted height for a given district except as a component of an existing or proposed structure not intended for human occupancy (i.e. Church bell towers and steeples) or attached to existing or proposed public infrastructure such as street lights, water towers and electrical transmission towers. All such towers shall be designed using stealth design



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elements. Wireless communications facilities attached to existing or proposed structures such as water towers, transmission towers, church steeples, streetlights, bell towers, or similar structures do not require a Conditional Zoning.

- C. The maximum height of all wireless communications towers in the HC district and any IC District shall be 180 feet; provided, however, that the maximum height of a tower may be greater than 180 feet, but less than 200 feet when such tower is designed and constructed to accommodate the present or potential co-location of an additional wireless communications service provider or public safety communication use.
- D. Free standing wireless communications towers in HC and IC districts shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties of differing designation.
- E. No wireless communications tower shall be sited within one (1) mile of another wireless communications tower, except as a component of existing public utility infrastructure.
- F. All ancillary structures shall be screened with a Type 'A' screening buffer of landscaping, wood fence or wall, or any combination thereof.
- G. All wireless communications towers in the HC and IC districts shall be constructed using a monopole design.
- H. All Essential Service facilities shall be located outside of all front and side yards and shall provide Type 'A' screening buffer around all ground facilities.

6.2.23: FUNERAL HOME/CREMATORY

A crematory may be located within the same structure as a funeral home. If a crematory is in a separate structure from the funeral home, the crematory must be located in the rear yard and must be screened from neighboring properties and public rights-of-way with a Type 'A' screening buffer.

6.2.24: GOLF, DRIVING RANGE

- A. The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet.
- B. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening.
- C. Any lighting at the site shall be oriented away from adjacent residentially zoned properties and must be turned off by 9:00 PM in RP and GR, and turned off by 9:00 PM in HC when adjacent to residential uses.

6.2.25: HOME OCCUPATIONS

- A. Such business shall not change the character of the dwelling or constitute a nuisance for the neighborhood.
- B. No outside storage or displays associated with the home occupation is permitted.
- C. No more than 25% of the home shall be used in connection with the home occupation. The applicant shall provide a sketch showing the floor plan and the area thereof to be utilized for the conduct of the home occupation; total floor area of the residence.
- D. A maximum of one (1) non-resident employee, contracted or otherwise hired, is permitted in the home.
- E. One company vehicle shall be permitted per home, otherwise only vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation.



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- F. Signage is permitted on the vehicle.
- G. Customers may visit the business between the hours of 7 AM and 6 PM.

6.2.26: HOTEL, MOTEL, INN

- A. Rooms may only be accessed by interior corridors. Primary external access to any room shall be prohibited.
- B. Pools must be screened with a Type 'A' buffer.
- C. Buildings with two (2) or more stories must have an elevator.

6.2.27: KENNEL

- A. No outdoor containment of animals shall be located within a minimum of 400 feet from any adjacent residential or mixed-use zoning district.
- B. Kennels shall be designed to effectively buffer all noise audible to surrounding properties.
- C. No more than 20 animals may be allowed in an outdoor kennel at any one time.

6.2.28: MANUFACTURING, HEAVY

Must follow conditional zoning process if adjacent to existing residential use or existing residentially zoned properties.

6.2.29: MIXED USE BUILDING

- A. No outdoor sales or display is permitted in the front or side yards.
- B. New construction or additions shall be architecturally compatible with the surrounding buildings. (See Section 4.1, Elements of Architectural Compatibility.)
- C. Conditional Zoning is required when the total number of residential units exceed eight (8) units.
- D. The ground floor of any mixed-use building shall exclusively contain retail, service, or office uses.
- E. All multi-family units must be located on the second floor or above.

6.2.30: OUTDOOR SALES/DISPLAY

- A. All outdoor sales or display of products (including automobile and boat sales) shall be setback twenty feet (20') from the front property lines and may not be located on any grass, landscape area, or in any buffer area.
- B. A Type 'B' screening buffer shall be provided around the perimeter of all outdoor sales areas.

6.2.31: PARK AND RIDE FACILITY

- A. Public Transit Park and Ride Facilities shall adhere to the standards of Chapter 7: Streets, Parking and Lighting with the exception of Section 7.3(A) and 7.3(B). Screening and buffering of the parking lot from the public street shall be shown on the site plan, and approved by the Planning Director
- B. Public Transit Park and Ride Facilities shall adhere to the standards of Chapter 9: Environmental Protection.
- C. Transit shelters associated with park and ride facilities shall meet the standards of Chapter 4: Architectural Guidelines.
- D. Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but not be located so as to obstruct the sight distance triangle. A transit



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shelter located within the street right-of-way may be removed by the Town of Cornelius if the Town Board determines that it no longer serves in the public's best interest.

- E. Only government signs are permitted within a transit shelter.
- F. 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 30 foot green buffer area.
- G. Internal sidewalks and pedestrian access shall be provided in a safe and accommodating manner in accordance with standards set forth in Chapter 7 and Chapter 13.

6.2.32: PARKING AREA AND/OR FACILITY

- A. Any parking facility or structure must have pedestrian orientation, design, and access.
- B. Parking facilities must have an edifice with similar architecture and materials of the district with a parapet or similar feature concealing the top floor of vehicles and be reviewed by the Architectural Review Board.
- C. The perimeter of a parking area must be screened by a Type 'B' buffer.

6.2.33: PRIVATE CLUB

- A. Any private club establishment shall be located a minimum of 300 linear feet from any residential dwelling unit on a residentially zoned property, as well as 300 linear feet from any school or house of worship facility. A private club within a multi-tenant development shall be 300 feet from the zones and uses noted above, as measured from the building footprint of the tenant space containing the private club. This provision shall not apply within the TC district.
- B. Private clubs shall preserve visibility into establishments from the sidewalk/street to include no tinting, painting or covering (curtains, blinds, paper, etc.) of windows. Further, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete or to cause it to be opaque.

6.2.34: RECREATION FACILITIES

- A. All recreation facilities shall be treated as parks in design and landscaping. All structures associated with a recreational facility shall be located toward the perimeter of the lot.
- B. Recreation facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways, greenways, or waterfronts.
- C. Parking shall be located behind structures or along the perimeter of the lot and shall be in accordance with Section 7.3 Off-Street Parking Area Design Specifications.
- D. All outdoor swimming facilities shall be located at least 100 feet from any adjoining residentially zoned lot.
- E. All other outdoor recreational uses must be located at least 20 feet from any side or rear lot line, and 50 feet from any side or rear lot line adjacent to a residential zoning district.
- F. Regular hours of operation may be between 8:00 AM and 10:00 PM if located in or adjacent to a residential district.
- G. Lights shall be turned off after regular hours of operation. Illumination of sporting events shall be permitted after this time only to conclude a scheduled event that was unable to be completed before this time due to unusual circumstances.



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6.2.35: RESIDENTIAL CARE FACILITY (More than 6 residents)

- A. Any institutional facility that provides residential care for more than six (6) persons or a home that does not meet all requirements for a Residential Care Home is considered a Residential Care Facility and may only be located in RP, GR, NR, and NMZ zoning districts.
- B. A residential care facility must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.

6.2.36: RESIDENTIAL CARE HOME (6 or less residents)

In accordance with NC General Statute Chapters 122C, 131D, and 168.

This section applies to adult care homes, child or adolescent care homes, family care homes, group homes, halfway houses, and mental health care homes. These uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six (6) residents other than the homeowner and the homeowner's immediate family are permitted to live in a residential care home.
- B. A residential care home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No residential care home may be located within a one-half (1/2) mile radius of any other residential care home.
- D. No exterior signage is permitted.
- E. No lockdown, violent, and dangerous residents.
- F. Only incidental and occasional medical care may be provided.

6.2.37: RESTAURANT/BREW PUB

- A. No outdoor amplified sound will be permitted after 11 PM.
- B. 40% or more of the beer produced on site is to be sold on site.
- C. Minimum size of associated restaurant shall be 20% of the gross floor area, or 1,500 square feet, whichever is less.
- D. Cannot exceed 5,000 square feet in Neighborhood Mixed Use, Village Center and Town Center Districts.
- E. A Type 'A' screening buffer is required where a restaurant/brewpub is adjacent to a residentially zoned property.

6.2.38: SCHOOLS

- A. Parking shall be located towards the interior of the lot. Parking may not occur within a front setback or corner side setback.
- B. Front setbacks may be altered to preserve views or significant trees.
- C. School sites over three (3) acres shall provide 90% of the parking on-site.

6.2.39: SMALL WIRELESS FACILITY

- A. All Small Wireless Facilities located on single-family residential lots must follow the requirements of Section 16.5.3, Special Use Permits, unless located within a public right-of-way. If placed within a public right-of-way a utility right-of-way encroachment agreement must be obtained from the Town. On private property, an agreement properly approved by the private property owner authorizing the use is required. Copies of all approvals must be provided to the Town.



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- B. The maximum height of each new, modified, or replacement utility pole shall not exceed 50 feet above ground level. Each new small wireless facility shall not extend more than 10 feet above the pole on which it is located.
- C. Documentation including engineered plans, photographic renderings, GIS mapping and all other pertinent requirements of Chapter 13 are required to be submitted at time of application.
- D. All ground mounted components of the Small Wireless Facility shall be screened with a Type A buffer.
- E. Must comply with Section 4.2.4, Building Design-Small Wireless Facilities.

6.2.40: STORAGE, OUTDOOR

Residential Properties/ Uses:

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

- Vehicles: With the exception of junked vehicles as allowed in Section 90.18 of the Code of Ordinances, if not parked on an improved driveway, vehicles shall be stored in the side or rear yard. Vehicles that are not parked on an improved driveway for a party or special event are exempt.
- Recreational vehicles (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 (2) trailers for boat/vessel/personal watercraft are allowed in the front yard. Each boat/vessel shall not exceed 26 feet in length by the manufacturer's published overall length. In addition, each trailer's load may not exceed 6,500 pounds 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.

6.2.41: SUBDIVISION, CONSERVATION

- A. Purpose and Findings: The purpose of this section is to provide flexibility in site design to allow developers to preserve common open space and natural resources. The specific purposes of this section are to:
 - 1. Protect the public health, safety, and general welfare by avoiding surface and groundwater pollution, contaminated run-off, air quality contamination, and urban heat islands that result from pavement and the clearing of natural vegetation



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2. Protect and preserve natural resources, such as wetlands, streams, lakes, steep slopes (18% or greater), woodlands, and water recharge areas
 3. Reduce infrastructure and housing costs by reducing the engineering and construction costs produced by conventional subdivision design, which requires more pavement, wetland crossings, grading of trees and natural areas, and maintenance from lawn and landscaping maintenance
 4. Protect property values by allowing open space design features that enhance the marketability of development
 5. Provide design flexibility
 6. Promote development on soils that are most suitable for urban densities while preserving soils that are primarily adaptable to other uses, such as woodlands, wildlife habitat, and agriculture.
- B. Applicability: Three types of conservation subdivisions are hereby established in the RP zoning district as follows:
1. Conservation Subdivision Rural: up to a maximum of 0.33 dwelling units per acre (1 unit per 3 acres) – conditional zoning (CZ) required
 2. Conservation Subdivision Low: up to a maximum of 2 dwelling units per acre (1 unit per 0.5 acres) – conditional zoning (CZ) required
 3. Conservation Subdivision Medium: up to a maximum of 4 dwelling units per acre (1 unit per 0.25 acres) – conditional zoning (CZ) required
- C. Size and Location of Site: The total site area must be a minimum of ten (10) acres.
- D. Lot & Block Design Standards
1. Individual lots within a conservation subdivision are not subject to the lot size, lot width, frontage, or setback requirements of the underlying zoning district, as long as the overall density of the subdivision is consistent with the adopted land use plan
 2. In no instance should the rear elevation of any home be visible from the frontage road.
- E. Allocation of Open Space and Conservation Areas
1. In order to be considered for maximum density for a proposed development, a minimum percentage of the total tract area to be subdivided shall be set aside as open space as follows:
 - a. Conservation Subdivision Rural = 60%
 - b. Conservation Subdivision Low = 50%
 - c. Conservation Subdivision Medium = 40%
 2. A percentage of the total open space required in Section A must be improved in either a passive or active manner. Areas labeled undisturbed may still include improved passive types of open space such as trails, open meadows, etc. as long as they are accessible. Types of improved open space are further defined in Chapter 8: Open Space. The following percentages of improved open space are provided:
 - a. Conservation Subdivision Rural = 15% of the total required open space
 - b. Conservation Subdivision Low = 20% of the total required open space
 - c. Conservation Subdivision Medium = 25% of the total required open space
 3. The following setback and buffer requirements apply for conservation subdivisions:
 - a. No portion of any proposed building lot shall be located closer than 100 feet from the right-of-way of Bailey Road, Barnhardt Road or Mayes Road.
 - b. A buffer shall be provided around the perimeter property line for a minimum of 50 feet when adjacent to an existing residential development. If there is no adjoining



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residential development, or if the adjoining residential development has an existing perimeter buffer, the 50-foot buffer may be reduced in order to achieve an open space corridor of no less than 50 feet total, and shall in no instance be less than 25 feet. This buffer requirement supersedes the buffer requirements specified in Chapter 9 of this Code.

- c. All setbacks and buffers must be within designated open space and cannot be part of individual lots via a private landscape easement.
- d. Setbacks and buffers shall provide supplemental plantings when necessary in order to achieve type 'A' screening buffer in accordance with Chapter 9.
- 4. Each subdivision shall contain, as its central focus, at least one square or park that shall be a minimum size equal to 5% of the subdivision total acreage. The central park can be either passive or active as long as it is accessible.
- 5. No lot shall be further than 800 feet from any improved open space.
- 6. In accordance with Chapter 9, an environmental survey is required to be submitted along with the proposed sketch plan. The environmental survey shall include details on topography, existing woodland areas, wetlands/existing water features, floodplains, and trees greater than 18 inches in diameter.
- 7. A sketch plan shall be submitted that identifies all potential open space areas.
- 8. The sketch plan and the environmental survey shall be reviewed with staff prior to the submission of a development review application.
- 9. Required open space may not be provided within the boundary of any proposed building lot.
- F. Other General Requirements for Conservation Subdivisions:
 - 1. Street cross sections are not required to utilize curb and gutter, with the exception of alleys, which shall provide curb and gutter.
 - 2. Connectivity shall be provided to adjoining properties, but may be waived after review of designated environmental areas that may need to remain undisturbed.
 - 3. Streets shall not cross wetlands or existing slopes exceeding twenty-five percent (25%) unless no practical alternative exists.
 - 4. The conservation subdivision shall include a pedestrian circulation system featuring sidewalks, trails, greenways, or a combination thereof. Connections shall be provided to adjoining undeveloped parcels, or to existing parks and open space on adjoining developed parcels.
 - 5. No conservation area shall be cleared, graded, filled, or subject to construction. However, rights-of-way for trails, greenways, any streets needed to provide access to the proposed subdivision, or basic utilities (water, sewer, electric, cable, etc.) may be cleared, but should be reviewed during the sketch plan process to ensure that they are placed to minimize disturbance of the most critical areas.

6.2.42: TAPROOM

- A. Must be an ancillary use to the production of beer at a brewery, microbrewery or restaurant/brewpub.
- B. Only the beer produced on site may be purchased and/or consumed.



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6.2.43: TEMPORARY USES

- Christmas Tree Sales, Produce Stands, and similar temporary retail sales are permitted as temporary uses.
- Truck trailers and flat beds are not permitted except for short-term delivery services.
- Temporary uses utilizing a tent or similar canopy shall secure approval from the Mecklenburg County Fire Marshall's office prior to zoning approval.
- Temporary uses shall be permitted for a maximum of 45 days. An extension may be granted for an additional seven (7) days upon application to the Planning Department.
- Produce Stands may be permitted for a maximum of six (6) months but may be re-permitted upon submission of a new application.
- Temporary uses shall present proof of property owner approval prior to the issuance of a permit.

6.2.44: TRANSIENT OCCUPANCY

Transient Occupancy Permit is required for each residence used for transient occupancy.

- A. Each individual Transient Occupancy in existence on the adoption date of this section, shall be subject to obtaining a permit and shall comply with all standards set forth in this section within 60 days of the effective date specified above including, but not limited to filing the required Permit application.
- B. Transient Occupancy shall not exceed one individual tenancy within a seven consecutive calendar day period whether the residence is occupied or not.
- C. A Transient Occupancy shall only be used for that purpose during the occupancy. No other use (i.e. home occupation, temporary event) shall be permitted in the Transient Occupancy.
- D. The Transient Occupancy shall not change the residential character of the dwelling or constitute or create a public nuisance as defined within the Code of Ordinances.
- E. Exterior signage related to the Transient Occupancy shall not be permitted on any Transient Occupancy.
- F. All Transient Occupancy parking shall occur in the garage, driveway, or designated parking space. There should be no more than two (2) cars per bedroom on premise at any time.
- G. Trash containers shall be maintained in the side or rear yard and shall be screened from street view. The Owner/Operator of the Transient Occupancy shall ensure that trash pickup occurs at least once a week at the residence and as otherwise needed for additional trash.
- H. Transient Occupancy units shall not have more than a total number of persons calculated by three (3) persons per bedroom on the premises at a time.
- I. All Owner/Operators of Transient Occupancy shall designate a local contact person who shall be available 24 hours a day to respond to occupants, neighbor and Town concerns or complaints.
- J. The Transient Occupancy Permit may not be transferred from one Owner to another or one Transient Occupancy residence to another.
- K. Owners/Operators of Transient Occupancies shall make all reasonable efforts to minimize outside noise after 10 PM. Further, all occupants of Transient Occupancy dwelling shall comply with Section 92.25 Noise of the Town of Cornelius, Code of Ordinances.
- L. Evacuation Plan shall be posted on site to ensure safety of the occupants. The Office of the Mecklenburg County Fire Marshall shall have input in developing the Evacuation Plan.



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- M. Each dwelling shall be required to post maximum occupancy as determined by the Office of the Mecklenburg County Fire Marshall and should be adhered to at all times.
- N. Fines for Violation of this section of the Ordinance shall be as follows:
 - 1. 1st Offense: Warning
 - 2. 2nd Offense: \$200
 - 3. 3rd and all subsequent: \$500
- O. All requirements of this section of the Ordinance shall be posted at all times on the premise of the Transient Occupancy dwelling.
- P. Planning Director, at their discretion, may terminate or not renew a Transient Occupancy permit if it is deemed to be in violation of this Ordinance or determined to negatively affect the adjoining neighbors. Appeals to the Planning Director's permit revocation will be heard by the Cornelius Board of Adjustment in accordance with the provisions of Chapter 16 of this Code.
- Q. A copy of monthly financial reports shall be submitted by each Transit Occupancy Permit holder to the Town each month that detail revenue collected and occupancy tax submitted to Mecklenburg County.
- R. No special events permits shall be permitted or allowed at dwellings that have an active Transient Occupancy permit.

6.2.45: VAPE/CBD AND/OR TOBACCO SHOP

- A. No lot, parcel, or tract of real property upon which a Vape/CBD/and/or Tobacco Shop is situated shall be located less than one thousand (1,000) linear feet from any Civic use, Child Care/Preschool, Public Park or Recreation Facility, Public or Private School, Hospital, lot in residential use, lot with residential districting, or another CBD, Vape and/or Tobacco Shop, measured from property line to property line.

6.2.46: WATER RELATED STRUCTURES

- B. 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.
- C. All water-related structures shall be approved by Duke Energy Lake Management prior to any construction.
- D. Residential piers/docks are only permitted on lots with a habitable single-family structure or a building permit has been issued for construction of a single-family structure.



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CHAPTER 7: STREETS, PARKING & LIGHTING

SECTION 7.1: GENERAL STREET DESIGN STANDARDS

The Land Development Code encourages the development of a network of interconnecting streets that work to disperse traffic while connecting and integrating neighborhoods with the existing urban fabric of the Town. Equally as important, the Code encourages the development of a network of sidewalks and bicycle lanes that provide an attractive and safe mode of travel for pedestrians and cyclists. In addition to dispersing traffic, interconnecting street networks encourages alternate modes of transportation to the automobile, enhances transit service opportunities, improves traffic safety through promoting slower speeds, and potentially reduces vehicle miles traveled within the street network. The overall network function and the comfort and safety of multi-modal or “shared” streets to slow and disperse traffic are primary to vehicular efficiency.

It is the intent of this Code to build streets that are integral components of community design. Streets shall be detailed to compliment neighborhoods and commercial centers and shall be pedestrian in scale. Street materials shall conform to the provisions of the Mecklenburg County Land Development Standards Manual. Exceptions may be made for pedestrian crosswalks. Sidewalk material may vary according to the overall design and character of the development. Streets are encouraged to be designed with on-street parking. All streets shall be landscaped. In an effort to protect this investment, the Town views streets as the most important public space and therefore has developed a set of principles which permit this space to be used by both cars and people.

Connectivity

Connectivity shall be evaluated within a development and with adjoining development and undeveloped properties. Connectivity shall be provided in multiple directions, unless the evaluation proves otherwise, based on the criteria noted.

- A. Evaluation of connectivity shall include all modes of connectivity such as vehicle, pedestrian and bicycle. Evaluation may include the following:
 - 1. Impacts on neighborhood quality of life
 - 2. Adequacy of infrastructure (appropriate cross sections, public streets, condition of streets, etc.)
 - 3. Traffic analysis
 - 4. On street parking
 - 5. Traffic calming
 - 6. Speed limits
 - 7. Types of uses proposed for interconnectivity
 - 8. Potential costs of upgrades that may be necessary to accommodate appropriate connectivity
- B. Cul-de-sacs are permitted only where topographic conditions and/or exterior lot line configuration offer no practical alternatives for connection or through traffic.
- C. Street stubs shall be evaluated with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Metropolitan Transportation Plan (MTP) and/or the Comprehensive Transportation Plan (CTP).
 - 1. The stub street must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
 - 2. If a stub street exists on an abutting property, the street system of any new development must connect to the stub street to form a through street.



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3. When stubbing to the edge of the site the stub street will be built to the furthest point possible or a payment in lieu of construction shall be paid or a financial guarantee posted, for the remaining construction. Any right-of-way or easements needed to build the connection shall be dedicated by deed and recorded plat.
 4. Where a stub street is required, a barricade shall be constructed according to the Charlotte Mecklenburg Land Development Standards manual and a sign noting the future street extension shall be posted at the developer's expense.
 - a. The stub street sign shall be eight (8) square feet and state: "This street may be extended in the future."
 - b. Street stub signage may be required upon any Town action, whether by ordinance, resolution, or permit.
- D. Streets shall be designed as the main public space of the Town and shall be scaled to the pedestrian.
- E. Streets shall be bordered by sidewalks on both sides. In areas where no sidewalk currently exists, the Planning Director or designee may allow for an improvement guarantee in lieu of installation.
- F. Streets shall be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which complement the face of the buildings and which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
- G. Wherever possible, street locations should account for difficult topographical conditions, paralleling extreme contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street rights-of way on adjacent lands.
- H. Whenever an irreconcilable conflict exists among vehicular and pedestrian usage, the conflict should be resolved in favor of the pedestrian unless in the best interest of public safety.
- I. All streets, whether publicly or privately maintained, shall be constructed in accordance with the design and construction standards in this Code and the Mecklenburg County Land Development Standards Manual and shall be maintained for public access whether by easement or by public dedication. Privately maintained roads, must be maintained in perpetuity in a smooth, well-maintained, and safe condition at all times and may not constitute a hazard to public safety or a visual or aesthetic nuisance to the surrounding area (including but not limited to pavement markings, signage, and associated pedestrian and bicycle facilities).
- J. Street acceptance for public maintenance is at the discretion of the Town Board of Commissioners following submission of a petition for acceptance.
- K. Closed or gated streets are strictly prohibited on publicly maintained streets and public/private alleys. Closed or gated streets may be permitted on privately maintained streets subject to the following conditions:
1. Provide stacking for at least four (4) vehicles (approximately 100 linear feet).
 2. Provide a turn-around to allow vehicles not entering a place to safely exit.



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3. Gates must allow passage for Fire, EMS, Police, and other public service vehicles by utilizing the Click2Enter access control system and the Knox Rapid Access System, unless an alternative access device is required by the Mecklenburg County Fire Marshal.
4. Maintain all components of the gate system in operating condition. A proper power supply shall be maintained to all electronic components at all times. In addition, each gate must have a manual release mechanism, which is activated by a power failure, or another method of assuring entry in event of a power failure, which is approved by the fire marshal and the chief of police.
5. Any vertical obstruction must have a minimum of 14-foot clearance.
6. If gate extends to sidewalk, pedestrian access must be accommodated.
7. If gated private streets are petitioned for street acceptance, petitioner must remove gates prior to the Town Board considering the street acceptance petition.
8. If there is any opportunity for connectivity or if connectivity was anticipated during the original approval, the requested gates shall be reviewed and considered by the Town Board.

The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures.

Minor variations and exceptions to street engineering and design may be permitted at the discretion of the Planning Director. Such exceptions include variations to the pavement width, tree planting areas, street grade, sight distances, and centerline radii in accordance with principles above. Right-of-way widths should be preserved for continuity.

SECTION 7.2: STREET ENGINEERING AND DESIGN SPECIFICATIONS

Street designs shall permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the Town's street network. New development with frontages on existing publicly maintained streets shall be required to upgrade all their frontages to meet the standards of this Section. The following specifications shall apply to street design:

Pavement Schedule

Pavement shall be constructed according to the Mecklenburg County Land Development Standards Manual.

Rights-of-Way

Right-of-way shall be provided in accordance with the Mecklenburg County Land Development Standards.

Utility Location

Underground utilities may be located under pavement providing future utility connections are stubbed prior to paving. For all other street conditions, underground utilities shall be located in alleys and lanes. If no alley or lane is provided, then a five-foot (5') minimum utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement.



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Centerline Radius

A 90-foot minimum centerline shall be provided between reverse curves on all streets. Centerlines may be varied upon approval of the Planning Director.

Curbs and Drainage

Curb and gutter are required upon all alleys and town maintained or future town maintained (dedicated) streets, unless it is not warranted in the Zoning Administrator or designee's discretion. On all State maintained roadways, curb and gutter is not required by the Town. However, curb and gutter shall be installed if the North Carolina Department of Transportation requires the installation. Also, in the event the Town feels that the public health, safety and welfare requires it, the Town may require curb and gutter installation on state maintained roadways.

Streets facing commercial, mixed-use, and attached residential development require standard curb and gutter. Curbs shall be constructed in accordance with the Mecklenburg County Land Development Standards Manual. In all instances when curbing is provided, standard curbing is required. Drainage shall be provided using closed curb and gutter systems along all streets except in rural areas. All storm drainage systems shall be designed in accordance with the Mecklenburg County Storm Drainage Design Manual.

Curb Cuts

Generally, curb cuts should be minimized to reduce vehicle/pedestrian/bicycle conflicts.

Intersections

All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 70 degrees.

Where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than 125 feet.

Property lines at street intersections shall be rounded with a minimum radius of 20 feet. At an angle of intersection of less than 90 degrees, a greater radius may be required.

Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. Minimum stopping distances should conform to the design speed and stopping distances required for wet pavement through both vertical and horizontal alignment.

Curb Radii

Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet.

Cul-de-sacs

Cul-de-sacs shall not exceed 250 feet in length from the nearest intersection with a street providing through access.



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Block Lengths

Streets shall have block lengths between 200 to 500 feet. Exceptions are permitted however, due to topography, environmental protection, preservation of existing buildings, and similar considerations.

On-Street Parking

Generally, on-street parking may provide a physical buffer between the pedestrian and traffic and may reduce the need for off-street surface parking. Marked, on-street parking requires standard curb and gutter. Informal parking is permitted along neighborhood streets.

The Town encourages the use of reverse angle parking which:

1. Allows driver to make eye contact with oncoming traffic when exiting the parking space as well as making the sidewalk more accessible for pedestrians.
2. Provides improved driver visibility
 - When exiting the parking space, drivers are facing the road with a good view of oncoming traffic.
 - Pulling forward into traffic allows cyclists to be more visible to drivers
 - Results in a decreased number of collisions
3. Allows for easier loading/unloading
 - The trunk is accessible from the sidewalk as opposed to the road
 - Door opening provides a barrier between the pedestrian and traffic
4. Allows for accessible parking and curb ramps
 - Direct access to sidewalk for drivers and passengers exiting the vehicle
 - Makes loading wheelchairs and handicap accessories from side and rear easier and away from traffic
 - Traffic Calming
 - The on-street parking visually narrows the roadway width, which contributes to driver attentiveness and slower speeds

Parallel or pull-in angled parking may be allowed at the discretion of the Planning Director.

Pedestrian Street Crossings

Mid-block crossings, bulb-outs, raised crosswalks, and similar techniques may be used to accommodate pedestrians when appropriate traffic and site conditions exist.

Street Lights

As a rule, shorter lights are preferred in lieu of fewer, taller, high-intensity light. The scale of lighting fixtures and the illumination provided must be appropriate for both pedestrian and vehicular movements. Street lights shall be installed by the developer on all streets in accordance with the Town of Cornelius Street Light Policy. The Town will accept responsibility of the lights in accordance with the Town of Cornelius Street Light Policy.



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Street Markers and Traffic Control Signs

All street markers and traffic control signs posted in accordance with the Manual of Uniform Traffic Control Devices shall be installed by the developer prior to the issuance of any certificates of occupancy for any building on that street.

Bicycle and Pedestrian Facilities

Bicycle and pedestrian facilities shall be provided in accordance with the Bicycle Master Plan, Comprehensive Pedestrian Plan, and Comprehensive Parks and Greenways Master Plan.

Planting Strips

Planting strips should be typically located between the curb and sidewalk and parallel to the street. Within commercial areas and other sidewalks with high pedestrian volumes, grated tree wells may be used in lieu of planting strips. Trees should be planted to not impede the sight distances of intersections. The minimum width of all planting strips shall be six feet (6').

Trees

All street trees shall be installed in accordance with Mecklenburg County Land Development Standards Manual.

SECTION 7.3: OFF STREET PARKING AREA DESIGN SPECIFICATIONS

- A. Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Lots should be located behind buildings or in the interior of a block whenever possible.
- B. No off-street parking area shall be located within any front yard except for single-family residential uses. All off-street parking spaces for multi-family buildings shall be in the rear yard only.
- C. Parking lots shall not occupy more than one-third (1/3) of the frontage of the adjacent building or no more than 75 feet, whichever is less.
- D. No parking lot shall be closer than ten feet (10') behind the frontage line of an adjacent building.
- E. All parking areas shall be screened from view in accordance with Section 9.4.2(B) Type 'B' screening buffer.
- F. Off-street parking areas for new commercial, industrial, or multi-family residential developments shall be designed to accommodate containment facilities for both garbage and recycling containers.
- G. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.



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- H. Large surface parking lots should be visually and functionally segmented into several smaller lots. Alternative parking area designs shall create separate and distinct outdoor rooms for no more than 36 cars per room. The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street or building.
- I. Designated parking areas and driveways for all uses (except single- and two-family dwellings) shall meet the following requirements:
1. Standard curbing, with a minimum width of 1'6", shall be provided along the periphery of all driveways and designated parking areas. This requirement may be waived in a Watershed Protection Overlay District to permit sheet flow drainage into pervious areas.
 2. The following shall be paved or contain a similar type material approved by the Planning Director. Gravel and other stabilization material without a permanent wearing surface is not permitted in:
 - a. Front yard parking areas.
 - b. Any off-street parking areas with 12 or more parking spaces
 3. Off-street parking areas in the side or rear yards with 11 or less parking spaces may use pea gravel or some other approved ground stabilization material in lieu of a paving material provided that handicap parking meets ADA standards and pea gravel is contained to the parking area using landscaping timbers or other containment device. All driveways are required to be paved a minimum of 50 feet from the street where the driveway leads to unpaved internal parking.
 4. All driveways, off-street parking and loading areas (including pavement markings and signage) and associated pedestrian and bicycle facilities must be maintained in perpetuity in a smooth, well-maintained and safe condition at all times and may not constitute a hazard to public safety or a visual or aesthetic nuisance to the surrounding area. Single family and duplex residential driveways are excluded from this requirement.
- J. Bicycle parking facilities shall be provided for all non-residential and multi-family developments, schools, and civic uses. Bicycle parking standards are based on the number of users for each building type and the expected time needed to park the bicycle. All bicycle parking requirements (short and long-term) shall be demonstrated on site plans.



Minimums:	Short-term	Long-term
Multi-Family Developments	1/5 dwelling units	80% of short-term #
Retail/Commercial	1/2,000 sq. ft.	None
Schools (Primary, Secondary)	2/classroom	None
Civic	1/5,000 sq. ft.	None

Short term Bicycle Parking

- Short-term bicycle parking may be provided with traditional bicycle racks with at least 2 points of contact. A minimum of four (4) spaces is required for short-term parking and a maximum of 20 spaces for any single development. This type of bicycle parking is appropriate for shopping areas, libraries, other places where the typical parking duration is less than two hours.



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- Short-term bicycle parking must be publicly accessible and convenient, placed along a major building approach line and clearly visible from the approach. Rack placement should allow for visual monitoring by people within the building and/or people entering the building.

Long term Bicycle Parking

Long-term bicycle parking provides employees, residents, commuters, and others who generally stay at a site for several hours, a protected and secure place to park. Includes bicycle lockers, covered and fenced bicycle racks, or interior rooms with secure access where bicycles may be stored. Long term bicycle parking is not required if the entire non-residential development has a gross floor area of 2,000 square feet or less.

General Provisions:

- Bicycle parking shall be located in the side or rear yard and shall not block pedestrian access.
- Racks shall be secured to the ground on a hard surface such as concrete, asphalt, or unit pavers.
- Spacing of the racks shall provide clear and maneuverable access.
- In multi-family residential developments, bike racks may be provided in a communal area, as long as it is accessible to all tenants/residents and in a safe, open public space. Staff will work with the developer to select an appropriate location for collective bicycle parking in a multi-family development.
- Facilities may be placed on private property or within the public right-of-way. However, bicycle parking located in the public right-of-way shall be subject to approval by the Town and/or the North Carolina Department of Transportation (NCDOT). A requirement to provide bicycle parking does not imply that a right-of-way encroachment will be granted.
- Where a bicycle can be locked on both sides without conflict, each side can be counted as a required space.

SECTION 7.4: GENERAL PARKING REQUIREMENTS

7.4.1: Minimum Parking Ratios

Parking requirements may be satisfied using on-street parking in front of buildings or public lots within 300 feet of primary building entrances.

Residential - Apartment	1 per bedroom
Residential - Attached and Detached Homes	2 per home

All other uses shall provide parking at a rate of no more than 4 spaces/1000 square feet and no less than 2 spaces/1000 square feet. Any proposed parking ratios outside these parameters will be required to obtain a Special Use Permit through the Board of Adjustment, unless the parking is being proposed and reviewed through the conditional zoning process.

In all non-single family residential uses, vehicles must be parked on an approved improved surface. For single-family residential uses, see Section 6.2.39, Outdoor Storage.



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7.4.2: Parking Space Dimensions

- A. Parking space dimensions (other than those designed for the disabled) shall be a minimum of 19 feet long and nine feet (9') wide. Parking spaces shall be dimensioned in relation to curbs or aisles, so long as their configuration, area and dimensions satisfy the requirements of this Section.
- B. Parallel parking space dimensions shall be a minimum of 20 feet by eight feet (8').

7.4.3: Aisle and Driveway Widths

- A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<u>Angle of Parking</u>					
<u>Aisle Width</u>	0	30	45	60	90
One Way Traffic	13	13	18	20	24
Two Way Traffic	19	20	22	24	24

- B. Driveways shall be a maximum of 12 feet in width for one-way traffic and 24 feet in width for two-way traffic. In no case shall a driveway width exceed 24 feet, except as required by the North Carolina Department of Transportation (NCDOT).

7.4.4: Shared Parking

The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners.

7.4.5: Disabled Parking

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall provide parking for the disabled in accordance with the North Carolina Building Code. The number of such spaces shall be in addition to any required spaces.
- B. Off-street parking spaces for the disabled shall be designed as follows:
 - 1. All spaces for the disabled shall have access to a curb-ramp or curb-cut to allow access to the building served, and that access is not facilitated by movement behind parked vehicles. These spaces shall be located the shortest possible distance between the parking area and the entrance to the principal building.
 - 2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall not interfere with the opening and closing of vehicle doors.
 - 3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.



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4. The size of the parking space and associated access ramps or curb cuts shall be per building code specifications.

SECTION 7.5: EXTERIOR LIGHTING

7.5.1: Purpose and Intent

Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights-of-way.

7.5.2: Definitions

- **Cutoff fixture** - An outdoor light fixture shielded or constructed in such a manner that no more than 2 ½% of the total light emitted by the fixture is projected above the horizontal plane of the fixture.
- **Flood lamp** - A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
- **Flood light** - A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.
- **Foot candle (FC)** - A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.
- **Full cutoff fixture** - An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.
- **Glare** - The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.
- **IESNA** - The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.
- **Internal refractive lens** - A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.
- **Light source** - The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.
- **Lumen** - A quantitative unit measuring the amount of light emitted by a light source.
- **Maintained foot candles** - Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.
- **Medium base** - The size of lamp socket designed to accept a medium or Edison base lamp.
- **Semi-cutoff fixture** - An outdoor light fixture shielded or constructed in such a manner that it emits no more than 5% of its light above the horizontal plane of the fixture, and no more than 20% of its light ten (10) degrees below the horizontal plane of the fixture.
- **Wall pack** - A type of light fixture typically flush-mounted on a vertical wall surface.
- **Wide-body refractive globe** - A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures).



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"Wide-body" refers to a wider than average size globe (greater than 15.75 inches in diameter).

"Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

7.5.3: Light Measurement Technique

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus 5%. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in foot candles (FC). All FC values below are maintained foot candles.

7.5.4: General Standards for Outdoor Lighting

- A. Unless otherwise specified in Section 7.5.5 through Section 7.5.11, the maximum light level shall be 0.3 maintained foot candle at any property line in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure, and 2.0 maintained foot candles at any public street right-of-way, unless otherwise approved by the Planning Board.
- B. All flood lights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
- C. All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- D. All wall pack fixtures shall be cutoff fixtures.
- E. Service connections for all freestanding fixtures installed after application of this ordinance shall be installed underground.
- F. Within non-residential districts and developments, all outdoor lighting fixtures shall be at minimum semi-cutoff fixtures.
- G. All light fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating public streets are otherwise exempt from this regulation.

7.5.5: Lighting in Parking Lots and Outdoor Areas

- A. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff fixtures, or comply with subsection (3) below.



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- B. The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting shall not exceed 35 feet above finished grade.
- C. Exceptions:
 - 1. Non-cutoff fixtures may be used when the maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens per fixture.
 - 2. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
 - 3. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.
 - 4. All non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that reduce glare and limit uplight.

7.5.6: Lighting for Vehicular Canopies

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot candles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (d) above. Lighting under vehicular canopies shall be designed so as not to create glare off-site.

Acceptable methods include one (1) or more of the following:

- A. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
- B. Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.
- C. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.
- D. Surface mounted fixture, typically measuring two feet (2') by two feet (2'), with a lens cover that contains at least 2% white fill diffusion material.
- E. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.
- F. Other method approved by the Planning Board.

7.5.7: Outdoor Sports Field/Outdoor Performance Area Lighting

- A. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade, unless approved by the Planning Board as having no adverse effect or approved by the Town Board as part of a conditional zoning.
- B. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.



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- C. The hours of operation for the lighting system for any game or event shall not exceed one (1) hour after the end of an event or administrative activity.

7.5.8: Lighting of Outdoor Display Areas

- A. Parking lot outdoor areas shall be illuminated in accordance with the requirements for Section 7.5.5 above. Outdoor display areas shall have a maximum point of illuminance of 24 maintained foot candles (FC).
- B. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with Section 7.6.4 (1) and (2) above.
- C. The mounting height of outdoor display area fixtures shall not exceed 35 feet above finished grade, unless approved by the Planning Board as having no adverse effect.

7.5.9: Sign Lighting

Lighting fixtures illuminating signs shall be aimed and shielded so that direct illumination is focused exclusively on the sign.

7.5.10: Lighting of Buildings and Landscaping

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties and the public street right-of-way.

7.5.11: Outdoor Decorative Lighting

Static string lighting to highlight outdoor seating and entertainment areas, and architectural features of principal buildings may be allowed. Such lighting shall be a single neutral color (i.e., white, cream, etc.), decorative, unobtrusive, and non-flashing. May not be used as part of any sign.

7.5.12: Lighting Plan

- A. A point-by-point foot candle array in a printout format indicating the location and aiming of illuminating devices shall be provided. The printout shall indicate compliance with the maximum maintained foot candles required by this Code.
- B. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).

The Planning Director or designee(s) may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this Code.



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CHAPTER 8: OPEN SPACE

SECTION 8.1: GENERAL PROVISIONS

Open space is defined as all areas not covered by building or parking lots, dry detention structures, streets, required setbacks, impounded waters of Lake Norman, or golf courses. Required open space will be permitted by the Town Board within sub-surface and aerial utility easements and rights-of-way provided that such areas are functionally designed and the easement or right-of-way holder grants written permission for its use. The intent of these requirements is to allow for the usage of centrally located unencumbered land as neighborhood open spaces and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this Chapter.

1. Certain wet detention facilities (BMPs) may be permitted for use as required open space subject to the following design criteria:
 - a. Open spaces that incorporate a BMP shall be privately maintained as common area open space.
 - b. Any stormwater management structure to be classified as open space should be a permanent pond not less than one acre in surface area with a minimum depth of four feet (4'). Exceptions can be made for smaller water bodies but shall not have a permanent pond of less than three feet (3').
 - c. Consideration of such water bodies should be based upon the individual merit of the open space typology, access, location, vistas, overall aesthetic design including proposed landscaping, and specific amenity improvements. Stormwater management structures should be aesthetically designed to provide variety and interest in the composition, shape, configuration, location of littoral shelves, and diversity in plant material selection.
 - d. At least one aerator or aerator fountain should be included in the pond design and shall be operated in accordance with applicable governmental regulations.
 - e. An esplanade with a minimum width of five feet (5') shall be provided around the perimeter of the pond.
 - f. A landscape plan showing vegetation for the shoreline and surrounding land area to prevent erosion and provide for an aesthetically appropriate environment for pedestrian use should be submitted for administrative approval.
 - g. Modifications to the above requirements for BMP's may be made by the Planning Director on a site-specific basis concurrent with the overall requirements for and use as open space.
2. Usable open space shall be planned and improved*, accessible and usable by persons living nearby. Usable open space shall meet the following criteria unless otherwise determined by the Board of Commissioners:
 - a. Unity. The dedicated land shall form a single parcel of land except where the Town Board determines two (2) parcels or more would be in the public interest, and determines that a connecting path or strip of land is in the public interest, and in which case the connector shall not be less than 50 feet wide.
 - b. Shape. The shape of the dedicated parcel of land shall be usable for active or passive recreational activities.
 - c. Location. The dedicated land shall be located so as to reasonably serve the recreation and open space needs of the subdivision for which the dedication was required.
 - d. Access. Access shall be provided by adequate street frontage or a public pedestrian easement with a minimum width of 15 feet.
 - e. Topography. No more than 25% of the gross land dedicated may be on a slope greater than 5%.



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- f. Floodplain. No more than 25% of the open space dedication may be located within the 100-year floodplain or SWIM buffer.
- g. Land on an approved greenway/bikeway master plan may fulfill the open space requirement.

*Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, greenway trails, bikeways, walks, statues, fountains, recreation fields, and/or playground equipment.

- 3. Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on the approved plan as open space shall be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.
- 4. Playground equipment, statues, and fountains should be located toward the interior of squares and parks.
- 5. Waterfront development shall provide 50% of the required open space as waterfront parks along its shoreline. This requirement may be reduced to a minimum of 25% if off-water open space is dedicated with an area equal to one and one-half (1 ½) times the required waterfront dedication. The design shall be such as to form a central public space or esplanade for the neighborhood to provide waterfront access and views to residents. A minimum of 30% of the perimeter of the park shall be bordered by the water.
- 6. Open space should provide focal points for the neighborhood and town. A central square or green, for example, may comprise a majority of the area required for dedication.
- 7. Dedicated open space shall be separately deeded to a homeowner's association, a non-profit land trust or conservancy, Mecklenburg County, or to the Town of Cornelius (upon approval by the Board of Commissioners).
- 8. Dedication denoted on the Town of Cornelius Parks and Greenways Master Plan shall be required to be public open space pending approval by the Town Board of Commissioners.

SECTION 8.2: TYPES OF DEDICATION

Open space land dedication requires that developers dedicate usable open space and/or provide payment in lieu of to the Town of Cornelius. The procedure for determining whether the developer is to dedicate land, pay a fee, or both, shall be as follows:

- 1. Developer. At the time of filing a site development plan for approval, the Developer of the property shall, as a part of such filing, indicate whether the Developer desires to dedicate property for open space, greenways, parks and recreational purposes, or whether the Developer desires to pay a fee in lieu thereof. If the Developer desires to dedicate land for this purpose the Developer shall designate the area thereon on the preliminary plat as submitted.
- 2. Action of the Town. At the time of preliminary plat approval, the Board of Commissioners shall recommend, based upon Planning Board recommendations and PARC Board input, whether to require a dedication of land within the development or accept payment of a fee in lieu thereof or a combination of both.



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Whether the Board of Commissioners accepts the land dedication or requests payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- Recreational element of the Comprehensive Parks and Greenways Master Plan, Comprehensive Pedestrian Plan, and the Bicycle Master Plan;
- Topography, geology, access and location of land in the development available for dedication;
- Size and shape of the development and land available for dedication, as defined in Section 8.1 General Provisions;
- The recommendations of the Planning Board and the PARC Board.

Prerequisites for approval of final plat. Where payment of a fee in lieu of is required, the same shall be deposited with the Town prior to recording of the final plat.

SECTION 8.3: OPEN SPACE DEDICATION

8.3.1: General Open Space

All developments with more than four (4) total residential units shall be required to dedicate open space as follows:

RP District Conservation Subdivision Rural	60%
RP District Conservation Subdivision Low	50%
RP District Conservation Subdivision Medium	40%
RP District All Other Subdivisions	30%
GR District	25%
NR District	20%
NMX District	20%
Village Center District	20%
Town Center District	15%

In mixed use developments, the open space requirement only applies to the area designated for residential development.

8.3. Improved Open Space

A percentage of the total open space required in Section 8.3.1 must be improved in either a passive or active manner. Areas labeled undisturbed may still include improved passive types of open space such as trails, open meadows, etc. as long as they are accessible. Types of improved open space are further defined in this Chapter. The following percentages of improved open space are to be provided:

RP District Conservation Subdivision Rural	= 15% of the total required open space
RP District Conservation Subdivision Low	= 20% of the total required open space
RP District Conservation Subdivision Medium	= 25% of the total required open space
RP District All Other Subdivisions	= 15% of the total required open space
GR District	= 20% of the total required open space
NR District	= 25% of the total required open space
NMX District	= 25% of the total required open space
Village Center District	= 50% of the total required open space
Town Center District	= 50% of the total required open space



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CHAPTER 9: ENVIRONMENTAL PROTECTION

SECTION 9.1: PURPOSE AND INTENT

A primary and fundamental element of this Code is the protection of our existing environmental resources including floodplains and other stream corridors, wetlands, watersheds and groundwater recharge areas, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value to the Town and make it a desirable place to live and visit.

- A. *Tree Protection and Removal:* Wooded sites provide distinct aesthetic, economic and environmental significance and value as a natural resource of the Town. Vegetation on sloping sites plays a critical role in maintaining aesthetic quality, water quality, and in minimizing erosion and downstream flooding. At a minimum selective retention of certain significant vegetation should occur, particularly in areas or portions of a site that are located within a fragile ecological setting. The regulating of tree removal along rights-of-way and public property within the Town ensures a pedestrian friendly atmosphere along with the preservation and natural balance of vegetation.
- B. *Landscaping:* The purpose of this section is to regulate the protection, installation, and long-term management of trees and shrubs within the Town of Cornelius. Landscape requirements under the provisions of this section are intended to minimize potential nuisances such as visual impacts from adjacent properties; transmission of noise, dust, odor, litter, and glare of lights; provide for a separation of space and establish a sense of privacy. Generally, the responsibility for the screening is that of the more intense land use. The appropriate use of existing and supplemental landscaping enhances the aesthetic appearance of new development and blends new development with the natural landscape. Quality landscaping is an essential component of the built urban form of the Town. Existing landscaping should be retained where possible to ensure as natural as possible an established environment. The use of native evergreen and deciduous plant materials blend the built environment with the new construction while maintaining the aesthetics of our Town.
- C. *SWIM Buffers:* These regulations protect the long-term water quality of the Mountain Island Lake and Lake Norman watersheds thereby protecting our drinking water. The purpose of a stream buffer network is to filter pollutants, store floodwaters, provide habitat, and contribute to the “green infrastructure” of the Town of Cornelius and lands within its jurisdiction. Stream systems are comprised of each stream and its respective drainage basin. Streams have the primary natural functions of conveying storm and ground water, storing floodwater, and supporting aquatic life. Vegetated lands adjacent to the stream channel in the drainage basin serve as “buffers” to protect the stream’s ability to fulfill its natural functions. Buffers have the primary natural functions of protecting water quality by filtering sediments; pollutants such as nitrogen, phosphorus, trace metals, and hydrocarbons; providing intermittent storage for floodwaters, allowing channels to meander naturally; and providing suitable habitat for wildlife.
- D. *Land Suitability:* This section defines suitable areas for development while promoting the health, safety and welfare of our citizens.
- E. *Sedimentation and Erosion Control:* The prevention of soil erosion and sedimentation pollution of streams, springs, water bodies, or other drainage networks are intended to protect the Town’s soil resources, natural drainage areas, control runoff velocity, and collect excess storm water which flows into the Town drainage system.



CHAPTER 9: ENVIRONMENTAL PROTECTION

SECTION 9.2: GENERAL PROVISIONS/APPLICABILITY

All land uses requiring *Development Plan* approval shall be designed in accordance with the requirements of this Chapter. Landscaped areas shall include existing vegetation to remain following development, open space, floodplains, wetlands, and areas containing new plantings. Landscaped areas may include any perimeter landscaping required by this Chapter.

Modifications to standards. Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this Chapter are not feasible, the Town of Cornelius Board of Commissioners, Planning Board, or Planning Department, whichever is responsible for approving the plan, may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.

SECTION 9.3: TREE PROTECTION

9.3.1: Applicability

Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features, and water courses should be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Wooded sites should be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, consideration should be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property. This section shall apply to all zoning districts regulated by the *Land Development Code*.

Determination of the need to preserve significant vegetation on the site is also a function of a site's buildable area or potential for development defined as follows:

1. *Prime Buildable.* Land with little or no building restrictions that occur as a result of slope conditions or site topography. These areas are defined as slopes less than 10% and generally offer the least opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
2. *Secondary Buildable.* Areas with slopes of 10% to 15%, site preparation techniques should minimize grading. Such areas require selective clearing and grading. These areas offer limited opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
3. *Conserved.* Areas with slopes of 15% to 25% with severe slope restrictions. These areas offer optimal opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
4. *Preserved.* Natural floodplain and floodways, wetland areas, existing tree canopy, forest stands, or significant vegetation on slopes exceeding 25% and which present severe or prohibitive slope conditions for development shall be preserved.



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9.3.2: Tree and Root Protection Fencing Requirements

A tree and root preservation plan delineating areas in accordance with Section 9.3.1 shall be incorporated as part of the landscape plan for the project and shall consist of the following type of preventative measures:

- A. The preservation of existing trees requires protection by physical barriers in addition to supervision during the construction phase of development. During development of the property, the owner shall be responsible for the erection of any and all tree and root protection fencing necessary to protect any existing or installed vegetation from damage both during and after construction. All significant vegetation, native ornamental species and perimeter landscaping that are to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The existing site conditions will be considered by both the Developer and staff in determining the exact location of any tree protection fencing. Generally, the location should be as far as possible from the vegetation in order to preserve soil and root structure. The location of tree protection fencing and method of construction shall be noted on the landscape plan. The proper installation of tree protection fencing shall be approved by the Mecklenburg County Land Use and Environmental Services Agency based upon field inspection prior to site clearing, grading, construction, or other land disturbing activity, and cannot be removed until after final inspection. Tree protection fencing shall remain in place and in good condition until all development activities are completed.

The tree protection fence shall be located no less than one (1) foot from the tree trunk for each one (1) inch in tree diameter for specimen trees, significant vegetation, or from the dripline of any forest canopy stand to be preserved, with a minimum distance of 10 feet required from the edge of the trunk. Tree protection fencing for forest canopy stands are to be located no less than one foot (1') from the tree trunk for each one inch (1") in tree diameter of the dripline trees identified up to 10 feet. Tree protection fencing shall be constructed from any material substantial enough to protect the roots, trunk, and crown of the tree, such as 2"x4" wood posts and 1"x4" wood rails, silt fencing or orange safety fencing a minimum of four feet (4') in height on metal or wood posts.

- B. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed in the tree and root protection area(s), or within the drip line of trees to be retained.
- C. Dead trees and undesirable scrub growth shall be cut flush with adjacent grade and removed during construction.
- D. Root pruning shall be kept to an absolute minimum.
- E. No nails, ropes, cables, signs, or fencing shall be attached to any part of any tree to remain.

9.3.3: Environmental Survey

Identification of existing trees, understory vegetation, known endangered species, wetlands, streams and creeks, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing vegetation while considering unique site conditions. This requirement provides the Town and the Developer the ability to evaluate the proposed development in order to preserve vegetation, to improve the



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appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees and significant vegetation to satisfy the requirements of this Chapter. An environmental survey is intended to identify forest stands or trees of a uniform size and species (homogeneous trees); specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses; and, previously documented endangered species habitats. A zoning permit shall not be issued for development unless the Town first approves an environmental survey. All developments on a site including public and private utilities shall conform to the provisions of an approved environmental survey.

Environmental survey requirements are as follows:

- A. The area to survey is to be located within the proposed construction limits, building envelope, or area of the site to be disturbed and is to extend a minimum of ten feet (10') outside of this area.
- B. Provide a general written description of the significant vegetation 12 inches in diameter at breast height (DBH) or greater and native understory species two inches (2") or greater, including tree species and uniform the size and height of stands of homogeneous trees including the typical tree species composition of the forest stand, typical tree size, typical spacing between trees, and general health and vigor of the stand and specimen trees.
- C. Denote the dripline of any existing forest stand, as measured between existing tree trunks six inches (6") or greater located at the edge of the stand.
- D. Identify all free standing, open grown or field-grown specimen trees 18 inches DBH or greater located on the site. Every effort shall be made to save such trees during development.
- E. Show all other important natural features influencing site design such as the location of wetlands, rock outcroppings, site topography at two foot (2') contour intervals, slopes steeper than 15%, and perennial streams, natural drainageways, lakes, and other water bodies.
- F. Show any existing watercourses including wetlands, streams, creeks, ponds, and floodplains indicating both the flood fringe and the flood way.

Denote the presence of any known endangered species indicated in any surveys completed by the appropriate governmental agency.

9.3.4: Tree Removal Permit Required

No person directly or indirectly, shall remove, destroy, cut, or severely prune any tree or shrub having its trunk in or upon any public property or on any street right-of-way without first obtaining a permit from the Planning Department.

- A. Public and private utilities shall submit written specifications for pruning and trenching operations to the Town for approval.
- B. The Town of Cornelius may seek compensation from the property owner for the removal of hazardous vegetation. The Public Works Director is authorized to remove trees that are dead,



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diseased, irreparably damaged, or hazardous and are creating damage and/or are a threat to public safety. The Public Works Director shall be authorized to bill the owner for such services provided that the owner had been notified of the hazardous conditions and failed to act. The Public Works Director, upon determination that a tree on private property creates a threat to public safety, shall notify the property owner in writing to preserve or remove the hazardous tree. In the event the property owner does not respond to this notification, the Town of Cornelius may seek civil remedy under the provisions of Section 9.9.5, Penalties, and may enter the property to remove the hazardous vegetation.

- C. Permits shall also be obtained for trees planted in the public right-of-way or on public property.
- D. A site plan may be required for the planting of vegetation in the right-of-way at the discretion of the Planning Director.

9.3.5: Prohibited Trees

Any tree whose fruit, root system, brittleness, or susceptibility to disease is considered undesirable and, therefore, prohibited from planting on public property or public rights-of-way.

SECTION 9.4: LANDSCAPE REQUIREMENTS

9.4.1: Applicability

All development plans shall comply with the provisions of this section. A change of use or expansion of existing heated square footage of an existing building and expansion of parking and loading areas also require compliance with these provisions as prescribed per Section 15.7, Nonconforming Parking, Lighting, Landscaping, Screening, and Other Exterior Features.

9.4.2: Types of Landscaping

The five (5) types of landscaping are defined as follows, and shall meet the following performance requirements:

1. TYPE 'A' General Screening Buffers

Location & Required Usage:

- Rear and/or side transition yard between existing residential zoning and all proposed uses and developments
- Edge of all yards abutting right-of-way for Interstate 77 (Minimum width: 50 feet)
- Deciduous Trees must be a minimum of two and one-half inches (2 ½") caliper at planting
- Evergreen Trees must be a minimum of eight feet (8') in height at planting
- Shrubbery must be minimum of 36 inches in height at planting
- Existing vegetation may be considered. In joint consultation with the Developer and the adjoining property owner, the Planning Director may approve and/or recommend an alternative buffer that includes the existing vegetation.

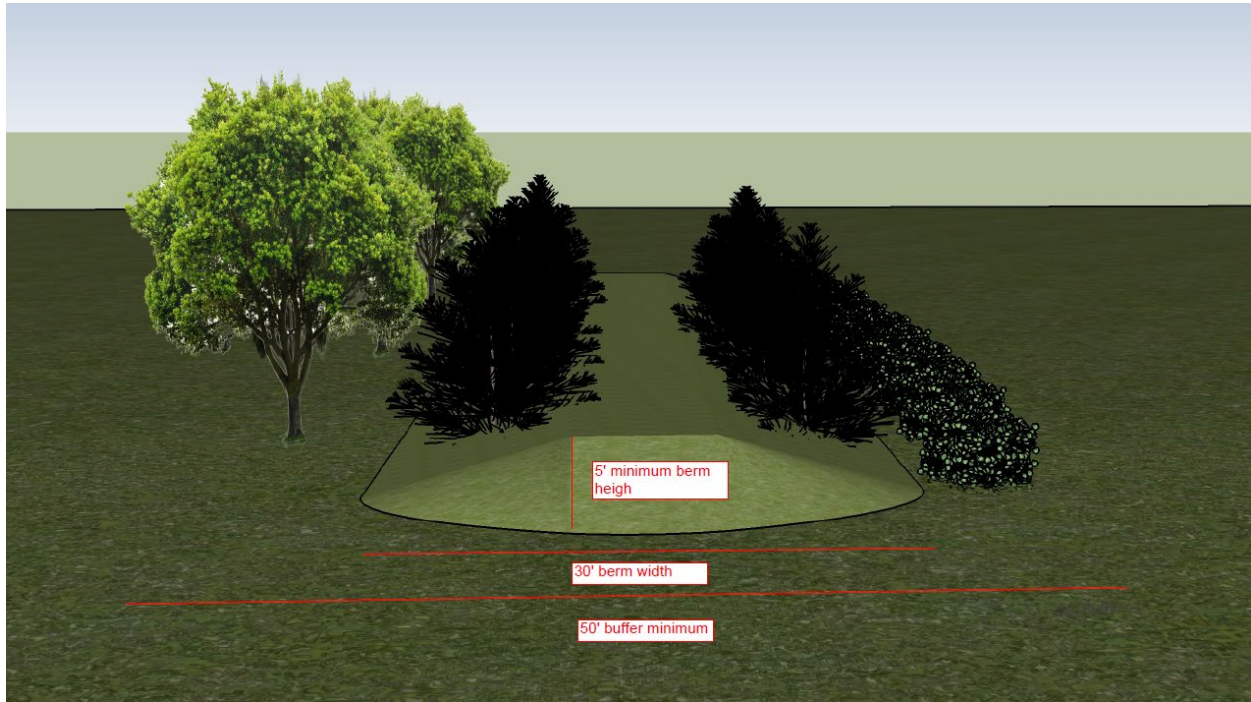
Type A-1

- Minimum width: 50 feet
- Berm with minimum height of five feet (5') & maximum slope of 3:1
- Deciduous trees at 2.5/100 linear feet

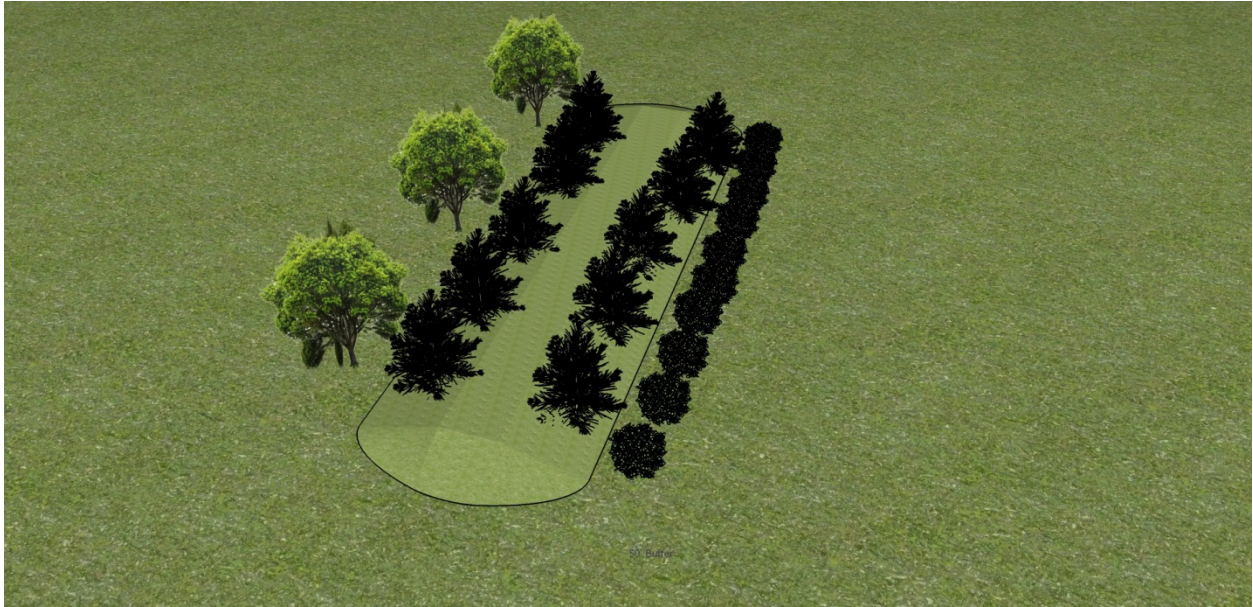


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- Evergreen trees at 5/100 linear feet (Must be on the berm)
- Shrubbery at 20/100 linear feet



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Type A-2

- Minimum width: 30'
- Masonry wall of brick and/or stone with minimum height of 6'
- Masonry wall shall be a minimum of 20' off of any property line
- Deciduous trees at 2.5/100 linear feet
- Evergreen trees at 5/100 linear feet
- Shrubbery at 20/100 linear feet



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Type A-3

- Minimum width: 10'
- To be negotiated with the adjoining property owner and may contain any combination of plant material or fence options that is mutually agreed upon by the Developer and the adjoining property owner. Any agreement must be in writing with the adjoining property owners' signature.

2. TYPE B Street Landscape Buffer

Type B-1 Parking Area (fronting a street)

- Minimum 15' wide landscape buffer
- Must provide a continuous masonry (brick/stone) wall, a minimum of three feet (3') in height, if the wall is within an elevation of two feet (2') below grade or two feet (2') above grade. The wall may have gaps for pedestrian access and is in addition to landscaping requirements.
- Evergreen tree requirement: 2 per 100 linear feet
- Deciduous tree requirements:
 - Minimum 3" caliper at planting time; and
 - Overstory trees = 4 per 100 linear feet;
 - Mixture of overstory/understory/ornamental = 5 per 100 linear feet;
 - Understory/ornamental = 6 per 100 linear feet
- Shrub requirement: 20 per 100 linear feet

Type B-2 All Other Street Frontage Areas (including buildings)

- Minimum 15' wide landscape buffer
- Deciduous tree requirements:
 - Minimum 3" caliper at planting time; and
 - Overstory trees = 1 per 100 linear feet;
 - Mixture of overstory/understory/ornamental = 1.5 per 100 linear feet;



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- Understory/ornamental = 2 per 100 linear feet
- Shrub requirement: 20 per 100 linear feet
- If a proposed building encroaches into the minimum 15' landscape buffer based on the minimum front setback requirement allowed according to Section 5.5.4, no landscape is required immediately in front of the building.



3. TYPE C Interior and Perimeter Plantings

Location & Required Usage:

Interiors of all parking areas

This type functions as a tree ceiling over a parking area providing shelter from sun and rain. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. To this end, no parking space shall be more than 60 feet from the base of a canopy tree. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. The Zoning Administrator or designee may, at their discretion, reduce the required Type C buffer on the subject property.

Parking Area Perimeter (non-street front) Plantings

- Minimum 10' wide buffer
- Shrub plantings shall have no unobstructed openings wider than 4'. At least 75% of the required shrubs shall be evergreen species locally adapted to the area.

4. TYPE D Street Tree Canopy

Location & Required Usage:

- Along all street frontages (All Districts)



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This type functions as a unifying element along all street frontages by establishing an attractive and consistent streetscape and scale. Street tree plantings soften the transition of the public street to the private yard and provide shelter from sun and rain to pedestrians and drivers. Trees shall be spaced 20 feet on-center for understory and 40 feet on center for large canopy trees at the discretion of the Planning Director. Trees shall be planted parallel to the street within a well-defined planting strip of consistent width located between the curb and sidewalk, or in tree wells located in the sidewalk. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.

5. TYPE F (Parkway Buffer)

Location & Required Usage:

- Along Major corridors

This type functions as a unifying element along all corridors with Industrial Campus zoning and/or where proposed development is not oriented toward the street by establishing an attractive and consistent streetscape and scale. This buffer will soften the transition of the street to the parking area and to provide shelter from sun and rain to pedestrians and drivers. The additional landscaping will provide an additional screening mechanism to the large scale uses and parking areas. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. A berm with a maximum four-foot (4') height may be utilized where feasible. See Figure 9.1 of the appropriate planting schedule.

FIGURE 9.1: TYPE F LANDSCAPE

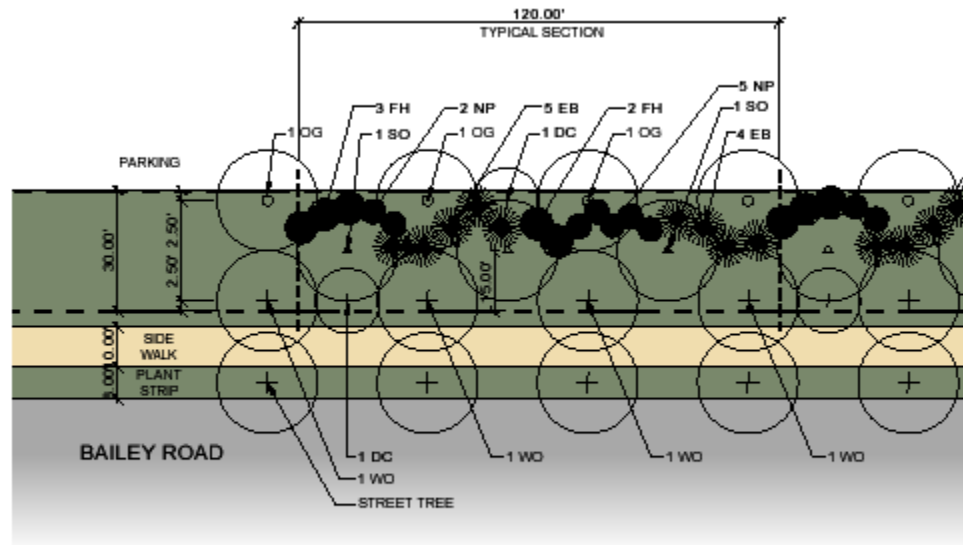
PLANT SCHEDULE – BERMS

SYM	#	COMMON NAME	BOTANICAL NAME	SIZE	ROOT	SPAC'G	NOTES
TREES							
OG	3	RED MAPLE	ACER RUBRUM 'OCTOBER GLORY'	2.5"-3" CAL.	B&B	A.I.	MATCHED
DC	2	DEODAR CEDAR	CEDRUS DEODARA 'MYSTIC ICE'	8'-10' HT.	B&B	A.I.	FULL TO GROUND
EB	9	EMILY BRUNNER HOLLY	ILEX 'EMILY BRUNNER'	8'-10' HT.	B&B	A.I.	FULL TO GROUND
FH	5	FOSTER HOLLY	ILEX ATTENUATA 'FOSTER'	8'-10' HT.	CONT.	A.I.	FULL TO GROUND
NP	7	NEEDLEPOINT HOLLY	ILEX CORNUATA	4'-5' HT. 15 GAL.	CONT.	A.I.	FULL TO GROUND
WO	3	WILLOW OAK	QUERCUS PHELLOS 'HIGH TOWER'	2.5"-3" CAL.	CONT.	A.I.	MATCHED
SO	3	SHUMARD OAK	QUERCUS SHUMARDII 'PANACHE'	2.5"-3" CAL.	CONT.	A.I.	MATCHED

NOTE: STREET TREES (WILLOW OAKS) NOT INCLUDED IN PLANT SCHEDULE



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TYPE F BUFFER

9.4.3: Supplemental Landscaping General provisions

A. Location

The perimeter landscaping required by this Chapter shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Plants comprising the perimeter landscape shall be appropriately spread across the entire width of the landscape area.

B. Existing Vegetation, Fences, Walls, and Berms

The use of existing trees or shrubs to satisfy the perimeter landscaping requirements of this Section is strongly encouraged. Existing significant vegetation within the required perimeter landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless otherwise approved by the Town of Cornelius at the time of site plan approval. Existing berms, walls, or fences within the perimeter landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required perimeter landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

C. Installation of New Vegetation and Other Features

New plant material should complement existing vegetation native to the site. If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences) shall be planted or installed within the required landscaping area. The use of indigenous, native and/or regionally grown species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats.



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D. Standards for New Planting

Landscaping should be of sufficient size so that mature appearance will be achieved within three to five years of installation. All trees which this Chapter requires to be planted shall be at least eight feet (8') high above ground level and at least two and one-half inches (2 ½") in caliper at the time of installation, shall have an expected mature height of at least 20 feet, and the cumulative caliper of all new trees shall match or exceed the caliper of the tree(s) removed, up to eight inches (8"). All shrubs which this Chapter requires to be planted shall be measured at least five (5) gallons in container size and three feet (3') above ground level and shall reach the height required for performance within three (3) years after installation. The selection of plants, planting methods, minimum height, root ball and container size, number of branches, and width, shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. Groves of trees, as well as isolated islands with single trees, are encouraged. Adequate drainage and mulching shall be provided for planting medians and islands. Each canopy tree shall be provided with a minimum pervious ground area of 300 square feet for root growth (exception: Street Trees) and should be planted on slopes not to exceed 4:1 horizontal to vertical distance. All tree installations shall be in accordance with the Mecklenburg County Land Development Standards Manual.

E. Grading and Development withing the Perimeter Landscape Areas

The required perimeter landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. No grading, development, or land-disturbing activities shall occur within this area if forest canopy, specimen trees, or significant vegetation exists within the perimeter landscape area, unless approved by the Town of Cornelius at the time of site plan approval. If grading within a perimeter landscaped area is proposed, slopes of 2:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping.

F. Easements

Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Town and the easement holder at the time of site plan approval.

G. Responsibility for Installation

Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer or owner of the first parcel to be developed shall provide the perimeter landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an existing land use, then the developer or owner of the vacant parcel shall provide the perimeter landscaping required adjacent to the existing land use.

H. Maintenance of Required Landscaping

Once streets have been accepted by the Town or the state, street trees shall be maintained and cared for by the property owner adjacent to the tree, except in subdivisions where the property owners association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring maintenance and care. Maintenance shall include replacement and trimming as necessary. A maintenance responsibility statement shall be provided on the Final Plat and documented within the homeowners' association articles of incorporation or the restrictive covenants/deed restrictions for the development.

I. Zoning Change

If the zoning district classification changes for an existing use or parcel, then the parcel shall comply with the landscaping requirements of this Chapter or, at a minimum, the intent of this



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Chapter as prescribed by the Planning Director. The owner or developer may need to install additional plant material on the parcel in order to meet the intent of this Chapter, especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under this Chapter.

J. Irrigation

The use of irrigation is encouraged in all required landscaping areas as required by this Chapter.

K. Unlawful Cutting of Vegetation

No person may remove any vegetation from within any right-of-way except in areas approved by the Town of Cornelius and/or the NC Department of Transportation.

SECTION 9.5: STREAM AND WETLAND BUFFERS (*S.W.I.M. Surface Water Improvement and Management*)

9.5.1: Applicability

- All development plans shall comply with the buffer requirements of this Section, however uses and structures previously approved and constructed in a buffer may remain.
- A site specific development plan amended by action of the Board of Commissioners subsequent to adoption of this Section shall comply, in its amended form, with the S.W.I.M. buffer requirements, however uses and structures previously approved and constructed in a buffer may remain.
- Where stream buffers are also required as part of the Lake Norman or Mountain Island Lake Watershed Protection Overlay Districts, the more stringent of the stream buffer requirements shall apply.
- Redevelopment or expansions are not subject to the buffer requirements of this part unless it would result in an increase in impervious area within the buffer.

9.5.2: Minimum Buffer Requirements

- A. At a minimum, no land disturbing activity is permitted within the flood plain except as otherwise permitted in Section 9.5.4. The regulatory flood plain elevation is delineated per the latest revision of the Flood Insurance Rate Map, Flood Boundary Floodway Maps, and Flood Insurance Study for the Town of Cornelius and Mecklenburg County, or calculated for unmapped or undefined areas using consistent engineering methods applied in the development of regulatory floodplain maps used by the Federal Emergency Management Agency.
- B. Minimum stream buffer widths vary based on the location and size of the upstream drainage basin, but at a minimum shall be no less than the delineated flood plain:
 1. All streams with upstream drainage basins greater than 50 acres and less than 300 acres shall require an undisturbed natural buffer with a minimum width of 35 feet from each side of the stream as measured from the top of the stream bank.
 2. All streams with upstream drainage basins greater than 300 acres and less than 640 acres shall require an undisturbed natural buffer with a minimum width of 50 feet from each side of the stream as measured from the top of the stream bank.
 3. All streams with upstream drainage basins greater than 640 acres shall require an undisturbed natural buffer including the entire floodplain but no less than 100 feet from each side of the stream as measured from the top of the stream bank.
 4. Where stream buffers are also required in another section of this Code, the more stringent requirement shall apply.



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- C. Buffer widths for drainage basins are measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.
- D. Floodplain delineation will be based upon current locally adopted maps and may be amended from time to time.
- E. When reforestation of disturbed buffers is required, tree planting shall be as specified in the Mecklenburg County Land Development Standards Manual.
- F. No fill material is permitted to be brought into any required buffer. Uses permitted in the buffer zones should be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install utilities within the buffer, then if greenway trails are built they should follow these cleared areas instead of necessitating additional clearing.
- G. Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow and reestablishing vegetation. Techniques for providing diffuse flow are specified in the Mecklenburg County Land Development Standards Manual.
 - 1. Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
 - 2. Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies.

9.5.3: Buffer Delineation

The following buffer delineations are required:

- A. Buffer boundaries must be clearly delineated on all development plans for approval by the Town Board of Commissioners, on all construction documents, including grading and clearing plans, erosion and sediment control plans, and site plans.
- B. Buffer boundaries must be clearly delineated on-site prior to any land disturbing activities. Limits of grading shall maintain a minimum 20 feet separation from the base of each tree on the upland side of the buffer.
- C. Buffer boundaries as well as all buffer requirements must be specified on the record plat, on individual deeds, and in property association documents for lands held in common.

9.5.4: Permitted Buffer Impacts

The following buffer impacts are permitted, however, design and construction shall comply with the specifications provided in the Charlotte-Mecklenburg Water Quality Buffer Implementation Guidelines for stabilization of disturbed areas to minimize negative effects on the quality of surface waters.

- A. Road crossings for connectivity or transportation links where the Town of Cornelius has granted site plan approval and required utilities.
- B. Parallel water and sewer utility installation as approved by Charlotte Water.
- C. Approved public or common area open space paths and trails parallel to the creek shall be at least 30 feet away from the stream and near perpendicular stream crossings. Pathways must use existing and proposed utility alignments or previously cleared areas and minimize tree cutting to the maximum extent practicable. To the extent possible, pathways shall preserve existing drainage patterns and avoid drainage structures that concentrate storm water.
- D. Incidental drainage improvements/repairs for maintenance.
- E. Individual pedestrian paths connecting homeowners to the stream in the form of narrow, pervious footpaths with minimal tree disturbance.



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- F. New domesticated animal trails (farming) where existing trails are lost because of action beyond the farmer's control. Stream crossings should be constructed to minimize impacts and be maintained with fencing perpendicular to and through the buffer to direct animal movement.
- G. Ponds, which intersect the stream channel, shall have the same buffers as the original stream. Buffer requirements do not apply to wet ponds used as structural BMP's.
- H. Mitigation approved by a state or federal agency acting pursuant to Sections 401 or 404 of the federal Clean Water Act.

SECTION 9.6: LAND SUITABILITY

9.6.1: Applicability

Land subject to flood hazard, improper drainage, erosion or that is for topographical or other reasons unsuitable for residential use as determined by the Town of Cornelius, shall not be platted or developed for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards can be and are corrected.

9.6.2: Flood Hazard Area Development

The land designated within Special Flood Hazard Area zones and Floodway Areas in Zone AE subject to periodic inundation by 100-year flood as shown on the most current FEMA Flood Insurance Rate Maps (FIRM) for Mecklenburg County and the Cornelius area shall be identified on all plats. Land designated as Special Flood Hazard Area Flood Zone shall be built on only in accordance with the Town of Cornelius Flood Damage Prevention Ordinance, Chapter 154 of the Town of Cornelius Code of Ordinances. No grading, clearing, removal of significant vegetation, the placement of structures, fill, or any other encroachment activity shall occur within designated Special Flood Hazard Area zones which would interfere with the natural water course without approval from the Town of Cornelius based upon certification that such activity mitigates the potential adverse impact of flood hazard. Streets and utility lines and structures may be placed within the flood hazard area only if their elevation is raised above maximum flood heights or if they are otherwise flood protected.

9.6.3: Watershed Development

All land located within the designated Water Supply Watershed Protection District as shown on the official Cornelius Watershed & Environmental Features Map shall comply with all provisions of this Ordinance regarding watershed protection. The watershed protection provisions of this Ordinance shall take precedence over all other provisions of this ordinance with regard to density, open space dedication, and built-upon areas.

9.6.4: Demolition Landfill Development

Areas that have been used for the disposal of solid waste shall not be subdivided into commercial or residential building sites. This includes areas that have been used for the disposal of trash, demolition waste, construction debris, stumps, and other waste materials.

SECTION 9.7: SEDIMENTATION AND EROSION CONTROL

The subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act of 1973, as amended, the Mecklenburg County Soil Erosion and Sedimentation Control Ordinance (MCSESCO) and any other federal or state law or locally adopted ordinance.



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The developer shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected. Temporary erosion and sedimentation control measures shall be placed in accordance with the approved erosion control plan prior to any construction.

Erosion and sedimentation from land disturbance activities of less than one acre, shall be controlled with silt fencing or any other method approved by the Planning Director to prevent siltation of adjoining parcels, lots, and streets.

SECTION 9.8: STORMWATER RUNOFF PROVISIONS

9.8.1: Purpose

The purpose of this section is to control the peak flow of less-common storm events and should be used in conjunction with the Post Construction Ordinance, and/or SWIM buffer provisions outlined in this chapter, as part of the Post Construction Ordinance, and as part of the Watershed Protection Ordinance, when they also apply, to any parcel of land.

9.8.2: Plan Required

No development or use of land that involves or would create more than 20,000 square feet of impervious groundcover shall be permitted without the submission and approval of a storm water management plan by the Town of Cornelius and Mecklenburg County Land Use and Environmental Services Division. Subdivisions into two (2) or more parcels that, when combined, would create impervious surface areas of 20,000 or more square feet shall be required to provide a storm water management plan for the combined total built-upon surface. No certificates of occupancy or building permits for such development shall be issued until the storm water management plan is approved by the Town and County. Built-upon ground cover in existence prior to April 16, 2007 and not altered or removed after that date, shall not be used in measuring the 20,000 square feet.

9.8.3: Contents of a Storm Water Management Plan

The storm water management plan shall include: a site plan showing existing and proposed buildings or other built-upon impervious surfaces; existing on-site and adjacent storm water drainage facilities; site construction plans, grading plans, and proposed storm water management system; and any other appropriate information requested by the Town or Mecklenburg County. Storm water facilities shall be required to control the peak runoff release rate for both the two (2) year and ten (10) year six (6) hour storms, with an emergency overflow capable of safely discharging flow from the 50-year 24-hour storm event. All storm water management systems shall conform to the standards and specifications as provided in the Charlotte-Mecklenburg Storm Water Design Manual (latest revision), Charlotte-Mecklenburg BMP Design Manual (latest revision), Mecklenburg County Land Development Standards Manual (latest revision), or the more restrictive of any standards that conflict.

9.8.4: Plan Approvals

Neither the Town nor Mecklenburg County shall approve a storm water management plan if the built-upon ground cover proposed in the plan would increase the peak level of the storm water runoff from the site for both the two (2) year and ten (10) year six (6) hour storms, unless the storm water management plan identifies measures to control and limit runoff to peak levels no greater than would occur from the site if left in its existing condition. Furthermore, if documented downstream flooding concerns exist, the storm water management plan shall not be approved if the built-upon ground cover



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proposed in the plan would increase the peak level of the storm water runoff from the site for both the two (2) year and ten (10) year six (6) hour storms, or less common storms at the discretion of the Town or County, unless the storm water management plan identifies measures to control and limit runoff to peak levels for such storms no greater than would occur from the site if left in its natural, undeveloped, good condition; or, if currently undeveloped, its existing condition.

9.8.5: Requirement Waiver

The Town or County may waive any requirements under this section when storm water from the site would drain via an approved, permanent easement recorded at the Mecklenburg County Register of Deeds, or directly to a FEMA flood plain when within the same parcel of land. A written request for waiver shall be submitted to the Town which must be supported by a downstream flood analysis using the criteria specified in Chapter 3, Section 5 of the Charlotte-Mecklenburg BMP Design Manual (latest revision). In order to grant a waiver, the Town and County shall determine that the supplied flood analysis provides sufficient documentation that a waiver of storm water detention will not create increased flooding potential at, above, or below the subject location.

9.8.6: Conflict of Laws

This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law, including the Post Construction Ordinance. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

SECTION 9.9: MAINTENANCE AND PENALTIES

9.9.1: Applicability

This Section shall not apply to fully vegetated natural areas, except where the property owner has damaged or destroyed vegetation in a required landscaped area, or caused vegetation to be damaged or destroyed. In no instance will the Town of Cornelius be responsible for the maintenance of any vegetation.

9.9.2: Time for Installation of Required Landscaping and Storm Water Control Measures and/or Drainage Improvements

- A. **Time limit.** All landscaping, mulching, seeding, storm water control measures, and drainage improvements shall be completed in accordance with the approved site plan prior to issuance of a Certificate of Occupancy for the site.
- B. **Extensions and exceptions.** The Town of Cornelius may grant exceptions and extensions to the above time limit under the following conditions:
 - 1. Extensions may be granted due to unusual environmental conditions, provided that the developer or property owner provides the Town with a financial guarantee ensuring the installation of the remaining landscaping and storm water control measures or drainage improvements. In such cases, the Town may authorize Mecklenburg County to issue a temporary Certificate of Occupancy for a period of 30 to 180 days.



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2. Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant sizes as specified on the site plan, provided that the developer or property owner provides the Town with a financial guarantee to ensure that the unavailable plants will be installed on the property. In such cases, the Town of Cornelius may authorize Mecklenburg County to issue a temporary Certificate of Occupancy with a term of up to 180 days relative to the next planting season. Only 20% of the plant materials to be installed on the property may be delayed and bonded under this exception. All such substitutions shall be marked on the landscaping plans submitted to the Department and must be signed, dated, and approved prior to installation.
 3. Exceptions may be granted due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in an area proposed for landscaping, storm water measures or drainage features within 30 days after expected site completion. Exceptions may be granted provided that the developer or property owner submits a letter from the utility company to the Town stating the estimated installation date, and provides a financial guarantee to ensure installation of the required improvements. In such cases, the Town of Cornelius may authorize Mecklenburg County to issue a temporary Certificate of Occupancy for a period not to exceed 30 days.
- C. **Financial Guarantees.** Any financial guarantee posted as surety for the completion of required improvements shall be accompanied by documentation of the estimated cost of the remaining landscaping, storm water control measures, or drainage improvements to be completed. This documentation may be a contractor's bid or contract, a contractor's bill, or a similar document. The amount of the guarantee shall be one and one-quarter (1.25) times the cost of the improvements yet to be installed, based on the highest estimate received. The Town Manager is authorized to release part of any security posted as the improvements are completed and approved by the Town of Cornelius and Mecklenburg County. Such funds shall be released within ten (10) days after the corresponding improvements have been approved.

9.9.3: INSPECTIONS

A permanent Certificate of Occupancy for any development shall not be issued unless the landscaping, storm water control measures and/or drainage improvements as required under this Chapter are installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The Town of Cornelius and Mecklenburg County shall inspect the site one-year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscaping is properly maintained and that all other storm water control measures and drainage improvements on and off site are functioning properly. A notice will be sent certified mail return receipt or as deemed by the Planning Director in the event a site inspection determines non-compliance with this section. The Notice will instruct the property owner on the measures necessary to rectify the violation.

The Town reserves the right for re-inspection to assure the survivability of vegetation, and functionality of drainage on and off site.



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9.9.4: MAINTENANCE

- A. ***Maintenance responsibility.*** The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all improvements required by this Chapter. All plant materials should be allowed to reach their mature size and maintained appropriately. In the event that any improvement required by this Chapter is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one (1) year to replace, replant or reconstruct said improvement. All required landscaping and drainage areas shall be free of refuse and debris in accordance with the site or subdivision plan approved by Town of Cornelius, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
- B. ***Replacement of disturbed and damaged vegetation.*** The disturbance of any landscaped area or vegetation required by this Chapter shall constitute a violation of the site or subdivision plan. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this Section as well as the approved site plan.

Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation shall meet the standards set forth in this Chapter taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that die within one year of construction completion, because of contractor negligence, shall be removed and replaced with new vegetation of equal or greater in size.

1. Existing vegetation required to be preserved that has been damaged or destroyed during the course of development activity shall be subject to civil penalty and replaced in accordance with the requirements of this Section.
2. A *Revegetation Plan* shall be submitted that accounts for the development condition of the site, remaining significant vegetation remaining within landscaped areas, and the desired habit of replacement plant materials. The Town of Cornelius may require equal amounts of new vegetation to be installed equal to the size of the vegetation removed.
3. Pruning is the cutting off or removal of dead or living parts of a tree or bush for the intentions of improving shape or growth. Pruning shall be done in accordance to the National Arborist Standards not to exceed 30% of the crown and in a manner that preserves the character of the crown. Topping is any pruning practice that results in more than one-half (½) of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree. The topping of trees is prohibited, except for extreme circumstances due to weather damage, disease, or dead wood.

9.9.5: PENALTIES

Any act constituting a violation of this chapter resulting in the destruction or removal of vegetation shall subject the landowner to a civil penalty in accordance with Section 14.6 G.

It shall be the duty of the permit holder to demonstrate that the development activities are compliance with the permit issued.



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Unless otherwise specified in this chapter, the Town of Cornelius shall enforce the provision of this chapter in accordance with procedures, penalties, and remedies described in Chapter 14 of the *Land Development Code*.

Stop work orders shall also apply for damaging and/or destroying vegetation, interior specimen significant growth, landscape, or tree save areas.

The Town of Cornelius Planning Board shall act as the Tree Advisory Board and hear all matters dealing with Chapter 9. They shall have the authority to hear and decide matters concerning appeals, interpretations, and variances.

9.9.6: REPLACEMENT OF VEGETATION

A. Replacement consists of one or a combination of any of the following measures:

1. Replant according to the requirements of this section. A replanting plan denoting the proposed installation shall be submitted to the Town of Cornelius for approval. The Planning Director may elect to present the replanting plan to the Planning Board for final approval.
2. Replace damaged or destroyed significant vegetation in both perimeter and or interior landscaped areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least eight inches (8") which is damaged or removed shall be replaced with one or more trees which have a caliper of at least two and one half inches (2 1/2") and a cumulative caliper equal to or greater than the original tree. Trees damaged or destroyed less than eight inches (8") in diameter shall be replaced to satisfy the performance criteria of this Section. Understory plantings may also be required to restore the buffer performance criteria for the disturbed area. A revegetation plan denoting the proposed installation shall be submitted to the Town of Cornelius for approval. The Planning Director may elect to present the revegetation plan to the Planning Board for final approval. This requirement may be modified by the Planning Director based upon site conditions.
3. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be of the type and amount that is necessary to provide the type of landscaping required under this Section or interior preservation area identified on the landscape plan.

B. Location of Replacement Trees and Vegetation. Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the Planning Director.

9.9.7: TREE TOPPING

Tree topping is not allowed anywhere within the Town of Cornelius Sphere of Influence.

9.9.8: FINANCIAL GUARANTEES

When storm water control measures and drainage improvements are approved for mitigation of a buffer disturbance, the approval will be subject to the owner filing a financial guarantee with Mecklenburg County Land Use and Environmental Services Agency, in a form which is satisfactory to the



CHAPTER 9: ENVIRONMENTAL PROTECTION

County Attorney guaranteeing the installation and maintenance of the required improvements until the issuance of certificates of occupancy for ninety percent (90%) of all construction which might reasonably be anticipated to be built within the area that drains into the storm water control measure, allowing credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be given by the owner to the Mecklenburg County Land Use and Environmental Services Agency. The owner must verify the adequacy of the maintenance plan for the storm water control measure including the necessary financing to support the proposed maintenance practices. The County will inspect the storm water control measure and verify the effectiveness of the maintenance plan and if found satisfactory, will within 30 days of the date of the notice notify the owner in writing.

9.9.9: MAINTENANCE RESPONSIBILITIES FOR STORM WATER CONTROL MEASURES AND DRAINAGE IMPROVEMENTS – CIVIL PENALTIES

Maintenance of all storm water control measures and drainage improvements will be the responsibility of the property owner or his designee. Any person who fails to maintain the required improvements in accordance with the approved maintenance plan will be subject to a civil penalty of not more than five hundred dollars (\$500). Each day that violation continues shall constitute a separate violation. No penalties shall be assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that a failure to correct the violation within the time period will result in assessment of a civil penalty or other enforcement action.

9.9.10: SPECIAL VARIANCE PROVISIONS/MITIGATION TECHNIQUES.

Site specific mitigation plans using the mitigation techniques established below and approved by the Town or its designated agency shall be construed to be evidence responsive to any variance request consistent with adopted plans and for the protection of public safety and welfare. Specifications for these mitigation techniques are provided in the *Mecklenburg County Land Development Standards Manual*. The techniques below are not permitted to offset the requirement for diffuse flow. Any site specific plan utilizing any techniques below is subject to approval by the Town of Cornelius, the Mecklenburg County Land Use and Environmental Services Agency, and/or any other agent or agency as designated appropriate by the Town.

- A. *Installation of Storm Water Control Measures, including BMP's.* The installation of any on-site storm water control measure designed to achieve pollutant removal targets as specified in the *Mecklenburg County Land Development Standards Manual* will allow for all proposed stream buffer impacts on the specific site. Said measure must remain outside of the Stream Buffer. A detailed design plan must be submitted for approval based on specifications contained in the *Mecklenburg County Land Development Standards Manual*.
- B. *Stream Restoration.* The owner or developer may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Mecklenburg Land Use and Environmental Services Agency on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Buffer re-vegetation, in accordance with the *Mecklenburg County Land Development Standards Manual*.



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- C. *Stream Preservation.* The owner or developer may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the Town of Cornelius, Mecklenburg County, or conservation trust.
- D. *Wetlands Restoration.* On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements and the implementation of storm water control measures to achieve specific pollutant removal targets within the impacted area.
- E. *Bottom Land Hardwood Preservation.* On a 2:1 acreage basis for impacted stream and buffer area 2 acres of bottomland hardwood for each acre of disturbed area), the owner or developer may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of storm water control measures to achieve specific pollutant removal targets within the impacted area.
- F. *Controlled Impervious Cover for Buffer Disturbance.* The owner or developer may commit to, and provide, a specific site development plan for the parcel with requested buffer disturbance. The plan shall limit overall site impervious cover to less than or equal to 24%. Preservation of a 30' stream buffer is still required.
- G. *Open Space Development.* A site-specific development plan shall be submitted that preserves 50% of the total land area as undisturbed open space.
- H. *Mitigation Credits:* The purchase of mitigation credits through the Stream Restoration Program on a 1:1 basis, utilizing linear feet of stream impacted and the prevailing rate of purchase as established by the *Mecklenburg County Land Development Standards Manual*. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate local government agency.
- I. *Alternative mitigation.* The list of mitigation techniques shall not prevent the creative development of alternative mitigation plans that achieve the purposes of this section.



CHAPTER 10: SIGNS

SECTION 10.1: INTENT AND PURPOSE

In an effort to present a consistent image and visual harmony throughout the Town of Cornelius zoning districts, the purpose of Chapter 10 is to inform and guide you towards selecting an appropriate, acceptable type of sign for your business or event needs. Guidelines within this Chapter are intended to ensure consistency in style, scale, visibility, readability and clarity, as well as location and quantity, while allowing for a varied, exciting and interesting visual landscape for Cornelius. The Town has adopted these sign regulations in order to:

- Protect the public welfare and town property values by preserving the aesthetic and environmental qualities of the Town.
- Promote safety by eliminating traffic hazards or hazards due to collapse, decay, or abandonment of signs.
- Maintain the economic viability of businesses in our community through the availability of appropriate signage.
- Promote the efficient transfer of public and commercial information through sign management.

Permanent and temporary signs requiring a permit must have a sign permit approved by the Town of Cornelius Planning Department. All businesses or organizations interested in installing signs are responsible for acquiring such permits. You are required to select signage options from the permitted options indicated herein, and submit design drawings prepared by a sign manufacturer or signage designer for approval by the Town. All designs shall be submitted for approval to the Town of Cornelius Planning Department. All sign types, not just those specifically covered herein, must comply with this Ordinance and be approved by the Town. Signs made non-conforming on adoption of this Chapter shall be subject to the provisions of Section 15-6. For easy reference, a chart has been included on page 10-23 to identify what type of signage is allowed within each zoning district.

SECTION 10.2: SIGN CLASSIFICATION

10.2.1: Allowed Signs

Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, modify, move or replace any sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Administrator or designee as required by this Chapter unless denoted as not requiring a permit. A fee, in accordance with a fee schedule adopted by the Town Board of Commissioners, shall be charged for each sign permit issued. Permitted sign types appear on the following pages 10-5 through 10-19. IF a sign does not require a permit, the sign shall adhere to all regulations prescribed within the Chapter of the Code pertaining to that sign type.

All sign types shown in this Chapter that require a permit will have a symbol resembling  next to the description name at the top of the column of criteria for each sign.

If a sign does not require a permit, the sign shall adhere to all regulations prescribed with this Chapter of the Code pertaining to that sign type.

10.2.2: Allowed Signs Subject to Variance Approvals

A variance to sign criteria may need to be considered for specific reasons of a proven hardship or unique circumstance. The Town of Cornelius is willing to consider such variances, and may adjust the sign requirements if deemed necessary due to hardship and subject to the variance process outlined in this section. The Zoning Administrator or designee will consider minor variances administratively. A minor variance is one that will not have a significant impact on the aesthetics of the community.



CHAPTER 10: SIGNS

If a request is deemed to be a major variance by the Zoning Administrator, the request(s) will be decided by the Board of Adjustment after a variance hearing subject to the requirements of Chapter 16. At the variance hearing, careful review and consideration will be given to each request. In order to request a variance, a variance application must be completed. A Variance fee, in accordance with a fee schedule adopted by the Town Board of Commissioners, shall also be charged for each variance request submitted.

10.2.3: Prohibited Signs

Sign types shown herein labeled as Prohibited shall not be installed at any time in the Town of Cornelius zoning jurisdiction. Prohibited sign types appear on pages 10-20 through 10-22 of this Chapter.

SECTION 10.3: GENERAL STANDARDS

These general standards apply to all of the types of allowed signs, where applicable.

WHAT IS A SIGN?

A sign is any object, display or structure, or part thereof, 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, school, or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

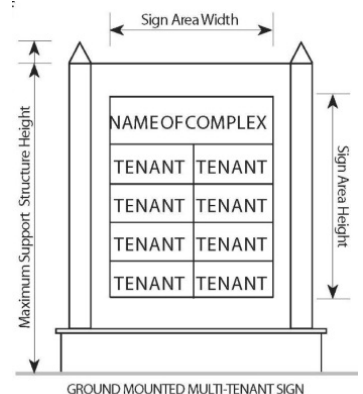
QUANTITY

- A. Unless otherwise specified in the Code, or as per special circumstances listed below as B, C and D, establishments with only one entrance or wall front shall have no more than one primary identification wall sign.
- B. Corner lots may be permitted to have one (1) wall sign per street frontage.
- C. Signs may be permitted on non-street fronting walls only if a primary entrance fronts a parking lot.
- D. Structures that are deemed subordinate to the principle uses are permitted one wall sign unless otherwise permitted within this ordinance. (HC, IC, BC, CO districts only.)

SIGN AREA

The sign area is the area of smallest geometric figure, which encompasses the facing of the sign including the copy, insignia, logo, symbol, photograph, background, and borders.

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of area. If a sign is attached to a ground mounted sign serving as an entrance wall, only that portion of that wall onto which the sign face or letters are placed shall be calculated in the sign area. Entrance wall area outside of the sign height and width shall not be considered a part of the sign. The entrance wall or fence outside of sign area width shall not exceed three feet (3') in height.



CHAPTER 10: SIGNS

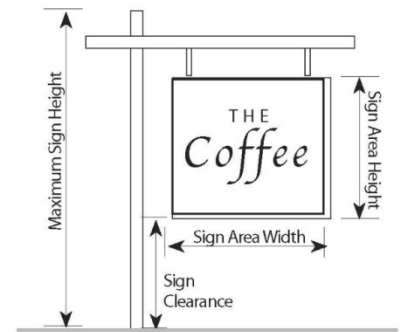
DESIGN

- A. Materials, colors and shapes of proposed signs should be architecturally compatible with the buildings and the surrounding area of its location.
- B. The sign shall not be the dominant feature of its location and shall be scaled in accordance with the size of the conforming signs on adjacent and nearby properties.

SIGN HEIGHT

The height of a sign shall be the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the highest point of a sign or supporting structure.

Ornamentation such as caps, spires, and finials shall not extend more than one foot (1') from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.



Maximum height for all ground mounted signs is six feet (6').

SETBACK

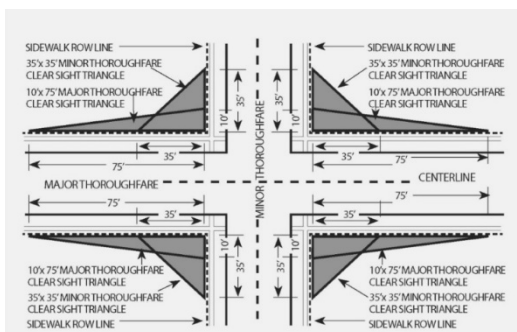
All signs shall be set back a minimum of five feet (5') from the right-of-way (ROW) of a public or private street. At intersections, no sign shall be in the sight triangle as defined by this Code. See definition and example of required sight triangles below.

No freestanding sign shall be located within 200' of any other freestanding sign unless the Planning Director determines that practical difficulties exist for locating the sign.

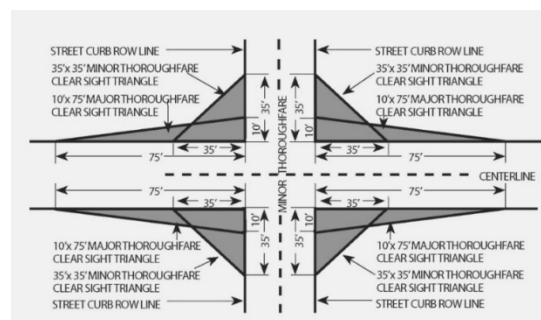
SIGHT TRIANGLES

A sight triangle is the triangular area formed at street intersections by a diagonal line connecting two points located on intersecting right-of-way lines (or a ROW line and the curb or a driveway), each point being seventy-five feet (75') from the intersection along a major thoroughfare and thirty-five feet (35') along the minor thoroughfare from the intersection, and the two intersecting ROW lines (or a ROW 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.

Sidewalks as the right of way:



Street curb as the right of way:



CHAPTER 10: SIGNS

LETTERING

Channel Illuminated Lettering, logos, or Push-thru Acrylic signs should be proportional to the building.

Logos shall be calculated as part of the total area of the sign.

A Channel Illuminated Sign is 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. Please see examples on Page 10-7.

A Push-thru acrylic sign is typically an internally illuminated sign with letters and/or logos cut out of translucent acrylic that is as thick or thicker than the opaque sign face material and mounted on the inside of the sign face so that the acrylic material’s thickness extends flush with or pushing through and beyond the front plane of the sign face. Acrylic letters are raised from the surface of a sign face so that light passes through the edges. Acrylic that extends beyond the front plane of sign face may also have a light diffusing opaque color applied to the front face of all letters/logos to create a back light effect if desired. Please see examples on Page 10-7 and Page 10-13.

MAINTENANCE

All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance. Any sign which is determined by the Zoning Administrator to be insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. For reference on non-conformities, see Chapter 15 of this Code.

ILLUMINATION

Illuminated signs shall conform to the following:

- A. If Illumination is external, it shall be located and directed solely at the sign.
- B. The light source shall not be visible from or cast into the right-of-way or cause glare hazards to pedestrians, motorists, or adjacent properties.
- C. Light source shall not be mounted to any part of sign.
- D. Only one exterior light shall be permitted per sign face for signs sixteen (16) square feet or less and two (2) exterior lights for sign faces that exceed sixteen (16) square feet in size.
- E. Channel letters and Channel logos may only be internally illuminated. No open face channel letters are allowed, where the method of illumination includes but is not limited to: Neon tubing, LED lighting, light bulb arrangement or similar is exposed. See figure A at right for example.

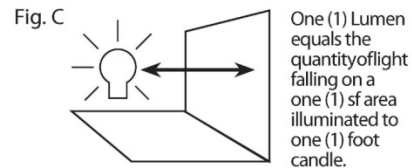
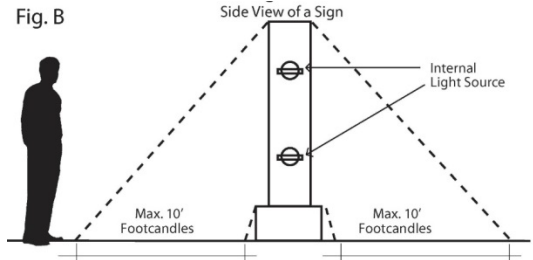
The only allowable types of internally illuminated signs are channel letters with translucent faces, reverse lit channel letters, or push-thru acrylic sign panels. For reverse lit channel letters, the only type of light allowed is white. See examples of back-lit reverse channel



CHAPTER 10: SIGNS

letters on page 10-7. All exposed raceways must be painted to match finish of wall face sign is being attached to. If wall surface is brick, black raceway is suitable. See definitions of acceptable types of channel letters under Lettering on Page 10-4.

- F. A maximum of ten (10) foot candles is permitted on any portion of sign. A foot candle is defined as a unit of illuminance or light falling onto a surface. It stands for the light level on a surface one foot from a standard candle. One foot candle is equal to one lumen per square foot. A Lumen is the basic measure of the quantity of light emitted by a source. See figures B & C at right.
- G. An isolux lighting plan shall be required for any externally lighted sign. Lux (lx) is defined as a unit of illuminance or light falling onto a surface. One lux is equal to one lumen per square meter. Ten lux approximately equals one foot candle.
- H. A commercial sign within one hundred (100) linear feet of a pre-existing residential structure shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Code.



SECTION 10.4: ALLOWED SIGN TYPES – BUILDING MOUNTED

10.4.1: GENERAL PROVISIONS

Sign types include wall mounted signs or wall-mounted lettering.

- Signs may only be placed on the establishment's occupied portion of wall area. For sites approved on or after February 19, 2018 with a Type B building frontage street buffer, as allowed in Chapter 9, a sign may be placed on a non-street fronting wall without a primary entrance (in place of the on street fronting wall or parking lot wall requirement with a primary entrance). This allowance is not to increase the total number or size of signs allowed.
- Total area of all signs on a street front shall not exceed 10% of the establishment's wall area, with a maximum sign area of 100 square feet.
- Additional signage may be allowed on principal building walls and service station canopies fronting a public street, parking lot, or main access point, not to exceed 10% of the establishment's occupied portion of wall area, with a maximum sign area of 64 square feet allowed.
- In no instance shall signage on an establishment's occupied portion of wall area exceed a total of 100 square feet.
- Temporary signs covering existing wall mounted signs are permitted for change of business/ownership for a period not to exceed sixty (60) days. A banner permit is required.



CHAPTER 10: SIGNS

10.4.2: LETTERING REQUIREMENTS

Wall Sign Letter & Logo Heights

Logos, channel letters, dimensional letters, and push-thru letters as part of a sign plaque shall:

- Not exceed thirty-six inches (36") in height for businesses less than thirty-five thousand (35,000) square feet.
- Not exceed forty-eight inches (48") in height for businesses of thirty-five thousand (35,000) square feet or more.

Permission for any increases in size allowances is subject to a variance procedure described in Section 10.2.2 of this Code.



CHAPTER 10: SIGNS

SECTION 10.5: BUILDING MOUNTED SIGN DESCRIPTIONS



WALL SIGNS

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

CRITERIA

In calculating the maximum permitted aggregate area of wall signs for all buildings except shopfronts, the square footage of windows and doorways shall be excluded.

In calculating the maximum permitted aggregate area of wall signs for shopfront buildings, the square footage of windows and doorways shall be included. A shopfront is defined as the front facade of 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. The residential portion of mixed use buildings shall not be used to calculate the aggregate wall area.

A transition line should separate the signage from the facade below.

No wall sign shall project more than 18 inches (18") from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on/above the roof line, or mansard roof.

No wall sign shall be attached to any cupola, tower, chimney, or other architectural structure that is above the roof line.

Examples of allowed Identification Wall Signs:

Face-Lit Channel Letters



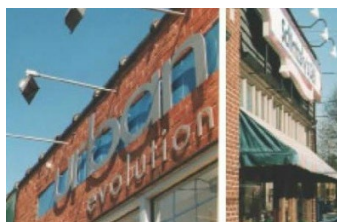
Back-Lit Reverse Channel Letters



Push-Through Acrylic



Building Mounted Spot Lighting

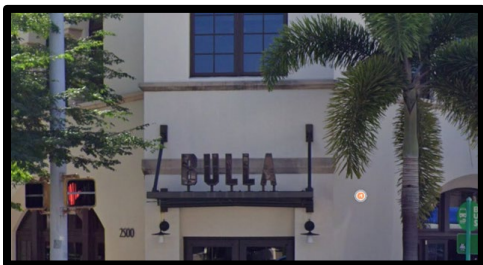


Structural Canopy/Architectural Façade Structure Sign Criteria



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- Only one business identification sign per business allowed on the same side of a building.
- A business may not have both a wall sign and a structural canopy/ architectural façade structure sign on the same side of a building.
- Maximum height = 24"
- Maximum area = 10% of the wall space tenant controls, not to exceed a total sign size of 100 sq. ft., for signs integrated into or on top of an architectural feature attached to the front façade of a building.
- In no case shall a Structural Canopy/Architectural Façade Structure Sign extend or project above the parapet/principal roof line.
- No sign shall be attached below a structural protective cover.
- Signs may only be comprised of individual letters (such as channel letters). No placards or box signs allowed.
 - Illumination shall be internal – face lit or back lit.
 - No open face channel letters



CHAPTER 10: SIGNS

P AWNING

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

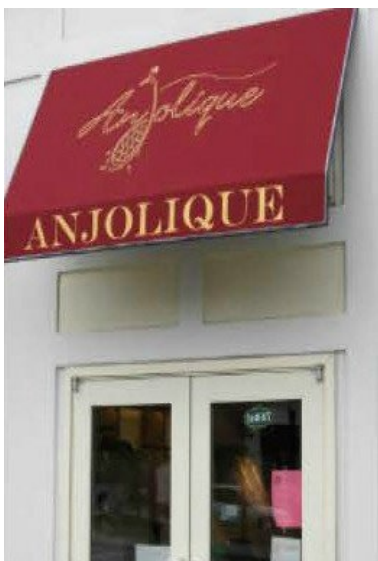
CRITERIA:

Businesses may elect to utilize custom screened awning signs. These graphics would be considered in addition to any other type of street frontage sign and subject to the Town's approval. Custom awnings/logos must be professionally designed. Any graphics or logo types applied to the awning face or valance count towards overall allowable signage area per wall face.

All awnings should be made of woven fabric, suggested weight to be 9.25 oz. per square yard. A flame-resistant fabric needs to be used when any part of an awning extends over any public or private right of way.

Pitch can and will vary, but is limited to a minimum 35 degrees and a maximum 55 degrees. The bottom valance length can and should vary in length from 0" to a maximum 9". Bottom edge of awning/valance must be 8'- 6" min. above the sidewalk or grade below. Structural tubing should be steel or aluminum frame only.

Example of allowed screened awning:



P PROJECTING BLADE SIGNS

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

CRITERIA

The projecting sign shall maintain a minimum clearance per building standards and should be consistent with architecture for the building.

One projecting blade/arm sign per primary business entrance.

The projecting sign shall not project more than four feet (4') from the wall and shall not exceed eight (8) square feet in area. Projecting signs should reflect the proportional and dimensional relationships of the structure. The projecting sign shall not be mounted above the floor of the second story, parapet wall or eave line of the building. Signs may be installed onto corners of buildings where applicable.

Projecting blade signs may be externally illuminated with low-intensity spot lighting that may be only mounted to or incorporated into the signs armature, or internally illuminated as push-through acrylic panels. Lighting must be positioned on sign face, and not be cast into right-of-way, nor cause glare hazards to pedestrians, motorists, or adjacent properties. No building mounted spot lighting of any kind allowed for blade/arm sign illumination. Maximum allowed number of foot candles for Projecting blade/arm signs is six (6).

Examples of allowed projecting blade/arm signs:



CHAPTER 10: SIGNS

WINDOW

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

CRITERIA

Permanent tenant identification information may appear in storefront windows and glass doors as signage. Window signs used for shop front and mixed use buildings are permitted provided that:

- A. Aggregate total of window signs shall not exceed twenty-five percent (25%) of the window. If multiple windows on the street front are available, each use of vinyl per window may not exceed twenty-five percent (25%) per window.
- B. Vinyl lettering for days and hours of operation can be up to three inch (3") high letters and numerals, and shall be figured into the aggregate total area allowed. Other logo types or letters can be larger than three inches (3").
- C. Neon is allowed on windows.

Signs that are installed or hung in an interior storefront (inside and visible through the window) shall also not exceed twenty-five percent (25%) of window area. Such signs may be placed at a distance no greater than five feet (5') from window.

Examples of allowed window vinyl applications:



P

MURALS

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

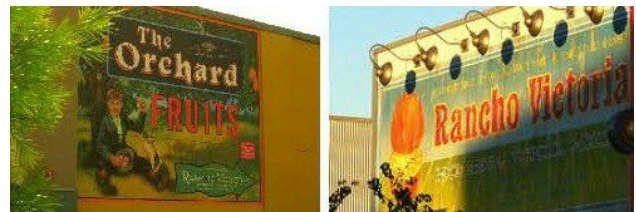
CRITERIA

Painted mural display applications may be allowed along an available exterior non street-fronting wall spaces only, pending approval by the Zoning Administrator after review and recommendation by the Architectural Review Board.

Murals must be painted to suitable portions of non streetfronting wall surfaces. Murals may not be painted around or over any windows, awnings or doors.

Murals may be externally lighted with building proportionate spotlighting, gooseneck or similar. Fixtures should be adequately spaced, four (4) to six (6) feet apart. No ground mounted uplighting is allowed.

Examples of allowed mural signs:



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BUILDING MOUNTED BANNER SIGNS

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

CRITERIA

Permanent Building Mounted Banners mounted only to a non-fronting wall in perpendicular, vertical orientation to wall surface are permitted, provided that the structure is at least twenty-six feet (26') in height and has received approval by the Zoning Administrator after review and recommendation by the Architectural Review Board. Such banners are not allowed on ground levels of building walls.

Vinyl sign substrate is allowed, provided that the sign is installed and secured tightly to building. No loose, non-secure attachments are allowed. Rigid, weatherproof panel construction is required. Building Mounted Banners should have sleeves to mount to a top AND bottom armature, consisting only of round or square steel tubing, spaced apart to ensure rigid installation. No loose, flapping or hanging banners are allowed for this use. Bottom banner mounting armature must be a minimum of twelve feet (12') from the ground.

No individual building mounted banner shall exceed sixteen (16) square feet or be wider than two feet (2') wide.

Maximum banner area is ten percent (10%) of the wall area, not to exceed one hundred (100) square feet. Maximum number of banners is determined by the total aggregate of sign area per street front. Area of one side of each banner counts towards total aggregate area of signage.

No such banner or metal armature shall be attached to any other existing signs.

Examples of allowed permanent building mounted banner signs:



BUILDING MOUNTED SPECIAL EVENT

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

CRITERIA

Temporary banners and flags for special events and used in conjunction with a commercial building, project, or enterprise are allowed according to the specifications below. An application for a banner permit must be completed for every banner and subject to the approved fee schedule.

- A. One banner per business is allowed for a maximum of three (3) days each month.
- B. No banner shall exceed thirty-two (32) square feet
- C. All banners shall be attached to the street frontage wall of a principal structure. If primary entrance wall fronts a parking lot, then banner may be attached to such wall. Banners may be firmly affixed to porch rails or columns when principal structure wall design prohibits banner placement on the wall.
- D. No such banner shall be attached to a roof structure. If possible, banners should not be hung in window spaces.
- E. Vinyl banners are permitted, provided that the sign is installed and secured tightly to building. No loose, non-secure attachments are allowed.
- F. Grand Opening banners are allowed for thirty (30) consecutive days. Grand Opening banners must comply with all other requirements of this section.

Examples of allowed building mounted special event signs:



CHAPTER 10: SIGNS

BUILDING MOUNTED

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

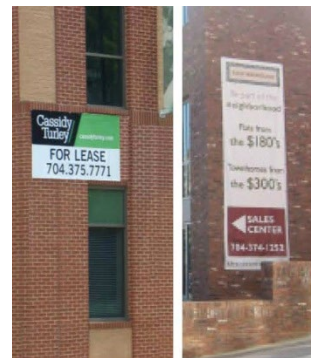
Permissible Districts: RP, GR, NR, HC, IC, NM, VC, TC, TN, TR-O, WMX, BC, CO

CRITERIA

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

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

Examples of permitted building mounted real estate signs:



CHAPTER 10: SIGNS

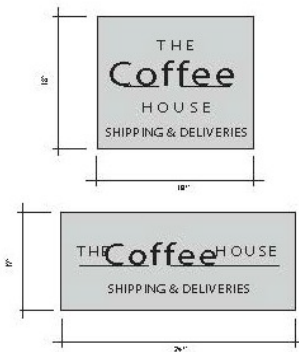
P DELIVERY/SERVICE

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

CRITERIA

Shipping and employee entrance identification signage is allowed at rear entrances to a business. Standard 1/4" aluminum plate (maximum area is three (3) square feet, maximum eighteen inches (18") in height or twenty-four inches (24") in width with approximately four inch (4") high letters. Signs must be mounted conspicuously near rear door or delivery doors for easy identification.

Examples of allowed delivery service signs:



P ON-PREMISES BULLETIN BOARDS

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

On-premises bulletin boards and signs that contain information of a non-commercial nature are allowed. Such bulletin boards and signs may have a maximum area of thirty-two (32) square feet.



ON-PREMISES OPEN/CLOSED SIGNS

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

On premises instructional signs (open/closed) not exceeding one (1) square foot are allowed.



INTERIOR SIGNAGE

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

Any sign inside a building, not attached to or placed within an external window, or piece of glass that is not legible more than three feet (3') beyond the building, in which it is located is allowed.



P HISTORIC MARKERS

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

Memorial Plaques or Historical Plaques/Markers indicating things or events such as historical landmarks, are allowed. Maximum size of such signs is four (4) square feet and shall not exceed two feet (2') in height. Sign Plaques should be fabricated as individual cast metal signs, bronze or similar. Letters and image content and framed edges on plaques may be dimensional, with recessed sign faces.



GOVERNMENT SIGNS

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

Except as otherwise required by law, any building mounted signs used on Local, State or Federal Government buildings or facilities, or any related parking and directional signage shall conform to the specific criteria listed for such signs in this Chapter.



CHAPTER 10: SIGNS

10.6 ALLOWED SIGN TYPES – SITE INSTALLED

GROUND MOUNTED SIGNS

- A. All ground mounted signs shall be located a minimum of five feet (5') behind the street right-of-way. At intersections, no sign shall be in the sight triangle as defined by this Code. See definition and example of required sight triangles on Page 10.3. Such hardship will be reviewed on a request basis by the Zoning Administrator and subject to the variance process.
- B. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen foot (15') side-yard setback shall be required if the side lot line abuts a residential district.
- C. Temporary signs covering existing ground mounted signs are permitted for change of business/ownership for a period not to exceed sixty (60) days. A permit is required.

P GROUND MOUNTED/SINGLE TENANT MONUMENT

Permissible Districts: RP, GR, NR, , HC, IC, NMX, VC, TC, TN, WMX, CO, BC (See chart at end of Chapter for additional conditions)

CRITERIA

- A. All ground mounted signs in commercial and mixed-use developments can be up to a maximum of thirty-two (32) square feet in size and a maximum height of six feet (6') from mean grade elevation.

All ground mounted signs in residential developments are allowed for school and civic use only, and can be up to a maximum area of sixty-four (64) square feet in size and a maximum height of six feet (6') from mean grade elevation. See criteria for Residential Monuments on Page 10.14 for other types of residential monument signs.

- B. A maximum of three (3) monument signs are permitted if there are multiple street frontages and/or multiple entrances into the site. One single-tenant sign per primary street frontage. Signs are to be placed a minimum of 800 feet apart. Additional monuments on secondary road entrances should be smaller in scale than the primary single-tenant sign, not to exceed thirty-two (32) square feet in total area.



P GROUND MOUNTED/MULTITENANT MONUMENT

Permissible Districts: HC, IC, NMX, VC, TC, TN, WMX, CO, BC *ALLOWED ONLY IN MULTI-TENANT CENTERS

CRITERIA

- A. Ground mounted/multi-tenant monuments shall be allowed for commercial and mixed-use developments (Shopping centers, office complexes, etc.), schools and civic uses. Individual tenant ground mounted signs are not permitted under this set of criteria.
- B. Maximum sign area allowed is sixty-four (64) square feet and the maximum height allowed is six feet (6') from mean grade elevation.
- C. A maximum of three (3) monument signs are permitted if there are multiple street frontages and/or multiple entrances into a development. One multi-tenant sign per primary street frontage. Signs are to be spaced a minimum of 800 feet apart. Additional monuments on secondary road entrances should be smaller in scale than the primary multi-tenant sign, not to exceed thirty-two (32) square feet in total area.



CHAPTER 10: SIGNS

P

RESIDENTIAL NEIGHBORHOOD

Permissible Districts: RP, GR, NR, NMX, VC, TC, TN, CO

CRITERIA

- A. Up to two (2) single sided signs per main street frontage entrance may be installed, or one (1) double sided sign is allowed. Multiple double-sided entry signs per street frontage entrance are not allowed. Minimum setback for a residential monument signs is five feet (5') from the right of way.
- B. Maximum sign area permitted is thirty-two (32) square feet and maximum permitted height is six feet (6'). Overall monument (armatures, monument bases, brick or stone structural elements, etc.) including maximum allowed sign area should not exceed sixty-four (64) square feet with a maximum overall allowed height of nine feet (9').
- C. In the case that a ground mounted sign is not allowed because of the setback restrictions, an arm sign may be used.

Examples of allowed residential neighborhood signs:



P

ARM SIGNS

Permissible Districts: NMX, VC, TC, TN, TR-O

CRITERIA

- A. Arm signs shall not exceed eight (8) square feet. Maximum height shall not exceed six feet (6').
- B. All arm signs shall be located a minimum of five feet (5') behind any right-of-way.
- C. A ten foot (10') side-yard setback shall be required if the side lot line abuts a residential district.



FLAGPOLES

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

CRITERIA

Flags bearing the official design of a government, educational institution, church, or fraternal organization shall be allowed. An establishment may have three (3) flags depicting these official designs.

Decorative/ornamental flags shall not exceed fifteen (15) square feet. A maximum of three (3) flags allowed per establishment. Each builder within a subdivision may be allowed three flags per sales office.

Flagpoles shall not exceed thirty feet (30') in height. Flags shall not exceed forty (40) square feet.



CHAPTER 10: SIGNS

P

SERVICE STATION LED SIGNS

Permissible Districts: HC, VC, BC, CO

CRITERIA

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

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



SANDWICH BOARDS

Permissible Districts: NMX, VC, TC, TN, TR-O, HC, WMX

*NOT ALLOWED ON NC 115, US 21, WEST CATAWBA AVE, CATAWBA AVE EXCEPT WITHIN PORTIONS OF STREET WITHIN TC DISTRICT

CRITERIA

- A. One sandwich board sign or A-frame sign per business.
- B. Sandwich board sign or A-frame sign shall not exceed eight (8) square feet per sign face.
- C. Signs shall not impede normal pedestrian traffic or handicap accessibility.
- D. Signs shall not be placed along street frontage or at intersections of NC 115, US 21, West Catawba Avenue, Catawba Avenue except within portions of the TC district. Businesses along these corridors may place A-frame signage internal to the site.
- E. Where allowed, A-frame sign should be located within ten feet (10') of the main entrance of the building and must be removed daily.



CHAPTER 10: SIGNS

P SCHOOL AND CIVIC SIGNAGE

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

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

CRITERIA

For school and civic uses only.

- A. Maximum sign area allowed is sixty-four (64) square feet in accordance with GROUND MOUNTED/MULTITENANT MONUMENT sign section of this ordinance.
- B. Changeable copy is allowed provided:
 1. The changeable face portion of signs shall not exceed 40% of the sign face. Signs may be double sided.
 2. The changeable copy continuously shows one message for a minimum of one (1) hour before switching to another message, except for time and temperature.
 3. Signs shall not dim, flash, fade or scroll and not incorporate moving, rotating, fluttering, blinking or flashing elements, animation, video or audio.
 4. The sign surround shall be clad in brick, stone or stucco matching the principle building.
 5. Electronic Signs shall only be affixed to ground mounted signs.
 6. All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.
 7. Changeable copy messaging space may not be sold to commercial enterprises.
 8. Signs operate only 6:00 AM - 11:00 PM.
 9. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.
- C. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen-foot (15') side-yard setback shall be required if the side lot line abuts a residential district.
- D. Temporary non-snipie signs may be used by schools and civic organizations to promote special events off-premise within the Town of Cornelius subject to the following conditions:
 1. Must be securely fastened into the ground as to not create a public safety hazard;
 2. Must have permission of the property owner where sign is being installed;
 3. May be placed no more than 7 days before the event and must come down no later than two (2) days after event.
 4. Maximum height allowed is six feet (6') and maximum total size of 32 square feet.
- E. Daily signage advertising day of events may be placed no earlier than 6 PM the day before and must be removed no later than 8 AM the day after.
- F. One on-premise temporary banner will be permitted at a time provided that it is completely and securely affixed to poles. Poles must be decorative in nature, must be set back at least fifteen (15) feet from the right-of-way, and must be removed when not in use. The Planning Director may issue a minor sign variance for placement of temporary banner when there is no alternative to meeting the fifteen foot (15') setback. No permit is required for this banner type. Maximum banner size allowed is 32 sq. ft. Temporary banner signs shall be placed no more than 7-days before the event and must come down no later than two (2) days after the event.



CHAPTER 10: SIGNS

TEMPORARY REAL ESTATE FOR SALE/LEASE/UNDER DEVELOPMENT/CONSTRUCTION SIGNS NOT INSTALLED ON A BUILDING

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

CRITERIA

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

- A. One sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") ("Constructed by", Company name/logo, contact address is acceptable content) not greater than six (6) square feet in area in a residential zoning district, and not greater than sixteen (16) square feet in area (not to exceed six feet (6') in height) in nonresidential zoning districts/commercial districts. For vacant sites with approved development plans over twenty (20) acres, additional signage may be approved at the discretion of the Zoning Administrator provided it does not negatively affect the overall aesthetics of the immediate area to which it is placed.

Signs may be located on the property being advertised so long as said sign is located a minimum of five feet (5') behind the on-site permanent ground mounted sign. If no on-site permanent ground mounted sign exists, sign shall be located within five feet (5') of the front facade of the building. For sites or locations where there are no alternatives for placement of sign within the prescribed setbacks, the Planning Director at their discretion may issue a minor sign variance per Section 10.2.2 of this Chapter. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street as long as the two signs are at least two hundred fifty feet (250') apart as measured by the shortest straight line.

Provided there is sufficient setback, sign may be constructed as either a: single-sided sign that faces parallel to the street front or double-sided sign that orients perpendicular to the street front. In the case of a corner lot, sign may be double sided and installed at a 45-degree angle perpendicular to the street corner. No three sided signs, v-shaped signs or four-sided vertical box signs are allowed.

- B. In addition to the on-site real estate sign(s), a maximum of two (2) directional signs, each not exceeding six (6) square feet in area, shall be allowed off the subject premises for special events such as open house. Such signs must be placed outside all existing rights-of-way. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", "Open House" etc. Signs may not be erected more than 24 hours before the event and must be removed within 24 hours after the event.
- C. All such temporary signs should be removed within seven (7) days after the property has been sold, rented, leased, etc.
- D. All allowed signs shall not be illuminated.
- E. Site Installed vinyl banners are prohibited for all such real estate signs.
- F. Rigid, weatherproof board construction is required for all real estate signs. For signs within commercial districts it is required that poles be covered with lumecore or similar material and capped.
- G. Temporary real estate signs for Marina Slips should be no larger than three (3) square feet and one sign per slip is permissible, either placed at the specific dock or end of the dock for visibility from the water. Vinyl banners are prohibited for Marina slips. Rigid, weatherproof board construction is required.
- H. All real estate signs for multi-tenant buildings, both those with individual unit ownership and those with multiple tenants, planned or approved after December 31, 2010 shall incorporate into their monument signage or have an approved plan for a single common temporary real estate sign not to exceed sixteen (16) square feet. Plan for a single common real estate sign shall be incorporated into the declaration of covenants, conditions and restrictions of any multi-tenant building. Real estate signs shall be located behind any permanent monument signs that are located on the property and may not be located within any street right-of-way or sight safety triangle.

Examples of allowed site installed temporary real estate signs:



Signs not permitted:



CHAPTER 10: SIGNS

P

HISTORIC/DEDICATORY MARKERS

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

CRITERIA

Memorial Plaques or Historical Plaques/Markers indicating things or events such as historical landmarks

Maximum size of such signs is four (4) square feet and shall not exceed two feet (2') in height. Sign Plaques should be fabricated as individual cast metal signs, bronze or similar. Letters and image content, and framed edges on plaques may be dimensional, with recessed sign faces.

Historical Plaques shall receive a recommendation by the Historic Preservation Committee and be approved by the Zoning Administrator.



P

DRIVE-THRU MENU BOARDS

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

Drive-thru menu boards provided that they shall not exceed thirty-two (32) square feet and not be visible from the public or private right-of-way. Menu boards should be consistent with architectural standards. See Chapter 6 of this Code for additional requirements.



DIRECTIONAL

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

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

No more than three (3) directional signs per principle use may be erected.

- Allowed in RP, GR and NR for schools and civic use only.



- All such signs shall be located off the right-of-way.

- All such signs shall not exceed three feet (3') in height as measured from the grade of the road upon which it fronts and shall be located outside the required sight triangle as defined by this Ordinance.



- All such signs shall not be illuminated.
- All directional signs shall be freestanding signs. Portable signs shall be prohibited.
- There shall be no more than two (2) directional signs on separate supports at the intersection of any two (2) roads.
- A maximum of two (2) signs may be placed on the same supports.
- The maximum area of any directional sign shall be four (4) square feet.

GOVERNMENT SIGNS

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

Except as otherwise required by law, any site installed signs used on the premises of any Local, State or Federal Government building facility, or any related parking and directional signage shall conform to the specific applicable sign criteria listed for such signs within this Chapter. Governmental wayfinding and directional signage in public rights-of-way shall be conforming with design standards prepared separately from this Chapter.

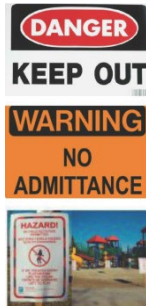


CHAPTER 10: SIGNS

WARNING/PUBLIC INTEREST SIGNS

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

“Warning”, “No Trespassing” and similar informational signs provided they do not exceed four (4) square feet in area.



STADIUM SIGNS/RECREATIONAL SIGNS

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

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 is thirty-two (32) square feet in total area.

Facility signage associated with naming shall be limited to thirty-two (32) square feet in total area.

All free standing signage shall not exceed six feet (6') in total height.

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

YARD SALE SIGNS

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

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.



CAMPAIGN/ELECTION SIGNS

Permissible Districts: ALL Districts

During the period beginning on the 30th day before the beginning date of “one-stop” early voting and ending by 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 10.5 (Window signs) of this Ordinance and not subject to the 30-day time period.



CHAPTER 10: SIGNS

SECTION 10.7: PROHIBITED SIGN TYPES

In order to maintain the character and the aesthetic quality of place within the Town of Cornelius zoning district the following sign types are prohibited:

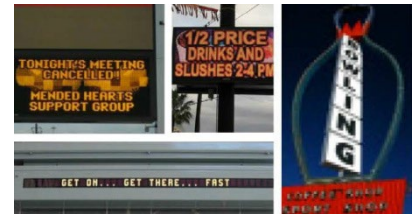
1. Signs in any location or right of way which obstruct a motorist's vision of traffic control signals, other vehicular traffic, or pedestrian traffic. Any sign determined by the Zoning Administrator to be obstructing the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal is prohibited.



4. Signs in any traffic right-of-way which contain lights, words, language and/or other devices not erected by a public authority which may be erroneously construed as government signs, traffic regulatory, or emergency warning signs.



7. Flashing signs, rotating signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information) affixed to any part of a permanent (or temporary) ground, pole or building frontage sign. Flashing or animated signs may also not be erected in building storefronts. If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three (3) seconds in time before switching to the other message.



2. Highly reflective signs or spotlights, which hamper the vision of motorists or bicyclists. Signs with intermittent lights resembling flashing lights customarily associated with danger, emergency vehicles or for navigation purposes, and/ or located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from an approaching position of a vehicle's distance from 100 to 1000 feet.



5. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.



8. Any permanent or temporary signs attached to poles or light poles that denote any purpose of general wayfinding or branding of a residential subdivision, or mixed-use community not approved by the Town.



3. Illuminated tubing or neon signs (except as allowed in Window signs), or signs containing a visible light source, permanent or temporary. (Exception: channel letters in accordance with this section where the neon is the source of internal illumination but not exposed.)



6. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.



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9. Vehicular signs on or off premise displayed on parked vehicles in public view in such a manner, location, or time period indicating it is and for the purpose of attracting attention to a business being advertised.



10. Abandoned or dilapidated signs.



11. Roof signs.



12. Off premise advertising signs (i.e. billboards) including those types that include people wearing costumes and/or holding temporary signs.



13. Permanent or temporary signs placed on a piece of property without permission from its owners or agent. Also prohibited are flyers made of any material attached to utility poles or walls.



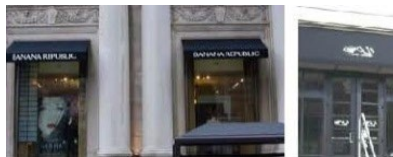
14. Inflatable signs and balloons used as permanent or temporary signage.



15. Any sign or form of lettering attached to, rather than printed on, an awning.



Acceptable examples:



16. Any printed and/or translucent canvas awnings with internal illumination. Acceptable forms of printed awnings shown above.



17. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.



18. Internally illuminated wall box signs with screened translucent faces, or non-illuminated box signs. All internally lit wall sign types must conform to the permitted sign types shown for wall signs.



19. Any sign affixed to, placed, or painted on any other sign, fence, tree, utility pole, or tower. (Exempt: official traffic, parking or informational signs placed by units of government.)



CHAPTER 10: SIGNS

20. Any sign attached to gas pumps or gas pump islands that can be read from off the property.



21. Home occupation signs either attached to the building or on the property that advertise business simultaneously conducted primarily by a resident of the same dwelling).



22. Any sign that contains letters, trademarks, moving parts or lights that is located on a decorative or architectural feature of a building or on a work of art associated with, or located on any building.



23. Permanent signs or temporary promotional advertisements that provide full coverage of storefronts and/or windows. Town Zoning Administrator may approve temporary circumstances as to conceal interior construction and/or renovation of space.



24. Temporary "Snipe" or "Bandit" signs are not permitted anywhere within the Town of Cornelius unless noted within this ordinance.



Snipe/Bandit signs are signs made of corrugated cardboard, metal, wood or similar material placed on wire support poles or similar support and placed within the Town right-of-way or on private property. This signage does not include campaign/election signs that must follow regulations on page 10-19 or real estate signs that must follow regulations on page 10-17.

25. Temporary or permanent "feather" banner signs of any type, size, color, or composition.



26. Temporary or permanent "flag" banner strands of any type, size, color, or composition.



CHAPTER 10: SIGNS

SIGN REGULATIONS

District Types: RP=Rural Preservation NR=Neighborhood Residential HC=Highway Commercial IC=Industrial Campus GR=General Residential NMX=Neighborhood Mixed Use TN=Traditional Neighborhood TC=Town Center TRD-O=Transitional Residential District Overlay					
SIGN TYPE	RESIDENTIAL RP, GR, NR	COMMERCIAL HC, IC	MIXED-USE NMX, VC, TC, TN	TRD-O	CONDITIONS (Page)
Building-Mounted					
Wall Sign	N	P	P	N	10-7
Awning	N	P	P	N	10-8
Banners - Permanent Banner Signs	P (4)	P	P	P	10-10
Banners - Temporary Special Event Banners	P (4)	P	P	P	10-10
Delivery/Service	N	P	P	N	10-12
Government Signs	✓	✓	✓	✓	10-12
Historic Markers	P	P	P	P	10-12
Interior Signs	N	✓	✓	N	10-12
Mural	N	P	P	P	10-9
On-Premises Bulletin Boards	P	P	P	P	10-12
On-Premises Open/Closed Signs	✓	✓	✓	✓	10-12
Projecting Blade	N	P	P	P	10-8
Temporary Real Estate/For Sale/Construction	✓	✓	✓	✓	10-11
Window	N	✓	✓	✓	10-9
Site-Installed					
Ground Monument - Single Tenant	P (4)	P	P (2) (6)	N	10-13
Ground Monument - Multi-Tenant	N	P (1)	P (1)	N	10-13
Arm	N	N	P (6)	P	10-14
Campaign/Election Signs	✓	✓	✓	✓	10-19
School/Civic Signage	P (4)	P (4)	P (4)	P (4)	10-16
Drive-thru Menu Boards	N	P	P	N	10-18
Flagpole	✓	✓	✓	✓	10-14
Government Signs	✓	✓	✓	✓	10-18
Historical/Dedicatory Markers	✓	✓	✓	✓	10-18
LED Service Station Signs	N	P	P	N	10-15
Residential Neighborhood Monument	P	N	P	N	10-14
Sandwich Boards - Temporary	✓	N	✓ (5)	✓ (3)	10-15
Directional	P (4)	P (4)	P (4)	P (4)	10-18
Stadium Signs/Recreational Signs	✓	✓	✓	✓	10-19
Temporary Real Estate/For Sale/ Construction	✓	✓	✓	✓	10-17
Yard Sale Signs	✓	✓	✓	✓	10-19
P = Allowed – Permit Required N = Prohibited ✓ = Allowed – Permit Not Required		(1) Allowed only in a multi-tenant center (2) Ground Mounted Allowed on All Yard Lots (3) Allowed in TC district only (4) Allowed only for School/Civic uses		(5) Not allowed on NC 115, US 21, West Catawba Avenue, Catawba Avenue except in TC district (6) Ground mounted or ARM sign	



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

CHAPTER 10: SIGNS

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CHAPTER 11: WATERSHED PROTECTION

SECTION 11.1: GENERAL PROVISIONS

11.1.1: Authority

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Board of Commissioners of Cornelius does hereby ordain and enact into law the following sections as the Watershed Protection Ordinance of the Town of Cornelius.

11.1.2: Jurisdiction and Coordination with Other Ordinances

The provisions of this Chapter shall apply only to those lands within the Town of Cornelius corporate boundaries and extraterritorial jurisdictional limits that have been designated as a Public Water Supply Watershed by the N.C. Division of Water Quality. These areas are identified by the overlay districts "Lake Norman (LN)" and "Mountain Island Lake (MIL)" as shown and established on the Town of Cornelius Watershed & Environmental Features Map.

The requirements stated in this Chapter shall supersede all other applicable codes enumerated in this Ordinance, unless otherwise provided.

11.1.3: Rules Governing the Interpretation of Watershed Area Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Protected Streams, Watersheds and Wetlands Map, the following rules shall apply:

- Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- Where area boundaries are indicated, as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Town or Cornelius as evidence that one or more properties along these boundaries do not lie within the watershed area.
- Where the watershed area boundaries lie at a scaled distance more than 25' from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.
- Where the watershed area boundaries lie at a scaled distance of 25' or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.
- Where other uncertainty exists, the Watershed Administrator shall interpret the Town of Cornelius Watershed & Environmental Features Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

11.1.4: Application of Regulations

- A. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.
- B. No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.



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- C. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.
- D. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. Land area which is below the 760-foot contour line of Lake Norman may not be used in this calculation.

11.1.5: General Remedies

- A. If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Town Board may, in addition to all other remedies available either in law or in equity, utilize such remedies specified in Section 14.6 of this Code. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.
- B. If the Watershed Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

SECTION 11.2: EXCEPTIONS TO APPLICABILITY

11.2.1: General Provisions

- Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Town of Cornelius; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town of Cornelius at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

11.2.2: Lots Less Than One-Acre in Size

In the Lake Norman Critical Area, new development or redevelopment on parcels platted or described by metes and bounds in a recorded deed prior to the adoption date of the Lake Norman Watershed Protection Ordinance may be developed for non-residential or multi-family, high density residential uses without having to comply with the typical built upon limitations, provided the parcel is less than one acre in size and does not require an erosion/sedimentation control plan under State law or approved local program. However, such development shall comply with the following:



CHAPTER 11: WATERSHED PROTECTION

1. Subject to an approved plan, lots less than one acre in size shall not exceed 80% of a combined total of existing and new built-upon area and should comply with the Town of Cornelius Low Impact Development Policy.
2. This exemption shall not impact any requirement for storm water detention, buffers, setbacks, or any other portion of this ordinance.
3. All development subject to this provision shall submit a conceptual plan to the Mecklenburg County Land Use and Environmental Services Agency (LUESA) for review and approval prior to formal engineering plan submittal.

11.2.3: Existing Development

Existing development as defined in this ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures or modifications to plans classified as existing development must meet the requirements of this ordinance; however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

- A. Exemption Dates. Lots recorded at the Register of Deeds prior to the dates listed in the chart below are exempt from built upon requirements unless the recorded plat specifies differently.

<u>Zoning Jurisdiction</u>	<u>Lake Norman Critical Area</u>	<u>Mtn Island Protected Area</u>
Town of Cornelius	September 20, 1993	September 20, 1993
Mecklenburg County	June 20, 1994	March 8, 1993

- B. Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:
1. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
 2. Such use of land shall be changed only to an allowed use.
 3. When such use ceases for a period of at least one year, it shall not be re-established.
- C. Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:
1. Repair or reconstruction is initiated within 12 months and completed within two (2) years of such damage.
 2. The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.
- D. Exemption when existing uses are present and ongoing. This rule shall not apply to portions of the riparian buffer where a use is existing and ongoing according to the following:
1. A use shall be considered existing if it was present within the riparian buffer as of the time of adoption of this ordinance. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and onsite sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from this rule. Change of ownership through



CHAPTER 11: WATERSHED PROTECTION

legal purchase or inheritance is not considered change of use. Activities necessary to maintain uses are allowed provided that no additional disturbance occurs in the buffer.

2. A use shall be considered as existing if projects or proposed development at a minimum have established a vested right under North Carolina zoning law as of the effective date of this rule, based on at least one of the following criteria:
 - a. Substantial expenditures of resources (time, labor, and money) based on good faith reliance upon having received a valid local government approval to proceed with the project.
 - b. Having an outstanding valid building permit in compliance with G.S. 160D-108.
 - c. Having an approved site specific or phased development plan in compliance with G.S. 160D-108.
 - d. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date of this rule.

SECTION 11.3: BUILT-UPON AREA AVERAGING

Built-upon area averaging (also known as density averaging) allows parcels located within the Town of Cornelius corporate boundaries and extraterritorial jurisdictional limits that have been designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission to obtain additional development rights through an increase in a site's built-upon-area ("BUA") by averaging the total BUA of the developing lot (i.e. "receiving lot") with the total BUA of an undeveloped/less developed lot within the same watershed and jurisdiction ("donating lot"). This is accomplished by transferring undeveloped area on a donating lot to a receiving lot via a BUA Averaging Certificate, which includes a non-revocable easement, metes and bounds description, and recorded plat(s) of the affected lots including the area(s) to remain undisturbed. The BUA Averaging Certificate requires approval by the Watershed Review Board, a sub-set of the Planning Board; for the purposes of this ordinance, the Planning Board may act as the Watershed Review Board.

11.3.1 Purpose & Eligibility

- A. **Purpose:** The purpose of this provision is to preserve open space in the more sensitive areas of the watershed, and to ensure orderly and planned development throughout the watershed.
- B. **Uses:** All parcels are eligible to be a receiving lot or a donating lot.
- C. **Requirements:** The following requirements must be met by all parcels:
 1. **Ownership:** Only the owner(s) of the participating parcels may submit a Built-Upon Area Averaging Certificate application. Areas subject to easements, covenants, and/or development restrictions not legally controlled by the owner may not be included as donated parcel area; this includes right-of-way area.
 2. **Pre-Existing Variance:** No parcel for which a watershed variance has been granted, or would be required, may be included as a donating or receiving parcel.
 3. **Location:** Participating parcels shall be located in the same water supply watershed. BUA transfers may not occur between critical areas and protected areas. All parcels must be located within the Town of Cornelius' planning jurisdiction.



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4. **Overall Area:** The cumulative BUA of all participating parcels shall not exceed the BUA that would be allowed if the parcels were developed separately under applicable Ordinance standards.
5. **Preservation:** The donated area shall remain in an undisturbed vegetated or natural state. Previously developed or graded lots may be used as donating parcels so long as the donated area of the lot is revegetated in accordance with Section 9.9.6, Replacement of Vegetation, of this Code. The donated area shall be irrevocable unless amended per the requirements of this ordinance prior to the undertaking of any development activity on the participating parcels.
6. **Stormwater Design:** All participating parcels must meet the applicable buffer and engineered stormwater controls as outlined in the ordinance. For clarity any participating parcels buffers shall at least meet the applicable, minimum ordinance requirements for parcels located in water supply watersheds. For further clarity, development meeting applicable high density requirements shall have on-site stormwater facilities and development meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable; all in accordance with applicable ordinance requirements.
7. **Design:** Built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

11.3.2: Process

A Built-Upon Area (BUA) Averaging Certificate shall be obtained from the Watershed Review Board to ensure that all participating parcels considered together meet the standards of the ordinance, including any standards and requirements on previously recorded subdivision plats, and that potential owners have a record of how the watershed regulations were applied to each parcel.

- A. **Applicability:** All participating parcels may be processed under a single BUA Averaging Certificate application, and will be considered as one development for the purpose of counting total built-upon-area. If approved by the Watershed Review Board, one BUA Averaging Certificate will be issued per application. Unless otherwise specified, the application shall follow the rules and procedures specified by the Planning Board and Appeals & Variances sections of this ordinance.
- B. **Process:** The following steps outline the typical process for obtaining a BUA Averaging Certificate.
Note: Application preparation is considered an iterative process; an application must be deemed complete by the Planning Director or designee, and all revisions addressed in order for the request to be added to the next regularly scheduled Planning Board meeting agenda for their consideration as the Watershed Review Board. Incomplete, improperly formatted, or documentation errors may require revision prior to acceptance by the Planning Director or designee.
 1. **Lot Identification:** The applicant shall identify participating lots, prepare draft plats, and complete a BUA Averaging Certificate Application.



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2. Pre-Application Meeting: The applicant must set up an appointment with the Planning Director or designee. At the initial meeting the Planning Director or designee will explain the BUA averaging process and review with the applicant the appropriate ordinances, documents, and plans relevant to the project. Additional meetings may be required prior to application submission, as deemed necessary by the Planning Director or designee.
3. Submit Application & Fee: The applicant must submit the following documents (see the Documentation section for further information):
 - Town of Cornelius BUA Averaging Certificate Application and Application Fee
 - Surveys of Existing Conditions
 - Existing Plats and Deeds
 - Metes & Bounds Description(s) (a metes and bounds description of the undisturbed natural area, intended for recordation.)
 - Final Plats (Drafts)
 - Existing development materials (as applicable)
 - Preliminary Sketch Plan (if required)
4. Application Review: Staff will review the application and determine whether the materials constitute a complete submittal. Application revisions, and additional meetings, may be required by the Planning Director or designee prior to the application being deemed complete. Once the application is determined to satisfy the requirements, the request will be added to the next regularly scheduled Planning Board meeting agenda for their consideration as the Watershed Review Board.
5. Watershed Review Board Decision: The Watershed Review Board shall issue a decision within 31 days from the date they first meet to hear the request. The board shall make written findings supported by appropriate calculations and documentation that the participating parcels as a whole conform to the intent and requirements of this Section, and that the proposed application and supporting documents assures protection of the preserved area. The request must be consistent with adopted plans and/or policies, approved development plans, Cornelius Land Development Code requirements, and the Watershed Review Board's determination based on these resources that the proposal achieves an identified public interest.
6. Certificate Issued: If approved, the Town of Cornelius will issue a BUA Averaging Certificate to the applicant. The BUA Averaging Certificate shall constitute the Watershed Review Board decision, staff approval letter, and application documentation.
7. Document Submission: If approved by the Watershed Review Board, the applicant must submit the following documents via the current Mecklenburg County online review system:
 - Mecklenburg County Application
 - Final Plats and any applicable Deeds, Covenants or Conservation Easement documents
8. Plat Approval/Signature: Once approved in the current Mecklenburg County online review system, the applicant must submit two (2) mylar copies of each plat in accordance with the



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requirements of Section 13.8, Final Plat Requirements, of this Code for signature. One mylar of each plat included in the application and filed with the Register of Deeds must be provided to the Town of Cornelius for filing.

9. **Amendment:** If a BUA certificate is approved by the Watershed Review Board, no change in the development proposal authorized for participating parcels shall be made unless the certificate is amended by the Watershed Review Board.

11.3.3: Documentation Requirements

The following documentation shall be provided to constitute a complete Built-Upon Area (BUA) Averaging Certificate application:

A. Administrative:

1. **Town of Cornelius Application:** A completed BUA Averaging Certificate Application including a chart summarizing the existing and proposed BUA for all participating properties.
2. **Fee:** A remitted fee in accordance with the fee schedule approved by the Town of Cornelius Board of Commissioners.

- B. **Surveys:** Surveys of all participating parcels showing current BUA and current maximum BUA allowances, along with easements and/or development restrictions. The surveys must be performed by a licensed surveyor.

- C. **Existing Plats & Deeds:** Copies of the existing, registered plats and deeds for all participating parcels.

- D. **Metes & Bounds Description (Donating Parcel):** A metes and bounds description of the undisturbed natural area intended for recordation. The description must specify any limits on use and shall be recorded on the plat, in homeowner covenants (if applicable), and on the donating parcel's individual deed and shall be irrevocable unless amended per the ordinance.

- E. **Final Plats (Draft):** Revised plats for all participating parcels. The plats must be in accordance with the requirements of Section 13.8, Final Plat Requirements, of this Code. Additionally, the plats must include:

1. Purpose Statement:

The purpose of this plat is to allocate xxxxx square feet of allowable built-upon area from PID xxxxxxxx (donor parcel) to PID xxxxxxxx (receiving parcel). Each parcel is located within the same watershed.

2. Site Data

	Donor Parcel	Recipient Parcel
PID:		
Total Site Area		
Current Allowed Built-Upon Area for Parcel		
Built-Upon Area Allocated	-	+
New Allowed Built-Upon Area		
Existing Surveyed Built-Upon Area		
Remaining Allowed Built-Upon Area		



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3. Metes/Bounds Description: Metes/bounds description(s) of designated undisturbed natural area(s).
 4. Designation in Perpetuity: A note that the natural area will remain undisturbed in perpetuity.
 5. BUA Averaging Certification on Plat: See Chapter 13.
- F. Existing Development:** If a participating parcel(s) is part of an existing development, then the following documentation shall be provided:
1. Approved Stormwater Mitigation Plan: A storm water mitigation plan approved by Mecklenburg County Storm Water Services, Water Quality Program, for the receiving parcel based on the pathway pursued:
 - a. Buffer/Vegetative Conveyances: Must meet all applicable ordinance requirements for parcels located in water supply watersheds.
 - b. Engineered Stormwater Controls: Must confirm the following:
 - The effected BMP(s) has been designed to handle the additional BUA.
 - All participating lots are in the same drainage basin.
 - Verified as-built information of the existing, approved BMP.
 - Sealed engineer calculations to prove existing and future compliance with the water quality requirements based on the proposed BUA to be transferred.
 2. Homeowner's Covenant Agreements: A draft of revised covenant documents reflecting the additional BUA and other pertinent information for all affected parcels.

SECTION 11.4: BUFFER AREA REQUIREMENTS

The following buffer requirements for all new development activities in the Lake Norman (LN-O) and Mountain Island Lake (MIL-O) shall apply:

- A. A minimum 100' undisturbed buffer is required along the shoreline of Lake Norman and along perennial streams for all new development activities that utilize the High Impervious Cover Option; otherwise, a minimum 50' undisturbed buffer is required. Buffers are measured horizontally from the high water mark of impounded structures and from the top of bank of streams.
- B. An existing vacant lot platted prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes subject to the buffer requirements.
- C. No trees larger than two inches (2") in caliper are to be removed except for diseased trees. Trees less than two inches (2") in caliper and undergrowth may be removed and replaced by an effective stabilization and filtering ground cover utilizing Land Use and Environmental Services Agency guidelines and as approved by Land Use and Environmental Services Agency and the Town of Cornelius Planning Department. The Town of Cornelius may require enhancement of the existing vegetation through the use of supplemental plantings in the buffer area, if necessary, to ensure that the buffer area can properly and effectively perform its filtering and absorption functions, based upon Land Use and Environmental Services Agency guidelines.
- D. No permanent structures, impervious covers, septic tank systems or any other disturbance of existing vegetation is allowed in the buffer except:
 1. Water related structures and other structures such as flag poles, signs and security lights, which result in only diminutive increases in impervious area.



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2. Artificial stream bank or shoreline stabilization plans shall be submitted to the Land Use and Environmental Services Agency for approval.
3. Public projects such as road crossings and greenways where no practical alternative exists. (These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.)
- E. Where stream buffers are also required in another section of this Code, the more stringent requirement shall apply.
- F. Diffuse Flow Requirement. Diffuse flow of runoff shall be maintained in the buffer by dispersing concentrated flow and reestablishing vegetation. Techniques for providing diffuse flow are specified in the Mecklenburg County Land Development Standards Manual.
 1. Concentrated runoff from ditches or other manmade conveyances shall be diverted to diffuse flow before the runoff enters the buffer.
 2. Periodic corrective action to restore diffuse flow shall be taken by the property owner as necessary to impede the formation of erosion gullies.

SECTION 11.5: PUBLIC HEALTH REGULATIONS

11.5.1: Public Health – General Provisions

No activity, situation, structure or land use shall be allowed within the watershed, which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

11.5.2: Abatement

- A. The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- B. The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.
- C. Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

SECTION 11.6: STORMWATER CONTROL

11.6.1: Stormwater Control Structures

- A. All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects (to the extent that the General Statutes, Chapter 89A allow) and land surveyors (to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89C-3(7)).
- B. All stormwater controls shall use wet detention ponds as a primary treatment system unless alternative stormwater management measures, as outlined in this Section, are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the State of North Carolina. Specific requirements for these systems shall be in



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accordance with Mecklenburg County Land Development Standards and with the following minimum design criteria:

1. Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch (1") rainfall from the site above the permanent pool;
 2. The designed runoff storage volume shall be above the permanent pool;
 3. The discharge rate from these systems following the one inch (1") rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
 4. The mean depth of the permanent pool shall be a minimum of three feet (3');
 5. The design shall assume full development (maximum allowed in accordance to applicable zoning regulations) in the contributing drainage area;
 6. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
 7. Vegetative filters shall be constructed for the overflow and discharge of all storm water wet detention ponds and shall be at least 30' in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a 10-year, 24-hour storm with a slope of 5% or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.
- C. Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for alternative systems are as follows:
1. Alternative systems shall be designed to remove an average of 85% of total suspended solids on an annual basis;
 2. The discharge rate following the one inch (1") design storm shall be such that the runoff draws down to the pre-storm design stage within five (5) days, but no less than two (2) days or the post development peak discharge rate shall be equal to the predevelopment rate for the one (1) year, 24-hour storm.
 3. Meet the Town of Cornelius Low Impact Development (LID) Policy Guidelines.
- D. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- E. In addition to the vegetative filters required above, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement. An applicant seeking the high-impervious development option shall enter into a binding Operation and Maintenance Agreement between Mecklenburg County and all interests in the development. Said agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance plan or manual provided by the developer. The Operation and Maintenance Agreement shall be recorded at the Mecklenburg County Register of Deeds.



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- F. A description of the area containing the stormwater control structure(s) shall be prepared and recorded as a separate deed with the Mecklenburg County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.

11.6.2: Operation and Maintenance (O & M) Plan Required

Any stormwater control structure approved by the Town Board shall be predicated on the developer, Mecklenburg County, and the Town entering into a binding Operation and Maintenance (O & M) Plan. Said Plan shall require the owning entity (i.e. the developer or his assigns) of the structure(s) to maintain, repair and, if necessary, reconstruct said structure(s) in accordance with the Operation and Maintenance Plan provided by the developer to the Town. Said Plan must be approved by Mecklenburg County and the Town Board prior to, or in conjunction with, approval of the high-density option for said project.

A separate O & M plan must be provided by the developer for each stormwater control structure, containing, at a minimum, what operation and maintenance actions are needed and will be undertaken, what specific quantitative criteria will be used for determining when those actions are to be taken, and who is responsible for such actions. The Plan shall be recorded in the Mecklenburg County Register of Deeds Office and shall clearly indicate what steps will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

Amendments to the Plan and/or specifications of the stormwater control structure(s) may only be approved by the Town Board. Proposed changes shall be prepared by a North Carolina registered professional with qualifications appropriate for the type of system designed and submitted to the Town Board for approval. Such amendments shall be accompanied by all information and fees prescribed in this Ordinance.

If the Town Board finds that the O & M Plan, once approved, is inadequate for any reason, the Watershed Administrator shall notify the owning entity of any changes mandated by the Town and a time frame in which changes to the Plan shall be made.

11.6.3: Posting of Financial Securities Required

All new stormwater control structures approved employing the high impervious cover option shall be conditioned on the posting of adequate financial assurance for the purpose of constructing, maintaining, repairing, or reconstructing said services.

- A. If the Board of Commissioners approves the use of the high impervious cover option for a particular project, it may do so only after the applicant has posted a surety bond, cash, irrevocable letter of credit, or equivalent security, in an amount not less than one and one-quarter (1.25) times the cost of constructing the necessary stormwater control structure(s). Such financial security shall be paid to the Town and shall be in a form prescribed by the Town. All construction costs shall be verified by the Town in consultation with other agencies and the Town may assess the applicant for actual costs associated with such verification. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures,



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seeding and soil stabilization, design and engineering, grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather shall be priced as an individual project.

- B. Prior to said release, the applicant shall be required to establish an escrow account in an amount equal to 15% of the total construction cost or 100% of the cost of maintaining, repairing or reconstructing said structure over a 20-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure(s) shall be consistent with the approved O & M Plan provided by the applicant.

11.6.4: Default

Upon default of the applicant to complete the stormwater control structure(s) as detailed in the surety bond or other equivalent security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on actual construction costs. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.

Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the O & M Plan, the Board of Commissioners shall obtain and use any portion of the cash security posted to make necessary improvements based on the actual costs borne by the Town to make such improvements.

11.6.5: Inspections

A. INSPECTIONS OF NEWLY CONSTRUCTED STORMWATER STRUCTURES

1. All new stormwater control structures shall be inspected by the Town or their designated agents after the owning entity notifies the Watershed Administrator that all construction has been completed. At this inspection the owning entity shall provide:
 - a. The signed deed, related easements and survey plat for the structure in a manner suitable for filing with the Register of Deeds, if ownership of the stormwater control structure(s) is to be transferred to another person, firm or entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
 - b. A certification by a professional engineer or landscape architect (to the extent allowable by the General Statutes) stating that the stormwater control structure is complete and consistent with the approved Plan and all specifications previously stipulated by the Town.

When structural BMPs are required under the High Impervious Cover Option, approval will be subject to developer compliance with Section 12.14.3 of this Ordinance, which requires a maintenance guarantee for said BMP.

An occupancy permit shall not be issued for any building within the permitted development when such building and associated impervious surface causes the entire development to exceed 24% impervious area, until the stormwater control structure(s) has been approved in a manner as herein prescribed.

B. ANNUAL INSPECTION OF STORMWATER STRUCTURES

1. All stormwater control structure(s) shall be inspected by the Town or their designated agents on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the



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State of North Carolina. Annual inspections shall begin one (1) year after approval of the stormwater control structure(s) or one year after the filing date of the deed for the stormwater control structure(s). A copy of each inspection report shall be filed with the Watershed Administrator.

2. In the event the Town's report indicates the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted O & M Plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Watershed Administrator and ask that an inspection be made.

C. VEGETATION AND GROUNDS MANAGEMENT

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). Vegetation shall not be established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement of access to the structure.
2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the structure. All improvements shall be consistent with the approved Plan and specifications for that structure. After notification by the owning entity, Town staff shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A time period for making such changes shall also be stipulated by the Town. A fee, in accordance with the fee schedule adopted by the Board of Commissioners, shall be charged the entity for each inspection (or re-inspection).

11.6.6: Periodic Inspection and Fee

Inspection of all stormwater control structures shall be conducted: 1) after work on the stormwater control structure is complete, 2) annually once the stormwater control structure(s) has been approved by the Town, and 3) any time after improvements, modifications, or changes to said structures have been made by the owning entity.

SECTION 11.7: ADMINISTRATION, ENFORCEMENT AND APPEALS

11.7.1: Watershed Administrator and Duties Thereof

The Town of Cornelius Planning Director shall be appointed as Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

- A. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
- B. The Watershed Administrator shall serve as clerk to the Watershed Review Board.
- C. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the State of North Carolina.
- D. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the Town of Cornelius. The Watershed Administrator, or his duly authorized representative, may enter any



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building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

- E. The Watershed Administrator shall keep a record of variances to the requirements of this Chapter. This record shall be submitted for each calendar year to the State of North Carolina on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

11.7.2: Appeal from the Watershed Administrator

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within 30 days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

11.7.3: Changes and Amendments to the Watershed Protection Ordinance

The Cornelius Board of Commissioners shall not adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission (EMC). All proposed amendments to this Chapter must be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance for their review prior to adoption by the Board of Commissioners. After review and approval, all amendments shall follow the procedures outlined in Chapter 18 of this Ordinance.

11.7.4: Powers and Duties of the Watershed Review Board

The Planning Board shall be designated as the Watershed Review Board and shall be vested with the responsibility to hear and approve all subdivisions and all site plans which utilize the high impervious cover option. They shall also hear and decide upon all appeals to the decision of the Watershed Administrator, and all variances to the provisions of these regulations.

11.7.5: Variances

The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary



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hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the Town of Cornelius shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

- A. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:
1. A site plan, drawn to a minimum scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; and surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
 2. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.
 3. The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

Before the Watershed Review Board may grant a variance, it shall make the four (4) findings as specified in Chapter 16.5.3 B.

- B. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.
- C. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.
- D. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.
- E. If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
1. The variance application;
 2. The hearing notices;
 3. The evidence presented;
 4. Motions, offers of proof, objections to evidence, and rulings on them;
 5. Proposed findings and exceptions;
 6. The proposed decision, including all conditions proposed to be added to the permit.



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- F. The preliminary record shall be sent to the N.C. Division of Water Resources (DWR) for its review as follows:
1. If the DWR concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the DWR shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The DWR shall prepare a decision and send it to the Watershed Review Board. If the DWR approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the DWR approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
 2. If the DWR concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the DWR shall deny approval of the variance as proposed. The DWQ shall prepare a decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

11.7.6: Appeals from the Watershed Review Board

Appeals from the Watershed Review Board must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

SECTION 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 Chapter 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, the Parks Arts Recreation and Culture Commission, and the Town Board of Commissioners.

It is also the intent of this Chapter to ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance. 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 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.

SECTION 12.2: APPLICABILITY

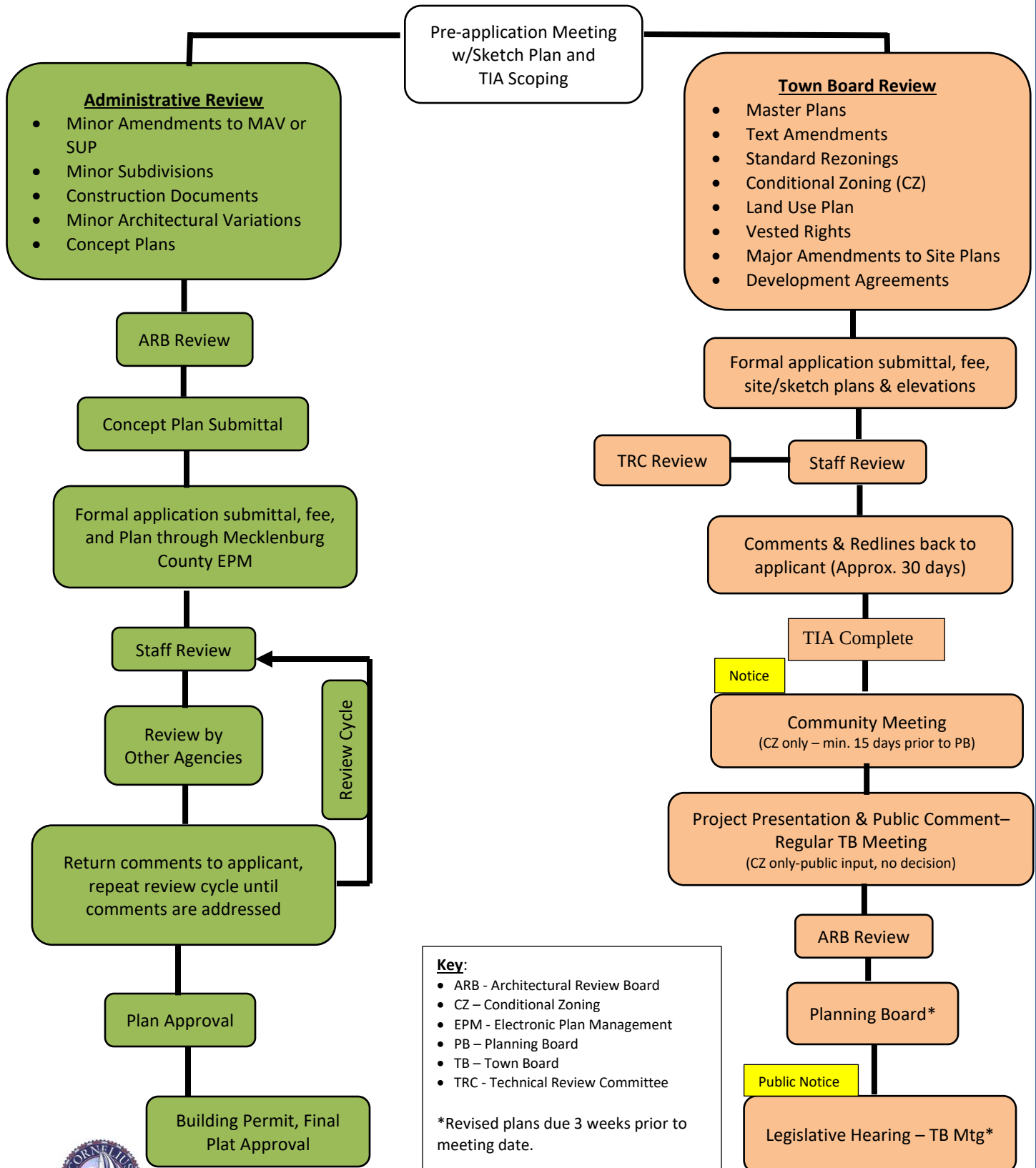
In general, the review process described in this Chapter shall be used for all uses and development other than individual single or two family detached homes (as allowed) and their accessory structures on a single lot.

The review process for any application requiring a quasi-judicial evidentiary hearing, including but not limited to variances, special use permits, major architectural variations, and appeals, may be found in Chapter 16 of this Code.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

SECTION 12.3: DEVELOPMENT REVIEW PROCESS



Key:

- ARB - Architectural Review Board
- CZ – Conditional Zoning
- EPM - Electronic Plan Management
- PB – Planning Board
- TB – Town Board
- TRC - Technical Review Committee

*Revised plans due 3 weeks prior to meeting date.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

SECTION 12.4: PRE-APPLICATION MEETING AND SKETCH PLAN

The Applicant shall submit a sketch plan compliant with Section 13.4, Sketch Plan Requirements, and a general statement of development intent to the Planning Department for review as part of the pre-application meeting. The Planning staff will advise the applicant of all applicable Town regulations and policies that are relevant to the project, including the Land Use Plan and any other pertinent approved plans. 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.

SECTION 12.5: APPLICATION

The Planning Director or designee will determine when an application is complete based on review of the application and plans for compliance with the Code and all related plans and policies, as well as submission of all other necessary information (such as Charlotte Water Capacity Assurance, etc.). Applications must be accompanied by the payment of a fee as adopted by the Town Board of Commissioners. The application and fee shall be waived for any petition submitted by any Cornelius official or agency acting on behalf of the Town of Cornelius. Plans must be submitted in accordance with the specifications listed in Chapter 13, Development Plan Specifications.

Applications for Development Approval, including but not limited to zoning permits, variances, and special use permits, must be submitted by the Developer, as defined in Chapter 2 (G.S. 160D-403(a)).

Refer to Chapter 18, Text/Rezoning Amendments, for additional application and plan requirements for general rezonings, text amendments, and conditional zoning requests.

SECTION 12.6: DEVELOPMENT AGREEMENTS

The Town may consider and enter into development agreements with developers, subject to the procedures of G.S. 160D Article 10, Development Agreements. Development agreements may be approved by the Town Board as a legislative decision and may, by ordinance, be incorporated, in whole or in part, into any development regulation adopted by the Town. If a development agreement is incorporated into a conditional zoning district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

Pursuant to G.S. 160D-1001 (b), a local government must be a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently).

A development agreement shall, at a minimum, include all of the following:

- (1) A description of the property subject to the agreement and the names of its legal and equitable property owners.
- (2) The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

- (3) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
- (4) A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.
- (5) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
- (6) A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.
- (7) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

The development agreement may also cover any matter not inconsistent with G.S. 160D Article 10.

The developer shall record the agreement with the Mecklenburg County Register of Deeds within 14 days after the Town Board and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded.

Subject to the provisions of G.S. 160D-1006(e), a development agreement may be amended or terminated by mutual consent of the parties.

SECTION 12.7: PROCEDURES FOR ADMINISTRATIVE APPROVAL

The following may be approved administratively:

- Minor Subdivisions
- Minor Architectural Variations
- Minor Amendments to Major Architectural Variations
- Minor Amendments to Special Use Permits
- Concept Plans
- Construction Documents
- Change of residential structure use to a commercial use that is allowed by right in the zoning district
- Plats

In addition to the Development Plan Specifications in Chapter 13, submittals for Minor Architectural Variations and minor amendments to Major Architectural Variations may include elevations and any other drawings or documents that the Planning Director or designee deems necessary to render a decision.



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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.

SECTION 12.8: PROCEDURES FOR TOWN BOARD REVIEW

12.8.1: Planning Board Review

The Planning Board reviews and makes recommendations to the Town Board on proposed development regulations, text amendments, and other land use/development policies. In addition to the application, plans shall be submitted in accordance with the requirements of Chapter 13, Development Plan Specifications.

For applications requiring a quasi-judicial evidentiary hearing such as appeals, variances, special use permits, and major architectural variations, please refer to Chapter 16 for the appropriate process.

The Planning Board shall have up to thirty (30) days from the date of their first regularly scheduled meeting of consideration of the proposed development regulation, text amendment, and other land use/development policies to make a recommendation to the Town Board of Commissioners, unless, in the case of a proposed development regulation, the applicant consents and agrees to defer further. 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.

In addition to deferral, the Planning Board may recommend development regulations (including rezonings) be:

1. Granted as requested, or
2. Granted with a reduction of the area requested, or
3. Granted to a more restrictive general zoning district or districts, or
4. Granted with a combination of 2 and 3 above, or
5. Denied.

In the case of conditional zoning requests, the Planning Board may also recommend to grant the rezoning subject to approved conditions enumerated on the district plan.

For text amendments, the Planning Board may recommend:

1. Adoption of the amendment as written, or
2. Adoption of the amendment as revised by the Planning Board, or
3. Rejection of the amendment.

If no recommendation is made within the thirty (30) day period, the application may move forward to the Town Board without a recommendation.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

The governing board is not bound by the recommendations, if any, of the planning board.

12.8.2: Legislative Public Hearing Notifications

Upon receipt of recommendations from the Planning Board and other applicable boards, the Town Board of Commissioners shall conduct a legislative public hearing.

For conditional zoning applications only, staff will present the project immediately following the community meeting, at the next regularly scheduled Town Board meeting where public comment is encouraged. Staff's presentation of the project is the second opportunity (the Community Meeting is the first opportunity for public comment) for public input, but no decision on the rezoning application shall be rendered by the Town Board.

The Town Board shall have the authority to call for additional project presentations on any amended petition presented for approval as a result of public comments in the project presentation. The Town Board shall also have the authority to submit such amended petition to the Planning Board for additional review prior to any additional project presentations.

Required notice(s) shall be published/mailed/posted no less than ten (10) days, or more than twenty-five (25) days prior to the date established for legislative public hearings. Notice of these hearings shall be given as follows:

- A. **Published Notice**. A notice shall be published in a newspaper having general circulation in the town, once a week for two (2) successive calendar weeks (G.S. 160D-601 (a)); and
- B. **Mailed Notice**. For zoning map amendments, a notice of the 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, including properties separated by a street, railroad, or other transportation corridor (G.S. 160D-602 (a)); and
- C. **Posted Notice**. For zoning map amendments, including conditional zoning requests and rezoning applications, the Town shall post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way.

For an amendment to the Zoning Map, the first class mail notice required under (B) of this section shall not be required when the zoning reclassification action directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners. In such case the Town shall publish once a week for two successive calendar weeks in a newspaper having general circulation in the area, a map showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the Town's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the Town Board that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, one or more prominent signs shall be posted on or immediately adjacent to the subject property area reasonably calculated to give public notice of the proposed rezoning.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

12.8.3: Consideration by the Town Board of Commissioners

After a legislative public hearing, the Town Board shall have up to sixty (60) days to defer, refer back to the Planning Board, approve, or deny the proposed development regulation, text amendment, and other land use/development policies unless, in the case of a proposed development regulation, the applicant consents and agrees to defer further. Alternatively, the Town Board may approve the proposed development regulation with conditions, or 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 regulation or deferral of its consideration. The petitioner shall have the right to withdraw the petition at any time prior to the final decision being rendered by the Town Board.

Town Board approval constitutes preliminary plat approval.

12.8.4: Notification of Decision

Once the final determination made by the Town Board has been filed with the Planning Department, the Zoning Administrator shall send it by first class mail to the Developer and any persons at or before the public hearing who have indicated in writing to the Zoning Administrator that they would like the decision mailed to them. Similarly, notice shall be sent to the Developer in the same manner if the Town Board makes a decision to re-submit the petition to the Planning Board for further review.

If the application is denied, the reasons for denial shall be provided to the applicant in writing. Following a 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 12.8.1 (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.

SECTION 12.9: REVIEW AND APPROVAL OF CONSTRUCTION DOCUMENTS:

Following approval of a preliminary plat, site plan, or any other development approval, the applicant may submit construction documents in accordance with Section 13.6, Construction Document Requirements. The Planning Department and other agencies as necessary shall review the construction documents for conformance with the approved plan.

Approval of the construction documents shall also constitute preliminary plat approval for plans that do not require Town Board approval.

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, Final Plat Requirements, and shall be approved administratively by the Planning Department.



CHAPTER 12: DEVELOPMENT REVIEW PROCESS

SECTION 12.10: PLATS

12.10.1: 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.

12.10.2: 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 plan, 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.

No final plat shall be approved unless and until the developer/owner/applicant has installed 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 developer/owner/applicant.

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

12.10.3: 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 zoning district in which the lot or tract of land 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 lots shall not be created.
- F. The character of the area shall be maintained.



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SECTION 12.11: 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 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.

SECTION 12.12: 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 Conditional Zoning administrative process specified in Section 18.5.9, Alterations and Amendments to Approvals.

SECTION 12.13: VESTED RIGHTS REQUIREMENTS

12.13.1: General Procedures

Pursuant to G.S.160D-108.1 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.

12.13.2: 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 Section 12.8, Procedures for Town Board Approval. 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.

12.13.3: 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 the 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.

12.13.4: 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 12.7, Procedures for Administrative Approval, 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 12.8.3, Consideration by the Town Board of



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Commissioners, providing the proposed preliminary plat does not deviate from, and is subdivided in accordance with the previously approved site specific plan.

12.13.5: 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. 160D-1110 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.

SECTION 12.14: IMPROVEMENT GUARANTEES

To assure compliance with G.S. 160D-804 and the requirements of this Code, performance guarantees are required to insure the successful installation and completion of required improvements, public or private, (e.g., roads, water, sewer, sidewalks, street lights, street trees, etc.) prior to final plat approval for subdivisions or Certificate of Occupancy. The developer will also enter into a written agreement with the Town of Cornelius or its authorized agent whereby the developer shall agree to complete the installation (public or private) and dedication (public) of all required improvements, public or private. 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.

12.14.1: Types of Guarantees

The developer shall choose any of the following forms of guarantee:

1. Surety bond, payable to the Town of Cornelius or its authorized agent, issued by any company authorized to do business in North Carolina.
2. Letter of Credit, to the benefit of the Town of Cornelius or its authorized agent, issued by any company authorized to do business in North Carolina.
3. Other form of guarantee that provides equivalent security to a surety bond or letter of credit. If cash or other instrument is deposited in escrow with a financial institution, then the developer shall file with the Town of Cornelius (or its authorized agent) an agreement between the financial institution and the developer 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.



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12.14.2 Amount

The developer will provide a guarantee not to exceed 125% of the reasonably estimated cost of installation and completion of improvements at the time the guarantee is issued, as estimated by the developer's civil engineer and verified by the County. The initial performance bond may exclude the cost of improvements already installed and satisfactorily inspected by Mecklenburg County in accordance with the Mecklenburg County Land Development Standards Manual. Notwithstanding the developer is financially responsible for ensuring all improvements are completed to engineered standards as set forth in the Mecklenburg County Land Development Standards Manual and accepted for maintenance by the Town or the HOA.

12.14.3: Duration

The duration of the bond(s) shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications defined in the Mecklenburg County Land Development Standards Manual and the Town Board has not adopted an ordinance to accept said improvements and the current performance guarantee is likely to expire prior to completion and acceptance of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued for an additional period.

12.14.4: Street Acceptance

Performance guarantees for streets that will be maintained by the Town of Cornelius may only be released following the Requirements for Adoption of Street Acceptance Resolution as specified in Section 94.17 of the Cornelius Code of Ordinances. Simultaneous to acceptance, a two-year maintenance guarantee is required in accordance with Section 12.14.5 below.

Performance guarantees for streets that will remain privately maintained by a homeowners association or individual property owners may be released following a final inspection by Mecklenburg County certifying the completed street(s) are constructed in accordance with the specifications defined in the Mecklenburg County Land Development Standards Manual.

12.14.5: Maintenance Guarantee

All improvements required by this ordinance that will be publicly maintained shall be guaranteed against defects in workmanship and materials by the developer. The developer shall file with the Town (or its authorized agent) a two-year 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 warranty period.

12.14.6: 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 (or its authorized agent), pay all or any portion of the bond or escrow fund to the Town of Cornelius (or its authorized agent) up to the amount needed to complete the improvements based on an estimate by the



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Town. Upon payment, the Town (or its authorized agent), in its discretion, may expend such portion of said funds, as it deems necessary to complete all or any portion of the required improvements.

12.14.7: Release of Guarantee Security

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 of Cornelius.



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CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

SECTION 13.1: REQUIRED IMPROVEMENTS FOR ALL DEVELOPMENT PLANS

All development plans shall be required to install or provide the following improvements:

- Public Water Supply Distribution and Fire Hydrants
- Public Sewer
- Public Streets (paved) and other Public Rights-of-Way
- Easements - Chapter 7
- Sidewalks - Chapter 7
- Curb and Gutter - Chapter 7
- Street Lights - Chapter 7
- Underground Wiring
- Dedicated Open Space - Chapter 8
- Landscaping (Including Supplemental Tree Plantings) - Chapter 9

SECTION 13.2: Procedures for Traffic Impact Analysis (TIA)

When a TIA is required, it must be approved by the North Carolina Department of Transportation (NCDOT) prior to project review by either the Planning Board or the Town Board.

1. Responsibility for TIA – After a completed development application has been filed, and upon initial submittal of a site or sketch plan, the Planning Director or his/her designee shall determine the need for a TIA. If warranted, the **transportation consultant assigned by the Town** shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a technical memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed alternative that is equal or better should be discussed in the study.
2. Minimum Thresholds for TIA's – A TIA shall be required for any site or sketch plan expected to generate traffic volumes that will incrementally impact the delay, level-of-service (LOS), and/or safety of the transportation system. The latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual shall be used to determine the expected gross traffic volumes a specific site and/or a specific use will generate. A TIA will be **required** to accompany a site/sketch plan when expected gross trip generation is **1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak (prior to any trip reductions applied). The gross trip generation will be calculated by the Town based on information provided by the Developer and the final determination for requiring the TIA will be by the Planning Director.** The Planning Director or his/her designee may also determine the need for a TIA based on special circumstances associated with the development and may determine that a TIA is still necessary even if the gross trips falls below this threshold. This may be due to the location, an intersection or thoroughfare nearby that is at or above capacity, or the nature of the use. The Planning Director or his/her designee may also require a TIA in any of the following scenarios:
 - a. Traffic generated from a non-residential development that could significantly impact adjacent residential neighborhoods.
 - b. Traffic operation problems for current and/or future years on nearby streets are expected to be significantly aggravated by traffic generated from the proposed new development.



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- c. Major and minor thoroughfares near the site are experiencing noticeable delays.
 - d. Traffic safety issues exist at the intersection or street that would serve the proposed new development.
 - e. The proposed land use differs significantly from the adopted Land Use Plan for the Town.
 - f. The internal street or access system is not anticipated to accommodate the expected traffic generation.
 - g. The proposed development project includes a drive through facility, or other uses such as schools that require significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections.
 - h. The amount and/or character of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of the previous TIA.
3. Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. This program shall be submitted by the Developer five or more business days prior to the scoping meeting and shall include a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. Planning staff, the **Town Engineer**, NCDOT district staff, the **transportation consultant assigned by the Town**, and the Developer are required to attend the mandatory scoping meeting. The Developer may invite members of his/her development team as needed.
4. Memorandum of Understanding (MOU) – An MOU shall be prepared by the **transportation consultant assigned by the Town** documenting the understood scope of the project. The MOU shall be signed by the Developer, the Planning Director, the **Town Engineer**, and the NCDOT District Engineer if access to a state road is involved before the consultant can begin work on the TIA. Failure by the Developer to provide accurate information or failure by the assigned transportation consultant to follow the MOU shall result in disapproval of the TIA. If significant changes are made to the scoping parameters documented in the MOU, a revised MOU will be required.
5. Fees – After the scoping meeting, **the transportation consultant assigned by the Town** shall submit a summary of consultant fees for preparing the TIA to the Planning Director. Per the MOU, the Developer shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. Any additional services incurred by the transportation consultant in addition to the MOU must be approved by Planning Director, and agreed to and paid for by the Developer, prior to performance of the additional work.
6. Transportation Mitigation Agreement (TMA) – Upon completion of the TIA, certain on or off-site transportation mitigation measures may be required as recommended by the TIA. If so, Planning staff shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:
- a. Development plan
 - b. Phasing and timing of development (if applicable)
 - c. Site access and points of ingress/egress



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- d. On and off-site improvements required to adequately mitigate the project impacts to the Town's transportation system

The TMA must be signed by the Planning Director, the Town Engineer, and the NCDOT District or Division Engineer if the mitigation involves a state roadway. All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO), or the Developer shall provide a cost estimate to Planning Staff for review, and provide a payment in lieu for said measures prior to CO.

7. TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the Memorandum of Understanding (MOU). A detailed summary of the expected content and methodologies to be used in the TIA are discussed below.
 - a. Cover/Signature page – Includes the project name, location, name of the Developer, contact information for the Developer, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
 - b. Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
 - c. Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, probable transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design should not be included in this section.
 - d. Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). Should also include the square footage of each use and/or the number and size of dwelling units proposed and should also include a map and copy of the site plan provided by the Developer.
 - e. Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
 - f. Site Access – Includes a complete description of the ingress/egress of the site should be explained and depicted. It should include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks and bicycle lanes, and designated loading/unloading areas should also be described. Similar information for adjacent properties, including topographic grade relationship, should be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial



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roadways immediately adjacent to the site must be fully analyzed. The number of access points should be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads should be designed in accordance with the NCDOT's Policy on Street and Driveway Access, and/or the Town or Mecklenburg County's standards, as applicable.

- g. Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by Planning Staff, the **Town Engineer**, and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area should include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 5% or more of any signalized intersection approach during the peak hour. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning-movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the Developer, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Due to related impacts or current operational problems, town staff and/or NCDOT staff may require other intersections be included in the study area. A narrative describing the study area should identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and future plans) should be mentioned. A site location map shall be provided and should identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.
- h. Existing Conditions – Shall include a narrative and map that represents AM and PM peak hour turning movement volumes for all intersections within the study area. Traffic volumes shall be 15-minute interval weekday turning movement counts (Tuesday through Thursday) and no more than twelve months old. The required count timeframes are from 7:00-9:00 a.m. and 4:30-6:30 p.m.; however site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town (these unique circumstances will be determined and directed by the Town). For example, 12-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. Planning staff and the **Town's Engineer** will determine if additional peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, if the development is nearby a school that significantly alters traffic volumes at times other than the peak hours described above, additional study hours will be required. Traffic volumes should also represent weeks that have no observed federal, state, or local holidays and periods of the year when local schools are in session. The source of existing traffic volume information should be explicitly stated (e.g., Town counts, new counts collected by the Developer, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the Scoping Meeting will be deemed acceptable. Summary sheets for existing turning movement counts should be included in the appendix of the TIA report. A



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separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

- i. Future Year Background Conditions – The number of phases will determine the build out scenario of a particular development. Unless otherwise approved by the Planning staff and the Town Engineer, future year conditions for a single phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple phases, the scenarios should be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the transportation system. The committed development and transportation projects to be included in the base Future Year Conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the base future year conditions analysis may include those with an expected completion date concurrent with that of the development and funded through either the Town of Cornelius or the State of North Carolina Transportation Improvement Program, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Planning Staff at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the base future year condition should be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned but the description should specifically identify that these projects are not included in the base condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development(s) approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base volumes, other development volumes, and site traffic volumes should be clearly separated, and combined in the map.
- j. Trip Generation – Base trip generation for the proposed land use(s) should be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour or adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the Developer to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the MOU if approved by Planning staff, the Town Engineer, and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator should be used to calculate projected trip generations for school sites.



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- Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the Institute of Transportation Engineers. Reductions greater than 10% in any peak hour require consultation and acceptance by the Planning staff, the Town Engineer, and NCDOT. The internal capture reduction should be applied before pass-by trips are calculated.
 - Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the Institute of Transportation Engineers. Pass-by trips associated with the development program may not exceed 10% of the existing volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project.
- k. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network should be discussed during the scoping meeting and shall be approved by Planning staff, the Town Engineer, and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area should be included in the TIA.
- l. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be presented in both tabular and graphic formats for AM and PM peak hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
- m. Capacity Analysis – Level of Service (LOS) is the primary measurement for impacts to the transportation system and is defined by the most current edition of the Highway Capacity Manual. Unless otherwise noted, Synchro LOS and delay shall be reported for signalized



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intersections and approaches. Unsignalized minor street approach LOS and delay shall be reported according to HCM analysis, as reported by Synchro. LOS for existing signalized intersections shall be determined using existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans should be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system, it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections should be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). Planning staff and the Town Engineer may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM) required for the TIA shall be identified during the scoping meeting. Capacity analyses shall be conducted to determine levels of service in each peak hour for all intersections, and their approaches, identified for study using methodologies contained in the most current edition of the Highway Capacity Manual. Capacity calculations should be included for the existing and all future year scenarios, as described in Section 7.i. Impacts from the proposed project shall be measured by comparing the Future year build year and the Future year no-build year conditions. Requirements for mitigation are described in Section 7.q. All TIA reports submitted to the Town shall use SYNCHRO, SimTraffic, or VISSIM Software for signalized and unsignalized intersections, or Sidra Software, for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in level of service (LOS A – F), intersection and approach signal delay for signalized intersections, approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn lane warrants for unsignalized intersections should be included in the appendix of the TIA report.

- n. Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT’s Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes for unsignalized driveways serving the site shall be identified using volume thresholds published in the NCDOT’s Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right turn lanes serving the site shall be designed to meet future year capacity needs identified in the TIA report. For projects that include drive-through facilities, pick-up/drop-off areas or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. This analysis shall be required for all drive-through facilities. If a TIA is required for a new school site, the consultant must model the internal circulation and ingress/egress of the site using a “dummy signal” in the SYNCHRO software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.
- o. Collision Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and should be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be



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included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in collision rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.

- p. Traffic Signal Warrants – Town staff and NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal should not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants should be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened in order to use actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The Developer must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the engineer of record for the Developer, however final approval of the dollar amount rests with the Town.
- q. Mitigation Measure Recommendations – This section shall provide a description of the study's findings regarding impacts of the proposed project on the existing and proposed transportation system and describe the location, nature, and extent of all mitigation measures recommended to the Developer to improve and/or maintain the future background year no-build level of service (LOS) conditions through phasing and build-out of the project. This mitigation will be based on the build-out year scenario. The Developer is only required to mitigate transportation deficiencies for their development and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area. The following LOS table (Table 1), using the most recent Level of Service methodology, shall be used when determining the adequacy of intersection/approach within the applicable impact areas of town:

ZONING DISTRICT	LOS Threshold
RP, GR, NR	C
NMX, VC, HC, WMX	D
BC, IC, CO	D
TC, TRD-O, TND	E

Where an intersection/approach is located within more than one zoning district, the less restrictive LOS shall apply to the entire intersection or approach for purposes of complying with



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this ordinance. Where an intersection is included in the study, but not listed in Table 1, LOS D will be LOS designation requiring mitigation.

A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in level of service (LOS A–F) and seconds of stop delay for the intersection and approach.

If the existing level of service (intersection or approach) is inadequate (i.e., "D", "E" or "F" dependent on the governing zoning district shown in the table above), or the existing plus the background growth (not including the site) causes an inadequate level of service, then the developer will be expected to mitigate only the traffic to be generated by the proposed project. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenario will only require the analysis of five years beyond the full build-out year.

A narrative and map shall also be prepared that describes and illustrates recommended mitigations, by phase if necessary, for maintaining the integrity of the transportation system.

- r. Compliance with Adopted Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town of Cornelius for maintaining a safe and efficient multi-modal transportation system.
- 8. TIAs must be completed and reviewed by Planning Staff prior to establishing the Community Meeting date.
- 9. Meeting Attendance – The transportation consultant assigned by the Town shall attend all public meetings unless directed otherwise by the Planning Director.

SECTION 13.3: CONFORMANCE WITH ADOPTED PLANS

- A. Street and Thoroughfare Plans: Where a proposed development plan includes any part of a street or thoroughfare which has been designated as such in official plans adopted by the North Carolina Department of Transportation (Statewide Transportation Improvement Program (STIP)), or the Charlotte Regional Transportation Planning Organization (Comprehensive Transportation Plan (CTP), Metropolitan Transportation Plan (MTP)), or any Town of Cornelius Plan or Program (i.e., Centennial Transportation Plan, Bond Programs, etc.), a right-of-way shall be platted in the location shown on the plan in accordance with any adopted plan, as well as Chapter 7 of this Code.

As a condition of approval, the developer shall be required to construct the proposed street or thoroughfare within the borders of the 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 the developer's pro-rata share of the costs associated with the project



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(design, right-of-way, construction, etc.). Major thoroughfare and highway construction are exempt from this requirement.

- B. If the total residential development size exceeds 200 acres or 500 housing units, the developer shall reserve adequate (minimum of 18 usable acres) prominent sites for the location of schools. Sites reserved for schools may include up to one-half (½) of their total area towards the open space dedication requirement.

SECTION 13.4: SKETCH PLAN REQUIREMENTS

The sketch plan shall show in simple sketch form the proposed layout of streets, lots, buildings, public open spaces and other features in relation to existing conditions. It shall also include the following information:

- A. The existing topographic conditions of the property.
- B. The boundary lines of the property being subdivided.
- C. Water courses on the land to be subdivided.
- D. The location, names, and right-of-way width of any existing streets on or within 300' of the land to be subdivided.
- E. The location of all flood hazard areas, watershed district boundaries, and any other environmentally significant areas.
- F. Illustrative elevations for any buildings proposed.
- G. Location of significant vegetation on the site.

SECTION 13.5: DEVELOPMENT PLAN REQUIREMENTS

The development plan for Major Site Plans, Conditional Zoning Plans, Major Subdivisions, Special Use Permits, Vested Rights, and Master Plans shall be submitted at a scale no smaller than 1" = 100'. Plans shall be submitted electronically, compatible with current Planning Department standards.

The development plan must be drawn to the following specifications and must contain or be accompanied by the information listed below. No processing or review of a development plan will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination.



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- C. A vicinity map at a scale no smaller than 1" = 1,200' showing the location of the development with respect to adjacent streets and properties.
- D. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands) and any other environmentally-significant areas noted on the Lake Norman Shoreline Management Plan. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed use and non-residential buildings and gross project density per acre.
- E. Illustrative plans denoting site, landscape, and buildings, as well as 3-D renderings and building elevations from all sides of the development.
- F. All necessary engineering calculations required for compliance with the watershed protection requirements per Chapter 11.
- G. The proposed name of the development, street names, the owner's name and address, the names of adjoining subdivisions or property owners, the name of the township, county and state in which the development is located, the date of plan preparation and the zoning classification of the tract to be developed and of adjoining properties.
- H. Typical cross-sections of proposed streets. Where a proposed street is an extension of an existing street, the profile of the street shall include 300' of the existing roadway, with a cross section of the existing street. Where a proposed street within the development abuts a tract of land that adjoins the development and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300' of the said adjoining tract.
- I. A timetable for estimated project completion for each phase proposed.
- J. Original contours at intervals of not greater than five feet (5') for the entire area to be developed (two feet is preferred) and extending into adjoining property for a distance of 300' at all points where street rights-of-way connect to the adjoining property and 50' at all other points of common project boundaries. Mecklenburg County aerial photography may be used to satisfy this requirement.

In addition to the above required information, the following additional information may be required by the Planning Director or designee, Planning Board, or Town Board on a discretionary site-specific basis:

- K. Environmental Impact Statement, pursuant to Chapter 113A of the North Carolina General Statutes, if the development exceeds two (2) acres in area and if the Planning Board deems it necessary due to the nature of the land or peculiarities in the proposed design.
- L. Development Permit and Certification application with supporting documentation as required by the Cornelius Flood Damage Prevention Ordinance.



CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

- M. All proposed common access water-related structures (i.e. boat launches and community piers) shall be forwarded to the Lake Norman Marine Commission and Duke Energy for written comments prior to administrative approval.
- N. Written comments from Duke Energy detailing any potential impacts on environmentally significant areas noted in the Lake Norman Shoreline Management Plan.

SECTION 13.6: CONSTRUCTION DOCUMENT REQUIREMENTS

The Construction Documents for Minor Site Plans, Major Site Plans, Conditional Zoning Plans, Special Use Permits, Major Subdivisions, Vested Rights, and Master Plans shall be submitted in accordance with the specifications of this Section except where specifically noted. Construction Documents shall constitute the complete submittal requirements for Site Plans and Preliminary Plats required prior to construction.

Plans shall be submitted electronically, compatible with current Planning Department standards. Construction drawings must be drawn to the following specifications and must contain or be accompanied by the applicable information listed below. No processing or review of Construction Documents will proceed without all of the following information:

- A. The boundary, as determined by survey, of the area to be developed with all bearings and distances shown and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, easements or other significant features of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination.
- C. A vicinity map showing the location of the development with respect to adjacent streets and properties.
- D. Existing topography and finish grading with contours drawn at two-foot (2') intervals. The Zoning Administrator, at his discretion, may permit the use of County topographic data in five-foot (5') intervals on a site-specific basis. This requirement may be waived for developments smaller than one (1) acre or where it is determined that there is insufficient topographic change to warrant such information.
- E. The proposed name of the development, street names, the owner's name and address, signature of the owner or owner's duly authorized agent, the name of the surveyor, the names of adjoining subdivisions or property owners, the name of the township, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.
- F. A statement from Charlotte Water regarding the availability of adequate water and sewer capacity for the proposed development.
- G. Environmental Survey in accordance with Section 9.3.3, Environmental Survey.



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- H. Landscape plan in accordance with Section 9.4, Landscape Requirements, and lighting plan and in accordance with Section 7.5, Exterior Lighting.
- I. The plans for utility layouts, including sanitary sewers, storm sewers, and water lines, illustrating connections to existing systems. All water supply systems and sewage collection systems noted on the construction documents shall conform to current Charlotte Water standards. All storm drainage systems shall conform to Mecklenburg County Land Development Standards Manual.
- J. The location and size of all utility lines, easements, and rights-of-way including water, sewer, storm sewer, natural gas, and electric.
- K. The location of proposed buildings, parking and loading areas, streets, alleys, easements, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, lot dimensions, the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands), and any other environmentally-significant areas noted on the Lake Norman Shoreline Management Plan.
- L. Site calculations shall include total acreage of tract, acreage in parks and other non-residential uses, total number and acreage of parcels, the total number of housing units, area of all mixed-use and non-residential buildings, and gross project density per acre.
- M. The location and dimensions of off-street parking and loading spaces, and walkways indicating the type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided.
- N. The location and dimensions of proposed recreation areas, open space and required amenities and improvements including the calculated area of all required open space dedications in accordance with Chapter 8, Open Space.
- O. The location and dimensions of any sidewalks, curb, and gutters to be installed along public street frontages, alleys, and other required street improvements designated in Chapter 7, Streets, Parking & Lighting, or the Mecklenburg County Land Development Standards Manual.
- P. Typical cross sections of proposed streets showing rights-of-way, pavement widths, grades and design engineering data for all corners and curves. Where a proposed street is an extension of an existing street the profile of the street shall include 300' of the existing roadway, with a cross section of the existing street. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300' of the said adjoining tract.
- Q. The location of any existing or proposed demolition landfills in the site. Such sites shall not be used for building.



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- R. A copy of the full soil erosion and sedimentation permit application including forms, plans and calculations to be submitted to Mecklenburg County Land Use and Environmental Services Agency and a copy of the approval letter prior to site plan or preliminary plat approval.
- S. Final proposed elevations of all non-single-family residential buildings proposed for construction as part of this site plan approval. Subsequent buildings within the development may be handled as separate site plans. Such elevations shall include all facades visible from public streets.
- T. A timetable for estimated project completion for each phase covered by the development plan.
- U. Certificate of Survey and Accuracy as shown in Section 13.8.K.1.

In addition to the above required information, the following additional information may be necessary for unique sites:

- V. Where a proposed water and sewer system does not contemplate the use of facilities owned and operated by Charlotte Water, the proposed facility plans as approved by the appropriate agency shall be submitted with the construction documents.
- W. Where public or community water supply and/or sewerage systems are not available or to be provided, a written statement from the Mecklenburg County Health Department shall be submitted with the construction documents indicating that each lot has adequate land area and soil conditions suitable to accommodate the proposed methods of water supply and sewage disposal.
- X. Development Permit and Certification application with supporting documentation as required by the Cornelius Flood Damage Prevention Ordinance.
- Y. All proposed common access water-related structures (i.e. boat launches and community piers) shall be reviewed by the Lake Norman Marine Commission and Duke Energy for written comments prior to approval.
- Z. Written comments from Duke Energy detailing any potential impacts on environmentally significant areas noted in the Lake Norman Shoreline Management Plan.

SECTION 13.7: EASEMENTS

Easements shall be provided on all construction documents as follows:

- A. Utility Easements: Easements for underground or above ground utilities shall be provided for and centered along rear or side lot lines and shall be a minimum of 10' in width. Easements for water lines, sanitary sewers and storm drains shall be centered on the pipe and a minimum of 20' in width.
- B. Drainage Easements: Where a development is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as shall be adequate to maintain the overall integrity of the drainage area and provide for its periodic maintenance.



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- C. Public Access Easements: Public Access Easements shall be provided for sidewalks, trails, greenways and other pedestrian and bicycle facilities that provide connections other than within public rights-of-way.

SECTION 13.8: FINAL PLAT REQUIREMENTS

The final plat shall be prepared by a registered land surveyor, licensed to practice in the State of North Carolina and must be drawn to a scale no smaller than 1" = 100', and shall meet the requirements of the Mecklenburg County Register of Deeds Office. The final plat shall constitute all portions of the preliminary plat site, which the subdivider proposes to record, and develop at the time.

- Final Submittal for Signatures: 3 sets (mylar)
- Following Approval and Recordation: 1 original mylar plat returned to the Town

No final plat shall be approved unless and until the subdivider has installed in the platted area all improvements required by this ordinance or has posted improvement guarantees in accordance with Section 12.14, Improvement Guarantees. The final plat shall contain the following:

- A. The exact boundary of the tract of land being subdivided showing clearly the disposition of all portions of the tract.
- B. Scale denoted both graphically and numerically with north arrow and declination.
- C. A vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- D. As built drawings and plans of all water, sewer, and storm drainage system facilities, illustrating their layouts and connections to existing systems. Such plans shall show all easements and rights-of-way, to demonstrate that the facilities are properly placed and the locations of all fire hydrants, blow-off valves, manholes, pumps, force mains, and gate valves are indicated. This information shall not be placed on the final plat but must be submitted at the time of request for final plat approval or release of any surety for required improvements, whichever comes later.
- E. Sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street, alley line, lot line, building line, easement line, and setback line. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second.
- F. The lines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose with notes stating their purposes. All lots subject to flooding shall be noted with the following statement:

"Any construction or use within the areas delineated as floodway are subject to the restrictions imposed by the Cornelius Flood Damage Prevention Ordinance."



CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

- G. The accurate locations and descriptions of all monuments, markers, and control points.
- H. Underground and aerial utility easements shall be shown.
- I. The name of the township in which the subdivision/development is located, the name of the subdivision/development, the name of the owner, the name, registration number, and seal of the registered surveyor under whose supervision the plat was prepared, and the date of the plat.
- J. Submittal of payment in lieu of dedicated open space (if applicable).
- K. All the following certifications must appear on the Final Plat:
 - 1. **Certificate of Survey.** I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book ____, page ____; that the ratio of precision as calculated is 1: ____; that this plat was prepared in accordance with G.S. 47 30 as amended. Witness my original signature, registration number and seal this ____ day of ____, A.D., ____.

Seal or Stamp

Surveyor
Registration Number

- 2. **Certificate of Ownership and Dedication.** I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Cornelius and that I hereby adopt this plan with my free consent, establish minimum building setback lines, preserve and protect all significant trees over 18 inches diameter in the tree and root protection area, plant supplementary trees if required, and dedicate all streets, alleys, walks, parks, and other sites and easements, to public or private uses as noted. Once streets have been accepted by the Town or the State, street trees shall be maintained and cared for by the property owner adjacent to the tree, except in subdivisions where the property owners association provides maintenance and care. Prior to street acceptance, the developer shall be responsible for ensuring maintenance and care. Maintenance shall include replacement and trimming as necessary. Furthermore, I hereby dedicate all sanitary sewer, storm sewer, and water lines that are located in public utility easements or rights-of-way to the Town of Cornelius and Charlotte Water.

Date

Owner(s)

- 3. **Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements.** I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town Specifications and Standards or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Cornelius has been received.



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

Date

County Engineer, Mecklenburg County

4. **4a. Certificate of Approval for Recording.** I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Code for Cornelius, North Carolina, and that this plat has been approved by the Town of Cornelius for recording in the Office of the Register of Deeds of Mecklenburg County. I further certify that the Board of Commissioners only accepts the dedication of the public parks shown thereon, if such parks are located within the corporate limits of Cornelius but assumes no responsibility to open or maintain the same until, in the opinion of the Board of Commissioners, it is in the public interest to do so.

Date

Planning Director, Cornelius, North Carolina

OR

(The following certificate shall appear on all plats which do not meet the definition of subdivision as defined in this Ordinance, but which need approval from the Town for recording at the Mecklenburg County Register of Deeds Office. This Certificate is to be used in lieu of the above.)

4b. Certificate of Approval for Recording. I hereby certify that the subdivision plat shown hereon is exempt from the subdivision provisions of the Cornelius Land Development Code, and is therefore exempt from its provisions. The plat has been found to comply with the zoning regulations of the Cornelius Land Development Code, and has been approved by the Town of Cornelius for recording in the Office of the Register of Deeds of Mecklenburg County.

Date

Planning Director, Cornelius, North Carolina

The following Certificate shall be placed on the final plat only when the proposed subdivision is not to be connected to publicly owned and operated water supply and sewage disposal systems.

5. **Certification of Approval of Water Supply and Sewage Disposal Systems.** I hereby certify that the water supply and sewage systems installed or proposed for installation in _____ Subdivision meet necessary public health requirements and are hereby approved.

Date

County Health Officer or Authorized Representative



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

All plats approved in the Town of Cornelius' jurisdiction must have one of the following Watershed Certificates on the final plat:

6. **6a. Certificate of Approval for Recording.** This property is located within a Public Water Supply Watershed. Development restrictions may apply. I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town of Cornelius for recording at the Mecklenburg County Register of Deeds Office.

Date

Watershed Administrator, Town of Cornelius

OR

6b. Certificate of Approval for Recording. I certify that this plat is not within a designated Public Water Supply Watershed.

Date

Watershed Administrator, Town of Cornelius

OR

6c. Certificate of Approval for Recording. I certify that this plat is within a designated Public Water Supply Watershed, and that the owner and developer have submitted plans and obtained permits for construction prior to the effective date of the Ordinance and are exempt from its provisions.

Date

Watershed Administrator, Town of Cornelius

7. **Review Officer Certification.** State of North Carolina, County of Mecklenburg I, _____, Review Officer of Mecklenburg County, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

Date

Review Officer

8. **North Carolina Department of Transportation Certification.**
Division of Highways

Proposed Subdivision Road
Construction Standards Certification

APPROVED: _____

District Engineer

DATE: _____



TOWN OF CORNELIUS LAND DEVELOPMENT CODE

CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

- L. This certification is to appear on all Built-Upon Area (BUA) averaging plats:

Built-Upon-Area Transfer Plat

This plat represents a transfer of built-upon-area through preservation of a dedicated, undisturbed natural area for properties within the jurisdiction of the Town of Cornelius. The resulting action may or may not create tracts of land that are compliant with the Cornelius Land Development Code (LDC). This parcel is subject to the LDC built-upon area averaging standards: Any change to the development proposal affecting the approved built-upon-area allowance requires amendment to the existing Built-Upon Area Averaging Certificate and approval by the Cornelius Watershed Review Board. The Planning Director reserves the right to make periodic site inspections to ensure compliance with these conditions.

Date

Planning Director, Town of Cornelius

SECTION 13.9: PLACEMENT OF MONUMENTS

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying, as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors under provisions of Chapter 89 of the General Statutes of North Carolina, shall apply when conducting surveys of subdivision; in order to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

In addition, for the purpose of identification and protection of survey corners and monuments, each corner or monument within the subdivision shall have a disk attached to a ferrous rod or placed in concrete that shall be stamped to identify that point as a property corner and or control point. All monuments shall be set flush with or just below ground level and shall be made of durable materials. In addition, ferrous materials will be present in sufficient mass either in the monument or in close proximity to the monument to allow for detection by electronic metal detection devices.



CHAPTER 13: DEVELOPMENT PLAN SPECIFICATIONS

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CHAPTER 14: ZONING ADMINISTRATION

SECTION 14.1: ZONING ADMINISTRATOR

The various provisions of the Town of Cornelius Land Development Code shall be administered by the Town of Cornelius Planning Department under the primary direction of the Planning Director. The Zoning Administrator shall be any person in this Department who has been appointed by the Planning Director to assume such duties.

SECTION 14.2: ZONING PERMIT

No building, sign, or other structure (except as otherwise provided for in this Code) shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building, or change in use be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Board.

Nothing in this Code shall require any change in the plans, construction, or designed use of any building or structure for which a zoning permit was secured prior to the adoption of this Code, providing the zoning permit remains valid.

A. Expiration of Zoning Permit

Any zoning permit issued in accordance with this Code will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

B. Conditions for Approval

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized shall be deemed a violation of this Code and shall be punishable as indicated under Section 14.6, Penalties.

C. Zoning Permit Not Required

Notwithstanding any other provisions of this Code, no zoning permit is necessary for the following uses:

1. Street repair
2. Specific signs exempted in Chapter 10 of this Ordinance
3. Mailboxes, newspaper boxes, fences, birdhouses, flag poles, pump covers, and doghouses

SECTION 14.3: CERTIFICATE OF OCCUPANCY

No structure hereafter erected, moved, structurally altered, or changed in use shall be used or occupied until a certificate of occupancy has been issued by the Mecklenburg County Land Use and Environmental Services Agency. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Code.



CHAPTER 14: ZONING ADMINISTRATION

SECTION 14.4: RIGHT OF APPEAL

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Planning Board in accordance with Section 16.5.2, Appeals of Administrative decisions.

SECTION 14.5: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator who shall properly record such complaint, immediately investigate, and take action as provided by this Code.

SECTION 14.6: PENALTIES

In case any structure or use is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Code as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator, the Mecklenburg County Building Inspector, any other appropriate Town authority, or any person who may be damaged by such violation.

A. Criminal

Any person, firm, or corporation convicted of violating the provisions of this Code shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed \$500 and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense, provided that the violation of this Code is not corrected within ten (10) days of receipt of the warning citation as provided in Subsection G herein.

B. Equitable Remedy

The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this Code.

C. Injunction

Enforcement of the provisions of this Code may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

D. Order of Abatement

In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed; or
2. Fixtures, furniture, or other moveable property be moved or removed entirely; or



CHAPTER 14: ZONING ADMINISTRATION

3. Improvements, alterations, modifications, or repairs be made; or
4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

E. Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

F. Stop Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Code, the Zoning Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Zoning Administrator may revoke a zoning permit by written notification to the permit holder when violations of this Code have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Code, or a permit has been mistakenly issued in violation of this Code.

G. Civil Penalty

In addition to the other remedies cited in this Code for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this Code may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Planning Board. Once the ten-day or three-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.



CHAPTER 14: ZONING ADMINISTRATION

The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days Temporary sign violations must be corrected within 3 days
First Citation	\$100.00
Second Citation (For Same Offense)	\$200.00
Third and Subsequent (Citations for Same Offense)	\$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.



CHAPTER 15: NONCONFORMITIES

SECTION 15.1: PURPOSE AND APPLICABILITY

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Code (or any amendment subsequent thereto) that do not conform to this Code. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter. Many nonconformities may continue, but the provisions of this Chapter are designed to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the area in which it is located and the intent of this Code.

SECTION 15.2: NONCONFORMING USES

- A. Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this Section, but this Section shall only apply to the extent said nonconformities fully and clearly meet the definition of “non-conforming use” in Chapter 2 of this Code.
- B. Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use. Also, a nonconforming use may be re-established in case of damage (to an extent of less than 60% of its assessed value) due to fire or other disaster event pursuant to the issuance of a Special Use Permit by the Planning Board. This shall include, as well, the repair or reconstruction of any structure or on-site utility, parking or street infrastructure in support of said nonconforming use. If said structure was also nonconforming, the reconstruction shall meet the current setback requirements of the applicable district. An application must be filed for such Special Use Permit no later than 30 days after the use has been destroyed or damaged, otherwise the use will not be allowed to be rebuilt.
- C. A nonconforming non-residential use shall not be expanded, changed or enlarged, nor shall such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached). However, if a nonconforming non-residential use can expand within the existing structure, it may do so as long as the Zoning Administrator determines that the interior expansion will not have a negative impact upon surrounding conforming uses. Any occupation of additional lands beyond the boundaries of the lot on which said nonconforming use is located is prohibited. An existing nonconforming residential use located in a non-residential district may, however, be enlarged or altered. Any such enlargement or alteration shall be in compliance with all yard requirements of such structures as required in the specific district.
- D. Once a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- E. If a nonconforming use is abandoned for 180 days or more, the use shall not be allowed to re-establish. All new uses in said structure shall thereafter be conforming. If said use is located in a structure which is destroyed (i.e. received damage to an extent of more than 60% of its assessed value at the time of destruction), a use may only be allowed to re-establish in accordance with the zoning regulations in effect in the district in which it is located. Assessed value shall be determined



CHAPTER 15: NONCONFORMITIES

by using tax assessment records provided by the tax assessor's office for the year in which the structure was destroyed.

- F. If a nonconforming manufactured home, located on the same lot as a principal structure, is occupied by a blood relative of the owner-occupant of the principal structure, such manufactured home shall be permitted, subject to Section 15.3 (F) of this Code.
- G. Notwithstanding Section 15.2.C, if a nonconforming automotive sales use within the Highway Commercial (HC) zoning district is currently active, expansion and/or improvement of the use and structures associated with the use either on the existing lot or adjoining lot may be permitted by the Town Board of Commissioners with approval of a conditional zoning application for such expanded/improved use. The use must be improved to meet current standards of the Land Development Code, including, but not limited to screening and landscaping, parking, architectural standards, etc. For purposes of this Section, "adjoining lot" shall include an immediately adjacent lot or lot that is separated from the existing lot by a tract of land that is of such size and configuration that it is only suitable for the following uses: utilities, driveway(s), or pedestrian ingress and egress (excluding public or private streets).
- H. Notwithstanding Section 15.2.C, if a nonconforming boat service and/or repair use within the Village Center (VC) zoning district is currently active, expansion and/or improvement of the use and structures associated with the use on the lot may be permitted by the Town Board of Commissioners with approval of a conditional zoning application for such expanded/improved use. The use must be improved to meet current standards of the Land Development Code, including, but not limited to screening and landscaping, parking, architectural standards, etc.

SECTION 15.3: NONCONFORMING PRINCIPAL STRUCTURES

- A. A nonconforming structure containing a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this Section.
- B. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
- C. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
- D. If a nonconforming non-residential structure is damaged to an extent greater than 60% of its assessed value for tax purposes it shall be rebuilt only after the issuance of a Special Use Permit. A building permit for reconstruction of such structure must be secured no later than 180 days from the date of its destruction. In the issuance of said permit, the Zoning Administrator shall follow these standards:
 - 1. If the structure can be rebuilt on the same lot and meet all setback requirements, it shall be.



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2. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming manner as possible.
 3. A nonconforming structure shall not be rebuilt in a manner, which increases its nonconformity.
 4. The reconstruction of a nonconforming structure (at the same or smaller size) shall require the installation of sufficient parking, landscaping or buffering.
- E. A principal dwelling unit that does not meet the standards specified in the definition of Principal Building but has maintained compliance with the requirements of a previously issued building permit 90 days prior to the adoption of Ordinance No. 2015-00606 on October 19, 2015, which amends such definition, shall be deemed a non-conforming structure.
- F. A nonconforming manufactured home used as a principal residential structure may be replaced with another manufactured home only if 1) the replacement is a manufactured home which bears a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act, and 2) the replacement manufactured home is newer in age than the one it is replacing. The replacement manufactured home must receive a Certificate of Occupancy within six months of the removal of the original manufactured home. The manufactured home must meet all district requirements.

SECTION 15.4: NONCONFORMING ACCESSORY USES AND STRUCTURES

- A. A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.
- B. No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located. No non-conforming accessory use or structure shall become or replace any terminated principal non-conforming use or structure.

SECTION 15.5: NONCONFORMING LOTS

A nonconforming vacant lot may be developed for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all applicable yard and setback requirements for the zoning district in which the lot is located.

SECTION 15.6: NONCONFORMING SIGNS

- A. Except as herein provided, nonconforming signs that were otherwise lawful on the effective date of this Code may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- C. A nonconforming sign may not be moved or replaced (including but not limited to replacing copy or changing names or symbols) except to bring the sign into complete conformity with this Code. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign



CHAPTER 15: NONCONFORMITIES

may only be replaced with a sign which is in conformance with the terms of this Code. (However: non-conforming signage in a multi-tenant or mixed-use building may be permitted to change a tenant name to maintain consistency within the overall project and uniformity with this ordinance as approved by the Planning Director or designee.)

- D. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.
- E. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Code, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of more than 50% of the sign's value immediately prior to the sign having received said damage.
- F. The message of a nonconforming multi-tenant identification sign may be changed so long as it does not create any new nonconformities.
- G. **Nonconforming On-premises signs:** If a nonconforming on-premise sign which advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that has not been operated, conducted or offered for a period of at least 180 days, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 30 days after the 180 day period has expired.

Notwithstanding the above, If there is an expansion to the heated square footage of an existing business, or a change in use to an existing building (except multi-tenant buildings), a change in the name of the business, replacing copy, changing names or symbols and there is one or more on-premises nonconforming signs which advertised the former or current business or use, any new signs used, and all new sign faces for the new use or business must meet all sign requirements for the underlying district.

- H. If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:
 - 1. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - 2. The advertising message it displays becomes illegible in whole or substantial part; or
 - 3. It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Building For Rent", "Building For Lease", "Building for Sale", etc. shall not be deemed to be an advertising message).



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- I. All off-premise advertising signs which are currently illegal shall be removed as a result of and in accordance with the five and one-half (5 ½) year amortization period in the October 17, 1988 Zoning Ordinance, except as provided in subsection J.
- J. North Carolina General Statute 136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising signs adjacent to the highway on the national system of interstate and defense highways or a highway on the Federal-aid primary highway system for which a valid permit has been issued. This subsection shall not require that any sign be removed if compensation must be paid upon removal of such sign due to any State or Federal law that mandates such form of "just compensation" upon removal. Should any such State or Federal requirement become inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half (5 ½) years of such State or Federal requirement becoming inoperative or otherwise failing to apply to such sign.

SECTION 15.7: NONCONFORMING PARKING, LIGHTING, LANDSCAPING, SCREENING, AND OTHER EXTERIOR FEATURES

Any increase in building square footage or modification to any exterior feature(s) on the site (parking, lighting, landscaping, screening, sidewalk, buffers, curbing, storm water, drainage, etc.) shall require conformance with the current requirements of this Code to the greatest extent possible.

SECTION 15.8: NON-CONFORMING TRANSIENT OCCUPANCY

Time Periods for Abatement in Residential Districts. Nonconforming uses located in Residential Districts (GR and NR) shall be abated and terminated upon the expiration of the periods of times set forth within this section. The nonconforming use shall be discontinued within 36 months of the adoption of this ordinance (February 2, 2009). Only existing units with valid Transient Occupancy permit at the time of adoption of this Ordinance (February 2, 2009) may utilize this abatement period.

Eligibility for Transient Occupancy Use Amortization

- A. The following Transient Occupancy uses in the prohibited districts shall be eligible for the amortization period provided herein:
 - 1. Transient Occupancy uses with valid permits (formerly Vacation Rental permits) in effect on the date of the adoption of this ordinance
 - 2. Transient Occupancy uses with permit applications pending, but no permit issued due to the moratorium, as of the date of adoption of this ordinance. Permits shall be issued within 30 days of the adoption of this ordinance
 - 3. Transient Occupancy uses that do not have a permit or pending application which can conclusively establish that they had a Transient Occupancy use in existence on or before the date of the adoption of this ordinance. Such Transient Occupancy uses must submit a complete application for permit on or by 30 days after the adoption of this ordinance.
- B. No new Transient Occupancy use coming into existence in the prohibited districts after the adoption of this ordinance shall be eligible to be issued a permit or be eligible for the amortization period herein.



CHAPTER 15: NONCONFORMITIES

- C. Any Transient Occupancy use eligible for the amortization period shall be subject to all regulatory requirements as amended and expanded by the adoption of this ordinance during the amortization period.
- D. Any Transient Occupancy use eligible for this amortization period shall lose such eligibility on revocation or denial of reissuance of its permit based on lack of conformance with applicable regulations, or upon the owner's failure to apply for and obtain a renewal of the permit.

Extension of Abatement Period for Nonconforming Uses.

- A. Purpose. A property owner may request an extension of the abatement period to amortize the property owner's investment to avoid an unconstitutional taking of property. The City will evaluate evidence of economic hardship arising from abatement, the nonconformity's impact on the community, and other factors that may affect the length of the abatement period required to avoid an unconstitutional taking.
- B. Application Requirements. Except as otherwise provided herein, the owner of property subject to an abatement period, or his authorized agent, may file an application for extension of the abatement period pursuant to this Section no later than 90 days prior to the expiration of the abatement period set forth in this chapter. The application shall include the following additional information:
 - 1. The length of the requested extension of the abatement period.
 - 2. Evidence in support of the findings below
- C. Notice and Hearing: The Town Board of Commissioners will review the application for an extension at a public hearing. Notice of the hearing shall be as specified in Chapter 12.7.3 of this ordinance. Notice shall be provided to all owners and occupants of property within 300' of the property. The Town Board of Commissioners, by resolution, shall approve, conditionally approve, or deny the request for an extension to the abatement period. The resolution shall include findings of fact pertinent to the criteria set forth in this Chapter.
- D. Findings. In reviewing an application for an extension to the abatement period, the Town Board of Commissioners shall grant an extension only as required to avoid an unconstitutional taking of property. The Town Board of Commissioners shall consider:
 - 1. The length of the abatement period in relation to the owner's investment in the use;
 - 2. The length of time the use was operating prior to the date of nonconformity;
 - 3. The suitability of the structure for an alternative use;
 - 4. Harm to the public if the use remains beyond the abatement period;
 - 5. The cost and feasibility of relocating the use to another site; and
 - 6. Other evidence relevant to the determination of whether an extension of the abatement period is required to avoid an unconstitutional taking of property.
- E. Notice to Owner. The Planning Director shall formally notify the owner of nonconforming property of the action of the Town Board of Commissioners by mailing the owner a copy of the resolution not later than 10 days following the date of its adoption by the Town Board of Commissioners.



CHAPTER 16: PLANNING BOARD

SECTION 16.1: AUTHORITY AND RESPONSIBILITY

The Planning Board shall have the following duties and responsibilities:

- To render opinions and make recommendations on all issues and petitions related to the Land Development Code, Zoning Map, Land Use Plan, and other plans which may be adopted from time to time which require approval by the Town of Cornelius Board of Commissioners.
- To make recommendations on any amendments as allowed by Chapter 18, Text/Rezoning Amendments.
- To make an interpretation of any portion of this Ordinance.
- To serve as the Watershed Review Board and rule on all petitions in accordance with the procedures set forth in Chapter 11, Watershed Protection Administration.

SECTION 16.2: MEMBERSHIP

In accordance with G.S. 160D-301, the Planning Board shall consist of a total of ten (10) members.

The representation on the Planning Board shall be proportional based on population for residents of the extraterritorial area under the authority of this Code. Representation shall be provided by appointing at least one (1) resident of the entire extraterritorial jurisdiction (ETJ). The total membership of the Planning Board shall be proportional to the population of residents of the Town and residents in the ETJ area.

Representatives from within the Town limits shall be appointed by the Cornelius Board of Commissioners. Representatives from the ETJ area shall be appointed by the Mecklenburg County Board of Commissioners.

The Town Board may also form a subcommittee to serve in an advisory role to the Planning Board on large-scale Land Development Code amendments. The subcommittee shall not be comprised of a quorum of Planning Board members and may include appointment of non-Planning Board members to provide subject matter expertise.

SECTION 16.3: MEETINGS, HEARINGS & PROCEDURES

- A. All meetings and evidentiary hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board. Such rules of procedures may be amended by the Planning Board membership.
- B. Any rules of procedure adopted by the Planning Board shall be kept on file at the offices of the Planning Director and shall be made available to the public at any meeting or hearing of the Planning Board.



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SECTION 16.4: STAFF

The Planning Director or designee shall serve as staff to the Planning Board and shall provide technical assistance to the Planning Board as requested.

SECTION 16.5: BOARD OF ADJUSTMENT

The Planning Board acts as the Board of Adjustment when conducting evidentiary quasi-judicial hearings. In accordance with NCGS 160d-302, the Board of Adjustment shall be comprised of seven (7) regular members and three (3) alternates who shall be specifically appointed by the Town Board. The Board of Adjustment shall conduct evidentiary quasi-judicial hearings as follows:

1. To hear and decide appeals from any order, decision, determination, or interpretation made by the Zoning Administrator pursuant to or regarding these regulations.
2. To hear and decide petitions for variances from the requirements of these regulations.
3. To hear and decide petitions for Special Use Permits.
4. To hear and decide petitions for Major Architectural Variations.

16.5.1: Quasi-Judicial Procedures

Board Member Participation. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Notice. In accordance with G.S. 160D-406, Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

Administrative Materials. The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections



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to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

Presentation of Evidence. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

Appearance of Official New Issues. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

Oaths. The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class 1 misdemeanor.

Subpoenas. The Board through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any persons with standing under G. S. 160D-1402 (c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Appeals in Nature of Certiorari. When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G. S. 160D-1402(k).

Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.



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Decisions. The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board, or such other office or official as the development regulation specifies. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

If an application is denied, the reason(s) for denial shall be provided to the applicant in writing. Unless the Board of Adjustment explicitly states conditions that must be met prior to the resubmission of an application, the applicant may file a new application and associated fee for the same property after one (1) year of the date of denial unless the application is significantly different from the previously denied application. All applications shall be resubmitted for full review beginning with Section 12.5 (unless the application is resubmitted to address conditions set forth by the Board of Adjustment for re-application).

Judicial Review. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G. S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

16.5.2: Appeals of Administrative Decisions

When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

The Board of Adjustment shall hear and decide appeals, decisions of administrative officials charged with enforcement of the Land Development Code, and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

Except as provided by G.S. 160D-1403.1, any party with standing under G.S. 160D-1402(c) may appeal decisions by the zoning administrator to the Board of Adjustment. An appeal is taken by filing a Notice of Appeal with the Town Clerk. The Notice of Appeal shall state the grounds for the appeal.

The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. If notice of the decision is sent by mail, it is deemed received on the third business day after it is sent. (G.S. 160D-405(c)).



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The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolutions.

16.5.3: Variances

- A. Filing a Variance Petition — A petition for variance, in the form prescribed by the Board, shall be filed with the Town Planning Director or designated administrator, accompanied by a nonrefundable filing fee as established by the Town Board.
- B. Standards for Granting a Variance – When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment may vary any of the provisions of the ordinance upon a showing of all of the following:
 - 1. Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.



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- C. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.
- D. The concurring vote of four-fifths of the board shall be necessary to grant a variance.

16.5.4: Special Use Permits

Filing a Special Use Permit Application — A Special Use Permit application, in the form prescribed by the Board, shall be filed with the Town Planning Director or designated administrator, accompanied by a nonrefundable filing fee as established by the Town Board.

Standards for approving a Special Use Permit – The Board may approve a special use permit application if, following an evidentiary quasi-judicial public hearing, the proposed use in its proposed location meets the following Findings of Fact:

1. Complies with all applicable standards of this Code;
2. Is in the interest of the public convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community;
3. Is compatible with the character of the surrounding area in terms of site planning, building scale, and project design;
4. Is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation; and
5. Will not have a significant adverse impact on pedestrian safety or comfort.

Shipping Containers

Shipping containers as an ancillary use supporting the conforming on-site commercial use (excluding storage use) may be allowed with approval of a Special Use Permit with the following additional Findings of Fact:

6. Is clearly an ancillary use supporting the principal structure use;
7. Additional landscaping is provided and maintained for screening; and
8. Has limited visibility from arterial roads (Main Street/NC Highway 115/Old Statesville Road, Bailey Road, US Highway 21/Statesville Road, West Catawba Avenue, Catawba Avenue, Torrence Chapel Road, Liverpool Parkway, I-77, Westmoreland Road).

The Board may take the following actions on a Special Use Permit Application:

- Approve
- Approve with Conditions
- Deny



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Lapse of Approval – An approved special use permit will lapse and have no further effect two (2) years after its effective date unless:

1. A building permit has been issued and construction diligently pursued; or
2. A certificate of occupancy has been issued; or
3. The building or use is established; or
4. The Board of Adjustment extends the expiration period by no more than one year.

A special use permit will lapse upon revocation of a building permit for violations of conditions of approval.

Amendments to Special Use Permits. Major Amendments to Special Use Permits shall be reviewed by the Board of Adjustment in accordance with the standards specified above. Minor Amendments to Special Use Permits shall follow the Conditional Zoning administrative process specified in Section 18.5.12, Alterations and Amendments to Approvals.

16.5.5: Effect of Approval or Modification of Decision

After the Board of Adjustment approves a variance, Special Use Permit, or Major Architectural Variation, or reverses or modifies an order, decision, determination, or interpretation of an administrative officer, the appellant or petitioner shall be responsible for a building permit and/or certificate of occupancy, as applicable, in order to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance, special use permit, major architectural variation, reversal, or modification granted to the appellant or petitioner by the Board.

16.5.6: Rehearing

The Board shall refuse to hear an appeal, variance, special use permit, or major architectural variation petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.



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CHAPTER 18: TEXT/REZONING AMENDMENTS

SECTION 18.1: INTENT

The purpose of this Chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Land Development Code text or Zoning Map are also set forth.

SECTION 18.2: AUTHORITY

Upon compliance with the provisions of this Chapter, the Town Board shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

SECTION 18.3: FILING OF PETITIONS

Any map or text amendment may be initiated by the Town Board or Planning Board on its own resolution, by any owner of a legal or equitable interest in the property affected by the amendment, or by a local government agency of Cornelius, or by any other person living or owning property within the zoning jurisdiction of Cornelius in accordance with the procedures set forth herein. However, in accordance with G.S. 160D-601 (d) no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.

For a re-classification of property or text amendment proposed by any person or entity other than the Planning Board or Town, or for petition to change the text of this Ordinance, such petition shall be on an application form prescribed by the Planning Department and accompanied by the fee established by the Town Board. Said application form and fee shall be filed with the Planning Department.

See Chapter 12 for general application submittal requirements and procedures for Town Board Review.

18.3.1: Content of Application Rezoning

- A. Each noncontiguous parcel of land for which rezoning is requested shall be deemed as a separate application, and said application fee shall accompany each application. For the purpose of this paragraph, land located on and adjacent to either side, to the rear, and all property directly across any street or public right-of-way from the subject property shall be deemed to be contiguous.
- B. Each application for a rezoning of land shall be accompanied by a map, drawn to scale, with the following information either shown on the map or accompanying it:
 - 1. The subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines which abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.



CHAPTER 18: TEXT/REZONING AMENDMENTS

2. If the property is in a subdivision of record, a map of such portion of the subdivision that would relate the subject property to the closest street intersection, and in addition, the name of the subdivision and the plat addition and the names and addresses of all adjoining property owners (as indicated on the most up-to-date tax listings) shall be furnished.
3. A written metes and bounds description and a boundary survey of the property proposed for rezoning shall accompany the map.
4. The present and proposed zoning classification of the lot(s) in question.
5. The property identification number(s) of the lot(s) in question as issued by the Mecklenburg County Tax Department.

Text Amendments

An application for a change in the text of the Ordinance shall be made on an application form provided by the Planning Department. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

SECTION 18.4: INITIATION OF A REZONING (NOT CZ) OR TEXT AMENDMENT PETITION

When considering a petition for the re-classification of property to any district neither the Planning Board nor the Town Board shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

18.4.1: Review of Decisions

Every map or text amendment decision of the Town Board is a legislative process subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina appropriately filed. Developer shall be responsible for proper and timely filing of such proceedings.

18.4.2: Re-Submission of Petition for Rezoning (Not Including Text Amendments)

- A. The Town Board shall not review any applications for the same map changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial.
- B. The Zoning Administrator may allow re-submission of such petition within said one (1) year period if it is determined that, since the date of the prior petition denial:
 1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
 2. The Town Board has adopted a plan that changes public policy regarding how the property affected by the previous denial should be developed;



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3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and could adequately accommodate the intensity of development allowed under the proposed classification; or
4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

SECTION 18.5: CONDITIONAL ZONING DISTRICT (CZ)

Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community. There are also circumstances in which a general district designation allowing such a use by right, would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted “Land Use Plan”, and/or other adopted plans. The development of these uses cannot be predetermined or controlled by general district standards.

Conditional Zoning Districts (CZ) may be utilized to accommodate such situations by reclassification of property into a Conditional Zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties. This Section establishes specific development standards for these uses, which allow for flexibility in development while protecting existing developed areas.

The rezoning process will apply to uses that are enumerated as “Conditional Zoning” in the “Table of Uses” in Section 5.4.2. Conditional Zoning shall be subject to the specific procedural rules of this chapter. Major Subdivisions that meet the eligibility standards of a Conditional Zoning District shall be reviewed and acted upon as part of the rezoning process specified within this Section of the ordinance.

18.5.1: Procedures For Conditional Zoning

Conditional Zoning districts are subject to predetermined ordinance standards, and the rules, regulations, and conditions imposed as part of the legislative decision creating the CZ district and applying it to the particular property.

A Conditional Zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available in a reasonable time period.

The conditional zoning process typically includes the following:

1. Community Meeting – this is the first opportunity for public input. This meeting is hosted by the developer.
2. Project Presentation and Public Comment – this is the second opportunity for public input and will be during a regularly scheduled Town Board meeting.
3. Planning Board Meeting – the Planning Board will hear from staff and the developer, as well as any citizen comments, on the proposed development to consider making a recommendation to the Town Board.



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4. Town Board Meeting – the Town Board will hold a legislative public hearing on the proposed development. This is the final opportunity for public input.

18.5.2: Content of Application

In addition to the specifications in 18.3.1, an application for the CZ rezoning of land to Conditional Zoning (CZ) shall be submitted in accordance with Chapter 13, Development Plan Specifications.

The Planning Director has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.

In the course of evaluating the proposed use, the Planning Director, Planning Board, or Town Board of Commissioners may request additional information from the petitioner. This information may include the following:

- A. Proposed number and general location of all structures;
- B. Proposed screening, buffers and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- C. Existing and general proposed topography, if available, at four-foot contour intervals or less;
- D. The location of significant trees on the subject property;
- E. Scale of buildings relative to abutting property;
- F. Height of structures;
- G. Exterior features of proposed development;
- H. Any other information needed to demonstrate compliance with these regulations; and
 - I. Proposed number and location of signs.

The site plan and any supporting text shall constitute part of the petition for all purposes under this Chapter.

18.5.3: Pre-Application Meeting/Site Visit

The Developer shall submit a sketch plan compliant with Section 13.4, Sketch Plan Requirements, and a general statement of development intent to the Planning Department for review as part of the pre-application meeting. The Planning Department will review with the Developer all the appropriate planning ordinances that are relevant to the project, including the Land Use Plan and any pertinent approved plans, and including the Conditional Zoning Communication Policy. The Planning Director or designee and the Developer will also visit the site to review general site conditions.

18.5.4: Required Community Meeting

Before a legislative hearing may be held on a petition for a Conditional Zoning district, the petitioner must file in the Planning Department a written report of at least one community meeting held by the petitioner at least two (2) weeks prior to proceeding to the Planning Board. Notice of such a meeting shall be given to the property owners and organizations within one-half (½) mile radius of the proposed development and are entitled to notice at least ten (10) days but no more than twenty-five (25) days in advance. Planning Staff will be responsible for the mailed notices. The report shall include, among other things, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the



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rezoning petition made by the petitioner as a result of the meeting. Additionally, subsequent meetings should be held when deemed necessary at the discretion of the Planning Director or designee but will not require additional notification of neighbors. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Board of Commissioners but shall not be subject to judicial review.

18.5.5: Approval of Conditional Zoning

Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. In considering any petition for a conditional zoning district, the Town Board of Commissioners shall act in accordance with the following procedures.

18.5.6: Conditional Zoning Review Process

Once the petition is complete, completion and Planning Staff review of a Traffic Impact Analysis, a community meeting has been held, the CZ request has been presented and the public has an opportunity to provide comment at a Town Board meeting, except in accordance with Section 18.5.9, the CZ application process follows the Town Board review process in Section 12.8.

18.5.7: Conditions to Approval of Petition

In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Town Board request, that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, or other development considerations; and, other matters that the Town Board may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the Town, County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board. Only those conditions mutually approved by the Board and the petitioner may be incorporated into the petition.

18.5.8: Effect of CZ Approval

- A. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the conditional zoning district, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Maps.



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- B. If a petition is approved, the petitioner shall comply with all requirements established for obtaining a building permit and certificate of occupancy. Only those uses and structures indicated in the approved petition and site plan shall be allowed to be permitted on the subject property and are to be constructed as shown on the approved petition and site plan.
- C. Following the approval of the petition for a Conditional Zoning district, the subject property shall be identified on the Zoning Maps by the appropriate district designation. A Conditional Zoning district shall be identified by the letters "CZ".

18.5.9: Alterations and Amendments to Approvals

Changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to these regulations or to the Zoning Map and shall be processed in accordance with the procedures of this Chapter, except as indicated below.

Administrative amendment process:

- A. Application for an administrative amendment. Any request for an administrative amendment shall be pursuant to a written letter, signed by the Developer, to the Planning staff detailing the requested change. Upon request, the Developer must provide any additional information that is requested. Accompanying the letter shall be the required application and applicable fee.
- B. Authority to approve an administrative amendment. The Planning Director or designee shall have the delegated authority to approve an administrative amendment change to an approved site plan or to waive any procedural requirement as deemed appropriate in the Town Board review process. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions. The foregoing standards constitute changes to an approved site plan that cannot be considered through an administrative amendment:
 - 1. Changing the uses permitted
 - 2. Increasing the number of buildings
 - 3. Modifying the number of principal dwelling units.
 - 4. Reducing parking spaces below the minimum standards
 - 5. Reducing buffers or yards
 - 6. Moving structures closer to adjacent properties in a residential district or when abutting a residential use
 - 7. Reducing open space
 - 8. Increasing the mass of buildings

The Planning Director or designee, however, shall always have the discretion to decline to exercise the delegated administrative amendment authority either because the designee is uncertain about approval of the change pursuant to the standard, or because a rezoning petition for a legislative hearing and Town Board consideration is deemed appropriate under the circumstances. If the Planning Director or designee declines to exercise this authority, then the Developer can only file a rezoning petition for a legislative hearing and Board decision.

The Planning Director has the authority to waive any procedural requirement in the Board review process when such requirement is deemed unnecessary.



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Staff decision, notifications, appeal process:

1. If an administrative amendment is approved, appeals of decisions shall be subject to Section 16.5.1, Appeals of Administrative Decisions, and must be filed with the Planning Director or designee in writing.
2. If an administrative amendment is denied, then the Planning Director or designee shall send written notification of the denial to the Developer. The Developer shall have twenty-one (21) days from the date of the written notification to file an appeal of the decision with the Planning Director or designee.

If the denial is appealed, then the Planning staff shall send written notification of the appeal, per Chapter 16. The Board of Adjustment shall hear the denial appeal through a quasi-judicial process.

Board of Adjustment Appeal Process:

1. The Board of Adjustment shall hold a quasi-judicial hearing on the appeal. The Board may affirm, reverse, or modify the denial under appeal, making findings of fact and conclusions of law to support its decision.
2. Appeals of the Board of Adjustment decision may be made to Superior Court in accordance with applicable law.

18.5.10: Review of Approval of a Conditional Zoning District

It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the petition, the Town Board of Commissioners may examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval. If the Town Board of Commissioners determines that adequate progress has not been made in accordance with the approved petition and conditions, it may initiate rezoning the property to the appropriate classified general district following the general rezoning process outlined in in this Chapter, to the extent the property is not lawfully vested at such time.

18.5.11: Deactivation or Closure of a Conditional Zoning (CZ) Application

- A. If after a period of six months, no activity has occurred on an application, the application may be deactivated and closed. Activity shall be defined as follows:
 1. Submission of a plan for review or presentation; or
 2. Community Meeting; or
 3. A TIA or other required plan is in process of being prepared or reviewed; or
 4. Technical Staff Meeting or Committee Review; or
 5. A Board review
- B. After five (5) months of no activity, the Town shall notify the Developer that the six (6) month deadline is approaching. The Developer shall be notified of the two available alternatives for action with regard to the application:
 1. That activity on the application must occur for the application to remain active; or



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2. A double fee may be paid to keep the application active. If a second six-month period passes, a triple fee would be required to keep the application active. No refunds will be provided upon payment of a double or triple fee.
- C. The Developer may withdraw the application. If requested and/or warranted, any refund of application fees will be at the discretion of the Planning Director based on mailing and advertising costs to date.
- D. If no contact is made to the Town regarding an action noted above and the six (6) month deadline passes, the application shall be deactivated and closed with no application refund provided.
- E. Upon withdrawal or deactivation of any application, the Developer may file a new application with new fees being paid at any time. The application and review shall start from the beginning of the review process and be considered as a newly filed application.

SECTION 18.6: AMENDMENTS TO PARALLEL CONDITIONAL USE DISTRICTS

Any request to make an amendment to a Parallel Conditional Use District must follow the CZ rezoning procedures specified in Section 18.5.

