PLANNING BOARD/BOARD OF ADJUSTMENT
October 12, 2026
Agenda

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1. **CALL TO ORDER - 6:00 PM**
2. **DETERMINATION OF QUORUM**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
   - A. **Approval of Minutes**
5. **CONSIDERATION OF APPROVAL**
   - A. **REZ 07-26 Bethel Presbyterian Church Renovation**
   - B. **TA 02-26 - Signs Text Amendment**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **NEXT MEETING - NOVEMBER 9, 2026**
9. **ADJOURNMENT**

RULES FOR PUBLIC COMMENTS AND HEARINGS

Please sign up to speak before the meeting on the sign-up sheet located near the entrance to the board room.

Please be aware that all meetings of the Planning Board are recorded and streamed live on the internet.

- Provide your name and address before you begin your comments.
- Comments are limited to 4 minutes.
- Comments are to be directed to the entire Board and not to individuals.
- You may yield your comments to another speaker present at the meeting so that one speaker may address the board for up to 8 minutes.
- A designated spokesperson for a group of three or more may be allocated 10 minutes to speak. At least three members of the group must be present and names and addresses of those members present must be submitted to the Administrative Assistant before the meeting begins.
- Presentations by applicants seeking to rezone property are limited to 10 minutes. (Staff presentations and applicant time spent responding to questions from the Planning Board is not subject to the 10-minute limit).
- You must be civil in your language and presentation and act within reasonable standards of

courtesy.
- Use of slander, name-calling, personal attacks or threatening speech or behavior is prohibited.

REQUEST FOR BOARD ACTION

Date of Meeting: October 12, 2026

4.A. Approval of Minutes

To: Chair Bechtold and Planning Board Members

From: Rechelle Ward

Action Requested:
Approval of minutes from July 13, 2026, meeting

Manager's Recommendation:
Approval of minutes from July 13, 2026 meeting

ATTACHMENTS:
PB Minutes 09.14.2026 - Draft.pdf

Minutes

TOWN OF CORNELIUS PLANNING BOARD MEETING
Assembly Room
September 14, 2026
6:00 p.m.

Members Present	**Absent Member**	**Staff Present**
Phil Bechtold	Andy Upchurch	Rox Burhans, Planning Director
Fred Westaway		David Cole, Assistant Planning Director
Ava Callender		Jon DelSordo, Planner
Mamie Lee		
Keith Eicher		
Brett Hart		
Travis Jullian		
Todd Little		

VISITORS
David Coble (Applicant)
Erica Tallent (BOA Attorney)

DETERMINATION OF QUORUM
Chair Bechtold announced that the following members would be voting for the purposes of Board of Adjustment: Phil Bechtold, Ava Callender, Fred Westaway, Todd Little, Mamie Lee, Keith Eicher, and Travis Jullian.

PLEDGE OF ALLEGIANCE
Those in attendance recited the Pledge of Allegiance.

APPROVAL OF MINUTES
Chair Bechtold entertained a motion to approve the minutes from the July 13, 2026, meeting. Mr. Westaway made a motion to approve, and Ms. Lee seconded. **All were in favor, and the motion was approved.**

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee, Mr. Hart, Mr. Jullian, Mr. Little and Mr. Westaway

Opposed: None

PUBLIC HEARING AND CONSIDERATION OF APPROVAL

A. SUP 01-26 20604 Torrence Chapel Rd

Chair Bechtold entertained a motion to suspend the Planning Board and open as the Board of Adjustment, and further open the public hearing for SUP 01-26. Mr. Westaway made a motion to approve, and Mr. Eicher seconded. All were in favor, and the motion was approved.

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee,

Opposed: None

Mr. Hart, Mr. Jullian, and Mr. Westaway

Chair Bechtold asked Ms. Tallent to read the Conflict of Interest Narrative into the record.

Chair Bechtold swore in the following individuals in order to present testimony: David Cole (Staff), David Coble (Applicant).

Chair Bechtold recognized Mr. Cole and asked if he was ready to present SUP 01-26 20604 Torrence Chapel Rd (Randy Marion Flagpole).

Mr. Cole provided an overview of the Special Use Permit application type, and provided an overview of the request:

- Randy Marion Lake Norman is operating a car dealership on the subject property.
- The property has been used as a car dealership since the 1980s, and was expanded in 2004. Car sales are allowed by-right on the property due to a valid and active Conditional Use Permit that was issued in 2004 as part of the building expansion.
- The applicant is seeking a Special Use Permit in order to install a flagpole that is 114.84' tall, and fly a 1,800 square foot flag from the flag pole. This exceeds the minimum Land Development Code requirements of 30' tall (flagpole) and 40 square feet (flag size).
- A recent Land Development Code Amendment allows US or NC flags, such as the proposed flag, to exceed the maximum quantity, flagpole height, and/or flag size subject to a Special Use Permit. This amendment was in response to October 5 legislation from the state prohibiting Towns from restricting the same, except to protect public health, safety and welfare.

Mr. Cole informed the board that In order to approve the Special Use Permit, they must find by a simple majority vote that all seven Findings of Fact for large flags are in the affirmative:

1. The subject property upon which the flagpole is proposed is located in a nonresidential district.
2. The flagpole is located a minimum of 500 feet from the nearest residential district.
3. The flagpole is located in a defined rear or side yard; placement of a flagpole exceeding the height and size standards of this ordinance is prohibited in a primary or secondary front yard.
4. The flagpole shall be located on the property so that the overall length of the flag, when entirely unfurled, does not encroach beyond adjoining property lines nor over a public right of way.
5. The flagpole collapse zone remains clear of any on-site structures, and sits entirely within the boundaries of the subject property. For the purposes of this section, "collapse zone" is defined as a buffer zone measured from the base of the flagpole, with a radius equaling the total height of the pole plus 10 feet.
6. A letter from the North Carolina Department of Transportation is provided with the Special Use Permit application, which confirms based on a site study that no traffic concerns will arise with manner or placement of the display of such flag at the particular location.
7. The overall placement of the flagpole on the subject property does not create any additional concerns regarding public health, safety, and welfare.

Mr. Cole presented photographs of the property from I-77 and Torrence Chapel Road.

Mr. Cole presented Exhibits 2 & 3; an elevation view of the flagpole showing the 114.84' height from grade, and a high-level map demonstrating that the property is over 500 feet from the nearest residential district, proximity to the building on-site, and distance of the proposed flagpole location from property lines and street rights of way.

Mr. Cole presented Exhibit 4, which indicates a proposed 70' flag length/radius well within the property boundaries.

Exhibit 5 was then introduced, showing the collapse zone based on a scaled survey of the property. This zone indicates that should flagpole collapse, it will not threaten buildings, rights of way, or go across the property line.

Mr. Cole introduced Exhibit 6, correspondence from NCDOT indicating that there are no safety concerns associated with the flagpole from that agency's perspective.

In concluding the staff presentation, Mr. Cole recommended that should the SUP be approved, the following condition should be attached:

> "An as-built survey shall be produced by the applicant upon completion of the flag pole, verifying compliance with the height standard of 114.84'."

If issued, Mr. Cole reminded the board, the applicant will have immediate ability to pull a building permit in order to construct the flagpole. Mr. Cole then reminded the board of the seven findings of fact that they are expected to review the application against.

Mr. Cole then opened the floor for questions from the board for staff, ahead of Mr. Coble's presentation.

Mr. Hart asked whether the new code and statute standards only applied to US and NC flags. Mr. Cole answered that this is correct.

David Coble then came to the podium and indicated that, per the application, the proposal meets all seven findings of fact, and that he would be willing to entertain additional questions from the board. Ms. Tallent asked him to verify whether he prepared the application, and would like to incorporate all materials into his testimony. He answered yes.

Mr. Eicher asked Mr. Coble whether the flag is the same size as the one in Statesville. Mr. Coble replied that, yes, it will be similar but slightly smaller; the Statesville pole is 130' tall and the flag is slightly larger than the one proposed in Cornelius due to property line boundaries and similar considerations.

Mr. Julian asked the purpose of the proposal for a large flag. Mr. Coble replied that Mr. Marion likes large flags, that it is part of his branding.

Mr. Burhans asked Mr. Coble whether he would be comfortable agreeing to the as-built survey condition. Mr. Coble indicated that he is comfortable with the condition and accepts it.

Mr. Bechtold asked the board whether they had any other questions for staff or the applicant. No further questions were asked.

Mr. Bechtold then entertained a motion to close the public hearing and begin deliberation. Mr. Westaway made the motion, and Mr. Eicher seconded.

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee, Mr. Hart, Mr. Jullian, and Mr. Westaway **Opposed:** None

Mr. Julian asked the board whether they thought there would be any fall-out or ripple effect. Mr. Bechtold asked for clarification. He indicated potential concern that this could prompt other applicants in the future. Mr. Westaway and Ms. Lee indicated that they would only be able to make their decision based on the findings at hand.

Mr. Bechtold turned to the board to create the findings of fact. The following findings of fact were made by the board:

1. The subject property upon which the flagpole is proposed is located in a nonresidential district.
   Vote: 7 Yes/ 0 No – Finding Approved.

2. The flagpole is located a minimum of 500 feet from the nearest residential district.
   Vote: 7 Yes/0 No – Finding Approved.

3. The flagpole is located in a defined rear or side yard; placement of a flagpole exceeding the height and size standards of this ordinance is prohibited in a primary or secondary front yard.
   Vote: 7 Yes/0 No – Finding Approved.

4. The flagpole shall be located on the property so that the overall length of the flag, when entirely unfurled, does not encroach beyond adjoining property lines nor over a public right of way.
   Vote: 7 Yes/0 No – Finding Approved.

5. The flagpole collapse zone remains clear of any on-site structures, and sits entirely within the boundaries of the subject property. For the purposes of this section, “collapse zone” is defined as a buffer zone measured from the base of the flagpole, with a radius equaling the total height of the pole plus 10 feet.
   Vote: 7 Yes/0 No – Finding Approved.

6. A letter from the North Carolina Department of Transportation is provided with the Special Use Permit application, which confirms based on a site study that no traffic concerns will arise with manner or placement of the display of such flag at the particular location.
   Vote: 7 Yes/0 No – Finding Approved.

7. The overall placement of the flagpole on the subject property does not create any additional concerns regarding public health, safety, and welfare.
   Vote: 7 Yes/0 No – Finding Approved.

Mr. Bechtold then requested a brief 10-minute recess to allow staff to compile the findings of fact document ahead of the final board vote.

Following the recess, Ms. Tallent read the findings of fact document to the board. Mr. Bechtold entertained a motion to approve the findings of fact as presented and approve the Special Use Permit, subject to the staff-recommended as-built condition. Mr. Westaway moved, Mr. Eicher seconded.

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee, Mr. Hart, Mr. Jullian, and Mr. Westaway **Opposed:** None

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Mr. Bechtold then requested a motion to suspend the Board of Adjustment and return to the Planning Board. Mr. Eicher moved, Mr. Westaway seconded.

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee, Mr. Hart, Mr. Jullian, and Mr. Westaway **Opposed:** None

OLD BUSINESS

None

NEW BUSINESS

Mr. Burhans presented a few items:

- Rechelle Ward (former clerk to the board) is no longer employed by the Town; requesting patience and grace from the Board prior to hiring a new staff member.
- Tuyen Truong is also no longer employed by the Town; wished her well in new employment.
- Two potential conditional rezoning items upcoming for October 12 Planning Board

ADJOURNMENT

Chair Bechtold entertained a motion to adjourn the meeting at 6:29 p.m. Mr. Eicher moved, Mr. Jullian seconded. **All were in favor, and the motion was approved.**

In Favor: Mr. Bechtold, Ms. Callender, Mr. Eicher, Ms. Lee, Mr. Hart, Mr. Jullian, Mr. Little and Mr. Westaway **Opposed:** None

Respectfully submitted:

_____	_____	_____	_____
Phil Bechtold	Date	David Cole	Date
Chairman		Assistant Planning Director	

REQUEST FOR BOARD ACTION

Date of Meeting: October 12, 2026

5.A. REZ 07-26 Bethel Presbyterian Church Renovation

To: Chair Bechtold and Planning Board Members

From: Aaron Tucker - Senor Planner

Action Requested:
Joseph T. Roy, IV is requesting to amend the zoning on approximately 13.01 acres of property located at 19920 Bethel Church Road to accommodate a 6,500 sf building addition and various site improvements to Bethel Presbyterian Church. The existing fellowship hall will be demolished in place of a new building. The current playground will be relocated from the side of the building to the rear of the site and parking stalls will be added around the new building to accommodate ADA parking.

Manager's Recommendation:
Staff recommends approval with conditions.

ATTACHMENTS:
Staff Report
Zoning Map
Future Land Use Map
Vicinity Map
Property Map
Exhibit A Rezoning Plan
Exhibit B Rezoning Conditions
Exhibit C Elevations
Exhibit D 2030 Land Use Plan Document
Exhibit E Applicant Commitment Letter
Consistency Statement

REZ 07-26
Bethel Presbyterian Church Renovation

Conditional Zoning Request

Planning Board Meeting
October 12, 2026

Staff Contact: Aaron Tucker, Senior Planner

OWNER/APPLICANT: Joseph T. Roy, IV
Bethel Presbyterian Church
19920 Bethel Church Road
Cornelius, NC 28031

AGENT: Joesph T. Roy, IV
18209 Moorings View Cove
Cornelius, NC 28031

PROPERTY LOCATION: 19920 Bethel Church Road
PID#: 00150102 & 00150105

PROPERTY SIZE: Approximately 13.01 acres

CURRENT LAND USE: Civic

PROPOSED LAND USE: Civic

EXISTING ZONING: General Residential (GR)

PROPOSED ZONING: Conditional Zoning (CZ)

EXISTING CONDITIONS:

1. *Description of Adjoining Zoning and Land Uses* – As shown on the zoning map, these properties are bordered by GR (General Residential) zoning on the north and west. To the east, this property is bordered by NR (Neighborhood Residential) zoning and is currently occupied by the Windward condo community. To the south across Bethel Church Road the properties are adjacent to VC (Village Center) and NR zoning and include a mix of civic, commercial and residential uses.

2. *Topography and Vegetation* – The topography is generally mild and slightly slopes down from south to north. The church campus is home to many large specimen trees, most of which will not be impacted by the proposed improvements. There is a large stand of trees toward the rear of the church that will also not be impacted.

3. *Infrastructure* – Currently, water and sewer access are available. The applicant has received verification from Charlotte Water that capacity is available to support the prosed improvements. The site currently has 4 access points to Bethel Church Road (State maintained) and no changes

to the access driveways are proposed. The Town's draft Bicycle and Pedestrian Comprehensive Plan identifies a 5' sidewalk and 5' bike lane along the street frontage of this site. Currently, no sidewalk or bike lane exists along the northeast side of Bethel Church Road. The applicant has agreed to dedicate a permanent sidewalk easement and temporary construction easement to allow for future improvements.

STAFF COMMENTS:

1. *History* – Bethel Presbyterian Church was founded in 1828 and the original sanctuary was constructed in 1830. The current sanctuary was constructed in 1896 and portions of this building still exist today. There have been numerous modifications to the building and site over the years, including construction of the community house in 1939, construction of the fellowship hall in 1967, and other various additions occurred in 1976. Neither the site nor building is currently designated as a historic landmark.

2. *Project Overview* – The applicant, Joseph T. Roy, IV, is requesting to amend the zoning on approximately 13.01 acres of property located at 19920 Bethel Church Road to accommodate a 6,500 sf building addition and various site improvements to Bethel Presbyterian Church. The existing fellowship hall will be demolished in place of a new building. The current playground will be relocated from the side of the building to the rear of the site and parking stalls will be added around the new building to accommodate ADA parking.

   The civic use and many site features (i.e. parking, landscaping, etc.) are considered legal nonconforming improvements. Legal nonconforming improvements are improvements constructed consistent with the code standards in place at the time but do not meet current standards. The applicant is requesting Conditional Zoning (CZ), as civic uses are only permitted through the CZ process in all districts.

   Any expansions to nonconforming sites require compliance with the current Code to the greatest extent In an effort to make the site more compliant with the Land Development Code, the applicant is proposing to dedicate easements along the Bethel Church Road frontage to accommodate future bike and pedestrian improvements, adding bike racks, adding an internal sidewalk connection from the main building entrance to the existing crosswalk on Bethel Church Road, and providing dumpster screening. The applicant is also installing additional trees along the Bethel Church Road frontage and interior to the site. The applicant has requested a waiver of various landscaping, parking, lighting, and other code related items as detailed in condition 11.C of the recommended rezoning conditions document.

   The site contains numerous mature specimen trees that can be seen from Bethel Church Road. The applicant has planned improvements in a way that have little impact to the existing significant specimen trees and tree protection construction fencing will be required. Details regarding the protected trees are included on the rezoning plan.

   The proposed rezoning plan is included as Exhibit A.

3. *Land Use Plan Consistency* – The Land Use Plan adopted by the Town Board on May 1st, 2023, designates this property as Civic. The proposed development is reasonable and consistent with the primary land uses recommended in the Civic land use category, as places or worship are listed as primary land uses. A copy of the Civic land use category is included as Exhibit D.

4. *Pre-Development Review Committee Review* – The Pre-Development Review Committee (PDRC) reviewed this proposal on July 7, 2026. The committee was generally supportive of the project moving forward. Members agreed that an abbreviated conditional zoning process was appropriate, that no external community meeting appeared necessary, and that the applicant should work with staff on the required road frontage improvements, landscaping compliance, mechanical equipment screening, architectural elements, and other various code related items as the application is formalized. Based on PDRC feedback recommending an abbreviated rezoning process, the community meeting and Town Board introduction meeting were not held.

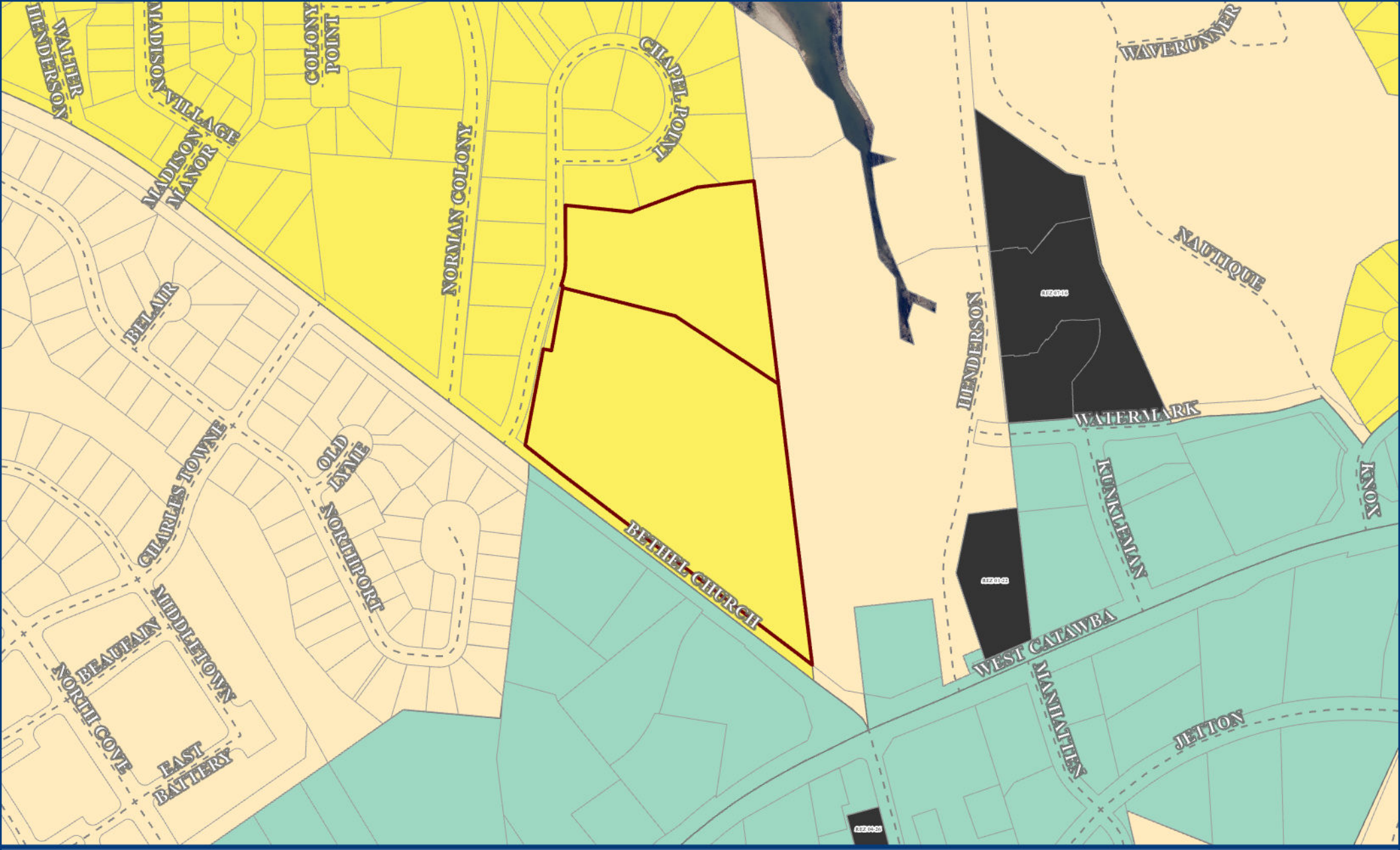
5. *Architecture Review Board* – The Architecture Review Board discussed this project on September 24, 2026. Overall, the Board was supportive of the proposed changes to the buildings, including the painting of the existing and new brick white. They commended the applicant for preserving a portion of the original building brick on the western façade and recommended terminating the white paint at the inside corner of any protruding brick features. The Board also recommended the applicant provide a screen wall or similar to screen the new HVAC units located on the roof of the new building addition. The Board recommended approval of the project subject to the above recommendations. A copy of the proposed elevations is included as Exhibit C.

6. *Rezoning Plan and Rezoning Conditions* – Exhibits A and B reflect draft versions of the Rezoning Plan and Rezoning Conditions document. There are minor outstanding site plan comments and architectural elevation comments to reconcile prior to presenting them before the Town Board. A letter committing to certain site plan and architectural elevation changes is provided as Exhibit E.

STAFF RECOMMENDATIONS:

Staff recommends approval with conditions. The following conditions are included below as Exhibit B.

Enc: Exhibit A: Rezoning Plan
Exhibit B: Rezoning Conditions
Exhibit C: Elevations
Exhibit D: 2030 Land Use Plan Document
Exhibit E: Applicant Commitment Letter



19920 Bethel Church Rd Zoning Map

The following map is intended to assist in the review of the development request. All boundaries, features, and data are approximate. Official property boundaries and zoning designations should be confirmed with the Town of Cornelius Planning Department and Mecklenburg County

Legend

Zoning District

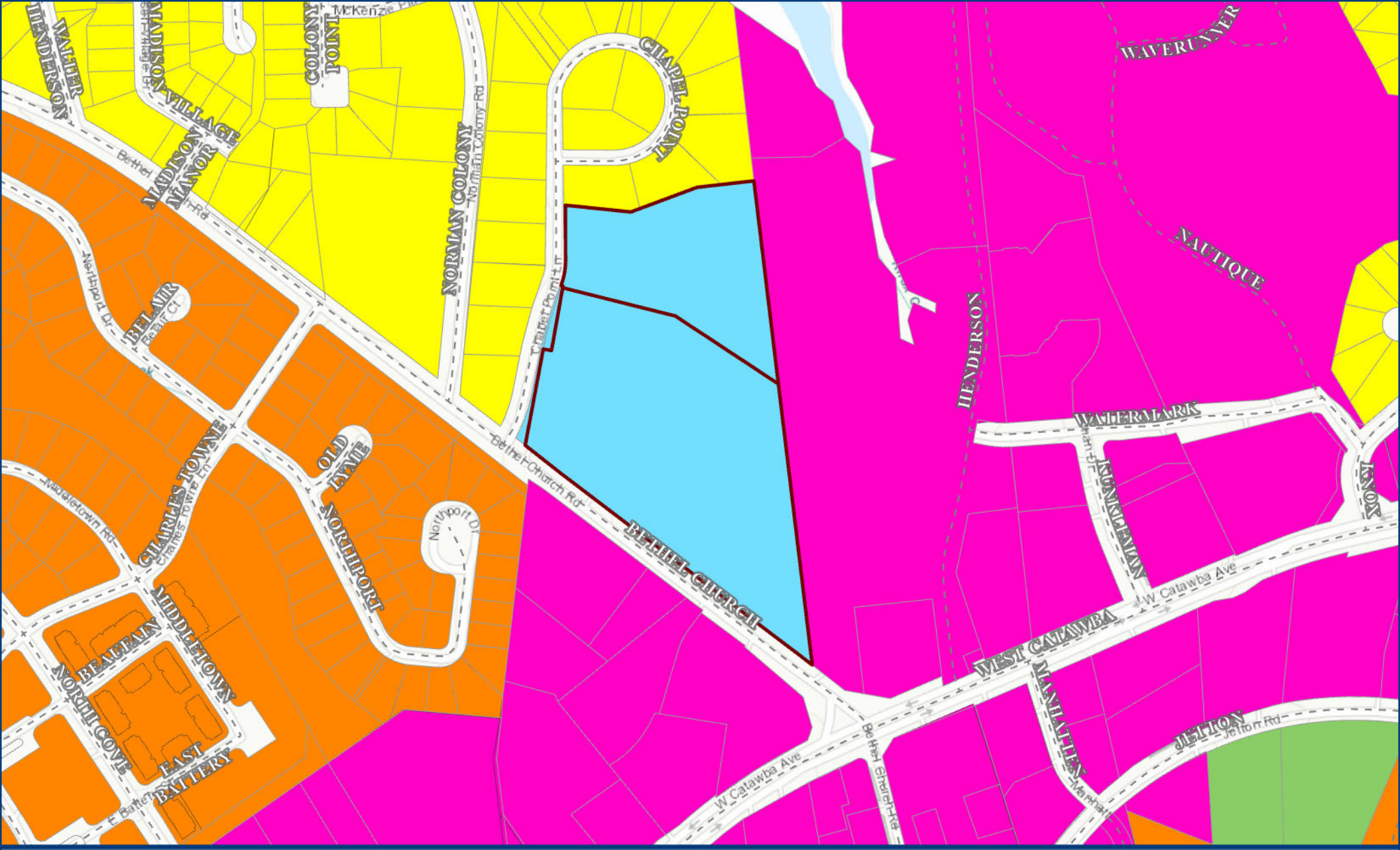
- Conditional Zoning (CZ)
- General Residential (GR)
- Neighborhood Residential (NR)
- Village Center (VC)
- Subject Property

0 0.03 0.05 0.1 Miles

N W E S

10/1/2026

Rezonings\2026 Rezoning Cases\REZ 07-26 Bethel Presbyterian Church Renovation\Maps



19920 Bethel Church Rd Land Use Map

The following map is intended to assist in the review of the development request. All boundaries, features, and data are approximate. Official property boundaries and zoning designations should be confirmed with the Town of Cornelius Planning Department and Mecklenburg County

Legend

Subject Property

Land Use Categories

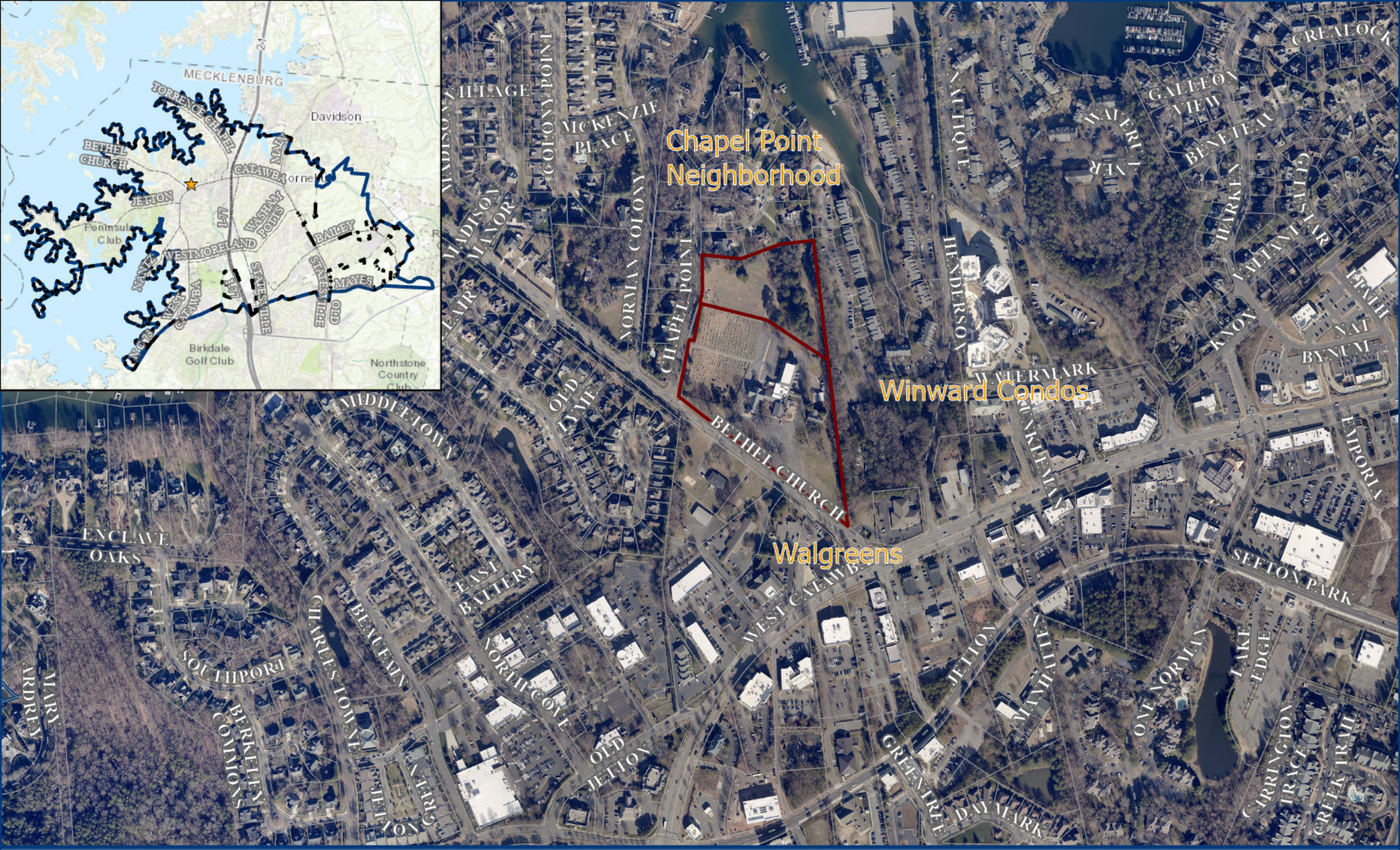
- Public Parks and Open Space
- Low Density Single Family
- Medium Density Residential
- Civic
- Catawba Mixed Use

0 0.03 0.05 0.1 Miles

N W E S

10/1/2026

Rezonings\2026 Rezoning Cases\REZ 07-26 Bethel Presbyterian Church Renovation\Maps



19920 Bethel Church Vicinity Map

The following map is intended to assist in the review of the development request. All boundaries, features, and data are approximate. Official property boundaries and zoning designations should be confirmed with the Town of Cornelius Planning Department and Mecklenburg County

Legend

Subject Property

0 0.05 0.1 0.2 Mi

N W E S

10/2/2025
Rezonings\2026 Rezoning Cases\REZ 07-26 Bethel Presbyterian Church Renovation\Maps



19920 Bethel Church Rd Property Map

The following map is intended to assist in the review of the development request. All boundaries, features, and data are approximate. Official property boundaries and zoning designations should be confirmed with the Town of Cornelius Planning Department and Mecklenburg County

Legend

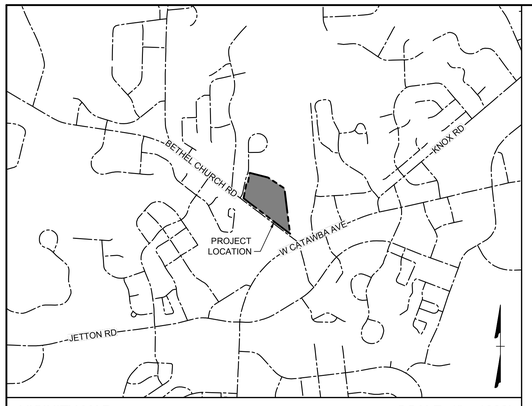
Subject Property

0 0.01 0.03 0.06 Miles

N W E S

10/1/2026

Rezonings\2026 Rezoning Cases\REZ 07-26 Bethel Presbyterian Church Renovation\Maps



VICINITY MAP SCALE: 1" = 1000'

OWNER/DEVELOPER

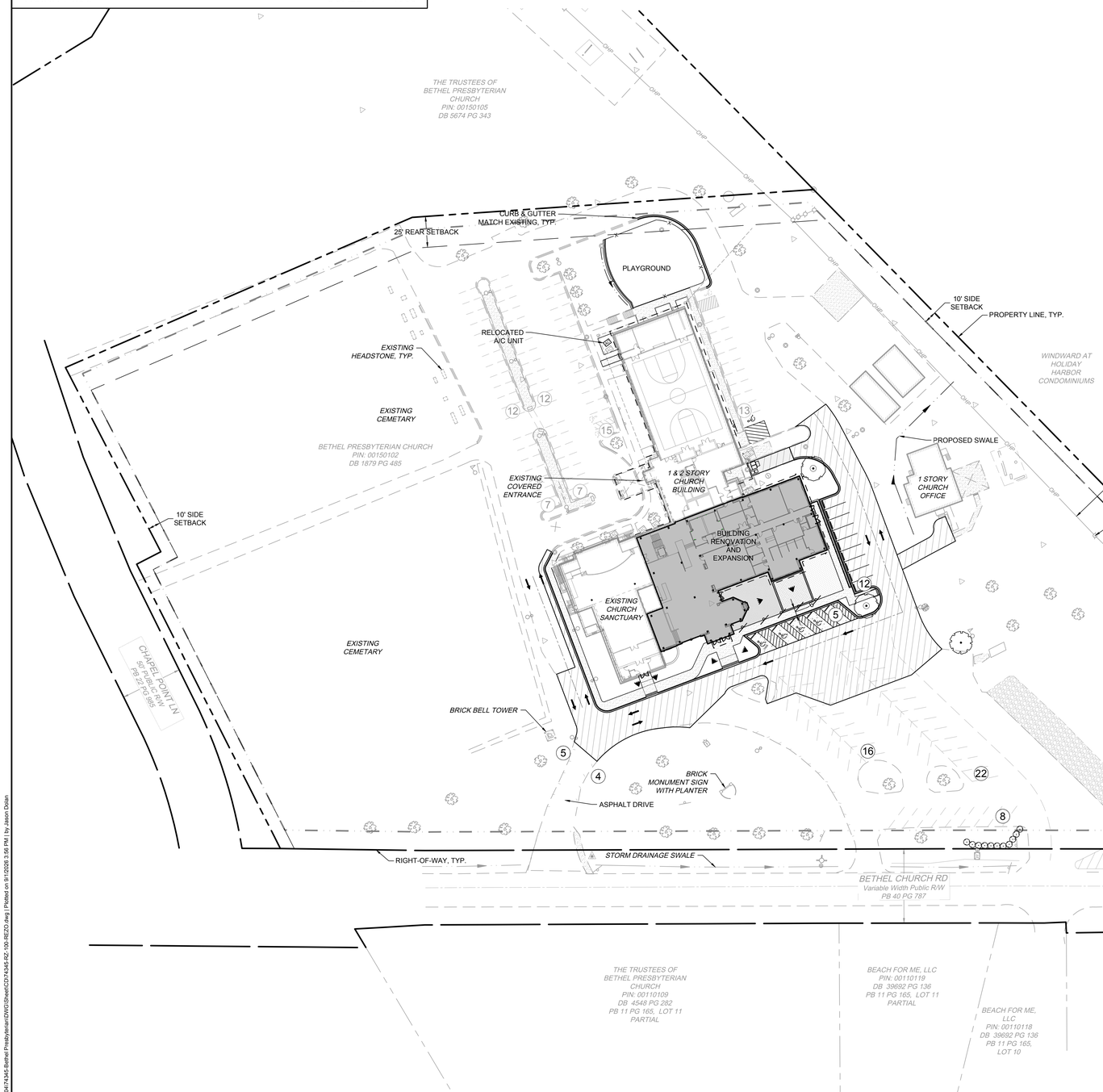
BETHEL PRESBYTERIAN CHURCH
19920 BETHEL CHURCH ROAD
CORNELIUS, NORTH CAROLINA 28031
CONTACT: JOE ROY
PHONE: (704) 714-3077
EMAIL: royjt@meetingstreet.net

ARCHITECT

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CHARLOTTE, NORTH CAROLINA 28211
CONTACT: MATT SPIVA
PHONE: (704) 248-3255
EMAIL: matts@wgmdesign.com

CIVIL/LANDSCAPE

TIMMONS GROUP
610 EAST MOREHEAD STREET, SUITE 250
CHARLOTTE, NORTH CAROLINA 28202
CONTACT: BRIAN CRUTCHFIELD
PHONE: (704) 602-8600
EMAIL: brian.crutchfield@timmons.com



REZONING PLAN LEGEND

PROPERTY LINE	-/-
RIGHT-OF-WAY LINE	-/-
EXISTING CURB & GUTTER	-/-
CURB AND GUTTER	-/-
SIGN	-/-
CONCRETE SIDEWALK	-/-
LIGHT-DUTY CONCRETE	-/-
LIGHT-DUTY ASPHALT	-/-

SITE SUMMARY

DEVELOPER: BETHEL PRESBYTERIAN CHURCH
PROJECT NAME: BETHEL PRESBYTERIAN CHURCH EXPANSION

PARCEL ID: 00150102
ADDRESS: 19920 BETHEL CHURCH RD CORNELIUS, NC 28031

LOT SIZE: 9.04 ACRES

USE:
EXISTING USE: CHURCH
PROPOSED USE: CHURCH

ZONING:
ZONING: GENERAL RESIDENTIAL (GR)

JURISDICTION:
TOWN OF CORNELIUS
CHARLOTTE WATER
MECKLENBURG CO. FIRE

MINIMUM SETBACKS:
FRONT: N/A (CORNELIUS LD CODE 4.4.1)
SIDE: 10 FEET
REAR: 25 FEET

PARKING:
EXISTING PARKING: *174 SPACES*
PROPOSED:
REMOVED PARKING: *24 SPACES*
PARKING TO REMAIN: *150 SPACES*
PROP. STD. PARKING: 12 SPACES
PROP. ADA PARKING: 5 SPACES (1 VAN ACCESSIBLE)
TOTAL PARKING: 167 SPACES

ENVIRONMENTAL:
FEMA PANEL: 3710463300J (EFFECTIVE DATE 03/09/2009)
POST CONSTRUCTION DISTRICT: CORNELIUS

IMPERVIOUS SUMMARY:
TOTAL SITE ACREAGE: 9.04 ACRES

GRADING, DEMOLITION, ETC. DISTURBANCE: ±0.88 ACRES

ASPHALT REPLACEMENT: ±0.49 ACRES

EXISTING BUA: ±3.22 ACRES
POST PROJECT BUA: ±3.29 ACRES

NAD 83

SCALE 1"=40'
0 40' 80'

North Carolina 811 www.nc811.org

1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING SIGNS, BARRICADES, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE TOWN OF CORNELIUS, MECKLENBURG CO., CHARLOTTE WATER AND NCDOT.
4. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.

THIS DRAWING PREPARED AT THE
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YOUR VISION ACHIEVED THROUGH OURS.

TIMMONS GROUP

REVISION DESCRIPTION	DATE

DATE: 08/11/2026
DRAWN BY: S. NICHOLS
DESIGNED BY: S. NICHOLS
CHECKED BY: J. DOLAN
SCALE: 1" = 40'

BETHEL PRESBYTERIAN CHURCH EXPANSION

19920 BETHEL CHURCH RD CORNELIUS, NC 28031

REZONING PLAN

JOB NO. 74345

SHEET NO. RZ-100

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Exhibit B:

Project Notes and Conditions of Approval

REZ 07-26 Bethel Presbyterian Church Renovation

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1. Rezoning Petition. These rezoning notes comprise the development standards ("Development Standards") associated with the rezoning petition (the "Rezoning Petition") filed by Joseph T Roy, IV, ("Petitioner") as rezoning petition #REZ 07-26 for approximately 13.01 acres of land identified on this site plan (the "Rezoning Plan") as Bethel Presbyterian Church Renovation (the "Project") and other site plan information submitted to the Town of Cornelius on July 22, 2026 (the "Filing Date"), in connection with tax parcel numbers 00150102 & 00150105 (the "Property"). The purpose of the Rezoning Petition is to convert the zoning classification of the Property from General Residential (GR) Zoning District to Conditional Zoning (CZ) pursuant to the provisions of the Town of Cornelius Land Development Code in effect on the Filing Date (the "Ordinance"). The Rezoning Plan shall comply with the Ordinance in effect at the time the rezoning application was submitted and determined to be complete unless specifically amended in the Rezoning Plan. The applicability of future ordinances and/or modifications to existing ordinances shall be governed by G.S. 160D-108: Permit Choice and Vested Rights.
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8. Subdivision. The Property is one development and may be subdivided without a rezoning to allow separate owners of individual parcels so long as such subdivision is in compliance with applicable law, the rezoning plan, and lot lines comply with setback and lot size standards and requirements of the Ordinance; however, recombination, condominiumization, or reduction of parcels may occur in accordance with the regulations of the Ordinance. Requirements that are intended to be met by the Project as a whole, such as open space, tree save and impervious requirements, need not be met by individual parcels.
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10. Vested Rights. Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. §160D.
11. Agreed upon Conditions and Deviations from Existing Ordinance
    a. Rezoning Plan Consistency: The Property shall be developed in a manner consistent with the approved Rezoning Plan unless an amendment consistent with Section 9 above is approved.

    b. Nonconformities: Many of the existing site features are considered nonconforming. Waiver of the following items to allow the site to maintain the sites original character:
        i. Landscaping (LDC Ch-6):
            1. Type A perimeter buffers will not be required to be provided along the boundaries with adjacent properties. No impacts to the existing tree canopy along the property boundary perimeter is proposed.
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        v. Future Site Modifications: An amendment to the rezoning approval shall be required for any future modifications and expansions per item #9 above. All nonconformities shall be subject to reconsideration when reviewing future amendments.

c. Architecture: Building design shall adhere to the elevations submitted by the applicant. The following conditions shall also be met:
    i. All rooftop mechanical equipment shall be screened from view with a screen wall or similar treatment.
    ii. A portion of the building containing the original brick dating back to 1896 along the western façade shall be preserved and shall not be painted.
    III. Any portion of the original 1896 brick that is painted shall only be painted with breathable, vapor-permeable product in order to preserve the integrity of the material.
    IV. Where painted brick abuts unpainted brick, the paint shall be terminated at the inside corner of any protruding brick features.

d. Bethel Church Road Improvements Easement: The petitioner shall dedicate a 3' permanent easement along their common frontage with Bethel Church Road to allow for future bike and pedestrian improvements. The petitioner shall also dedicate a 4' temporary constructure easement in addition to the 3' permanent easement. These easements shall be dedicated prior to the issuance of a Certificate of Occupancy. Future improvements within the easement area shall be designed to allow the preservation of existing specimen trees along Bethel Church Road.

d. Final Plat: A final plat will be required prior to the issuance of a Certificate of Occupancy to dedicate the permanent sidewalk easement and illustrate the temporary construction easement, as represented on the rezoning plan and indicated in the condition above, along Bethel Church Road.

e. Landscaping and Screening:
    I. All mature trees shown on the Rezoning Plan shall be preserved and adequately protected by tree root protection fencing depicted on the Construction Drawings. All new plantings shown on the rezoning plan shall be installed prior to the issuance of a certificate of occupancy.
    II. Dumpster enclosure screening fencing will be installed on three sides of the proposed dumpster location using existing building walls to screen the remaining sides.

I (we), _____, hereby agree to the rezoning conditions set forth above.

By: _____ Date_____


BETHEL

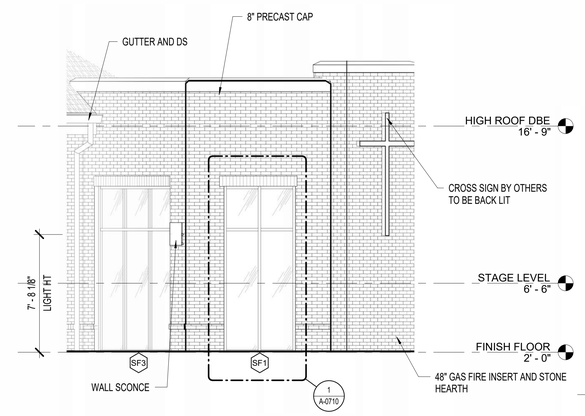

BETHEL
PRESBYTERIAN CHURCH


BETH
PRAYER

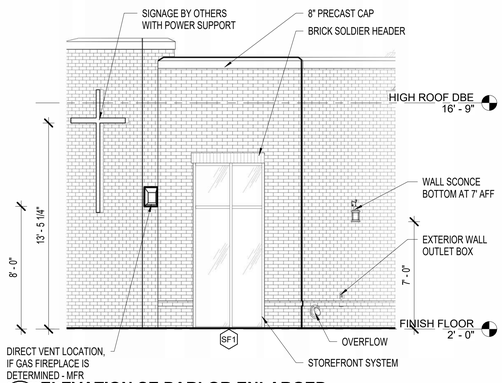


BETHEL
PRESBYTERIAN CHURCH

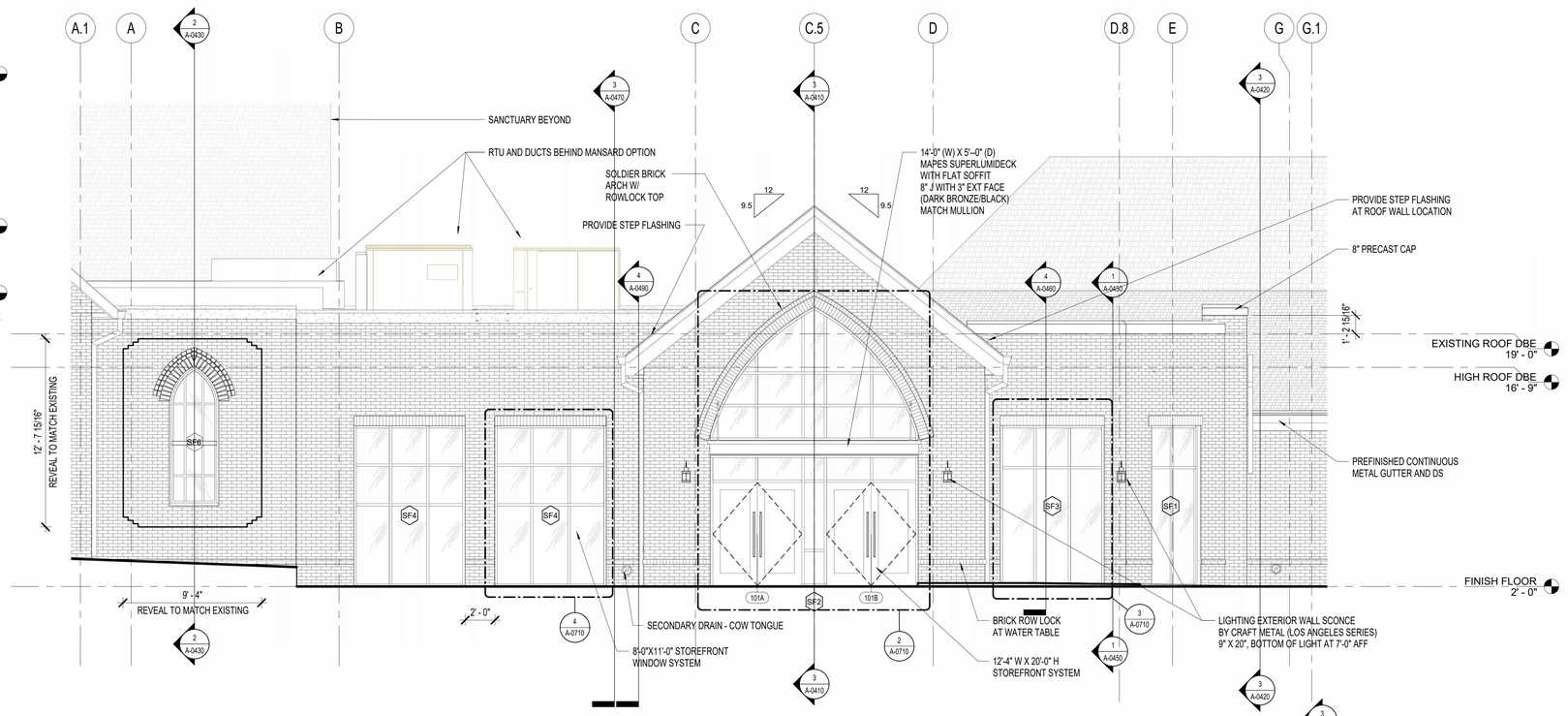

BETHEL
PRESBYTERIAN CHURCH



4 ELEVATION SW PARLOR ENLARGED
1/4" = 1'-0"

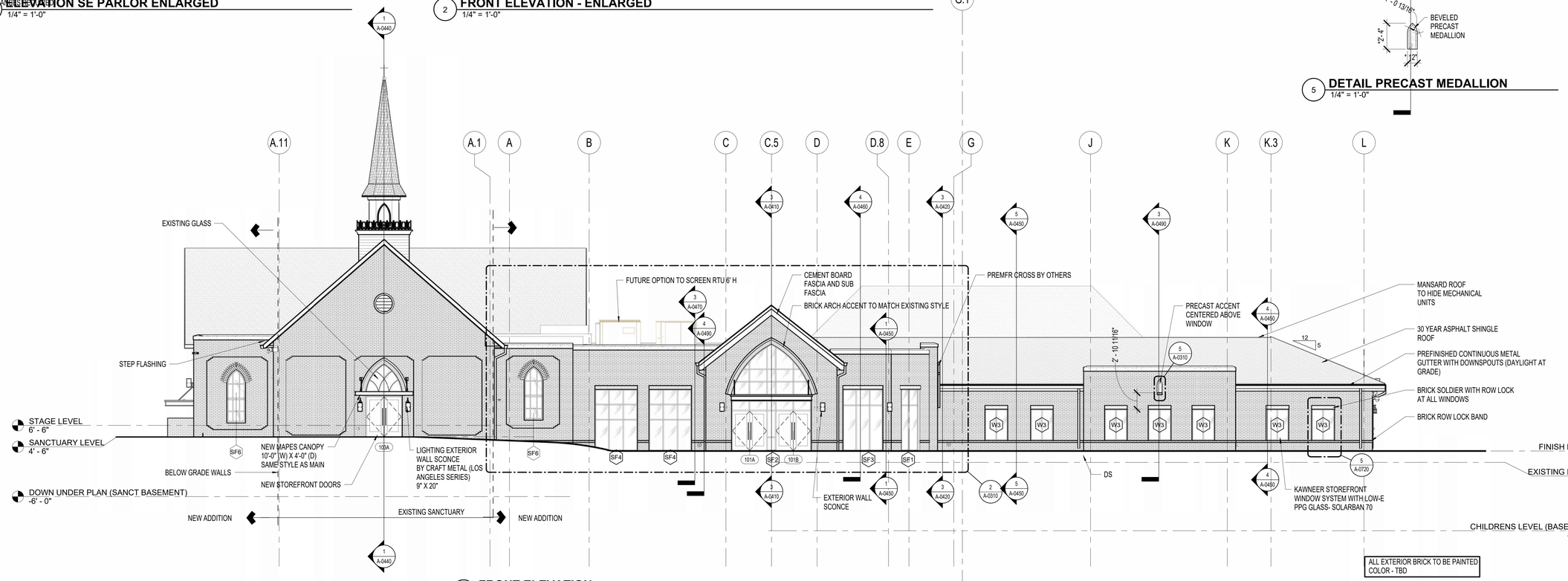


3 ELEVATION SE PARLOR ENLARGED
1/4" = 1'-0"



2 FRONT ELEVATION - ENLARGED
1/4" = 1'-0"

5 DETAIL PRECAST MEDALLION
1/4" = 1'-0"



ALL EXTERIOR BRICK TO BE PAINTED
COLOR - TBD

1 FRONT ELEVATION
1/8" = 1'-0"

wgm DESIGN
2907 Providence Rd
Suite 304
Charlotte, NC 28211
Tel: 704.342.9876
Fax: 704.334.4246
wgmdesign.com

BETHEL Presbyterian Church

BETHEL PRESBYTERIAN CHURCH
19920 BETHEL CHURCH RD,
CORNELIUS, NC 28031

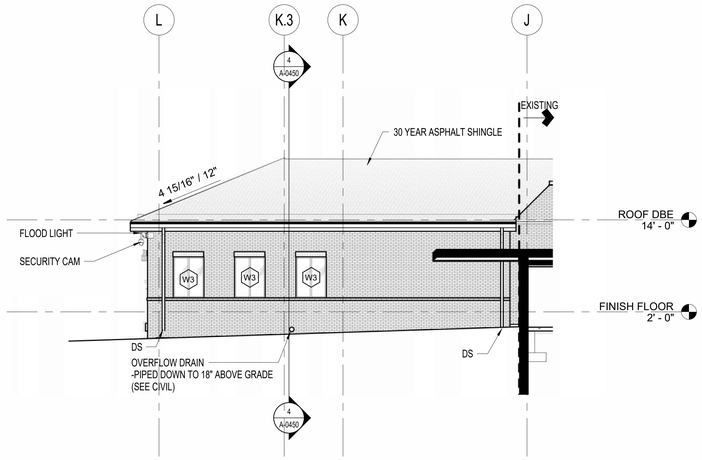
BETHEL PRESBYTERIAN SANCTUARY & GATHERING

MATTHEW DAVID SHIVE
REGISTERED ARCHITECT
8597
NORTH CAROLINA
CHARLOTTE, N.C.
PERMIT SET
06/25/26

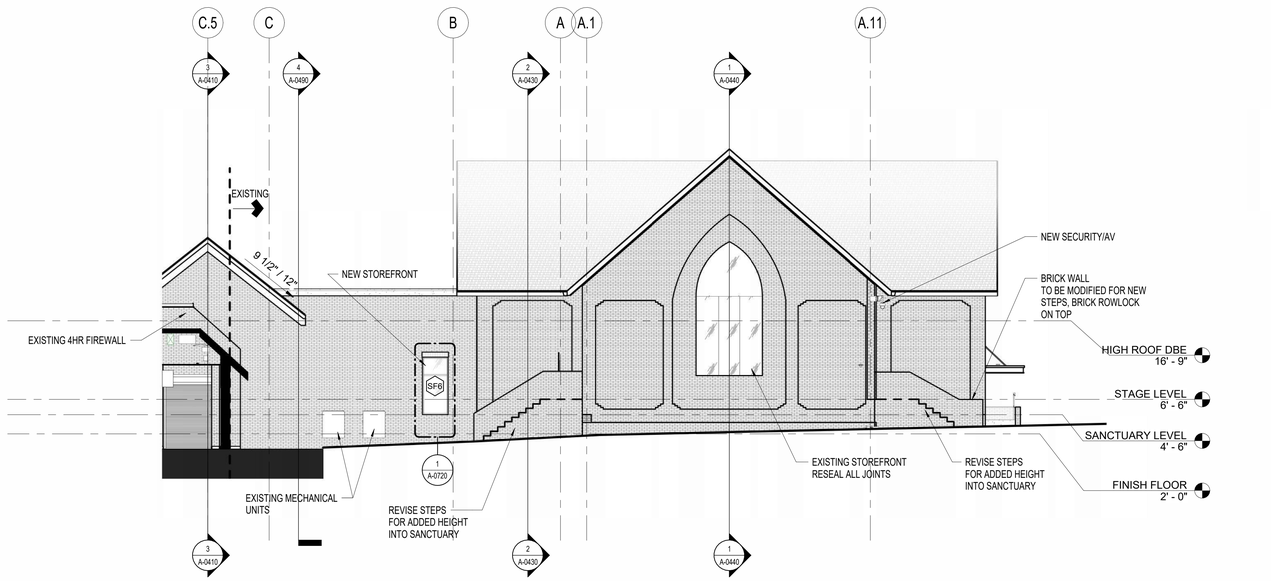
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ISSUE DATE: 06/25/26
PROJECT NO.: 25WGM0051
TITLE: EXTERIOR ELEVATIONS
DRAWING NO.: A-0310

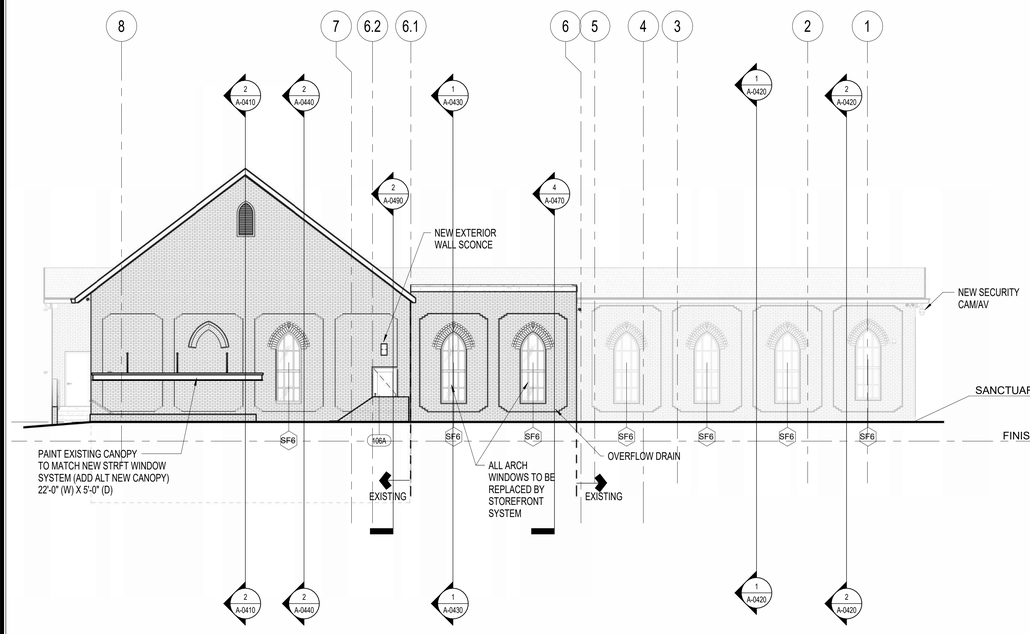
Architects Drawn Bethel Presbyterian Church\Bethel Church_Sanctuary_Gathering.rvt



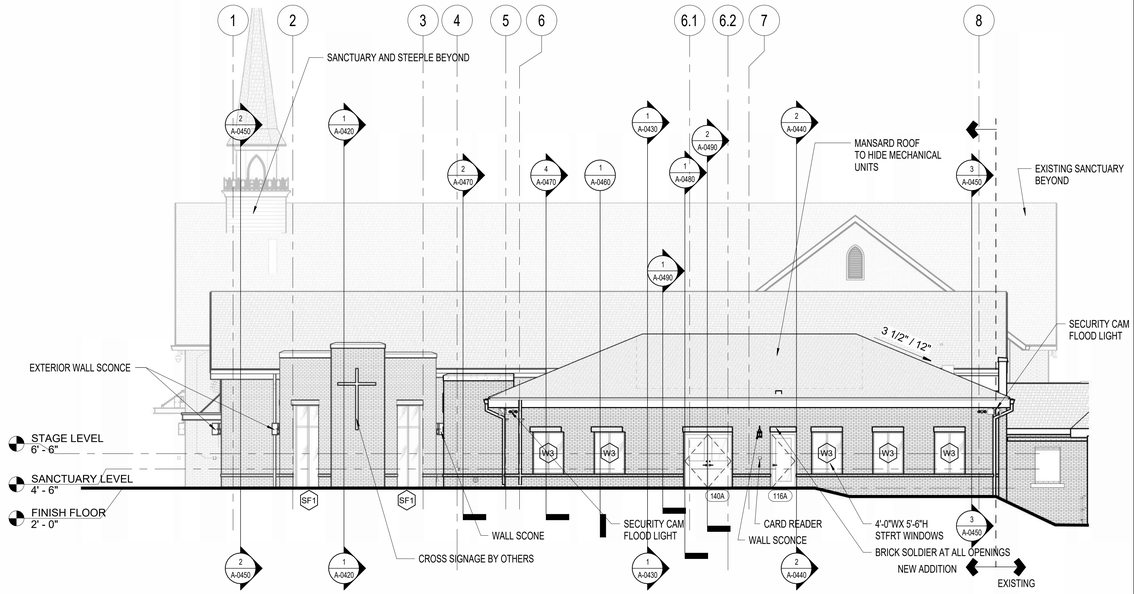
4 **ELEVATION AT OFFICE AREA NORTH WALL**
1/8" = 1'-0"



3 **ELEVATION GATHERING HALL EAST WALL**
1/8" = 1'-0"



2 **NORTH ELEVATION - SANCTUARY EXPANSION**
1/8" = 1'-0"



1 **SOUTH ELEVATION EXPANSION**
1/8" = 1'-0"

wgm DESIGN
2907 Providence Rd
Suite 304
Charlotte, NC 28211
Tel: 704.342.9876
Fax: 704.334.4246
wgmdesign.com

BETHEL Presbyterian Church

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19920 BETHEL CHURCH RD,
CORNELIUS, NC 28031

BETHEL
PRESBYTERIAN
SANCTUARY &
GATHERING

MATTHEW DAVID SPIVEY
REGISTERED ARCHITECT
8597
NORTH CAROLINA
CHARLOTTE, N.C.

PERMIT SET

06/25/26

REV.	DATE	DESCRIPTION

ISSUE DESCRIPTION:
Permit

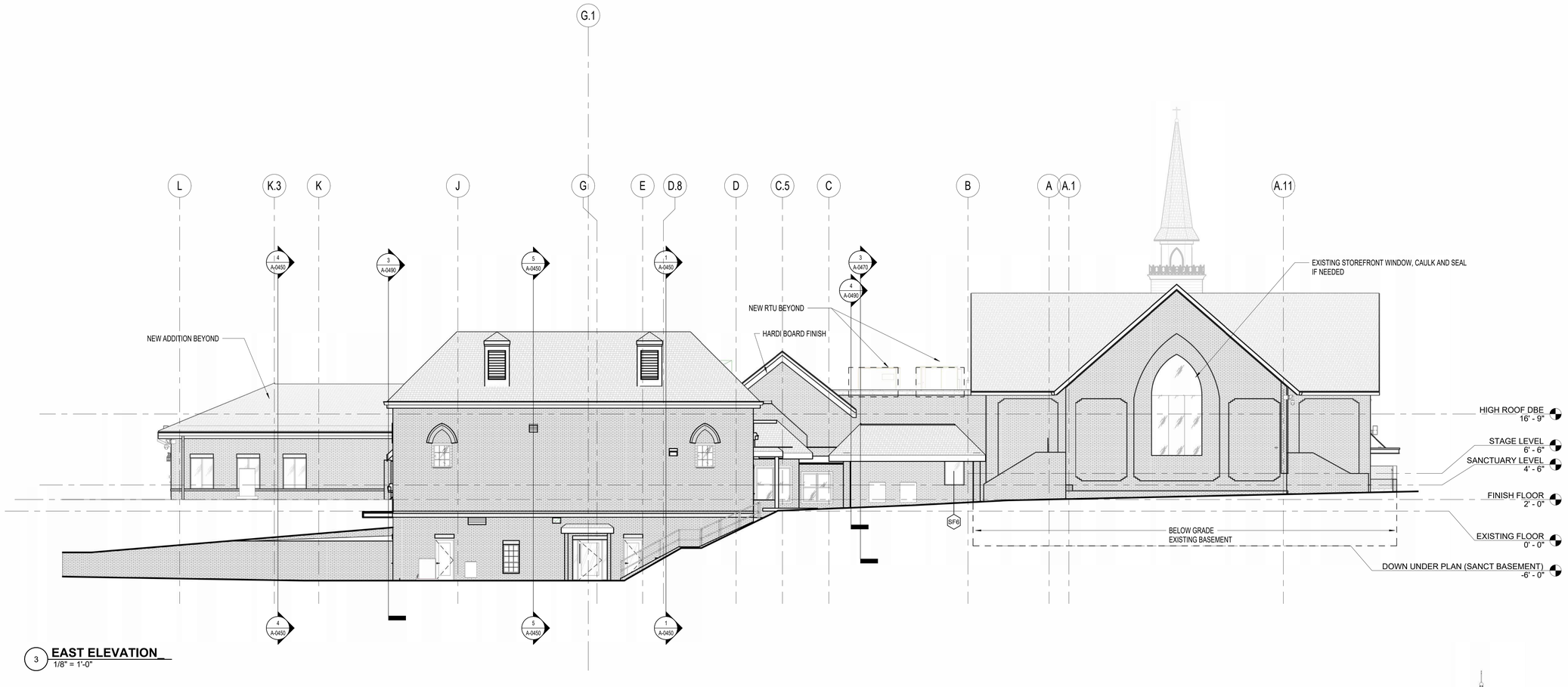
ISSUE DATE:
06/25/26

PROJECT NO.:
25WGM0051

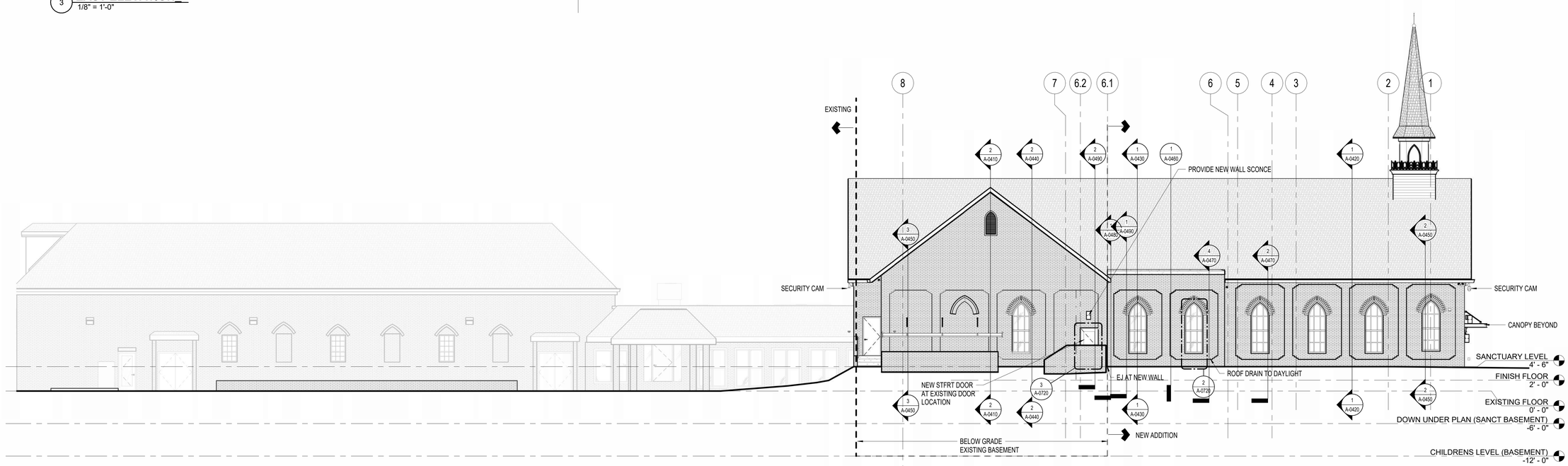
TITLE:
EXTERIOR
ELEVATIONS

DRAWING NO.:
A-0320

Archive Data Drive:\Projects\25wgm-Church\Bethel Church_Sanctuary_Gathering.rvt



3 **EAST ELEVATION_**
1/8" = 1'-0"



1 **NORTH ELEVATION_OVERALL**
1/8" = 1'-0"

wgm DESIGN
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CORNELIUS, NC 28031

BETHEL PRESBYTERIAN SANCTUARY & GATHERING

MATTHEW DAVID SIVIA
REGISTERED ARCHITECT
8597
NORTH CAROLINA
CHARLOTTE, N.C.

PERMIT SET

06/25/26

REV.	DATE	DESCRIPTION

ISSUE DESCRIPTION:
Permit

ISSUE DATE:
06/25/26

PROJECT NO.:
25WGM0051

TITLE:
EXTERIOR ELEVATIONS

DRAWING NO.:
A-0330

Autodesk Docs://Bethel Presbyterian Church/Bethel Church_Sanctuary_Gathering.rvt

Civic

Civic facilities are focal points in the region. They typically include a building or complex of buildings that serve a public purpose, including a library, school, community center, or a place of worship. Visual qualities and the surrounding grounds often make civic facilities a landmark within the area.

Primary Land Uses:

- School
- Place of worship
- Government administration building
- Library
- Community Center
- Fire and police station

Secondary Land Uses:

- Neighborhood Park
- Other government buildings

Typical Development Characteristics:

- Building Height: 3 Stories/45’

BETHEL
Presbyterian Church

TO: Aaron Tucker (Cornelius Senior Planner) and Rox Burhans (Cornelius Planning Director

FROM: Abe Lehman, on Behalf of Bethel Presbyterian Church in Cornelius

DATE: October 2, 2026

RE: Rezoning Conditions and Commitments

Dear Aaron and Rox,

This letter outlines the commitment of Bethel Presbyterian Church to certain conditions discussed for the rezoning for the planned expansion of the Church's facilities. These have been discussed and agreed upon in previous meetings and emails. There are four items in particular to address Non-conformities in the plan that Bethel will commit to and they include:

1) A dedication of a 3 ft. permanent easement for future roadway improvements along Bethel Church Rd. and an additional 4 ft. temporary construction easement for the construction of said roadway improvements. These easements will be defined more in the rezoning documents and will provide protection of the existing large trees on the frontage of the church's property.
2) An additional of a bicycle rack on the property
3) The addition of a 5 ft. sidewalk from the building entrance to the crosswalk on Bethel Church Road
4) An enclosure around the new location of the dumpster on the north and east side

The additional items of note that have been agreed upon are:

1) The screening of the rooftop HVAC equipment from the front façade
2) Bethel agrees to leave the 1896 Brick unpainted on the cemetery side of the Sanctuary and to cut in the paint line along the inside seam separating the painted brick and the un-painted brick.

We appreciate the town's willingness to work with the church through this rezoning process. If you have any questions, please feel free to reach out.

Thank you,

Abe Lehman

Elder and Member of Bethel Presbyterian Church

704-918-8646

REASONABLENESS AND CONSISTENCY
OF PROPOSED ZONING MAP AMENDMENTS

REZ 07-26 Bethel Presbyterian Church Renovation

Joseph T. Roy, IV, applicant, initiated the process to rezone and develop the property located at 19920 Bethel Church Road (PID# 00150102 & 00150105), which consists of approximately 13.01 acres, to *Conditional Zoning District* as shown on *Exhibit A*, and to use the property in accordance with the conditions set forth in *Exhibit B*.

The Planning Board considers the proposed map amendment to be reasonable and consistent with the adopted Land Use Plan, as places of worship are recommended primary land uses within the Civic land use category. The Board also finds the proposed map amendment will serve the greater community and region, and is in the public's interest.

_____
Phil Bechtold, Planning Board Chair

October 12, 2026

Exhibit A


OWNER/DEVELOPER
BETHEL PRESBYTERIAN CHURCH
19920 BETHEL CHURCH ROAD
CORNELIUS, NORTH CAROLINA 28031
CONTACT: CHIP ROY
PHONE: (704) 714-3077
EMAIL: roy@meetingstreet.net
ARCHITECT
WGM DESIGN LLP
2907 PROVIDENCE ROAD, SUITE 304
CHARLOTTE, NORTH CAROLINA 28211
CONTACT: MATT SIMS
PHONE: (704) 248-3255
EMAIL: matts@wgmdesign.com
CIVIL/LANDSCAPE
TIMMONS GROUP
610 EAST MOREHEAD STREET, SUITE 250
CHARLOTTE, NORTH CAROLINA 28202
CONTACT: BRIAN CRUTCHFIELD
PHONE: (704) 714-3500
EMAIL: brian.crutchfield@timmons.com
VICINITY MAP
SCALE: 1" = 1000'
REZONING PLAN LEGEND
PROPERTY LINE
RIGHT-OF-WAY LINE
EXISTING CURB & GUTTER
CURB AND GUTTER
SIDEWALK
CONCRETE SIDEWALK
LIGHT-DUTY CONCRETE
LIGHT-DUTY ASPHALT
SITE SUMMARY
PROJECT NAME:
BETHEL PRESBYTERIAN CHURCH EXPANSION
PARCEL ID:
00519107
ADDRESS:
19920 BETHEL CHURCH RD
CORNELIUS, NC 28031
LOT SIZE:
9.64 ACRES
USE:
CHURCH
EXISTING USE:
CHURCH
PROPOSED USE:
GENERAL RESIDENTIAL (GR)
JURISDICTION:
CHARLOTTE WATER
MECKLENBURG CO. FIRE
ZONING:
GR
MAXIMUM SETBACK:
FRONT:
100 (CORNELIUS LID CODE 4.4.1)
SIDE:
35 FEET
REAR:
35 FEET
PARKING: EXISTING PARKING:
175 SPACES
PROPOSED PARKING:
24 SPACES
EXISTING TO REMAIN:
106 SPACES
PROPOSED TO REMOVE:
69 SPACES
TOTAL PROPOSED PARKING:
130 SPACES
REQUIRED PARKING:
1 SPACE PER 4 SEATS
TOTAL SEATS REQUIRED:
520 SEATS
PROPOSED SEATS:
650 SEATS
ENVIRONMENTAL:
FEMA PANEL:
3710465700J (EFFECTIVE DATE 03/05/2009)
FLOOD DESIGNATION DISTRICT:
CORNELIUS
IMPERVIOUS SUMMARY:
TOTAL SITE ACREAGE:
9.64 ACRES
EXISTING IMPERVIOUS ETC:
ASPHALT DRIVE/PARKING:
±3.58 ACRES
ASPHALT REPLACEMENT:
±1.44 ACRES
EXISTING BUILDING:
±3.22 ACRES
POST PROJECT BUILDING:
±3.26 ACRES
PROPERTY OF BETHEL PRESBYTERIAN CHURCH
PROPERTY OF MECKLENBURG COUNTY
PROPERTY OF MCLEOD CONDOMINIUM
BETHEL CHURCH RD
STOW DRAINAGE SWALE
RIGHT-OF-WAY, TYP
BRICK WALL TOWER
ASPHALT DRIVE
BRICK WALKWAY WITH PLANTER
EXISTING CEMETERY
EXISTING HEADSTONE, TYP
EXISTING SANCTUARY
EXISTING MAIN ENTRANCE
EXISTING EDUCATION BUILDING
EXISTING EDUCATION BUILDING ADDITION
EXISTING EDUCATION BUILDING EXPANSION
PROPOSED ADDITION
PLAYGROUND
EXISTING CHURCH OFFICE
PROPOSED SWALE
5' SIDEWALK
MULCH EDGING, TYP
5' SIDE SETBACK
PROPERTY LINE, TYP
OVERHEAD POWER LINE, TYP
POST, TYP
SCALE 1"=40'
NORTH
TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
THIS DRAWING PREPARED AT THE CHARLOTTE OFFICE
610 E. Morehead Street, Suite 250 | Charlotte, NC 28202
TEL 704.682.8658 FAX 704.376.1576 www.timmons.com
North Carolina License No. C-1652
BETHEL PRESBYTERIAN CHURCH EXPANSION
19920 BETHEL CHURCH RD CORNELIUS, NC 28031
REZONING PLAN
JOB NO. 73545
SHEET NO. RZ-100
SCALE 1"=40'
J. DOLAN
CHECKED BY
E. NICHOLS
DESIGNED BY
E. NICHOLS
DRAWN BY
08/11/2026
DATE
DATE
REVISION DESCRIPTION
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Exhibit B:

Project Notes and Conditions of Approval

REZ 07-26 Bethel Presbyterian Church Renovation

---

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    III. Any portion of the original 1896 brick that is painted shall only be painted with breathable, vapor-permeable product in order to preserve the integrity of the material.
    IV. Where painted brick abuts unpainted brick, the paint shall be terminated at the inside corner of any protruding brick features.

d. Bethel Church Road Improvements Easement: The petitioner shall dedicate a 3' permanent easement along their common frontage with Bethel Church Road to allow for future bike and pedestrian improvements. The petitioner shall also dedicate a 4' temporary constructure easement in addition to the 3' permanent easement. These easements shall be dedicated prior to the issuance of a Certificate of Occupancy. Future improvements within the easement area shall be designed to allow the preservation of existing specimen trees along Bethel Church Road.

d. Final Plat: A final plat will be required prior to the issuance of a Certificate of Occupancy to dedicate the permanent sidewalk easement and illustrate the temporary construction easement, as represented on the rezoning plan and indicated in the condition above, along Bethel Church Road.

e. Landscaping and Screening:
    I. All mature trees shown on the Rezoning Plan shall be preserved and adequately protected by tree root protection fencing depicted on the Construction Drawings. All new plantings shown on the rezoning plan shall be installed prior to the issuance of a certificate of occupancy.
    II. Dumpster enclosure screening fencing will be installed on three sides of the proposed dumpster location using existing building walls to screen the remaining sides.

I (we), _____, hereby agree to the rezoning conditions set forth above.

By: _____ Date_____

REQUEST FOR BOARD ACTION

Date of Meeting: October 12, 2026

5.B. TA 02-26 - Signs Text Amendment

To: Chairman Bechtold and Planning Board Members

From: David Cole, Assistant Planning Director

Action Requested:
Staff has prepared a series of Text Amendments intended to modernize and improve the Land Development Code regulations associated with Signage. These changes represent an update to Chapters 2 (Definitions), 10 (Signs) and 14 (Nonconformities) regarding the following categories:

- Sign Type Modernization: Modifications to standards regarding blade signs, A-frame signs, and directional signage to meet the messaging needs of today, while ensuring a clean and attractive streetscape
- Legal/Statutory Changes: Changes to murals, personal speech signs, and nonconforming sign standards to ensure that the sign code is content neutral and consistent with state statute.
- "Housekeeping" Minor Updates: Relocation of text, removal of duplicate text, addition of clarifying language, and update of some graphics to ensure that the regulations are easy to understand and apply.

A summary table of changes, as well as a full version of each chapter including all modified language, is included as part of this agenda item.

Manager's Recommendation:
Recommend approval of TA 02-26

ATTACHMENTS:
Text Summary 02-26.pdf
CH 02 Definitions - 02-26 Edits.pdf
CH 10 Signs - 02-26 Edits.pdf
CH 14 Nonconformities - 02-26 Edits.pdf
PB Consistency Statement TA 02-26.pdf

Exhibit A – TA 02-26 (Personal & Multitenant Signs)

Red = Added Text
~~Red w/ Strikethrough~~ = Deleted Text

Section	Change Summary	LDC Reference	Pages
Chapter 2: Definitions	• Update definition of "Campaign Sign" to "Personal Speech Sign" • Remove duplicate definition of "sign height" • Clarify definition of "sign" • Add definition for Push Thru Acrylic Sign	2.6	2-29 – 2-32
Chapter 10: Signs	Update introduction language and remove duplicate statement	10.1	10-1
Chapter 10: Signs	Clarify "permanent or temporary" in definition of allowed signs; add non-conformities reference	10.2.1	10-1
Chapter 10: Signs	• Other miscellaneous relocated, reformatted or clarifying language • Update imagery using AI-generated content (chapter-wide)	10.3	10-2 – 10-4
Chapter 10: Signs	• Clarify how to install and regulate building-mounted signage on multi-tenant, single entrance buildings • Additional clarifying language to align sign quantity/placement section with other past or proposed modifications	10.4.1	10-7
Chapter 10: Signs	Clarify how to measure letter height; remove duplicate language referring to variance process	10.4.2	10-7
Chapter 10: Signs	Remove duplicate quantity/placement standards for wall signs	10.5	10-7
Chapter 10: Signs	Update standards for "Projecting Blade Signs" to allow larger blade signs as a primary sign type on upper stories; clarify height from grade and similar standards	10.5	10-11
Chapter 10: Signs	Update standards for Murals to ensure content neutral review, restrict commercial speech, prohibit obscene content, and enhance decision standards for staff and ARB review	10.5	10-13
Chapter 10: Signs	Remove duplicate language, consolidate general review standards for ground-mounted signs	10.6	10-17
Chapter 10: Signs	Clarify standards for subdivision entrance signage	10.6	10-18
Chapter 10: Signs	Update standards for sandwich board signs; prohibit from sight distance triangles, require a 5' pedestrian clear zone, allow in TR-O, and increase distance from property line to from 5' to 10'	10.6	10-19
Chapter 10: Signs	Minor updates to school/civic signage; clarify allowed sign size, remove references to nonconformities, remove duplicate language	10.6	10-20
Chapter 10: Signs	Increase allowances for directional signs; increase maximum size from 3' to 6', maximum area from 4 sqft	10.6	10-23

	to 6 sqft, and allow planning director to increase overall number for master-planned developments		
Chapter 10: Signs	Convert “Campaign Sign” type to “Personal Speech” sign type to ensure content neutrality; establish a maximum of 60 days per year, prohibit commercial messaging, restrict from sight distance triangle placement, and allow posting in town right of way of Old Oak St during election season	10.6	10-24
Chapter 10: Signs	Clarify prohibited sign section as follows: • Additional definition for roof signs • Miscellaneous clarifying language • Clarify prohibition on pole sign types	10.7	10-28
Chapter 14: Nonconformities	Remove prohibitions on relocation/alteration of nonconforming signage, aligning with recent statutory changes	14.6	14-4

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: 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.

- 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 2.3: 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 2.4: INTERPRETATION OF ZONING MAP

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:

- 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.
- Centers shown at the intersection of streets shall be at the intersection of the street centerlines.
- 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, city, town, or county border, or Extraterritorial Jurisdiction/Sphere of Influence boundary, the property line, city, town, county or ETJ/Sphere of Influence 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.
- 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.
- Centers shown at parks, schools, or other civic spaces shall be at the center of such areas.
- 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.
- 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 2.5: 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.

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.

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 3.3.4.I, 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 3.3.4.I.

Amendment, Minor
A Minor Amendment is an Administrative Amendment to any approved plan as allowed in Section 3.3.4.I, 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 3.

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.

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

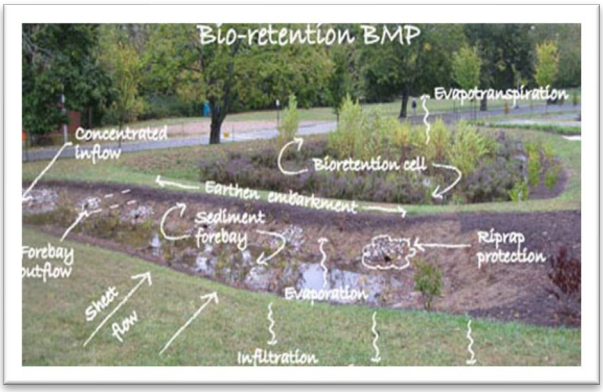
Banner
A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Bar/Taproom
A use where Alcoholic Beverage Controlled (ABC) products are served for consumption on-site, that is ancillary or accessory to a restaurant, nightclub, brewery, microbrewery, bottle shop, private club or other comparable commercial facility.

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.

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.

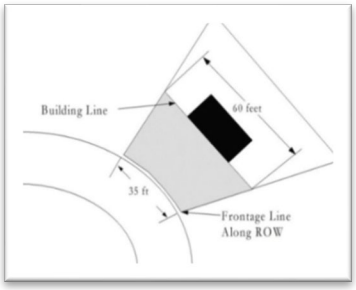




Brewery, Micro
An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 100,000 barrels per year. The brewer may sell to a retailer or directly to a customer. Food may also be served at the establishment.

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.

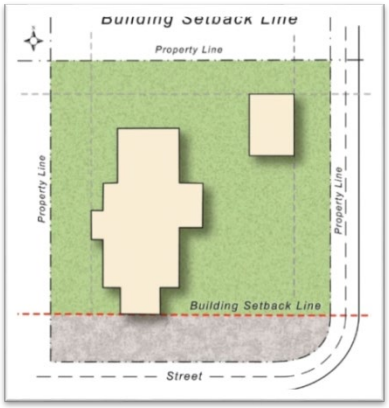
Building Line
A line parallel to the street line touching that part of a building façade closest to the street that defines the public realm. Respecting building lines means to place walls or landscaping in such a manner as to continue the frame where there is an absence of buildings.



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 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.



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.

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 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.

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.

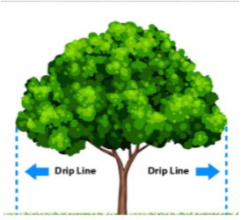
District
An area delineated on the Zoning Map which sets forth standards and guidelines for all development within.

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.



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.

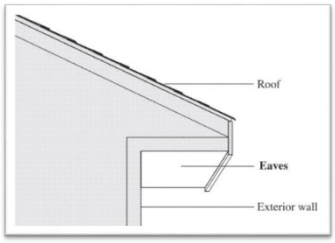
Dwelling or Dwelling Unit
A building, or portion thereof, used and occupied for human habitation or intended to be so used.

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.



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.

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.

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.

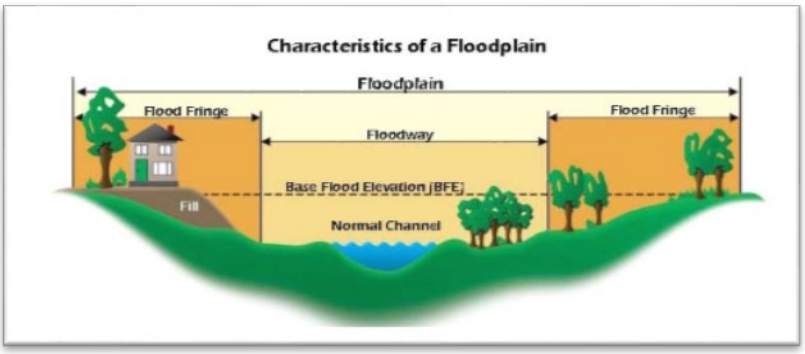
Fence
A structure used to delineate, enclose, screen, separate or define a boundary.

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

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
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, Primary
The lot boundary which adjoins with the right of way to which the principal structure is addressed.

Frontage, Secondary
All lot boundaries which adjoin with public rights of way, which are not defined as "Primary Frontage." Typically, these are located on corner or through lots.

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
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 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

Kennel
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
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, Corner
A lot situated at the intersection of two or more streets, which intersect with each other at the boundaries of the lot. Structures on corner lots shall be considered to have two front yards and shall utilize the required minimum front setback or build-to zone boundary for each façade facing a street right-of-way.

Lot, Flag
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.

Lot Front
See *Frontage*.

Lot, Through
A lot other than a corner lot with frontage on more than one street. Typically, the streets are approximately parallel. Structures on double frontage lots shall be considered to have two front yards and shall utilize the required minimum front setback or build-to zone boundary for each façade facing a street right-of-way, except where specifically exempted by this code.

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
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 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.

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.

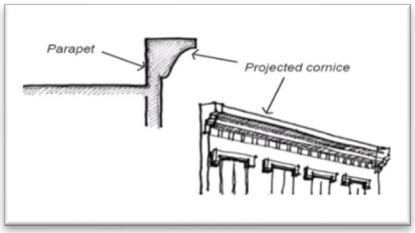
Outdoor Sales/Display
The sale or display of products outside of a permanently constructed building or structure, including but not limited to vehicles, garden supplies, gas, tires and motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape 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.

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
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, 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.

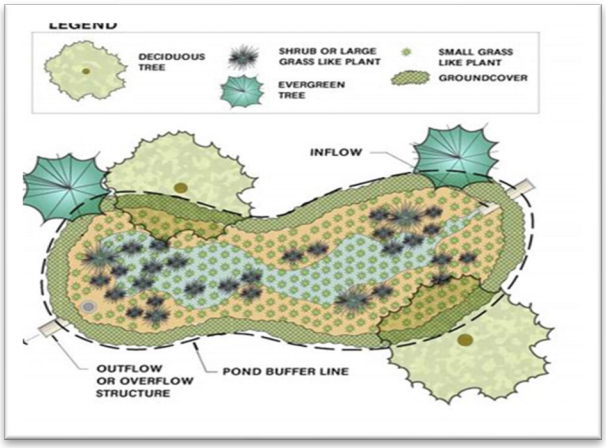
Residential Care Facility
An institutional facility in which supervision, care, therapeutic, or medical services are provided for more than six persons in a residential capacity or which do not otherwise meet the requirements of a Residential Care Home.

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.

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.

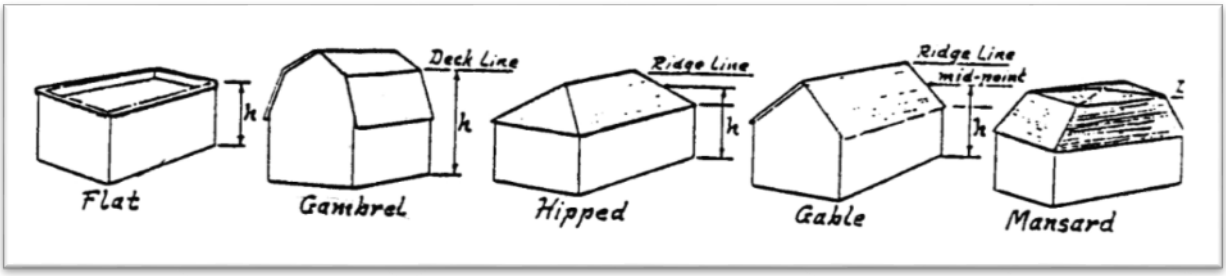
Road, Frontage
See Frontage

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.

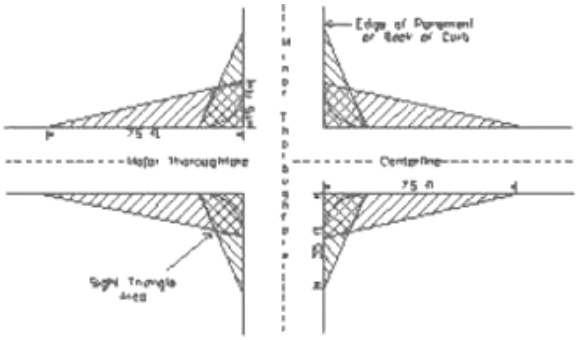
School, Vocational
A secondary or higher education facility primarily teaching usable skills that prepares students, who may be of all age groups, for jobs in a specific trade or vocation upon graduation. Examples of vocational schools include schools that teach: auto mechanics, secretarial studies,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

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

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 (though certain standards related to these fixtures are established in this ordinance); 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.

Sign, ~~Campaign or Election, Political~~ Personal Speech

A sign located on private property or in certain circumstances the public right of way that advertises a non-commercial message. ~~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.

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 greater.~~

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.

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, Push Thru Acrylic
A Push-thru acrylic sign is a sign that is typically internally illuminated, 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.

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

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

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

Sign, Sandwich Board or A-Frame
A portable a-frame sign constructed with two faces which rest at an angle less than 45 degrees to each other.

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
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.

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

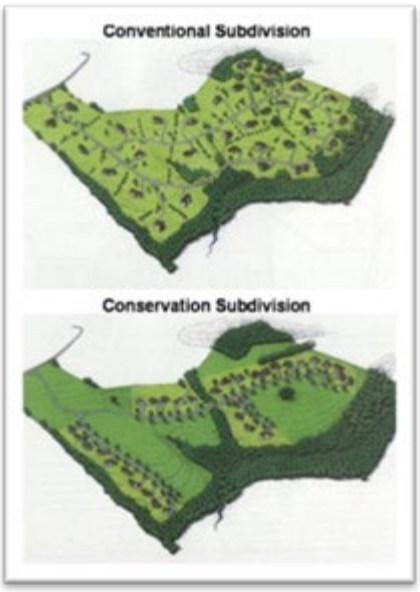
Structure
Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

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.









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

Temporary Structures

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

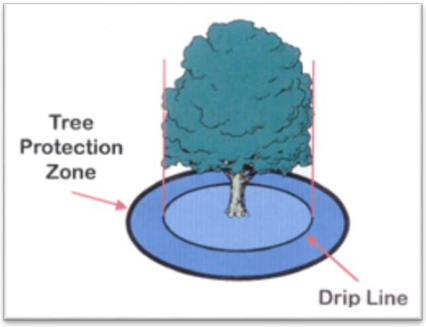
Temporary Use Permit
A permit issued by the Planning Department allowing a use which is not permitted within a district to continue as long as certain criteria are being met by the applicant.

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

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.

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.

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 facade.

Z

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

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 10: SIGNS

SECTION 10.1: PURPOSE AND INTENT

~~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:~~

The purpose of this chapter is to establish unified standards pertaining to the establishment, maintenance, and/or modification of signage on property within the Town of Cornelius corporate limits and extra-territorial jurisdiction. These standards regulate the location, dimensions, quantity, and similar characteristics of various sign types, 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 14.6. For easy reference, a chart has been included on page 10-23 to identify what type of signage is allowed within each zoning district.~~

Chapter Image Credits: Google Gemini 3 (2026, January – March).

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 permanent or temporary 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 (P) 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.

Signs made non-conforming on adoption of this Chapter shall be subject to the provisions of Section 14.6. For easy reference, a chart has been included on page 10-23 to identify what type of signage is allowed within each zoning district.

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 may consider minor variances administratively. A minor variance is one that will not have a significant impact on the aesthetics of the community, subject to consideration of the following decision standards:

- The proposed sign dimensions are visually compatible with the development characteristics within view along the adjoining streetscape;
- The sign is visually proportional to the façade upon which it is proposed (building-mounted signs only);
- The proposed signage will not create a significant negative aesthetic impact or nuisance to adjoining residential uses and/or zoning districts; and,
- The proposed signage will not cause glare or visibility hazards along public rights of way.

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 3. 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

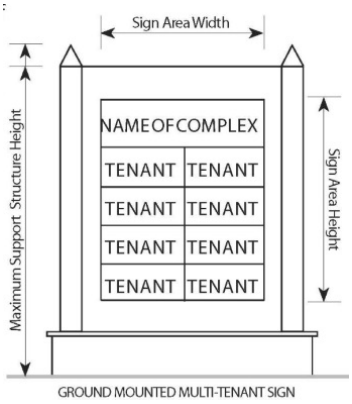
These general standards apply to all of the types of allowed signs, where applicable.

~~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.~~

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.

DESIGN

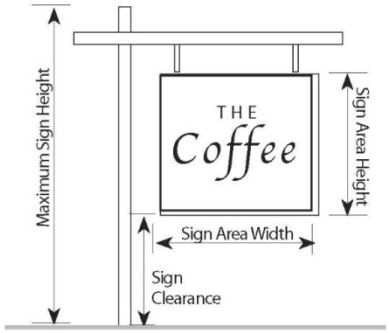
A. Materials~~, colors~~ and shapes of proposed signs should be architecturally compatible with the buildings and the surrounding area of its location.

B. The sign shall not be the dominant feature of its location and shall be scaled in accordance with the size of the structure, adjoining structures, and 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.~~

The height of a sign shall be 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.



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~~

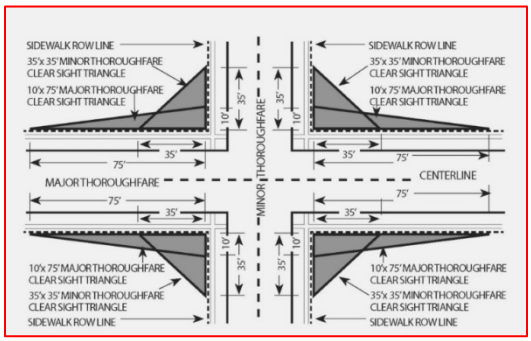
~~All signs shall be set back a minimum of five feet (5') from the right-of-way (ROW) of a public or private street. At intersections, no sign shall be in the sight triangle as defined by this Code. See definition and example of required sight triangles below.~~

~~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.~~

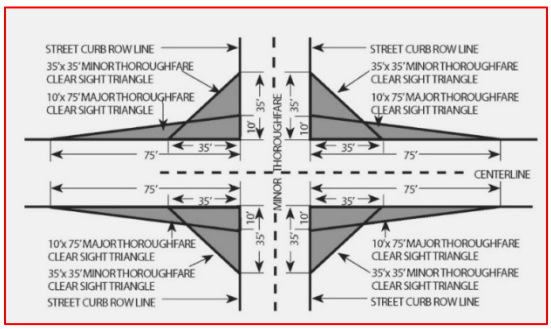
~~SIGHT TRIANGLES~~

~~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:~~



~~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 14 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. 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 face-lit channel letters, side-lit channel letters, reverse lit channel letters, or push-thru acrylic sign panels. Only one type of illumination is permitted per sign; for example, the combination of face lighting and reverse lighting on the same sign is prohibited. For reverse and side lit channel letters, the only type of light allowed is white. See examples of acceptable signage illumination in Figure D below ~~back-lit reverse channel letters on page 10-6~~. Additional restrictions on sign illumination are established for various individual sign types in Sections 10.5 and 10.6.

Fig. A



F. All exposed raceways must be painted to match the finish of the wall face the 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~~.
G. 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.

Fig. B

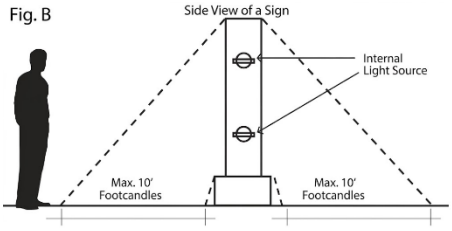
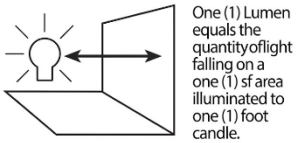


Fig. C



H. An isolux lighting plan ~~shall~~ may be required by the Planning Director on a case-by-case basis 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.
I. 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.

Figure D: Examples of permitted sign illumination types:

Face-Lit Channel Letters Reverse-Lit Reverse Channel Letters Side-Lit Channel Letters







Push-Through Acrylic



Spot/External Lighting



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. In instances where the establishment has no clearly defined wall area (such as businesses located in shared-entrance buildings), such signage may still be placed on exterior walls, provided that it is installed in a cohesive and orderly manner, and complies with all other provisions of this code.
- The 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. In no instance shall the sum of all signage on an establishment's occupied portion of wall area exceed a total of 100 square feet. In instances where there is no defined wall area per establishment, the total façade area of the building in which the establishment is located may be considered.
- The total quantity of building mounted signs per establishment shall be as follows:
  - One primary identification sign (Wall, Architectural Canopy/Architectural Façade Structure, Awning, Building Mounted Banner or Projecting Blade~~, or Mural~~) may be permitted per street-fronting façade. In the Town Center (TC) District, establishments may have one first-floor Projecting Blade Sign in addition to a primary Wall, Architectural Canopy/Architectural Façade Structure, or Awning Sign per street-fronting façade.
  - One primary identification sign may be permitted per non-street-fronting wall, provided that the wall serves as ~~a~~ the primary entrance to the establishment, and fronts a parking lot. For sites approved on or after February 19, 2018 with a Type B building frontage street buffer, as allowed

in Chapter 7, 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.

- Secondary signs (Window, Permanent Building Mounted Banners, Delivery/Service, Bulletin Boards, Open/Closed, Interior, Historical Markers) and temporary signs (Building Mounted Special Event, Building Mounted Temporary Real Estate Sign) may be permitted as additional signage for an establishment, and shall not count towards the maximum number or maximum total area of signage per establishment, provided that they comply with all standards established by this ordinance.
- Accessory/Subordinate Structures to a Primary Structure, including service station canopies, are permitted one primary identification sign per street-fronting façade unless otherwise permitted within this ordinance (HC, IC, BC, CO districts only).

- 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.

10.4.2: LETTERING REQUIREMENTS

Wall Sign Letter & Logo Heights

The combined height of all lines of text and logos ~~Logos, channel letters, dimensional letters, and push-thru letters as part of~~ associated with a building-mounted 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.~~

SECTION 10.5: BUILDING MOUNTED SIGN DESCRIPTIONS

WALL SIGNS

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

CRITERIA

~~Up to one wall sign shall be permitted per street-facing façade, and/or parking-lot facing primary façade, in accordance~~ The overall number of wall signs per façade, and permitted location on buildings, shall align with the quantity standards set in 10.4.1, “General Provisions.” ~~No wall sign shall exceed 10% of the total aggregate area of the façade.~~

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.

Wall sign illumination shall adhere to the standards established in Section 10.3. Additionally, all lots that are located in the Town Center (TC) district, that further abut the portion of Catawba Avenue located between School Street and Main Street, shall only utilize Side-Lit Channel Letters, Back-Lit Channel Letters, or Building Mounted Spot Lighting (or similar external illumination) method. Face-Lit and Push-Through Acrylic wall signs shall be prohibited on lots that meet this description.

~~**Examples of allowed Identification Wall Signs:**~~

~~Face-Lit Channel Letters~~



~~Back-Lit Reverse Channel Letters~~



~~Side-Lit Channel Letters~~



~~Push-Through Acrylic~~



~~Building Mounted Spot Lighting~~



STRUCTURAL CANOPY/ARCHITECTURAL FAÇADE STRUCTURE SIGNS
Permissible Districts: HC, IC, NMX, VC, TC, TN, WMX, CO, BC

CRITERIA

- 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.
    - Illumination of this sign type on lots that are located in the Town Center (TC) district, that further abut the portion of Catawba Avenue located between School Street and Main Street, shall only utilize the Back-Lit or Building Mounted Spot Lighting (or similar external illumination) method.
    - No open face channel letters





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:



PROJECTING BLADE SIGNS

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

CRITERIA

The bottom of the projecting sign shall maintain a minimum clearance of eight feet (8') from grade. ~~per building standards and should be consistent with architecture for the building~~.

~~One projecting blade/arm sign per primary business entrance.~~ Up to one projecting blade sign shall be permitted per establishment per street-facing façade, and/or parking-lot facing primary façade, in accordance with the quantity standards set in 10.4.1, "General Provisions."

In addition to the above-referenced quantity standards, a maximum of two (2) projecting signs mounted above the floor of the second story are permitted per eligible building façade on buildings containing more than one establishment.

~~The~~ Projecting blade signs mounted below the floor of the second story shall not project more than four feet (4') from the wall and shall not exceed eight (8) square feet in area.

~~P~~rojecting blade signs mounted above the floor of the second story may be permitted on buildings that have three or more occupiable stories. Projecting blade signs meeting this classification shall not exceed forty-five (45) square feet in overall size or 10% of the overall façade area upon which they are hung, whichever is less. Furthermore, signs meeting this classification shall not exceed fifteen feet (15') in overall height measured from the bottom to the top of the sign, and shall not project more than four feet (4') from the building wall. No portion of a sign meeting this classification shall encroach below the floor of the second story, or above the roofline or parapet wall of the building.

Projecting signs should reflect the proportional and dimensional relationships of the structure. The projecting sign shall in no case ~~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 sign 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 shall be allowed for blade/arm sign illumination. The maximum allowed number of foot candles for Projecting blade/arm signs is six (6).

Examples of allowed projecting blade/arm 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 or similar type of internal illumination is allowed on window signs. In the Town Center (TC) district and Transitional Residential Overlay (TR-O), only one Window Sign per establishment may be illuminated.

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:





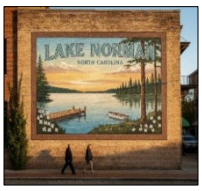
MURALS

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 space. ~~only, pending~~ Murals shall be approved~~al~~ by the Zoning Administrator after review and recommendation by the Architectural Review Board, subject to the following standards:

- Murals ~~must~~ may be painted to suitable portions of ~~non-street fronting~~ wall surfaces oriented to rear, side, or secondary front yard areas.
- The overall size and location of the mural should reflect the proportional and dimensional relationships of the structure and adjoining streetscape.
- Mural displays shall not incorporate official logos, lettering, images, objects, or similar messaging associated with an on- or off-premises commercial use.
- In order to protect the public health, safety, and welfare of the community, mural displays shall not incorporate obscene material as defined in General Statue 14-190.1.
- Murals ~~may~~ shall 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~~ shall be adequately spaced, four (4) to six (6) feet apart. No ground mounted uplighting is allowed.
- Property owners shall keep all murals free of peeling, chipped, or faded paint, and in general good condition.





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-street 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.

The maximum banner area is ten percent (10%) of the wall area, not to exceed one hundred (100) square feet The maximum number of banners is determined by the total aggregate of sign area per street front. The 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.

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.



TEMPORARY REAL ESTATE FOR SALE/LEASE/UNDER DEVELOPMENT/CONSTRUCTION SIGNS
Permissible Districts: RP, GR, NR, HC, IC, NMX, 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:





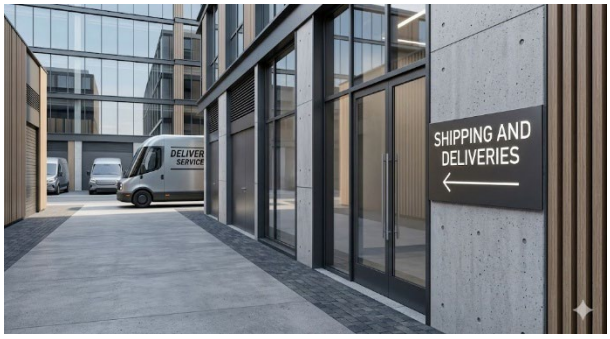
DELIVERY/SERVICE

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.

Example of allowed delivery service sign:



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. 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.

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. The maximum size of such signs is four (4) sqft 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.

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. 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.

D. The maximum height for all ground mounted signs is six feet (6') unless otherwise identified by this code.

E. 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.

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.



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.



~~RESIDENTIAL NEIGHBORHOOD~~ SUBDIVISION ENTRANCE MONUMENT

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

CRITERIA

A. Up to two (2) single sided signs or one (1) double sided sign per subdivision street entrance ~~main street frontage~~ entrance may be installed~~, or one (1) double sided sign is allowed~~. Multiple double-sided entry signs per subdivision street ~~frontage~~ entrance are not allowed. The minimum setback for a residential monument signs is five feet (5') from the right of way.

B. The 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. In the case that a ground mounted sign is not allowed because of the setback restrictions, an arm sign may be used.



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

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

Flagpoles flying the flag of the United States of America or the flag of the State of North Carolina may exceed the established maximum pole height, quantity of flags per establishment, and/or flag size, with the approval of a Special Use Permit. See Chapter 3.3.5 for the set of standards that flagpoles and flags must meet in order to demonstrate that the site-specific proposal does not represent a detriment to public health, safety and welfare in accordance with NCGS 144-7(b), and therefore be eligible for approval by the Board of Adjustment.

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 OR TR-O

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, sight distance triangles, or handicap accessibility. A 5' wide pedestrian clear zone must be maintained adjacent to the sign at all times.

D. Signs shall not be placed along street frontage or at intersections of NC 115, US 21, West Catawba Avenue, or Catawba Avenue except within portions of the TC district or TR overlay. Businesses along these corridors may place A-frame signage internal to the site.

E. Where allowed, A-frame signs shall be located ~~within ten feet (10') of~~ within five feet (5') of the the main entrance of the building or on or within five feet (5') of the adjoining sidewalk.

F. A-Frame Signs must be removed daily.



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. Permanent freestanding signage for School and Civic uses shall adhere to the maximum sign area and minimum setback standards for Ground Mounted Monument signage established by this ordinance; such signage may measure up to 64 square feet in size. ~~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 principal building.
5. Electronic Signs shall only be affixed to ground mounted signs.
6. ~~All non-conforming signs on the property where electronic sign is proposed must be removed prior to electronic sign installation.~~
7. Changeable copy messaging space may not be sold to commercial enterprises.
8. Signs operate only 6:00 AM - 11:00 PM.
9. Lighting, daytime or nighttime, must be automatically adjustable according to ambient lighting conditions, safe for passing motorists and subject to approval of the Director of Planning, such lighting approval being discretionary on due consideration of public safety, aesthetics, site conditions, functionality and any other factors potentially affecting the public interest and safety.

~~C. No ground mounted sign shall be located closer than ten feet (10') to any adjacent lot line. A fifteen-foot (15') side-yard setback shall be required if the side lot line abuts a residential district.~~

D. Temporary non-snipe signs may be used by schools and civic organizations to promote special events off-premise within the Town of Cornelius subject to the following conditions:
   1. Must be securely fastened into the ground as to not create a public safety hazard;
   2. Must have permission of the property owner where sign is being installed;
   3. May be placed no more than 7 days before the event and must come down no later than two (2) days after event.
   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.

TEMPORARY CONSTRUCTION FENCE SIGN
Permissible Districts: RP, GR, NR, HC, IC, NMX, VC, TC, TR-O, WMX, CO, BC

CRITERIA
On-site signage and related graphics printed on temporary construction fence wrap shall adhere to the following standards:

A. Signage shall only be allowed on temporary construction fencing erected in order to enclose and screen a construction site from public view.
B. Signage and related graphics shall be limited to portions of fence wrap that adjoin, or are visible from, a street or right of way.
C. Such fencing and associated signage shall not exceed 8' tall. Under no circumstances shall the signage protrude above or beyond the fence structure.
D. Sign graphics shall be printed on the primary fence wrap material, which shall be comprised of a durable, visually consistent, and fire-resistant canvas, fabric, or similar material that covers the entirety of the provided construction fencing. Banners, sign boards, or similar independent sign structures mounted over top of wrapped temporary construction fencing are prohibited.
E. The wrap material shall feature regular perforations, or similar method, to enhance stability and allow air flow through the material.
F. The signage and associated fencing shall not obstruct sight distance/visibility triangles at intersections.
G. Signage and associated fencing shall be removed upon issuance of the final Certificate of Occupancy for the subject construction site, or 24 months after installation of the fencing, whichever occurs first. The applicant may petition the Planning Director for a 12 month extension of the signage, which may be issued provided that the construction site remains active, and the fence remains in good repair.



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:



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.

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 5 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 principal use may be erected;

- Allowed in RP, GR and NR for schools and civic use only. Allowed in RP, GR and NR for schools and civic use only.
- All such signs shall be located off the right-of-way and interior to the site; directional signage placed along street frontages adjoining the site is not allowed.
- All such signs shall not exceed ~~three~~ five feet ~~(3')~~ (5') 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~~ drives.
- A maximum of two (2) signs may be placed on the same supports. Additional signs subject to these standards may be permitted by the Planning Director for multi-building commercial uses, or campus-style civic, industrial or similar uses, on a site-specific basis.
- The maximum area of any directional sign shall be ~~four~~ six ~~(4)~~ (6) 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.

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.

PERSONAL SPEECH ~~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 temporary ~~political~~ signs intended to convey personal or political messaging on property as follows:

- Each sign shall not exceed six (6) square feet in area.
- Each sign shall not be posted for more than sixty (60) days per calendar year.
- Such signage shall not convey commercial messages.
- 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, within any defined sight distance triangle, or on any public property unless otherwise allowed per the provision listed below, and the NC General Statutes that are modified from time to time.
- Such signs may be placed in the public right of way of Old Oak Street and the adjacent public property at 21445 Catawba Ave (Town Hall) during the period beginning on the 30th day before the beginning date of "one stop" early voting and ending by the 10th day after a primary or election day. Such sign placement shall respect laws associated with campaigning at public polling places.
- Placement of personal ~~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~~.

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.




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.



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.)



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.

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.




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



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.



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.



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.

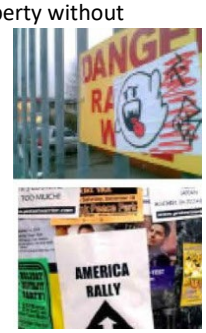


11. ~~Roof signs.~~ Signage mounted on a building that projects above the roof line.



12. Off premise advertising signs (i.e. billboards) including those types that include people wearing costumes and/or holding temporary signs. 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, a sloped 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, any other sign type specifically allowed by this ordinance.)



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" or "flag" banner strands or signs of any type, size, color, or composition.



~~26. Temporary or permanent "flag" banner strands of any type, size, color, or composition.~~ Any primary freestanding sign that is located on a pole or similar noncontinuous base.



SIGN REGULATIONS

District Types: RP=Rural Preservation; GR=General Residential; NR=Neighborhood Residential; NMX=Neighborhood Mixed Use; TR-O=Transitional Residential District Overlay; HC=Highway Commercial; TN=Traditional Neighborhood; IC=Industrial Campus; TC=Town Center

SIGN TYPE	RESIDENTIAL RP, GR, NR	COMMERCIAL HC, IC	MIXED-USE NMX, VC, TC, TN	TR-O	CONDITIONS (Page)
Building-Mounted					
Wall Sign	N	P	P	N	10-7
Structural Canopy/Architectural Façade Signs	N	P	P	N	10-8
Awning	N	P	P	N	10-9
Banners - Permanent Banner Signs	P (3)	P	P	P	10-11
Banners - Temporary Special Event Banners	P (3)	P	P	P	10-11
Delivery/Service	N	P	P	N	10-13
Government Signs	√	√	√	√	10-13
Historic Markers	P	P	P	P	10-13
Interior Signs	N	√	√	N	10-13
Mural	N	P	P	P	10-10
On-Premises Bulletin Boards	P	P	P	P	10-13
On-Premises Open/Closed Signs	√	√	√	√	10-13
Projecting Blade	N	P	P	P	10-9
Temporary Real Estate/For Sale/Construction	√	√	√	√	10-12
Window	N	√	√	√	10-10
Site-Installed					
Ground Monument - Single Tenant	P (3)	P	P (2) (5)	N	10-14
Ground Monument - Multi-Tenant	N	P (1)	P (1)	N	10-14
Arm	N	N	P (5)	P	10-15
~~Campaign/Election Signs~~ Personal Speech Signs	√	√	√	√	10-20
School/Civic Signage	P (3)	P (3)	P	P	10-17
Drive-thru Menu Boards	N	P	P	N	10-19
Flagpole	√	√	√	√	10-15
Government Signs	√	√	√	√	10-19
Historical/Dedicatory Markers	√	√	√	√	10-19
LED Service Station Signs	N	P	P	N	10-16
~~Residential Neighborhood~~ Subdivision Entrance Monument	P	N	P	N	10-15
Sandwich Boards - Temporary	√	N	√ (4)	√	10-16
Directional	P (3)	P (3)	P (3)	P (3)	10-19
Stadium Signs/Recreational Signs	√	√	√	√	10-20
Temporary Real Estate/For Sale/ Construction	√	√	√	√	10-18
Temporary Construction Fence Sign	√	√	√	√	10-19
Yard Sale Signs	√	√	√	√	10-20

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 only for School/Civic uses
(4) Not allowed on NC 115, US 21, West Catawba Avenue, Catawba Avenue except in TC district
(5) Ground mounted or ARM sign

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CHAPTER 14: NONCONFORMITIES

SECTION 14.1: 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 14.2: 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

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 14.3.F of this Code.

G. Notwithstanding Section 14.2.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 14.2.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 14.3: 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.
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 14.4: 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 14.5: 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 14.6: 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, with the exception of relocation or reconstruction activities identified below.

~~C. A nonconforming sign may not be moved off-premises 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.~~ A lawfully erected nonconforming sign may be relocated or reconstructed on the premises, provided that the relocation or reconstruction work commences within two years after the date of removal, and complies with all signage requirements that were in place at time of

original approval. If replacement/reconstruction work does not commence within two years, ~~Once a nonconforming sign is removed from the premises or otherwise taken down or moved~~, said sign may only be replaced with a sign which is in conformance with the terms of this Code. This provision applies to both voluntary or involuntary (i.e. natural causes) relocation/reconstruction activities. All relocated/reconstructed signage shall be erected outside of sight distance areas, as defined by this code. For the purposes of this provision, "reconstruction" is defined by NCGS 160D-912.1 (*On-Premises Advertising*). ~~(However: non-conforming signage in a multi-tenant or mixed-use building may be permitted to change a individual tenant names 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).~~

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 14.7: 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 14.8: 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.

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 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.

CONSISTENCY STATEMENT OF PROPOSED TEXT AMENDMENT

TA 04-26, Signs

The Town of Cornelius proposes modifications to the Land Development Code (the "Code") to further support the Land Use Plan. The Land Use Plan is a policy document that guides staff on the desired aesthetics throughout Town by specifying typical development characteristics. However, it is the Code that details specific characteristics when it comes to signs.

Cornelius provides a clean streetscape by having a precise sign code, which includes limiting the quantity, illumination, and placement of various sign types. Cornelius seeks to ensure that said code remains up to date to balance the needs of the local business community, while ensuring a clean and attractive streetscape. Furthermore, it is in the interest of the community to ensure that all requirements are easy to understand, convey, and enforce, while remaining in alignment with legal requirements set at the state and national level.

In considering the proposed text amendment, TA 02-26, the Planning Board recommends approval to modify the Code to modernize requirements for various sign types, align the code with statutory requirements and recent court precedents, and streamline the structure and language to ensure easy use.

The Planning Board finds the proposed Code changes consistent with the Town's Land Use Plan by supporting desired development and use characteristics throughout Town and is in the public's interest.

_____

Phil Bechtold, Planning Board Chair

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Date