

# CHAPTER 1: PURPOSE / APPLICABILITY

## SECTION 1.1: TITLE

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

## SECTION 1.2: AUTHORITY

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

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

## SECTION 1.3: APPLICABILITY

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

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

## SECTION 1.4: RELATION TO OTHER ORDINANCES

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

## SECTION 1.5: SEPARABILITY

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

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



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## SECTION 1.6: ZONING MAP INTERPRETATION

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

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

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

## SECTION 1.7: PROCESSES AND PROCEDURES

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

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

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

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



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

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

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

### SECTION 1.8: EFFECTIVE DATE

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



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