

## CHAPTER 2: DEFINITIONS

### SECTION 2.1: INTENT

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

### SECTION 2.2: INTERPRETATION OF ZONING MAP

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

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

### SECTION 2.3: FRACTIONAL REQUIREMENTS AND DISTANCE MEASUREMENTS

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



## CHAPTER 2: DEFINITIONS

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 2.4: TEXT CONTROLS OVER GRAPHICS

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

### SECTION 2.5: INTERPRETATION OF WORDS/TERMS

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



## CHAPTER 2: DEFINITIONS

### 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 one hundred eighty (180) or more days without any intention of transferring rights to the property to another owner or lessee or of resuming the use of the property regardless of intent of the owner, lessee, or previous occupant, or any other affiliated parties and regardless of any condition or circumstance beyond the control of such parties that prevent a continuation of the use or occupancy of the structure or property.

##### **Accessory 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



## CHAPTER 2: DEFINITIONS

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 18.5.12, Alterations and Amendments to Approvals. A Major Amendment also includes a change of use that differs from the uses previously approved under a Special Use Permit or Conditional Use Permit. A Major Amendment to a Town Board approved plan shall follow the conditional zoning process. Any amendment to an approved residential development plan will follow the procedures specified in Section 18.5.12.

### **Amendment, Minor**

An amendment to any Town Board approved Plan that, excluding conditional zoning approved plans, shall follow the Special Use Permit process, pursuant to Section 16.7, Special Use Permits. A Minor Amendment does not include a change of use that differs from the uses previously approved under a Special Use Permit or Conditional Use Permit.

### **Amendment, Text**

A change to any text of the Land Development Code.

### **Amendment, Zoning Map**

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

### **Animal Hospital**

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

### **Apartment Buildings**

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

### **Architectural Feature**

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

### **Architectural Style**

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



## CHAPTER 2: DEFINITIONS

### **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**

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

### **Bed and Breakfast Inn**

A use that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where the provision of meals is limited only to guests.

### **Berm**

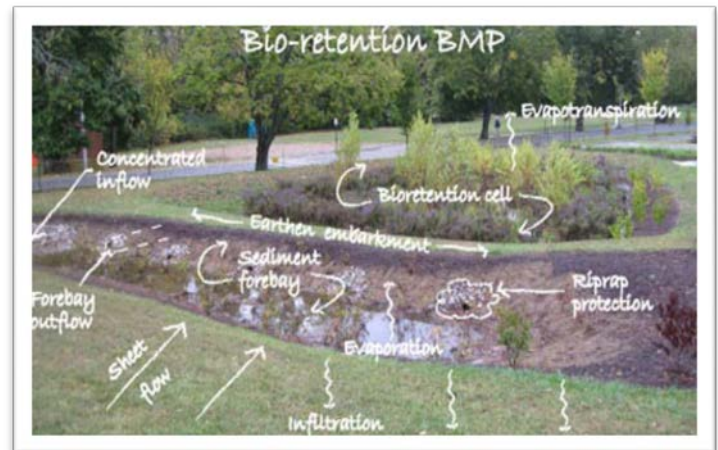
A raised earth mound.



## CHAPTER 2: DEFINITIONS

### **Best Management Practices (BMP)**

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



### **Brewery, Large**

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



### **Brewery, Micro**

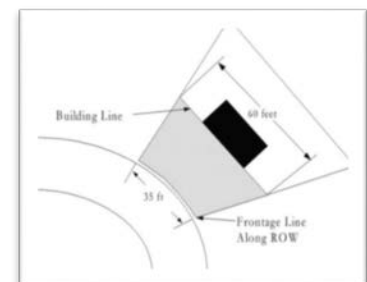
An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (~465,000 gallons) per year. The brewer may sell to a retailer or directly to a customer.

### **Buffer**

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

### **Building Line**

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





## CHAPTER 2: DEFINITIONS

### **Building Permit**

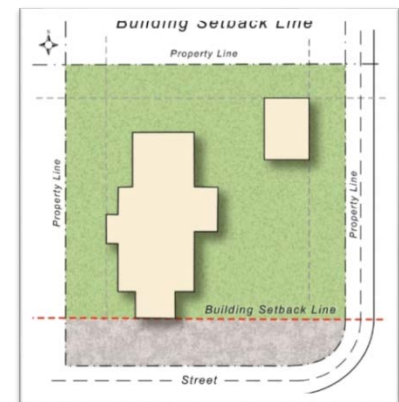
A permit obtained from Mecklenburg County Engineering and Building Standards Department as the Town's agent for the construction, repair, alteration, or addition to a structure, which sets the inspection schedule and construction techniques for a particular project and specified use in accordance with 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").



## CHAPTER 2: DEFINITIONS

### **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, Automatic & Self Service**

A commercial establishment primarily engaged in the washing of automobiles. Such washing may be done manually by the customer 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.





## CHAPTER 2: DEFINITIONS

### **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 Use Permit**

A permit subject to specific conditions and which required the approval of the Town Board of Commissioners before the issuance of a zoning permit.

### **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.



## CHAPTER 2: DEFINITIONS

### **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.

### **Diameter at Breast Height (DBH)**

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

### **Distribution/Wholesale**

The disbursement of goods on a large scale.



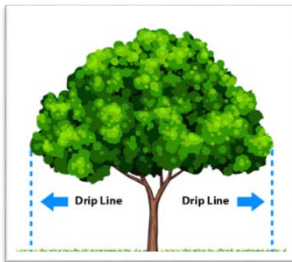
## CHAPTER 2: DEFINITIONS

### **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.



### **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.



## CHAPTER 2: DEFINITIONS

### **Dwelling or Dwelling Unit**

A building, or portion thereof, providing complete and permanent living facilities for one family.

### **Dwelling, Multi-Family**

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

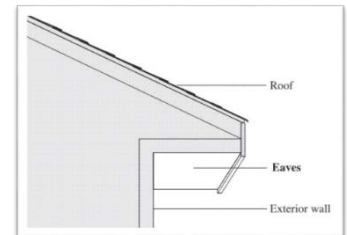
### **Dwelling, Single-Family Attached**

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.



### **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 one hundred eighty feet (180') in height. This definition does not include Antenna Systems as defined in this section. Essential Services are divided into four (4) classes:



## CHAPTER 2: DEFINITIONS

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. 153A-344.1 and G.S. 160A-385.1), or
3. Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).



## CHAPTER 2: DEFINITIONS

### **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

### **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.





## CHAPTER 2: DEFINITIONS

### **Floodway**

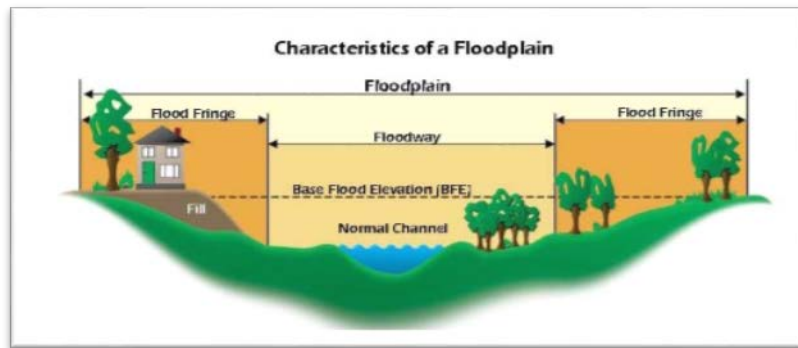
The channel of a stream, river, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the allowable surcharge (currently two feet).

### **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 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.



## CHAPTER 2: DEFINITIONS

### 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.



## CHAPTER 2: DEFINITIONS

### **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.

/

### **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.



## CHAPTER 2: DEFINITIONS

### 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 forty feet (40'). Medium Maturing trees grow to a minimum of twenty feet (20'). Small Maturing trees grow to a minimum of ten feet (10').

#### **Lot**

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

#### **Lot Front**

See *Frontage*.

### M

#### **Manufactured Housing**

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



## CHAPTER 2: DEFINITIONS

### **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 twenty-five percent (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 twenty-five percent (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



## CHAPTER 2: DEFINITIONS

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.





## CHAPTER 2: DEFINITIONS

### **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.



## CHAPTER 2: DEFINITIONS

### **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.

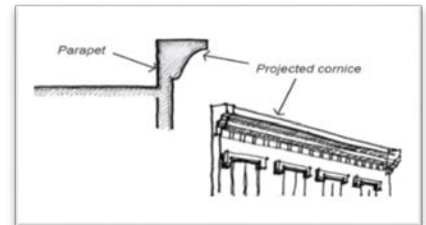
### **Overlay District**

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.



## CHAPTER 2: DEFINITIONS

### **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.



## CHAPTER 2: DEFINITIONS

### **Public Hearing**

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

### **Public 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

## 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, picnicking,

### **Recreation Center, Public**

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

### **Recreation Facilities**

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

### **Recreational Vehicle**

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



## CHAPTER 2: DEFINITIONS

### **Residential Care Facility**

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

### **Residential Care Home**

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

### **Restaurant**

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

### **Restaurant/Brewpub**

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

### **Retail**

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

### **Retention (Detention) Basin**

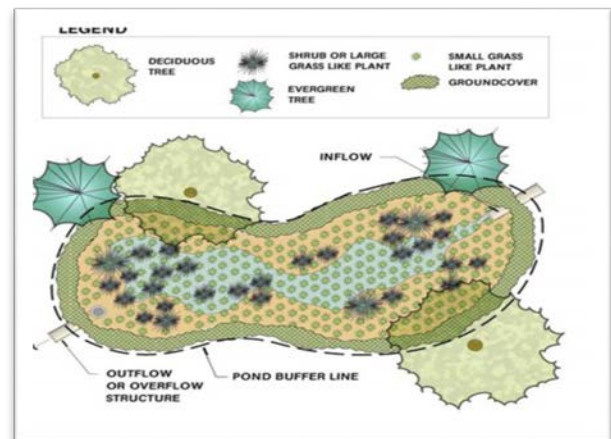
Engineered facilities for storing or detaining rain water runoff from a site. Retention delays the flow off a site to prevent flooding. Detention stores water on a site to allow time for pollutants precipitate out of the runoff. This cleans the water before it is allowed to flow to nearby surface waters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

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

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

### **Road, Frontage**

See Frontage



## CHAPTER 2: DEFINITIONS

### **Road, Private**

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

### **Road, Public**

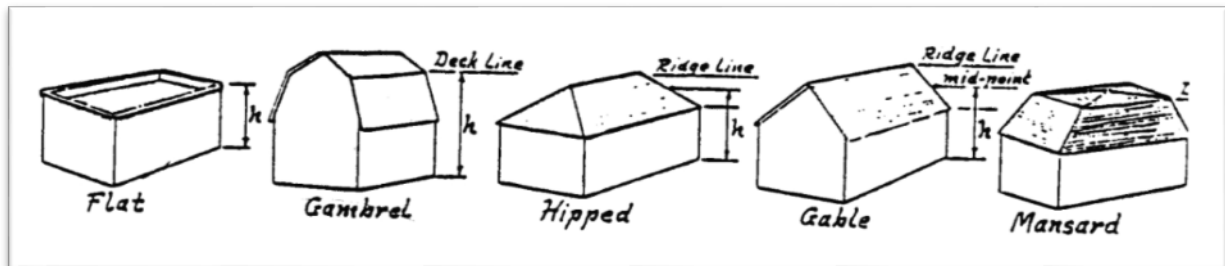
Any right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Cornelius, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina or Town of Cornelius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

### **Roofline**

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

### **Roof Pitch**

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



## S

### **Salvage**

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

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

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

### **School, Vocational**

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

### **Sediment**

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





## CHAPTER 2: DEFINITIONS

### **Service Uses**

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

### **Setback**

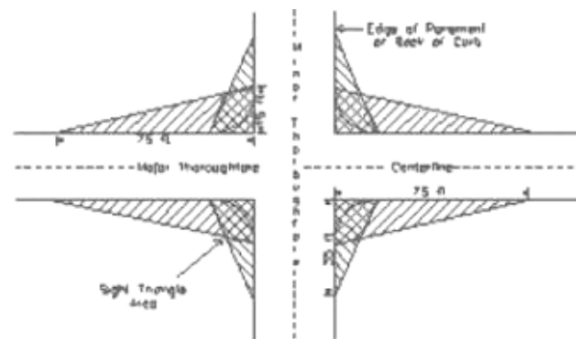
The shortest horizontal distance from the property line or right-of-way to the nearest point of the base of the structure and/or deck or its supporting member whichever is nearest to the property line or right-of-way. If there is any portion of the structure that extends beyond the base more than eighteen inches (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 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 right-of-way lines (or a right-of-way line and a driveway). Generally, nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



### **Sign**

Any object, display or structure, or part thereof, which is used to advertise, identify, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious, school, or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

### **Sign, Advertising**

A sign, other than a directional sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or



## CHAPTER 2: DEFINITIONS

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**

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

### **Sign, Awning**

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

### **Sign, Changeable Copy**

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

### **Sign Clearance**

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

### **Sign, Construction**

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

### **Sign Copy**

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

### **Sign, Channel Illuminated**

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

### **Sign, Directional**

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



## CHAPTER 2: DEFINITIONS

### **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, traffic signs. Conversely a sign placed on a public building such as library, school or public safety building which identifies said building, shall not be considered a government sign.

### **Sign, Ground Mounted**

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

### **Sign, Height**

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

### **Sign, Identification or Logo**

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

### **Sign, Illuminated**

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

### **Sign, Incidental**

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



## CHAPTER 2: DEFINITIONS

### **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, Real Estate**

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



## CHAPTER 2: DEFINITIONS

### **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, 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 eighteen inches (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 (exception: rental cottage).

### **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.



## CHAPTER 2: DEFINITIONS

### **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 twenty-six (26) feet in length by the manufacturer' s published overall length. In addition, each trailer's load may not exceed 6, 500 lbs by the manufacture' s published dry weight.

#### *Commercial Properties/ Uses:*

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

### **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.



## CHAPTER 2: DEFINITIONS

### **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% (forty percent to sixty percent) of land is set aside as open space, and the process begins by identifying the





## CHAPTER 2: DEFINITIONS

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, Family**

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

### **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.



## CHAPTER 2: DEFINITIONS

### T

#### **Taproom**

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

#### **Temporary Structures**

Buildings placed on a lot for a specific purpose which are to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classroom or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing 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)**

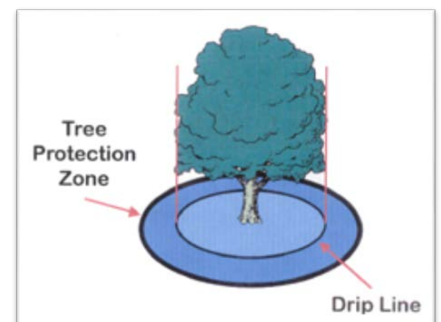
A tool used to evaluate the incremental impacts that development may have on the surrounding transportation system, which helps local decision makers evaluate whether a development is appropriate for a site, or identify certain mitigation measures that are necessary to maintain the integrity of the transportation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

#### **Transient Occupancy**

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

#### **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.



## CHAPTER 2: DEFINITIONS

### **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 thirty feet (30') and which produces significant shade due to the shape of the canopy tree.

## U

## V

### **Variance**

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

### **Variance (Watershed)**

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

### **Vested Right**

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

## 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.



## CHAPTER 2: DEFINITIONS

### **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 ten percent (10%), of any management requirement under the low impervious cover option;
2. The relaxation, by a factor greater than five percent (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 five percent (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 ten percent (10%), of any management requirement under the low impervious cover option.

### **Wetlands**

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

### **Wireless Facility**

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



## CHAPTER 2: DEFINITIONS

### **Wireless Facility, Small**

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

## Y

### **Yard**

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

### **Yard, Front**

A space extending the full width of the lot between the building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line. Typically, this yard is required to remain open and unoccupied, with the exception of certain encroachments such as bay windows, sidewalks, street trees, street furniture, fences, walls, and landscaping. No lot shall be deemed to have frontage on or along any water front or any other similar features.

### **Yard, Rear**

A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Generally, accessory structures are permitted within this yard.

### **Yard, Side**

A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building facade.

## Z

### **Zoning Administrator**

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



## CHAPTER 2: DEFINITIONS

### **Zoning Permit**

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



## CHAPTER 2: DEFINITIONS

THIS PAGE INTENTIONALLY BLANK.

