

DIVISION 1600. TERMINOLOGY AND MEASUREMENTS

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Chapter 1610. Use Groups and Categories

1610.010 Use Groups

This development ordinance classifies land uses into 5 major groupings: “residential,” “public and civic,” “commercial,” “industrial” and “other.” These are referred to as “use groups.”

1610.020 Use Categories

Each use group is further divided into more specific “use categories.” use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

1610.030 Typical Uses

Typical uses cited in the description of use categories are not intended to be exclusive or restrictive.

1610.040 Determination of Most Similar Use Category

When a specific use type cannot be readily classified into a use category or appears to fit into two or more use categories, the Community Development Director is authorized to determine the most similar, thus most appropriate, use category based on the following considerations:

- A.** the actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
- B.** the relative amount of site area or floor space and equipment devoted to the activity;
- C.** relative amounts of sales from each activity;
- D.** the customer type for each activity;
- E.** the relative number of employees in each activity;
- F.** hours of operation;
- G.** building and site arrangement;
- H.** vehicles used with the activity;
- I.** the relative number of vehicle trips generated by the use;
- J.** signs;
- K.** how the use advertises itself; and
- L.** whether the activity is likely to be found independent of the other activities on the site.

1610.050 Residential Use Group

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: group living and household living.

A. Group Living

Residential occupancy of a dwelling by other than a “household,” typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

1. Group Home

A single dwelling occupied on a permanent basis by a group of unrelated persons. Group homes may also be occupied by paid staff and caregivers.

a. Type 1: Family Home (Small)

Means a home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for no more than six resident persons with disabilities.

b. Type 2: Family Home (Large)

Means a home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for more than six resident persons with disabilities.

2. Nursing Home

A residence which provides lodging, meals, nursing and other personal services for those who are unable to care for themselves or otherwise requires assistance for certain essential functions.

3. Senior Housing

A residential complex containing multifamily dwelling designed for and principally occupied by senior citizens. Such facilities may or may not include a common dining area but such facilities do not include institutional care such typically associated with nursing homes or senior life-care centers.

1610.060 Household Living Category

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis. Household living occurs in the following types of residential buildings:

A. Detached House

A building containing one dwelling unit located on a single lot with private yards on all sides.

B. Zero Lot Line House

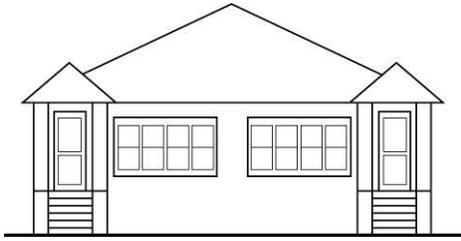
A building containing one dwelling unit located on a single lot. The building is shifted to one side of the lot so that there is a more usable side yard on one side of the house and very little or no private yard on the other side.

C. Attached House

A building containing multiple dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

D. Two-Unit House

A building containing 2 dwelling units, both of which are located on a single lot or parcel (also referred to as a “duplex” or “two-flat”). The dwelling units are attached and may be located on separate floors or side-by-side.



E. Multi-Unit House

A building containing 3 to 8 dwelling units located on a single lot. Multi-unit houses appear as large detached houses and have only one entrance visible from the street.

F. Multiplex

A building containing 3 to 8 dwelling units, each of which has its own external entrance.

G. Apartment/Condo

A building containing 3 or more dwelling units that share common walls and/or common floors/ceilings. Apartment/condo buildings are typically served by one or more common building entrances.

H. Manufactured Housing Unit

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. §§ 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 U.S.C. § 5415, certifying compliance with all applicable federal construction and safety standards.

I. Mobile Home

Any vehicle or portable structure having no foundation other than wheels, jacks, blocks and designed or constructed as a self-contained single-family dwelling unit. Structures that meet the definition of a “manufactured housing unit” are not considered mobile homes.

J. Mobile Home Park

Any plot of ground containing mobile home spaces, regardless of whether or not a charge is made for the occupation of such spaces.

K. Modular Home

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and is made of components substantially assembled in a manufacturing plant and transported to a lot location site for final assembly on a permanent foundation. This is to be done in addition with also meeting or exceeding federal HUD requirements for these types of homes.

1610.070 Public and Civic Use Group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

A. College/University

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

B. Day Care

Uses providing care, protection and supervision for children or adults with physical or mental disabilities on a regular basis away from their primary residence for less than 24 hours per day. There are 3 types of day care:

1. Family Child Care Home

Day care, provided within a dwelling unit, where, at any one time, more than two children, but less than nine children, receive child care. Of the children present at any one time in a family child care home, no more than five children shall be preschool-aged, including the operator's own preschool-age children.

2. Child Care Center

A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

3. Adult Day Care Home

A facility where an individual, agency or organization provides supervision or care in a home-like environment for a maximum of six (6) adults in need of care because of physical or mental disability in a place other than their usual place of abode.

4. Adult Day Care Center

A facility where an individual, agency or organization provides supervision or care during the day time for more than six adults in need of care because of physical or mental disability in a place other than their usual place of abode.

C. Detention and Correctional Facilities

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples include prisons, jails, probation centers and juvenile detention homes.

D. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

E. Library/Cultural Exhibits

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

F. Park/Recreation

Recreational, social, or multi-purpose uses associated with public parks, public open spaces, public community centers, public play fields, public or private golf courses, or other public recreation areas or buildings.

G. Religious Assembly

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and churches.

H. Safety Services

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

I. School

Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

J. Utilities and Services

1. Minor, Basic

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; water towers and reservoirs; electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities.

2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas. Typical uses include but are not limited to water and waste water treatment facilities and major water storage facilities.

Commentary: Major utilities and services do not include "waste-related uses."

1610.080 Commercial Use Group

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

A. ABC Stores

An establishment that specializes in the sale and distribution of alcoholic beverages as a retail use, provided that such establishments meet all of the requirements and standards of Chapter 18B of the North Carolina General Statutes, the State of North Carolina ABC Commission, any local ABC Board in the jurisdiction where such an establishment will be placed, and any other appropriate local and/or state regulations or ordinances.

B. Adult arcade

Any place or establishment operated for commercial gain that invites or permits the public to view adult material through coin-operated devices or electronically or mechanically controlled motion picture machines, projectors, video or disc players that show images to persons within a booth or small theater where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

C. Adult bookstore or adult video store

An establishment that sells, offers for sale, or rents adult material for commercial gain and that meets one of the following two criteria:

1. More than 10 percent of the gross public floor area is devoted to adult material.
2. More than 10 percent of the stock in trade consists of adult material.

D. Adult entertainment

An adult club, adult juice bar, adult dancing establishment, adult theater or other commercial establishment where any employee, operator, or owner exposes his/her specified anatomical area for viewing by patrons. This may include massage establishments, salons, modeling studios, or lingerie studios where employees, operators, owners, or patrons expose his/her specified anatomical areas.

E. Adult material

Any one or more of the following, regardless of whether it is new or used:

1. books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other representations; recordings, other audio matter; and novelties or devices; any of which have, as their dominant theme, subject matter that depicts, exhibits, illustrates, or otherwise graphically describes specified sexual activities or specified anatomical areas; or
2. instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

F. Adult modeling studio

Any place where a person appears in a manner that displays specified anatomical areas in order that that person can be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons for any form of consideration. Adult modeling studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation or university supported entirely or partly by taxation; or a studio or establishment where there is no sign visible from any public street advertising or otherwise indicating the availability of nude or semi-nude persons who expose specified anatomical areas for viewing and where the participation in drawing, painting, sculpting, or photography activities is by students who enroll at least three days in advance of the class.

G. Adult motel

A hotel, motel, or similar commercial establishment that offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and that has a sign visible from any public street that advertises the availability of this type of material to guest or patrons.

H. Adult motion picture theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.

I. Adult theater

A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who expose specified anatomical areas or where live entertainment acts involve performances that expose or depict specified anatomical areas and/or specified sexual activities.

J. Sexual encounter center

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons exposes specified anatomical areas.

K. Animal Services

The following are animal services use types:

1. Sales and Grooming

Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.

2. Shelter and Boarding Kennel

Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.

3. Veterinary

Typical uses include pet clinics, dog and cat hospitals and animal hospitals.

4. Stable

Stables and boarding facilities for horses and similar large animals.

5. Animal Foster Care

A residence in which the individual is caring with food, water and shelter for no more than 9 dogs or cats total until a permanent home can be found for the animals. More than 9 dogs and/or cats total in an allowed residential use shall constitute an Animal Shelter.

L. Artist Work or Sales Space

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the "Libraries and Cultural Exhibits" use category.

M. Building Maintenance Services

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

N. Business Equipment Sales and Services

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

O. Business Support Services

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies, telephone answering services, blueprint services, and business or trade schools. Business or trades schools that involve outdoor storage or manufacturing processes are not considered business support services but rather are to be classified in an Industrial use group category.

P. Communication Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "major utilities and services" and "Minor Utilities." Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

Q. Eating and Drinking Establishments

Provision of prepared food or beverages for on- or off-premises consumption. Typical uses include restaurants, restaurants with alcohol service, or private clubs.

R. Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic and other events to spectators. The following are spectator sports and entertainment use types:

1. Small Venue

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

2. Medium Venue

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include theaters and meeting or banquet halls.

3. Large Venue

Entertainment and spectator sports establishments with a capacity of 1,000 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

S. Financial Services

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, consumer investment businesses, pawn shops and short-term loan services.

1. Short-Term Loan Services

Businesses that loan money on a short-term basis to the general public as an element of their operation, including businesses offering title loans, payday loans, signature loans and small loans under North Carolina General Statutes, and other similar businesses, but not including banks, savings and loan associations or credit unions that are licensed by appropriate state and federal agencies, or retail credit financing institutions that are licensed North Carolina General Statutes, or pawn shops as governed by Chapter 91A-1 of the North Carolina General Statutes.

2. Pawn Shops

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 91A-1 of the North Carolina General Statutes.

T. Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries, specialty food stores and wine shops.

U. Funeral and Internment Services

Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:

1. Cemetery/Mausoleum/Columbarium

Land or facilities used for burial of the dead.

2. Cremating

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

3. Undertaking

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

V. Gasoline and Fuel Sales

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental,

where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent.

W. Lodging

Provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. Bed and Breakfast

An owner- or manager-occupied detached house that contains 6 or fewer guestrooms for short-term lodging and in which the only meal provided to guests is breakfast. For the purposes of this definition, a guest is a person who rents a room in a bed and breakfast establishment for no more than 30 consecutive days.

2. Hotel/Motel

An establishment, other than a detached house, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and boarding houses.

X. Medical Service

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

Y. Office

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

Z. Parking, Non-accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or a visitor to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

AA. Personal Improvement Service

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, tattoo parlors, fortune telling studios, health clubs, yoga or dance studios, driving schools and martial arts studios.

1. Body Art Service

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the North Carolina State Medical Board, which services may not be performed in a body art service establishment.

2. Fortune Telling Service

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

BB. Repair and Laundry Services, Consumer

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning

drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

CC. Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, apparel stores and a host of other stores and shops offering goods and merchandise for sale to the public. The following are specific retail sales use types.

1. Second Hand Thrift/Consignment Sales

The retail sale of mostly previously used merchandise to the general public such as clothing, furniture, small appliances, household goods, sporting goods, recreation equipment, or other similar merchandise not considered to be antique. Second Hand Thrift/Consignment Sales uses may operate as for-profit businesses or be associated with a nonprofit charitable organization and are commonly referred to as consignment stores, thrift stores, second hand stores, and vintage stores. This definition specifically excludes antique shops, pawnshops, flea markets, firearms shops, and other land uses that are more specifically identified within UDO Chapter 520.

2. Antique Shops

The retail sale of mostly previously used merchandise to the general public that is deemed to have collectible value and is at least 50 years of age. This definition specifically excludes Second Hand Thrift/Consignment Sales uses.

DD. Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). Examples include bowling alleys, skating rinks, billiard parlors driving ranges and miniature golf courses.

EE. Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles or the sale of automobile supplies such as vehicle parts. The following are vehicle sales and service use types:

1. Car Wash/Cleaning Service

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

2. Heavy Equipment Sales/Rentals

- a.** Retail – Involves sales and /or rental directly from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.
- b.** Wholesale – Involves sales and/or rental not conducted directly from the premises of heavy construction equipment, trucks or aircraft, involving no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

3. Light Equipment Sales and Rentals

- a. Retail – Involves sales and /or rental directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.
- b. Wholesale – Involves sales and/or rental not conducted directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, with no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

4. Motor Vehicle Repair

An establishment primarily engaged in maintenance, repair, servicing, or painting of motor vehicles.

a. Limited Motor Vehicle Repair

Either of the following:

- (1) A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.
- (2) A vehicle repair establishment that provides replacement of any passenger vehicle part or repair of any passenger vehicle part that does not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

b. General Motor Vehicle Repair

Any vehicle repair activity other than “minor vehicle servicing” or “minor vehicle repair.” Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

5. Vehicle Storage and Towing

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking lots, tow-aways, impound yards and fleet storage yards. This category will include storage yards for boats of recreational vehicles.

1610.090 Industrial Use Group

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

A. Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals,

paper, rags, rubber tires and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include waste-related uses or recycling facilities.

B. Manufacturing, Production, and Industrial Services

1. Artisan

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

3. General

- a.** Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- b.** Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “repair or laundry services.”

4. Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. Also includes smelting, animal slaughtering and oil refining.

C. Mining/Excavation

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

D. Recycling Service

Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

1. Limited, Indoors

A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans and glass items are considered an accessory use and may be allowed in any zoning district.)

2. General

A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting or packing of recyclable materials. This category includes facilities that operate principally indoors but may have accessory outdoor operations.

E. Residential Storage Warehouses

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

F. Warehousing, Wholesaling, and Freight Movement

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public.

G. Waste-Related Use

Uses that receive solid or liquid wastes or recyclable material from others for transfer to another location and uses that collect or compact sanitary wastes or recyclable material. This may include facilities that manufacture or produce goods or energy from waste materials. This category includes resource recovery facilities, waste transfer stations, and compacting and shipping facilities.

1610.100 Other Use Group

The “other” use group includes the following:

A. Agriculture, Crop

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals.

B. Agriculture, Animal

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture.

C. Outdoor Advertising

The use of a site for the placement of off-premise signs.

D. Wireless Communication Antenna and Tower

Facilities related to the use of the radio spectrum for the purposes of transmitting or receiving radio signals, and may include, but are not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. The wireless communication antenna and tower category includes all associated equipment unless the written context clearly indicates otherwise. The term associated equipment may include, but is not limited to equipment

shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

1. Co-located wireless facility

A wireless communication antenna that is attached to an existing tower or to an existing building or structure including, but not limited to a church, water tower, clock tower, sign, telephone pole or similar structure.

2. Free-standing facility

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtances.

3. Guyed tower

A communication tower or telecommunication tower that is supported in whole or part by guy wires or cables and ground anchors rather than by the superstructure of the tower itself.

Figure 40: Tower with guy wires



4. Lattice tower

A three or four sided structure with an open framework made of metal or similar material overlapped or overlaid in a regular, usually crisscross pattern.

Figure 41: Lattice Tower



5. Stealth wireless communication facility

A communication tower designed and installed in a manner such that the antenna, tower or pole, and associated equipment are disguised or hidden so as to eliminate the visual impact of the tower to the casual observer. Stealth towers and facilities must be built in an aesthetically and architecturally appropriate manner with regards to an existing structure or immediate environment in which the communication tower is located.

Examples include, but are not limited to, church steeples, bell towers, clock towers, flag poles, fake trees, and chimneys.

Figure 42: Samples of Stealth Towers



Chapter 1620. General Definitions

1620.010 Accessory Apartment

A residential addition for living purposes, whether attached or detached, that is incidental and subordinate to a principal residential dwelling unit characterized by the presence of separate sleeping quarters, bathroom facilities, and a full kitchen or food preparation facility.

1620.020 Accessory Building

A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied in conjunction with a permitted accessory use.

1620.030 Accessory Structure

A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customary and incidental to a permitted accessory use.

1620.040 Accessory Use

A use that is subordinate in area, extent and purpose to the principal use on the zoning lot and that is customarily found in conjunction with a permitted principal use.

1620.050 Alley

A public right-of-way or private easement that affords a secondary means of access to abutting property.

1620.060 Alteration

Any addition, removal, extension, or change in the location of an exterior wall or roof of a principal building or accessory building.

1620.070 Arterial Street

A street, identified as an arterial street on the Indian Trail Comprehensive Plan, intended to move through traffic to and from the major traffic generators and to serve as a route for traffic between communities or large areas.

1620.080 Block

A tract of land bounded by streets or by any combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, boundary lines of municipalities, or other natural or man-made features.

1620.090 Block Face

All lots abutting one side of a street between the two nearest intersecting streets.

1620.100 Bufferyard

A continuous area of land along the perimeter of a lot that is provided to satisfy the bufferyard requirements of Sec. 810.040.

1620.110 Building

An enclosed structure anchored to a permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building is to be considered a separate building.

1620.120 Building Coverage

The proportion of the lot area expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

1620.130 Building Line

An imaginary line that coincides with the location of the exterior building wall of a building.

1620.140 Business Park

A defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shared development features that may include, but are not limited to architectural design, landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

1620.150 Caliper

A measurement of the size of a tree equal to the diameter of its trunk measured 6 inches above natural grade or 6 inches above the tree's root ball if the tree is unplanted.

1620.160 Canopy Trees

Those species of tree that reach a height of 30 feet to 70 feet or taller at maturity.

1620.170 Charitable Events

An event where proceeds, if any, will directly benefit a charitable organization that maintains a 501 (c) (3) charitable status.

1620.180 Commercial Message

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

1620.190 Cluster Plantings

A grouping of 3 or more plants installed in close proximity to one another.

1620.200 Collector Street

A street identified as a collector street on the Thoroughfare Plan, intended to move traffic from minor streets to arterial streets.

1620.210 Commercial Establishment

A business classified in the commercial use group, the ownership, management and physical location of which are separate and distinct from those of any other place of business located on the same lot, as partly evidenced by maintaining separate and distinct doors and access points.

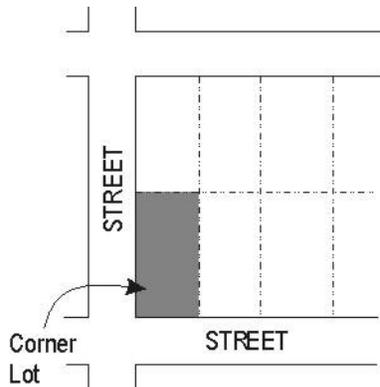
1620.220 Comprehensive Plan

A document that links Town development policy, short- and long-range objectives and implementation strategies to a number of interdependent elements. The elements of the Comprehensive Plan are based on the present and future needs of the Town. The core elements of the Comprehensive Plan include

Economic Development; Land Use; Transportation; Community Facilities; Utilities; Historic Preservation; Neighborhood Development; Parks and Recreation; and Environmental and Natural Resource Preservation. The elements of the Comprehensive Plan are to be adopted by the Planning Commission and Town Council, and are to be used as a guide for development.

1620.230 Corner Lot

A lot with frontage on 2 or more intersecting streets.



1620.240 Cul-de-sac

A local street with only one outlet and having an appropriate terminus at one end for the safe and convenient reversal of traffic movement.

1620.250 Deciduous Tree

Those trees which drop all of their leaves annually, such as Ash, Sycamore, Willow, Maple, etc.

1620.260 Developer

A person, firm or corporation undertaking development or building on a lot, tract or parcel of land. Includes subdividers, builders and property owners.

1620.270 Diameter at Breast Height (DBH)

A measurement of the size of a tree equal to the diameter of its trunk measured 4½ feet above natural grade.

1620.280 Disability, Person With

A person who has a condition of physical or mental disability that substantially limits one or more major life activities, as provided in Section 168-21 (2) of the North Carolina General Statutes.

1620.290 Dwelling

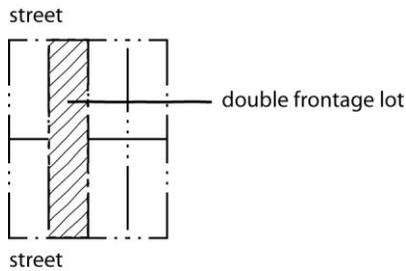
A building or portion of a building designed or used exclusively for residential occupancy.

1620.300 District

Zoning district.

1620.310 Double Frontage Lot

A parcel or property with frontage on 2 or more streets that do not intersect (also known as “through lot”).



1620.320 Drive-Through Facility

Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle. Includes drive-in and drive-thru type uses.

1620.330 Dwelling Unit

A building or portion thereof arranged, intended, or designed for occupancy by a single household for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities.

1620.340 Easement

A grant by the property owner to the public, a corporation, or persons of the use of that land for specific purposes.

1620.350 Equestrian trails

Typically an un-paved path for horse riders that may be routed with and parallel to bike or pedestrian trails. On local streets (i.e. not arterials or thoroughfares) equestrian trails may share a road right-of-way with automobile traffic but in all circumstances such trails will be separated from the road by barriers such as fencing or landscaping. When horse trails are located away from the horse population then amenities such as hitching posts, water supply parking lots, and will be incorporated into the trail design.

1620.360 Equine

Any horse, pony, donkey, burro, or mule that is 12 months of age or older. Any animal that is under 12 months of age and is the off-spring of or is un-weaned and is being nursed by a female equine lawfully kept on the property will not be subject to any of the limitations of the equestrian subdivision ordinance.

1620.370 Evergreen Trees

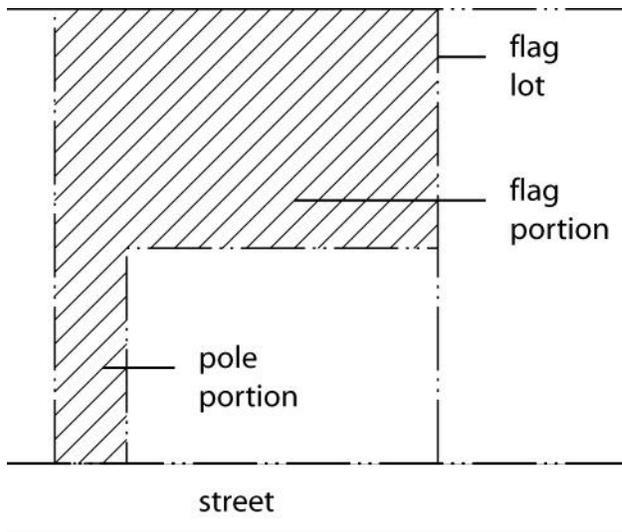
Those trees which retain their leaves during dormancy, such as Pine, Juniper, Yews, Fir, etc.

1620.380 Fence

A structure, other than a building, purposely designed for and used as a barrier to provide a boundary, means of confinement or protection, or visual screen for areas of land.

1620.390 Flag Lot

A lot having the required width at the building line, but having access to a dedicated street only by means of a corridor of less width. Sometimes referred to as “panhandle lots.”



1620.400 Floor Area

The gross floor space within the exterior walls of a building, not including space in cellars or basements.

1620.410 Ground Cover

Low-growing plants or turf grass, installed to form a mostly continuous cover over the ground surface.

1620.420 Household

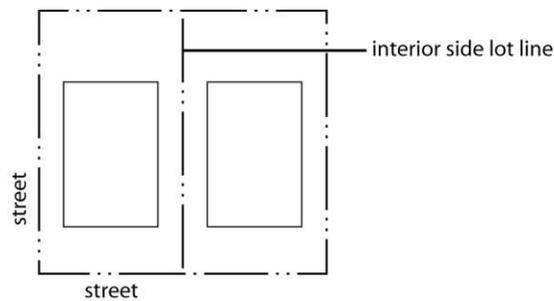
One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 4 additional persons, all of whom live together as single housekeeping unit.

1620.430 Impervious Surface (or Impervious Cover)

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally paved streets, roofs, sidewalks, parking lots, and other similar improvements.

1620.440 Interior Lot

A lot whose side lines do not abut upon any street.



1620.450 Interior Parking Lot Landscaping

Landscape located within a paved parking area planted with live plant material, such as trees, shrubs, groundcover, or turf grass.

1620.460 Intersection

The crossing of 2 or more streets at the same elevation.

1620.470 Landlocked

A lot that does not abut any street.

1620.480 Landmark

A property or structure designated as a "Landmark" by ordinance of the Town Council because it meets one or more of the national criteria for landmarks as established by the U.S. Department of Interior contained in 36 CFR 65.5 "Designation of National Historic Landmarks".

1620.490 Landscape Material

Living material as trees, shrubs, ground cover/vines, turf grasses; nonliving material such as rocks, pebbles, sand, bark, mulch, brick pavers, earthen mounds (excluding pavement); and/or other decorative items such as fountains, pools, walls, fencing, and sculpture.

1620.500 Landscaped Open Space

All land within the property lines not covered by building or pavement, except that paved outdoor areas used exclusively for pedestrian walkways, plazas, gathering or seating areas, or water features may be considered landscaped open space.

1620.510 Landscaping

The act of or the result of bringing the soil surface to a finished grade, or designing the soil surface with berms, installing trees, shrubs, ground cover, grass, and other acceptable materials to soften building lines, provide shade, and generally produce a pleasing visual effect on the premises.

1620.520 Level of Service (LOS)

Rating conditions or criteria measuring the capacity of public facilities or service providers.

1620.530 Lot

A tract, plot, portion of a subdivision or other unit of land that may be transferred in ownership or used for building development.

1620.540 Lot Lines

The lines bounding a lot.

1620.550 Lot Line, Exterior

A lot line abutting a street.

1620.560 Lot Line, Front

A lot line abutting a street on which the lot fronts. On corner lots it shall be the street side which is the smallest in length.

1620.570 Lot Line, Interior

A lot line that does not abut a street.

1620.580 Lot Line, Rear

A lot line that is opposite the front street line, except that in the case of uncertainty the Building Official will determine the rear lot line.

1620.590 Lot Line, Side

Any lot line that is not a front lot line or rear lot line. A side lot line may be an interior lot line or an exterior lot line such as on street side of a corner lot other than a front lot line.

1620.600 Lot, Depth

The average horizontal distance from the front lot line to the rear lot line.

1620.610 Lot of Record

A lot described by plat or deed and recorded in the office of the Recorder of Deeds of Union County, North Carolina.

1620.620 Major Street

A street classified on the Thoroughfare Plan of the Town of Indian Trail, North Carolina, as a Boulevard, Arterial Street or Collector Street.

1620.630 Major Subdivision

A division of a lot, tract or parcel of land into 4 or more units or other divisions of land.

1620.640 Minor Street

A street that is not a major street and that is intended to provide access to individual properties.

1620.650 Mitigation of Impacts

Steps taken to correct adverse effects of proposed development to the levels or requirements established in the policy.

1620.660 Mobile Home Space

A plot of ground designed for the accommodation of one mobile home within a mobile home park.

1620.670 Model Home

A dwelling unit used initially for display purposes that is representative of the type of dwelling units that will be constructed in the subject subdivision.

1620.680 Native Grasses

Those species of perennial grass other than those designated as noxious weeds by the State of North Carolina Department of Agriculture.

1620.690 Nonconforming Lot

A tract of land lawfully established on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means that does not comply with the minimum lot area or lot width standards of the zoning district in which it is located. In order to be deemed “nonconforming,” a lot must have complied with all applicable lot area and width standards in effect at the time of the lot’s establishment.

1620.700 Nonconforming Sign

A sign that was lawfully established, in accordance with zoning and other sign regulations in effect at the time of its establishment but that is no longer allowed by the regulations of this development ordinance.

1620.710 Nonconforming Structure

A building or structure that was lawfully established in accordance with building setback, height, floor area and building coverage regulations in effect at the time of its establishment but that no longer complies with the building setback, height, floor area and coverage regulations of the zoning district in which it is now located.

1620.720 Nonconforming Use

A use that was lawfully established in accordance with zoning regulations and occupational licensing regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

1620.730 Nonconformity

Any nonconforming lot, nonconforming sign, nonconforming structure or nonconforming use.

1620.740 Not-For-Profit Event

A not-for-profit event is any event that is requested by, or held for, a recognized non-profit organization or other charitable organization, with at least 51 percent of the revenue derived from the event intended for a not-for-profit entity or for its programs.

1620.750 Non-Profit Events

Are sponsored by an organization that is incorporated or otherwise organized as a non-profit organization and where the proceeds, if any, will directly benefit either a charitable or non-profit organization.

1620.760 Ornamental Trees

Low-growing trees, including those species of trees that reach a height between 15 to 30 feet. Sometimes referred to as “understory” trees.

1620.770 Outdoor Vending Machine

Any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Newspaper racks, phones, and automatic teller machines are not considered or regulated as vending machines.

1620.780 Pad Site Development

Separate lots or parcels encompassed by, or contained within a shopping center, office park or business park that are physically separated from the main shopping center building or buildings, with their egress points located from within the shopping center, office park or business park, and having no direct access to adjoining public streets.

1620.790 Parcel

A lot, tract or other division of land.

1620.800 Parking Lot Perimeter

The planted area outside the perimeter of the paved area of a parking lot, measured from the edge of the parking lot outwards.

1620.810 Pasture

An enclosed area, typically fenced, with natural cover or planted with forage for horses or other permitted animals. This area will be distinct from any corral area, riding trail, or required residential yard.

1620.820 Plat

A map, plan, chart or drawing indicating the subdivision or re-subdivision of land filed or intended to be filed for record.

1620.830 P.M. Peak Hour

The hours between 4:00 p.m. and 6:00 p.m. during the weekdays, Monday through and including Friday, at which the average traffic volume is highest.

1620.840 Preliminary Consultations

A meeting with either the Planning Staff and/or the Town’s consulting engineer, prior to submittal of a subdivision plat or site plan, to determine preliminary requirements and development criteria required by the Town.

1620.850 Principal Building

A building or buildings in which the principal use or uses of the premises is contained, housed, or situated.

1620.860 Property Lines

The lines bounding a lot.

1620.870 Recreation Vehicle

A vehicle designed or used as temporary living quarters for recreation, camping or travel.

1620.880 Recreational Vehicle Space

An area of ground within a recreational vehicle park designated for the temporary accommodations of one recreational vehicle.

1620.890 Right-of-Way

Land opened, reserved or dedicated for a street, walk, drainage way or other public purposes.

1620.900 Screening (Visual)

A method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, tree rows, berms, or other features.

1620.910 Setback

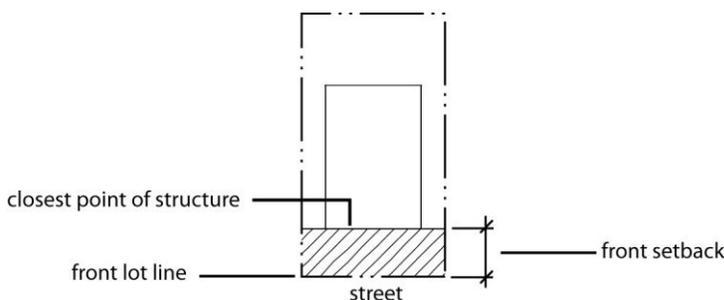
An open, unobstructed area that is required by this development ordinance to be provided from the furthestmost projection of a structure to the lot line of the lot on which the building is located. If the area to be set back is affronting or abutting a public and/or private street, then the area to be measured shall be from the ultimate right-of-way, except as may be otherwise indicated for the street in question in a recorded plat map, tract map, or a specific plan that has been adopted by the Town. Such measurement shall conform to the definition of ultimate right-of-way as indicated in this Section of this Ordinance.

1620.920 Setback, Exterior

A setback from a street which shall be measured, except where may be indicated by a specific recorded plat map, tract map, or a specific plan that has been adopted by the Town, from the ultimate right-of-way as indicated in this Section of this Ordinance.

1620.930 Setback, Front

A setback between a building and the front lot line of the lot on which the building is located, extending along the full length of the front lot line between the side lot lines. If the setback abuts or affronts a public and/or private street, then the setback shall be measured from the ultimate right-of-way of the street to the building itself. Such a measurement shall use the Definition of ultimate right-of-way as indicated in this Section of this Ordinance.



1620.940 Setback, Interior

A setback from an interior (non-street) lot line. Such setbacks need not utilize the ultimate right-of-way definition provided in this Section of this Ordinance unless the setback abuts a public and/or private street.

1620.950 Setback, Street Side

A setback from a street lot line on a corner lot. Such setbacks need not utilize the ultimate right-of-way definition in this Section of this Ordinance unless the setback abuts a public and/or private street.

1620.960 Shopping Center

A group of 2 or more commercial or office uses designed as one unified entity under single ownership or control consisting of one or several buildings either attached or detached.

1620.970 Short-Term Loan Service

Any business that loans money on a short-term basis to members of the general public as an element of its operation, including businesses offering title loans, payday loans, signature loans and small loans under North Carolina General Statutes, and other similar businesses. This does not include banks, savings and loan associations or credit unions licensed by appropriate State and Federal agencies, or a retail credit financing institution that is licensed under North Carolina General Statutes, or pawn brokers governed by North Carolina General Statutes.

1620.980 Shrubs

Any self-supporting, woody plant of a species which normally grows to an overall height of less than 15 feet in the region.

1620.990 Site Plan

A drawing that shows all of the existing conditions of a specific area (the site) and all of the improvements and changes proposed to be made on the site. A site plan is the drawing required by the development ordinance for certain new developments and certain additions and must contain all applicable information as specified in this development ordinance.

1620.1000 Small Wind Energy System

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of no more than 50kW and that is used primarily to reduce on-site consumption of utility power.

1620.1010 Specified anatomical areas

Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1620.1020 Specified sexual activities

Any of the following:

1. human genitals in a state of sexual stimulation, arousal, or tumescence; or
2. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
3. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or

4. masturbation, actual or simulated; or
5. masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. erotic or lewd touching, fondling, or other contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation.

1620.1030 Stable, Private

A detached accessory building that has a roof and one or more sides that is used to house and shelter an equine or equines owned by the occupants of the premises or subdivision and not kept for remuneration, hire, or sale.

1620.1040 Stable, Public

A stable other than a private stable.

1620.1050 Street

A public right-of-way that affords the principal means of vehicular access to abutting property.

1620.1060 Street Link

The segment of street between intersecting streets that have traffic control devices that interrupt traffic flow.

1620.1070 Street Tree Planting

The planted area within the front setback adjacent to a public or private street.

1620.1080 Street Width

The measured width of a street from edge of usable pavement to edge of usable pavement.

1620.1090 Structural Adequacy

A determination by the Town that the pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

1620.1100 Structure

Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including but not limited to signs, but not including excepting pavement, utility poles, fences, and retaining walls.

1620.1110 Subdivision Plat

The final map or drawing, described in this development ordinance, on which the developer's plan of subdivision is presented for approval and that, if approved, is to be submitted to the County Recorder of Deeds for filing.

1620.1120 Swale

A depression in the ground or a wide shallow ditch, usually grassed.

1620.1130 Temporary Portable Storage Container

A purpose-built, fully enclosed, box-like container that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

1620.1140 Terminus Intersections

The intersection of the final connecting street, being evaluated for adequacy, with the street previously determined or considered adequate.

1620.1150 Threshold DVH (Design Hour Volume)

Maximum allowable design hourly volume (DHSV) permitted of a given street link or intersection based on prevailing conditions.

1620.1160 Tow Lot

The use of a site for temporary storage of motor vehicles for a period of not more than 30 days, not including temporary storage facilities for vehicles that are to be sold, rented, salvaged, dismantled, or repaired.

1620.1170 Town Recognized Event

A Town-recognized event is one that is in part or wholly sponsored by the Town, recognized by the Town, or proclaimed as a Town-recognized event by the Town Council. Such events shall include only those events listed on the Town recognized Event List as maintained by the Town Clerk. The Town-recognized Event List may be amended as need by the Town Council.

1620.1180 Trees

Any self-supporting, woody plant of a species that normally grows to an overall minimum height of 15 feet in the region.

1620.1190 Trip Distribution

The method of assigning trips to street network based on projected travel origins and destinations.

1620.1200 Trip Generation

An analytical process that provides the relationship between land use and vehicle trip production. A one-way movement.

1620.1210 Turf Grass

A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

1620.1220 Recreational Vehicle Park

A single parcel of land used for the temporary accommodation of recreational vehicles used as living quarters.

1620.1230 Ultimate Right-of-Way

The right-of-way shown as ultimate on an adopted Thoroughfare Plan, Comprehensive Plan, or the street rights-of-way shown within the boundary of a recorded tract map or other recorded parcel map. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the Indian Trail Comprehensive Plan, Thoroughfare Plan, or by NCDOT standards. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way, in the case of a private street, and the existing right-of-way, in the case of a public street, unless otherwise dedicated to NCDOT as existing or future right-of-way. All setbacks are to be measured from this right-of-way, unless otherwise indicated by NCDOT, the Indian Trail Thoroughfare Plan, the Indian Trail Comprehensive Plan, or other adopted or recorded plans or plats.

1620.1240 Use

An activity carried on in a building, structure, or tract of land, including accessory uses that are subordinate in area, extent, and purpose to the principal use and that are customary adjuncts to the principal use.

1620.1250 Variance, Zoning

Relief from or variation of the zoning-related provisions of this development ordinance, other than use regulations.

1620.1260 Vertical Sight Distance

The length of street ahead of an object in the street, of specified height, visible to the driver while traversing a vertical curve.

1620.1270 Yard, Front

The actual yard that exists across the full width of the lot from the front lot line to the building line. See also “setback.”

1620.1280 Yard, Rear

The actual yard that exists across the full width of the lot between the rear lot line and the rear line of the principal building. See also “setback.”

1620.1290 Yard, Side

The actual yard that exists between the principal building and the adjacent side lot line extending entirely from the front lot line to the rear lot line. See also “setback.”

1620.1300 Zero-Lot Line Development

A development that complies with the zero lot line regulations of this development ordinance or the zero lot regulations in effect at the time the development was established.

Chapter 1630. Subdivision Definitions

1630.010 Alley

A public or private right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

1630.020 Building, Setback Line

A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or any other lot line when measured perpendicularly.

1630.030 Cluster Subdivision

A type of subdivision that permits a reduction in lot area and lot frontage provided there is no increase in the overall density of the development and where the remaining land created by the smaller lots is devoted to permanent open space, active recreation space, or the preservation of environmentally sensitive areas.

1630.040 Collector Street

Similar to a minor thoroughfare but carrying less through traffic.

1630.050 Comprehensive Plan

Town of Indian Trail Comprehensive Plan.

1630.060 Condominium

A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surrounds the building, said lands held in common ownership by the owners of the individual buildings.

1630.070 Contiguous

Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

1630.080 Corner Lot

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred thirty- five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front at the time the owner is requesting a building permit.

1630.090 County

Union County.

1630.100 Cul-de-Sac

A local street with only one outlet that terminates in a vehicular turnaround.

1630.110 Dedication

A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

1630.120 Department of Environmental Health

The Union County Department of Environmental Health.

1630.130 Department of Environment and Natural Resources

The North Carolina State Department of Environment and Natural Resources (DENR).

1630.140 Development Standards

The manual of construction standards and details jointly prepared by the Town Engineer which regulates and controls the provisions and construction of public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever, in this ordinance reference is made to “standards” or

1630.150 Easement

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

1630.160 Floodplain:

Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development and dated July 18, 1983, a copy of which is on file in the administrator's office.

1630.170 Floodway

The channel of a 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 one foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Boundary

1630.180. Final Subdivision Plat, Final Plat, or Recorded Plat

and Floodway Map" prepared by the U.S. Department of Housing and Urban Development and dated July 18, 1983, a copy of which is on file in the administrator's office.

1630.180 Final Subdivision Plat, Final Plat, or Recorded Plat

The map of a subdivision to be recorded after approval by the Town Council or Director of Planning and Development.

1630.190 Frontage Road

A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

1630.200 Grade

The slope of a road, street, or other public way specified in percentage terms.

1630.210 Intermittent Stream

A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources.

1630.220 Interior Lot

A lot other than a corner lot with only one frontage on a street.

1630.230 Lake or Watercourse

Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants.

1630.240 Local Street

A local street is any link not a higher-order urban system and serves primarily as a direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through-traffic is usually deliberately discouraged.

1630.250 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 of Union County 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.

1630.260 Major Thoroughfares (Boulevards)

Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas. These major thoroughfares are identified as Boulevards within the Indian Trail Comprehensive Plan.

1630.270 Minor Thoroughfares

Minor thoroughfares are important streets in the Town system and perform the function of receiving traffic from collector and local access streets and carrying to the Major. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property. These minor thoroughfares are referred to as thoroughfares within the Indian Trail Comprehensive Plan.

1630.280 Net Land Area

The total land area of the development site excluding any land required for street right-of-way, flood ways, stormwater detention ponds or ponds used for on-site, waste water treatment or the recycling or land area for any publicly dedicated improvements

1630.290 Open Space

An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation.

1630.300 Open Space, Common

A lot or parcel of open space within a development site (i.e., major/minor subdivisions) designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.

1630.310 Open Space Subdivisions

A type of subdivision that permits a reduction in lot area and lot frontage where such reductions allow up to a 10% increase in the overall density of the development and where the remaining land created by the smaller lots is devoted to permanent open space, active recreation space, or the preservation of environmentally sensitive areas, farmlands or forestlands.

1630.320 Open Space, Usable

An area contained within common open space that is designed and accessible for outdoor recreation, pedestrian access, and landscaping but excluding any area occupied by any substantial structure; a street right-of-way, or a roadway, parking area, sidewalk, or waste disposal field. At most, one-third of the useable open space can be located in a hundred year flood plain or within the surface area of a lake, pond, or other body of water, and is only one-fourth of the open space that can be located within any utility easements. In addition, usable open space shall count as one-half (50%) of all set aside common open space and shall include sidewalks, bicycle trails and facilities, natural trails parking areas, and crosswalks across roadways that happen to go through the said usable open space (i.e., for ingress and egress).

1630.330 Plan

Any documented and approved program of recommended action, policy, intentions, etc., which sets forth goals and objectives along with criteria, standards, and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management. The Plan is sometimes referred to as "The Land Development Plan".

1630.340 Plat

A map or plan of a parcel of land which is to be, or has been subdivided, and meeting the requirements of G.S. 47-30 as amended.

1630.350 Private Driveway

A roadway serving two (2) or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

1630.360 Public Sewer System

The Union County Sewer System.

1630.370 Public Street

Dedicated and accepted by North Carolina Department of Transportation or the Town of Indian Trail for future maintenance.

1630.380 Public Water System:

The Union County Water System.

1630.390 Reserve Strip

A strip of land (usually only a few feet wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.

1630.400 Subdivider

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

1630.410 Subdivision, Minor

Is a subdivision of land that does not involve any of the following:

- A. the creation of more than a total of five lots since 1978;
- B. the creation of any new public streets or street right-of-ways;
- C. the extension of water and sewer system facilities operated by the Union County Public Works Department;
- D. the installation of drainage improvements through one or more lots to serve one or more other lots.
- E. the installation of a private waste water plant or a private water supply system for more than one lot or building site.

1630.420 Technical Review Committee

A committee of the Planning Board including staff established to review technical aspects of subdivision proposals.

1630.430 Through Lot (double frontage)

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

1630.440 Total Land Area

The land area equal to the developable area plus any on-site, open space or area devoted to stormwater detention or waste water treatment, but excludes all floodways from its calculations. Floodways may not be included into the calculations for density or total land area under any circumstances.

Chapter 1640. Tree and Landscaping Definitions

1640.010 ANSI

American National Standards Institute (ANSI) is a private, non-profit organization (501©3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system. This includes tree care operations for trees, shrubs and other woody plant maintenance. www.ansi.org.

1640.020 Alternative Methods of Compliance

Alternate tree planting plans, plant materials, planting methods, or reforestation may be used where unreasonable or impracticable situations would result from application of the tree planting and preservation requirements.

1640.030 Appeal

An action requesting reversal or modification of a decision made by the Planning Director based on his/her interpretations of the code. Appeals are made to the Town Board of Adjustment.

1640.040 Auguring

A practice to reduce the damage to and loss of individual trees where underground construction involves a tree's CRZ (Critical Root Zone).

1640.050 Berm

A man-made mound of earth designed and intended to shield or buffer properties from adjoining uses, highways, and streets.

1640.060 Board of Adjustment

A board appointed by the Town Council to hear, decide, or recommend on applications for variances, special use permits, and appeals from decisions of the Planning Director or Zoning Administrator.

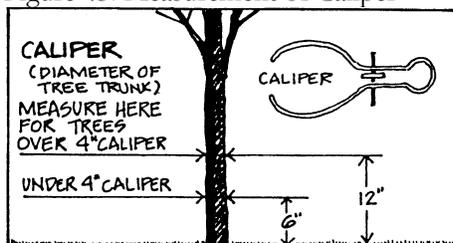
1640.070 Bufferyard

An area of land including landscaping, trees, walls, fences, berms and any combination thereof that is designed to physically and visually separate one use of property from another in order to mitigate the impacts of noise, light, or other nuisance.

1640.080 Caliper

Diameter measurement of tree-trunk taken at 6 inches above ground level for trees up to and including trees 4 inches in caliper. For larger trees, measurement of caliper shall be taken at 12 inches above ground level.

Figure 43: Measurement of Caliper



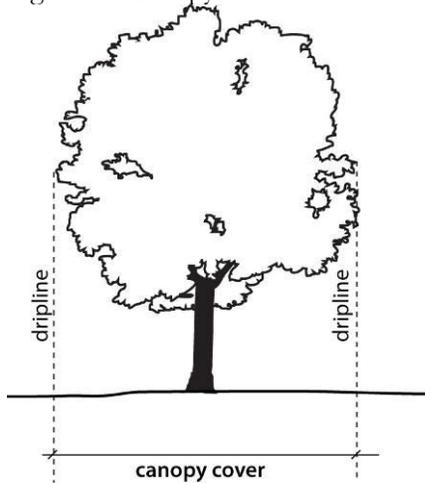
1640.090 Canopy

The uppermost spreading branchy layer of a tree.

1640.100 Canopy Cover

The area that a tree's canopy shades. This area should coincide with the drip line.

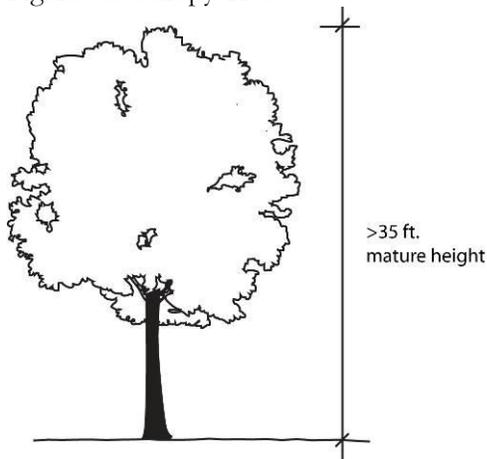
Figure 44: Canopy Cover



1640.110 Canopy Tree

A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

Figure 45: Canopy Tree



1640.120 Certified Arborist

A person who is properly licensed through a combination of either a professional certification or ISA certification as a Certified Arborist. See Appendix 4 for a list of local certified Arborists.

1640.130 Clear Cut

Felling and removal of all trees from an area. Typically an indiscriminant removal of trees except in the case of silvicultural harvesting where tree removal is followed up with a forest replanting or regeneration effort to keep the land forested.

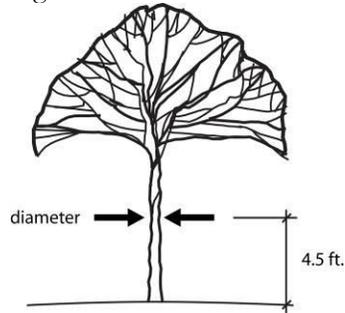
1640.140 Cluster of Trees

A group of trees gathered together in their natural state.

1640.150 DBH (Diameter Breast Height)

The diameter of a tree 4.5 feet above the average ground level.

Figure 46: Diameter at Breast Height



1640.160 Deciduous

Plants or trees that lose their leaves annually.

1640.170 Development

The act, process or state of erecting buildings or structures, or making improvements.

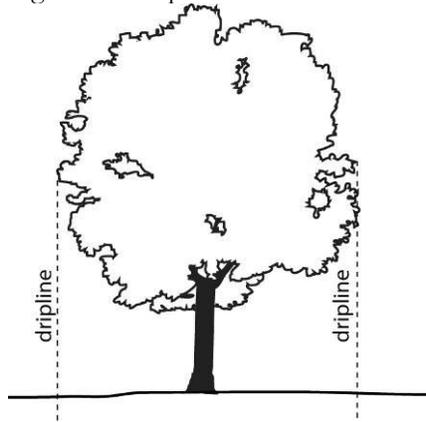
1640.180 Development permits

A permit issued by the administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

1640.190 Drip Line

An imaginary vertical line extending from the outermost portion of the tree canopy to the ground.

Figure 47: Drip Line



1640.200 Evergreen

Plants or trees that retain their leaves throughout the year.

1640.210 Existing Tree Canopy

Tree canopy that existed for at least 2 years prior to development as evidenced by the Town or County aerial photography and/or satellite imagery.

1640.220 Exotic/Invasive Species

An alien species that becomes established in natural or semi-natural ecosystems or habitats and threatens native plants and when such species spread they threaten biological diversity. Invasive species include English Ivy-Hedera helix, Chinese Wisteria-Wisteria sinensis, Japanese Wisteria-Wisteria floribunda, Japanese Honeysuckle-Lonicera japonica, Kudzu-Pueraria Montana.

1640.230 Forest Management Plan

A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives.

1640.240 Frontage

That portion of a lot abutting a public or private street. On corner lots front yards requirements will be determined on the basis of the orientation of a building's main entrance to the street but, for the purposes of the landscaping requirements, street tree plantings and street front landscaping applies to all property lines abutting a street.

1640.250 Grading or Land Disturbing

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

1640.260 Heritage Tree

Any tree that is 12 inches in diameter or larger measured at 4.5 feet above grade (i.e. diameter at breast height).

1640.270 Land clearing

The large scale indiscriminant removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development.

1640.280 Landscaping

The preservation of natural vegetation and/or the installation of trees, shrubs, grass, and ground cover for the purpose of improving the visual appearance of property or enhancing the environment.

1640.290 Large Maturing Tree

A tree whose height is greater than 60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also Canopy Tree.

1640.300 Medium Maturing Tree

A tree whose height is 30-60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

1640.310 Major Subdivision

Any subdivision that consist in the creation of more than 5 lots out of a single tract and requires the construction of new streets or street rights-of-way or improvements to existing roads; the extension of rights-of-way or easements for public water or sewer facilities; the installation of drainage improvements through one or more lots; or the installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

1640.320 Monoculture

A single, homogeneous culture without diversity or dissension.

1640.330 Open Space

A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space.

1640.340 Open Storage

The keeping, in an unenclosed area, of any goods, materials, merchandise, or vehicles for a period of more than 24 hours.

1640.350 Native Species

Refers to a tree species whose geographic range during pre-colonial times included the Piedmont of North Carolina.

1640.360 Parks, Arts, Recreating, and Culture Advisory Committee

A council-appointed committee that consist of 9 members assisting in the planning, development and management of all future parks, recreation, greenway systems.

1640.370 Parking Lot

An unenclosed area for the use and storage of motor vehicles including parking spaces, parking lot driving aisles, vehicle storage and queuing areas, and off-street loading areas. For the purposes of the parking lot landscaping requirements of this UDO, the queuing areas of drive-through businesses and outdoor service areas of gasoline stations will be counted as part of the parking lot area.

1640.380 Parking Lot Plantings

Plantings areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

1640.390 Planting Strip

A ground surface located outside of any public right-of-way that is free of impervious cover and/or paved material and is reserved for landscaping purposes.

1640.400 Planting Yard

A planting yard is a strip of land (of various widths) provided along the perimeter of a site for the installation of plant material in a combination of canopy trees, and/or understory trees and shrubs.

1640.410 Protective Fencing

A physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system. At a minimum this would include 4 foot tall orange safety fencing.

1640.420 Pruning

The cutting off or removal of dead or living parts of a tree or shrub. See ANSI standards for recommended pruning practices.

1640.430 Screening

A method of visually shielding or obscuring one abutting use or structure from another through the use of fencing, walls, berms, or densely planted vegetation.

1640.440 Small Maturing Tree

A tree whose height is less than 30 feet at maturity and meets the specifications of “American Standards for Nursery Stock” published by the American Association of Nurserymen.

1640.450 Stand

A group of trees of sufficiently uniform and/or complimentary species composition, age, and condition that they may be considered homogenous unit for management purposes.

1640.460 Street Tree

A tree planted within or adjacent to a public right-of-way as required by the town.

1640.470 Sustainable

Capable of being continued with minimal negative long-term effects on the environment, the economy, and on residents’ quality of life.

1640.480 Topping

The inappropriate removal or cutting back of major portions of a tree by any pruning practice resulting in more than 25% of the foliage and limbs being removed. This includes any pruning that leads to disfigurement of the normal shape of the tree. Topping is also referred to as “heading”, “stubbing” or “dehorning”.

1640.490 Tree Advisory Committee

A council-appointed committee that consist of 7 members from the Town of Indian Trail Planning Board assisting in the planning and management of the Indian Trail community forest and the administration of the Tree Preservation and Protection and Landscaping Ordinances.

1640.500 Tree Protection Zone or Critical Root Protection Zone

The critical root and tree protection zone is defined as the critical area above and below ground with a radius equivalent to the greater of the drip line, six feet, or a distance of 1.5 feet for every inch of trunk diameter as measured at breast height.

1640.510 Tree Save Area

One or more areas of a site which includes existing trees and their tree protection zone. The purpose of a tree save area is to encourage the preservation of healthy clusters of trees or heritage trees.

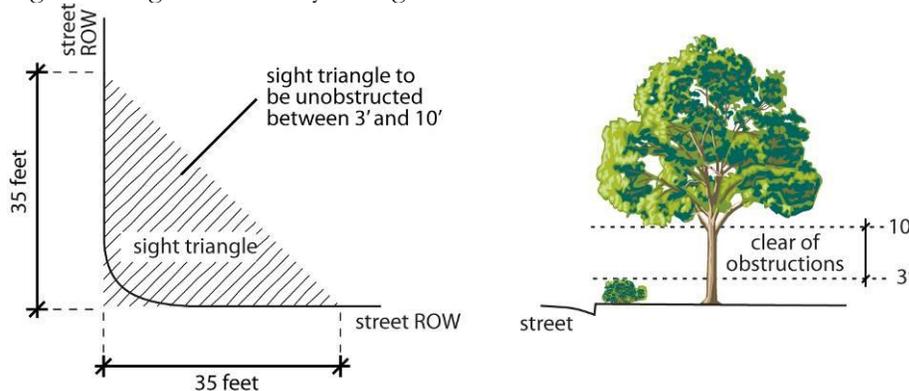
1640.520 Urban Forest

Trees or plants in the town.

1640.530 Visibility or Sight Triangle

A triangular-shaped portion of land established at street and driveway intersections in which 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 exiting an intersection of streets or of a street and driveway. See figure below:

Figure 48: Sight or Visibility Triangle

**Chapter 1650. Sign Definitions****1650.010 Commercial Message**

Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

1650.020 Monument Banner Display Structure

A monument sign structure constructed for the purpose of displaying banner signs in conjunction with a special event, grand opening or promotional event.

1650.030 Right-of-way

Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Indian Trail or Union County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Indian Trail, or has otherwise been established as a public street prior to the adoption of this ordinance.

1650.040 Sight Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, or a right-of-way line and the curb or edge of pavement or a private street or driveway, each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or right-of-way line and curb cut).

1650.050 Sign

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

1650.060 Sign, Advertising

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

1650.070 Sign, Animated

A sign with action, motion or color changes, including wind-activated devices, video screens, and including intermittent or sudden changes of light intensity, but not including signs defined as changeable copy signs or electronic message center signs.

1650.080 Sign, Airborne

Any sign, including any moored blimp, gas balloon, or other inflatable element, whether or not intended to move in the wind, which is designed to inform or attract the attention of persons not on the premises on which it is located.

1650.090 Sign, Banner

A sign made of non-rigid material, possessing some characters or ornamentation, intended to be hung either with or without an enclosing framework, but not a flag or pennant.

1650.100 Sign, Billboard

A permanently constructed sign structure composed of one or more large surfaces for permanent or changeable messages supported by one or more vertical posts and generally used for off-premises advertising.

1650.110 Sign, Bulletin Board

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar noncommercial place or public assembly.

1650.120 Sign, Campaign or Election, Political

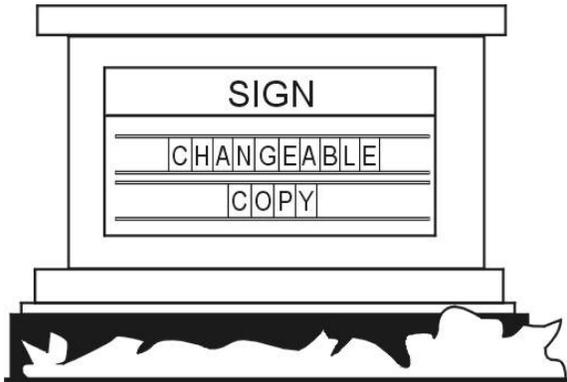
A sign that advertises a candidate or issue to be voted on a definite Election Day.

1650.130 Sign, Canopy or Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

1650.140 Sign, Changeable Copy

A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed reader boards and fuel price displays. Electronically changed reader boards do not including rapid changes in light intensity or blinking features. Light Emitting Diodes (LED) changeable copy signs may only be a Static Message Board with change in message limited to ten (10) minute intervals.



1650.150 Sign, Construction

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

1650.160 Sign, Directional

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

1650.170 Sign, Directory

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

1650.180 Sign, Electronic Message Center

A sign or component of a sign that uses changing lights of a single color to form a message or series of messages that are electronically programmed or modified by electronic processes.

1650.190 Sign, Flashing

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

1650.200 Sign, Free-Standing

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

1650.210 Sign, Government

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

1650.220 Sign, Ground Mounted

Any sign not attached to a building which extends from the ground or which has supports which places the bottom of the sign permanently mounted less than 3 feet from the ground directed beneath the sign.

1650.230 Sign, Identification

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.

1650.240 Sign, Incidental

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

1650.250 Sign, Instructional

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

1650.260 Sign, Lighted

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

1650.270 Sign, Logo

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

1650.280 Sign, Luminous

A sign internally lighted through the use of phosphorescent or luminescent paint or materials.

1650.290 Sign, Monument

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

1650.300 Sign, Nonconforming

A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance, particularly those contained in this Chapter.

1650.310 Sign, Off-Premises

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

1650.320 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.

1650.330 Sign, Pennant

Any lightweight material, whether or not containing a message or any kind, suspended from a rope, wire, string, or pole, usually in a series designed to move in the wind.

1650.340 Sign, Pole

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

1650.350 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 or as converted to an A-frame or sandwich board, T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted to the ground, shall nonetheless be deemed to be a “portable sign”.

1650.360 Sign, Projecting

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

1650.370 Sign, Public Interest

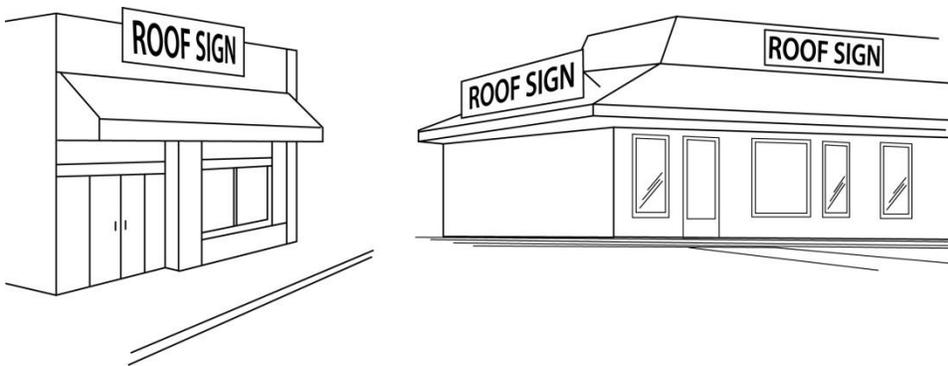
A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as “Warning” and “No Trespassing” signs.

1650.380 Sign, Real Estate

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

1650.390 Sign, Roof

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



1650.400 Sign, Sandwich Board

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

1650.410 Sign, Subdivision or Neighborhood Identification

A sign containing only the name of the subdivision or neighborhood in which the sign is located.

1650.420 Sign, Temporary

A sign that is not permanently installed in the ground or affixed to any structure or building, and that is designed for short-term use or is used in connection with a special event expected to take place or be completed within a period of time as permitted in this chapter.

1650.430 Sign, V-Shaped

Any sign which has two (2) faces that are not parallel, (not to include sandwich signs and "A" frame signs). A "V" shaped sign shall not have an included angle of not more than 45 degrees. Sign area shall be calculated by measuring a single face.

1650.440 Sign, Vehicle

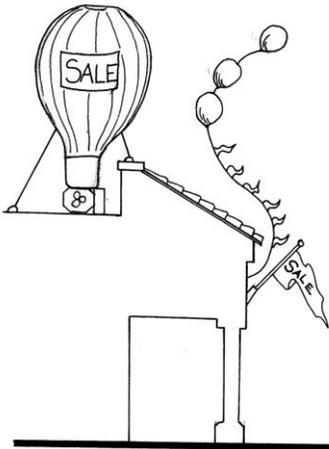
A motor vehicle or trailer containing a commercial message and regularly parked on the exterior side of any business and not customarily used in the operation of the business.

1650.450 Sign, Wall

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

1650.460 Sign, Wind-Blown

A sign consisting of balloons, pennants or objects designed and fashioned in such a manner as to move when subjected to wind pressure.



Chapter 1660. Outdoor Lighting Definitions

1660.010 Cutoff fixture

A fixture that provides shielding in some form or fashion to limit the amount of light or glare that is produced. Fixture designation would be non-shielded, semi-cutoff and full cutoff.

1660.020 Display lighting

Lighting for uses such as auto dealerships, outdoor storage areas, retail establishments and outdoor displays.

1660.030 Direct glare

The effect causing visual discomfort resulting from insufficiently shielded light sources in the field of view.

1660.040 Emergency lighting

Lighting used by or for the purpose of Police Departments, Fire Departments, or other government entities for the purpose of public safety, and the lighting installed for safe occupant egress.

1660.050 Existing light fixture

A lighting fixture installed, or approved by the Town to be installed, pursuant to the effective date of this ordinance.

1660.060 Flood light (or spot light)

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

1660.070 Footcandle (fc)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

1660.080 Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

1660.090 Illuminating Engineering Society of North America (or IESNA)

The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

1660.100 Light pollution

Any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.

1660.110 Light trespass

Effects of light that stray from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

1660.120 Luminaire

The complete lighting system, which includes the lamp (or lamps) and the fixture.

1660.130 Luminaire pole height

The total measurement from a paved or landscaped surface at ground level under the fixture to the further most point on top of the luminaire.

1660.140 Maintained footcandles

The level of illumination present after a typical one hundred (100) hour burn-in period. Typically less than the original “initial” footcandle level that is present at the time of the installation.

1660.150 Motion sensors

A mechanism for controlling illumination by turning lights on when activated by motion, remaining on during activity for a set amount of time (typically thirty [30] minutes) following the last detection of motion.

1660.160 Nonessential lighting

Means lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting and parking lot lighting, is considered

essential during business or activity hours, but is considered nonessential once the hours of operation have ended.

1660.170 Outdoor lighting

Any outdoor artificial lighting device, fixture, lamp, or other similar device, whether permanently installed or portable, which is intended to provide illumination for either visibility or decorative effect. Such devices shall include, but not be limited to, area, search, spot, and flood lighting used for: buildings and structures, recreational facilities, parking lots, landscape lighting, business and advertising signs, roadways, walkways, etc.

1660.180 Photocells

Mean a mechanism that is activated by the non-presence of sunlight and has the effect of illuminating a property all night. Photocells are permitted only at primary entrances (unless mounted to a building wall) and where the light source is fully shielded by opaque material.

1660.190 Security lighting

Means a light used either commercially or residentially for protection of goods or property and is designed and used to discourage crime and undesirable activity.

1660.200 Semi cutoff fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

1660.210 Shielding

A design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

1660.220 Up-lighting

Lighting that is directed and aimed in such a manner as to shine light rays above the horizontal plane, such as the lighting of a building façade, church steeple, foliage, flagpole or sign.

1660.230 Wallpack fixture

A lighting unit typically surface mounted to a vertical exterior building wall.

Chapter 1670. Measurements and Exceptions

1670.010 Lot Size

The following rules apply when measuring compliance with and interpreting exceptions to applicable lot size standards.

A. Lot Area

Lot area refers to the total land area contained within the lot lines of a lot.

B. Lot Area per Unit

Lot area per unit is a measure of “net” residential density and refers to the amount of lot area required for each dwelling unit on the subject lot. For example, if a minimum lot-area-per-unit standard of 4,000 square feet is applied to 8,000 square foot lot, a maximum of 2 dwelling units would be allowed on the property.

Commentary: Lot area per unit represents a maximum density standard; it is not a guarantee of density. Other factors may affect the total achievable density of an individual property.

C. Lot Frontage

Lot frontage is measured between side lot lines along the front lot line abutting a street. Lot frontage requirements do not apply to lots abutting the bulb end of a cul-de-sac.

D. Lot Width

Lot width is measured between side lot lines along the front building line.

1670.020 Site

The following rules apply when measuring compliance with and interpreting exceptions to applicable site-related standards.

A. Site Area

Site area refers to the total gross land area of a development site.

B. Open Space

Open space refers to the total gross land area dedicated or otherwise set aside and protected as permanent open space. See Sec. 1110.060F

C. Site Area per Unit

Site area per unit is a measure of “gross” residential density and refers to the amount of site area required for each dwelling unit on the subject lot. For example, if a minimum site-area-per-unit standard of 10,000 square feet is applied to a site with a gross area of one acre (43,560 square feet), a maximum of 4 dwelling units would be allowed on the property.

Commentary: Site area per unit represents a maximum density standard; it is not a guarantee of density. Other factors may affect the total achievable density or “yield” on an individual site.

1670.030 Setbacks

A. Generally

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed for minor encroachments provided in this section.

B. Exterior Setbacks

1. Measurement

a. From Collector and Arterial Streets

When a lot abuts a street that is designated as a collector or arterial street on the Thoroughfare Plan, all setbacks abutting the collector or arterial street must be measured from a line one-half the proposed right-of-way width from the center line, or from the right-of-way line, whichever provides the greater setback.

b. Local Streets

For lots abutting local streets, setbacks abutting the street must be measured as the horizontal distance between (1) the exterior lot line and the furthestmost projection of a building or structure located on the subject lot or (2) a line 25 feet from the street center line and the furthestmost projection of a building or structure located on the subject lot, whichever method provides the greater setback.

C. Interior Rear Setbacks

1. Measurement

Interior rear setbacks refer to the required horizontal distance between the rear lot line and the furthestmost projection of a building or structure located on the subject lot.

2. Through Lots

On through lots, both (opposing) street lines are considered front lot lines and exterior setback standards apply. Interior rear setback standards do not apply.

D. Interior Side Setbacks

1. Measurement

Interior side setbacks refer the required horizontal distance between an interior (non-street) side property and the furthestmost projection of a building or structure located on the subject lot.

E. Features Allowed to Encroach In Setbacks

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that certain building features and structures are allowed to encroach into required setbacks to the extent expressly indicated in this section or in other sections of this development ordinance. Encroachments may include uncovered walks, chimneys, bay windows, and other minor structures as determined by the Zoning Administrator.