

ARTICLE 12

**DEFINITIONS AND RULES
OF CONSTRUCTION**

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12.1 Rules of Construction

For the purposes of these regulations, the following rules of construction apply.

- i) These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- ii) In the event of any conflict in standards applying to a project, the standard more consistent with the Plan shall apply.
- iii) The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- iv) The word "may" is permissive in nature except when used in the negative.
- v) The word "should", whether used in the positive or the negative, is a suggested guideline.
- vi) References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- vii) For purposes of interpreting this Ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

12.2 Definitions

Words and terms in the City of Locust Zoning Ordinance are defined in the sections which follow. The definitions are divided into three sections. As captioned. Section 12.2.1 provides the general zoning definitions that apply to this ordinance. The definitions of Section 12.2.2 provide special definitions applicable to the sign regulations of Article 10. For the purposes of these regulations, the following words and terms have the meanings specified in this section.

12.2.1 General Definitions

Abandon. To cease the regular use or maintenance of a lot, building, or structure.

Abutting. Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Accessory structure or use. A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

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Adjacent. Either abutting or being directly across a street.

Adult establishment. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10, including topless bars, but excluding massage therapy as defined in Section 12.1 of these regulations. Notwithstanding the definition of "adult bookstore" provided in G.S. 14-202.10(1), for purposes of this ordinance "adult bookstore" means a retail establishment:

- i) which receives a majority of its gross income during any calendar month from the sale or rental of (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11); and/or (ii) merchandise that are "sexually oriented devices". as defined in G.S. 1-202.10(9): or
- ii) having as a preponderance of its publications and/or merchandise (a) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11), and/or (b) merchandise that comprises "sexually oriented devices", as defined in G.S. 1-202.10(9).

As used in this definition, "publications" include books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Agricultural industry Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Airport. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport uses Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Alley. A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the listed street types defined herein or in Article 5 of the Locust Zoning Ordinance. An alley may be accepted for public maintenance only if it serves a broad public function. Residential alleys will generally remain private.

Amendment. Any change by the City Council to the text of these regulations or the of official zoning maps.

Amusement. commercial outdoor. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters.

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Amusement, commercial indoor. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Apartment house. More than four dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Arena. A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Attached house. Rowhouse, townhouse, duplex, triplex, or quadriplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Automotive repair. A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Automotive service station. Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted. Also referred to as retail sale of gasoline.

Bed and Breakfast Inn. A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. The homeowner shall reside on site and employment shall not exceed two full time employees in addition to the owner(s).

Best Management Practices (BMPs). A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Board of Adjustment. The Zoning Board of Adjustment of the City of Locust.

Boarding House. A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

Buffer. (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually

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obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer (watershed). A natural or vegetated area *through* which storm water runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Build-to line. A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation must be erected, intended to create an even building facade line on a street. The build-to line is established on the record plat (final plat).

Building. A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing or enclosure of persons, animals, or goods.

Building face. The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Building lines. Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building setback line. A line extending through a lot which is parallel to the front property line and between which and such line no building shall be erected.

Building site. (See also Development.) An area of land, or property where development is undertaken.

Built-upon Area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Bus stop shelter/ Transit Shelter. A freestanding structure less than 100 square feet, located on a bus transit route, which is designed to accommodate embarking and disembarking bus transit passengers.

Canopy tree. Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

Change of Use. The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another **use listed in the commercial use** category, as herein defined.

City Attorney. The attorney for the City of Locust, duly retained by the City Council of the City of Locust.'

City Administrator. The City Administrator of the City of Locust.

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Civic, social service or fraternal organization facility. A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clinic, medical, dental, or optical. A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary. A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district: and not used for the training of animals.

Close. A short public residential street, preferred to the cul-de-sac, that forms a short "eyebrow" curve off a neighborhood street. Houses generally face onto a small common area.

Cluster development. A tract of land planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations, and in accordance with an approved site plan. The development on the tract is limited by overall density or intensity, rather than minimum lot dimensions. The site specific development plan for a cluster development requires review and approval by the City Council.

Collector street plan. The system of streets shown on the Locust Land Development Plan which indicates the conceptual network of primary connecting streets expected to connect arterials and/or provide access to public institutions within the Locust Planning Area.

Commencement of construction. The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower. A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Commercial use. A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, financial services, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theatres, restaurants without drive-through windows, bars, and day care facility-as a principal use. Each use permitted in the commercial use category shall also meet any applicable conditions set out in Article 9. Conditions for Certain Uses. Excluded from the commercial use category are adult uses: vehicle, boat, or manufactured home sales, service, and repair, drive-through windows as a principal or accessory use; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

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Congregate housing. Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Consulting engineer. A North Carolina Registered Engineer appointed from time to time by the City Council of Locust.

Corner lot. A lot which abuts the right-of-way of two streets at their intersection.

Correctional Institution. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Cultural facility. An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Day Care Center. Day care, as a principal use or an accessory use, provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Center. An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult; usually serving more than 10 children at a time; not an accessory to residential use.

Adult Day Care Center. An individual, agency, or organization providing supervision or care on a regular basis for more than 6 adults in a place other than their usual place of abode, on less than a 24 hour basis.

Day Care Home (small accessory use). Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.

Child Day Care Home (small accessory use). Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for 6 to 10 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Adult Day Care Home (small accessory use). Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

Density, gross residential. The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Density, net residential. The number of dwelling units on a parcel of land from whose area is subtracted the area of public rights-of-way, areas of flood hazard, lakes or water bodies or wetlands under jurisdiction of the U.S. Army Corps of Engineers, or areas of permanently dedicated open space under the provisions of the OPS Zoning District.

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Dependent living facility. Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Designated Administrative Agent (also Designee). A government agency or consulting professional which has been designated by the Locust City Council through contract or agreement to administer the Subdivision Ordinance.

Detached house. A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Developer. Any person seeking approval under these regulations for any form of development.

Development. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

(a) Except as provided in subsection (c) hereof, for the purposes of these regulations. the following activities or uses shall be considered "development":

- i) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
- ii) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- iii) Alteration of the shore or bank of a pond, lake, river, or other waterway;
- iv) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
- v) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
- vi) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(b) "Development" includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

(c) For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:

- i) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

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- ii) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
- iii) A change in use of land or structure from a use within a -specified category of use to another use in the same category;
- iv) A change in the ownership or form of ownership of any parcel or structure;
- v) The creation or termination of rights of access. riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law, or
- vi) The clearing of survey cuts or other paths of less than four feet in width.

Discharge. The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

Dormitory. A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Drive-through service window. A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Duplex. Two dwelling units, including modular homes, placed one on top of another or attached side by side and sharing one or more common walls.

Dwelling unit. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

Easement. A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.

Elementary and secondary schools. Publicly-owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Essential Services. Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public service^s. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

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Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants: telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities: raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Existing Development. Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the Locust Zoning Ordinance based on at least one of the following criteria:

- i) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- ii) Having an outstanding valid building permit.

Existing Lot (of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Exterior features. The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Facade. The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Family An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than six persons not related by blood, marriage, or adoption living together as a single housekeeping unit, as in a group home.

Farm, bona fide. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry, and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" and "bona fide farm" shall not include agricultural industries.

Farmhouse Cluster. A rural subdivision for up to six house lots accessed by private drive, permitted only in the Open Space District.

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Financial institution. A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flood. A temporary rise in stream flow or stage that results in water over topping its banks and inundating areas adjacent to the watercourse.

Floodway. That portion of the channel and flood plain of a stream designated to provide passage for the Regulatory Flood without increasing the elevation of that flood at any point by more than one foot.

Floodway encroachment lines. The outer boundaries of the floodway.

Floodway fringe. The proportion of the flood hazard area not in the floodway.

Flood protection elevation. The elevation shown on the Flood Area Map and to which structures and uses allowed under these regulations are to be elevated or flood proofed.

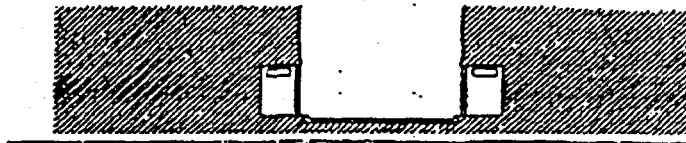
Floor. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor area ratio [FAR]. The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

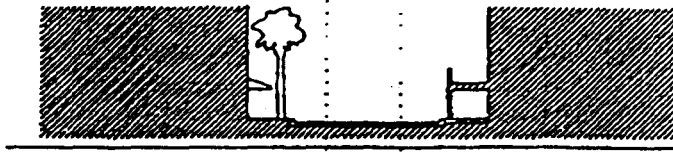
Frontage. The lot boundary which coincides with a public thoroughfare or space. The facade of the structure facing the street. There are seven ways in which a building may address the street.

- i) Arcade: A covered passage with shops on one or both sides. Generally, the facade overlaps the sidewalk while the shop front remains setback. Sidewalk is fully covered with overhang.

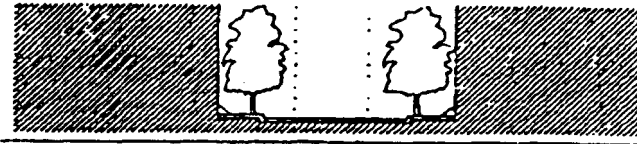


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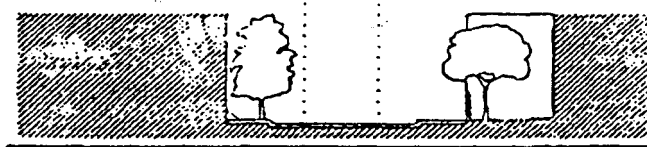
ii) Shop front: A business or retail use where the facade is aligned directly on the frontage line with the entrance at grade; typical of sidewalk retail. Shop fronts often have awnings or a colonnade. A transition line should separate the signage from the facade below.



iii) Stoop: The facade is aligned directly on the frontage line with the first floor elevated to secure privacy at window height. This type is suitable for residential uses such as row houses and apartment buildings. An easement may be necessary to accommodate an encroaching stoop.



iv) Forecourt: The facade sets back and is replaced by a low wall at the frontage line. The forecourt is suitable for gardens and car drop offs. It should be used sparingly and in conjunction with a shop front or stoop. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.

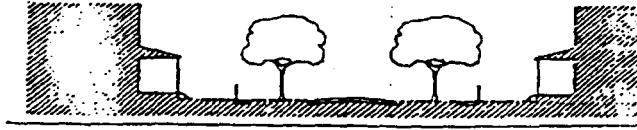


v) Dooryard: The facade is set back from the frontage line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and reinforces privacy. A roofed and elevated terrace is especially suitable for restaurants and cafes.



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vi) Porch and Fence: The facade is set back substantially from the frontage line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the frontage line establishes the demarcation of private from public use. The fence row may be designated by a vegetative hedge or structural material, but should not be less than 3 feet nor more than 4 feet in height.



vii) Front lawn: The facade is set back substantially from the frontage line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from heavy traffic volumes and is an appropriate design in areas where large lot single family homes are placed along a major road.



Frontage Build out. The portion of lot frontage which has a building or wall running parallel to it.

Government Building. A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade. The elevation of the land or land level at a specific point.

Group home. A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S, Sec. 122C-3(11)b, as amended. Group homes for up to six persons are permitted in any district which allows residential use.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Hazardous materials treatment facility. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport,

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amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- i) A facility which manufactures hazardous materials from component nonhazardous materials:
- ii) A facility or location for the long term or perpetual storage of hazardous materials; or
- iii) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Industrial Uses. Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" refers to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget). Unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operation, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use".

The following uses are subject to the issuance of a conditional use permit, and are classified as Heavy Industrial uses:

- a. Meat packing plants and poultry dressing plants (SIC #2011, 2015)
- b. Pickled fruits and vegetables (SIC #2035)
- c. Flour and other grain mill products, sugar refining (SIC #2041.2061,2062, 2063)
- d. Animal feeds and pet foods (SIC #2047, 2048)
- e. Fats and oils (SIC Group #207)
- f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082,2083, 2084, 2085, 2095)
- g. Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, #2092)
- h. The following manufacturing listed under SIC #2099:
 1. Yeast
 2. Molasses and sweetening syrups
 3. Vinegar
- i. Tobacco products (SIC Major Group #21)
- j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers.
- k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
 - l. Sawmills and planing mills, general (SIC Group #2421)
- m. Wood building and mobile homes (SIC Group #245)
- n. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493, SIC Group #261, SIC Group #262, SIC Group #263)
- o. Industrial inorganic chemicals, plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281,SIC Group # 282)

- p. Soaps, detergents and cleaning preparations: perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
- s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g. adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899).
- t. Petroleum refining (SIC Group #291)
- u. Asphalt paving and roofing materials (SIC Group #295)
- v. Lubricating oils and greases (SIC #2992)
- w. Products of petroleum and coal classified under SIC #2999
- x. Tires and inner tubes (SIC Group #301)
- Y. Plastic products found under SIC Group #308 when resins are made at the same facility.
- z. Leather tanning and finishing (SIC Group #311)
- aa. Flat glass; glass and glassware; (SIC Group #321, SIC Group #322)
- bb. Cement, hydraulic (SIC Group #324)
- cc. Structural clay products (SIC Group #325)
- dd. Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space.
- ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
- if. Abrasive products; asbestos products; mineral wool (SIC #3291, #3292, #3296)
- gg. Minerals and earths, ground or otherwise treated (SIC #3295)
- hh. Non-clay refractories (SIC #3297)
- ii. Miscellaneous nonmetallic mineral products listed under SIC Code #3299.
- jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and #334; SIC Group #335; SIC Group #336)
- kk. Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIOC #3462 and #3463; SIC Group #347)
- ll. Manufacture of other primary metal products listed under SIC #3399
- mm. Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- nn. Power, distribution and specialty transformers (SIC #3612)
- oo. Electrical industrial carbon and graphic products (SIC #3624)
- pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)
- qq. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, #3713; SIC #3715; SIC #3716)
- rr. Railroad equipment (SIC #3743)
- ss. Motorcycles (SIC #3751) except bicycles and bicycle parts
- tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)
- uu. Camping trailers (SIC #3792)
- vv. Military tanks and related armored vehicles (SIC #3795) but not tank components
- ww. Photographic supplies (SIC #3861) but not photographic equipment
- xx. All inks, paints, oils, enamels, and crayons (SIC #3952)
- yy. Carbon paper and inked ribbons (SIC #3955)
- zz. Linoleum, asphalt felt base, and other hard surface floor covering listed under SIC #3996
- aaa. Mining (SIC Division B)

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Heavy Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Helistop. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Home Occupations. A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

Horse Farm. Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital. A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

Hotel or Motel. A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services.

Impervious Ground Cover. Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil.

Independent Living Facility. Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation. Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation "structures may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

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- i) Wastewater resulting from any process of industry OR manufacture, or from the development of any natural resource:
- ii) Wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
- iii) Storm water will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
- iv) Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Interconnected. Refers to streets, which provide through access to other streets: interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets.

Jail. A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard. A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennels. Commercial. A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, private. A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Land Clearing and Inert Debris (LCID) landfill. A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or re-contour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is clearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Landscaping. The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

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Large Maturing Tree. A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

Light Manufacturing. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place: where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Lot. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot front. That side of a lot, which fronts on a street.

Lot of Record. A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types.

Corner Lot. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135'.

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

Through Lot. A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width.

- i) The distance between the side lot lines measured along a setback line or build-to line; or
- ii) The distance between the side lot lines measured along an established setback line (when that line is greater the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or
- iii) If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Maintained Easement. A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

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Manufactured Home. A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adopted pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974". 42 U.S.C. Sec 5401 et seq.. which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Park or Rental Community. Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Massage therapy. Health massage or bodywork therapy, .performed by a practitioner credentialed in one of the following ways:

- i) Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy, or
- ii) Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing. The shape and form a building or assemblage of buildings assumes through architectural design. There are ten elements which affect the creation of public space and the relationship between one building and another. A specific project should consider, but may not need to incorporate, all ten elements. These diagrams are illustrative only and are not meant to convey any requirement for a particular architectural style.

Building silhouette. pitch and scale of a roof lines.



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Spacing between building facades: setbacks or notches between primary facades which frames a structure.



Setback from property line: building setback and/or primary facade setback from property line.



Proportion of windows, bays, and doorways: vertical or horizontal elements tied together in bands across facade lengths. This is also a function of the proportion of solids to voids in the building facade.



Proportion of primary facade size of facades in area and height to width ratios



Location and treatment of entryway: important visual commonalities between structures



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Exterior materials used: similar materials and treatment add to compatibility, of buildings



Building scale: building height and configuration



Landscaping: ties together buildings and defines space.



Shadow patterns that form decorative features: the light and dark surfaces from materials used and projections from window bays and setback.



Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Stanly County are referenced.

Mixed Use. The combination of both commercial and residential uses within a single building of two or more stories, wherein at least 50% of the heated floor area contains residential dwelling unit(s).

Mobile Home. A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width and at least 32 feet in length, constructed to be transported on its own chassis and including one or more components for transporting the unit.

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Mobile Home Park. Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

Mobile Home Subdivision. Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

Modular Home. A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel. See Hotel.

Multi-family. Three or more attached dwellings located on a single lot of record.

Multiple Building Site. A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Neighborhood Gasoline Station. A building and use for the sale of gasoline primarily to non-commercial vehicle operators, having no more than two pumping canopies, and providing only minor automotive repairs.

Neighborhood Recreation. Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Nightclub. Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure. Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use. Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot. Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

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Nursing Home. Rest Home. or Home for the Aged. A facility or housing development in which an agency, organization, or individual provides care for 3 or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

Off-street parking. Parking which occurs on a lot and not on a street or other public right of way.
Office. A use or structure in which business or professional services are conducted or rendered.

Open Space. Any area which is not divided into private or civic building lots, streets, rights-of way, parking, or easements. In the Farmhouse Cluster, open space may also include portions of private building lots subject to an open space easement dedicated to the City.

Urban Open Space assumes one or more of the forms detailed in Article 7, and may contain recreation equipment and amenities as indicated.

Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance as described in Section 3.2.1, will be construed, in whole or in part, to be rural open space.

Outdoor lighting Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation. Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Overnight camping trailer park. Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for profit basis.

Owner. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

Parallel Conditional Use District. A use, which because of some special characteristics attendant to its operation or installation is permitted in a district subject to the approval of the City Council, and subject to special requirements, different from those usual requirements for the district in which the conditional use may locate.

Parcel. Any quantity of land and or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

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Parking Lot. An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Pedestrian Oriented Development. Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance equally the needs of the pedestrian and car.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. They are identified on United States Geological Survey Quadrangle Maps by solid blue lines.

Person. An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Pilot plant. A building or operation in which processes planned for use in production elsewhere can be tested, but not including the production of any good on the premises primarily or customarily for sale, or for use in production operations.

Planning area. The land located within the boundaries of the most recently adopted Locust Land Development Plan, and consistent generally with the city's annexation sphere of influence.

Planning Board. The City of Locust Planning and Zoning Board, established by ordinance in accordance with NCGS 160A-36.1 and 160A-362.

Plat. A map or plan of a parcel of land which is to be, or which has been, subdivided.

Plaza. An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

Principal building or structure. A building or structure containing the principal use of the lot.

Principal use. The primary purpose or function that a lot serves or is proposed to serve.

Private Stable. An accessory use to a principal residential structure and permitted only in the OPS and NR district.

Project area. Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed right-of-way line. The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the Subdivision ordinance.

Prototype production plant. A building or operation in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations on the premises.

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Public utility structure. An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Quadrangle. A rectangular area, such as a courtyard, enclosed by buildings.

Quadriplex (apartments). Four apartments placed side by side and one above the other, usually sharing a common entrance hallway, and with common walls, floors, and ceilings, located on a single lot of record.

Quarry. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Reach. A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

Redevelopment. The demolition and reconstruction of a building or a portion of a building.

Reclassification of land. A change in the zoning district assigned to a lot pursuant to a public hearing before the City Council and a subsequent decision by the City Council.

Regulatory Flood. A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution. A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Research laboratory. A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential use. Any detached, duplex, triplex, quadriplex, attached, or multifamily dwelling, manufactured mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Restaurant. A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retail establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Rezoning. See Reclassification of Land.

Riding Academy. A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

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Sanitary Landfill... A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw mill. A mechanized facility for cutting logs into timber for carpentry.

Screening. A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback, established. The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback required. The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In most conditions, the required setback is replaced with a build-to line. See also Yards.

Shop front. A business or retail use with facade aligned directly on the frontage line and the entrance at grade. Found in sidewalk retail.

Shopping Center. A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Shrub. A woody, branching plant of relatively low height.

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

Significant tree. Any tree other than a pine tree with a caliper of 18 inches or more.

Single Family Residential. Any development where i) no buildings contain more than one dwelling unit and each dwelling unit is on a separate lot (exception: duplex house); ii) no lot contains more than one dwelling unit (exception: garage/studio apartments as accessory dwellings).

Small Maturing Trees. A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

Solid Waste. Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include

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the following:

- (a) Fowl and animal fecal waste;
- (b) Solid or dissolved material in any of the following:
 - i) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
 - ii) Irrigation return flows, or
 - iii) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- (c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- (d) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E1 through 104E-23); or
- (e) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68)' and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Specimen Tree. See Significant Tree.

Stadium. A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storm Drainage Design Manual. The most recent edition of the manual adopted by the City Council setting forth standard details for the design and construction of storm water management systems.

Story. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

Street Line. The outer boundary of a street right-of-way.

Street Orientation. The direction of the architectural front facade of a building in relation to the street.

Street. Private. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

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Street. Public. A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the City of Locust or the State of North Carolina.

Street Right-Of-Way. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the City of Locust or Stanly 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 City of Locust or has otherwise been established as a public street prior to the adoption of this ordinance.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

Street Yard. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Streets (NCDOT and LDSM classification).

Freeway or Expressway (Class I). A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large volumes at high speeds. Such a facility may be part of the interstate, federal, or state primary highway system. A Class I road will be built to or approaching interstate design standards.

Limited Access Arterial (Class II). A multi-lane limited access, major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only at cross streets, rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

Major Arterial (Class III). A multi-lane major roadway connecting Class I, II, or III streets with lesser streets in the network. The Class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

Commercial Arterial (Class III-C). A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

Minor Arterial (Class IV). A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips of short to moderate distances.

Collector (Class V). A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V

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road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

Local (Class VI). This is a two lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include innovative housing developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or of official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways.

Cul-de-sac. A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

Marginal Access Street. A public or private street adjoining or parallel to an arterial street to relieve the arterial street of the necessity of providing access to abutting property.

Streets (City of Locust classification). City street classification refers to the hierarchy of low speed, interconnected streets with pedestrian orientation of buildings and a fine grained section which includes street tree planting and sidewalks either side of pavement. Specific street types are illustrated in Article 5, Streets, of this ordinance. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function/rank of the street in the hierarchy. Streets meeting the standards of Article 5 are eligible for acceptance and maintenance by the City as public streets. Alleys may be accepted for public maintenance only if they serve a broad public purpose. Residential alleys will generally remain private. (see also Close).

Structure. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

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

Subdivision. A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type (including both residential and non-residential multiple building sites and multisite projects even if there is no division of the underlying land into separate parcels for recordation with the Register of Deeds) and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

- i) The combination or re-combination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate zoning classification

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- ii) The division of land into parcels greater than 5 acres where street right-of-way dedication or reservation is not involved.
- iii) The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way.
- iv) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots. where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate zoning classification.
- v) The division of land into plots or lots for use as a cemetery.
- vi) The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
- vii) The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
- viii) Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
- ix) Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance or the Subdivision Ordinance of the City of Locust.
- x) Transfers of tracts or parcels by inheritance or bona fide gift.
- xi) Condemnation or deed in lieu of condemnation, by either a public. or private condemner; provided, however, that the condemner must comply with the requirements of this ordinance as to the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever occurs first.

Subdivision. limited. A subdivision that is not otherwise exempt from the provisions of this ordinance and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten (10) acres. For each subdivision the owner shall be required to plat only the parcel(s) to be transferred or leased and only said parcel(s) shall be subject to the requirements of this ordinance.

Subdivision. major. A subdivision not otherwise exempt from these regulations that involves any of the following:

- 1) The creation of any' new public street or street right-of-way, .or improvements to an existing street.

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- ii) A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
- iii) The extension of any needed right-of-way or easement for the water or sewer system operated by Locust or Stanly County Utility Departments.
- iv) The installation of drainage improvements through one or more lots to serve one or more other lots.
- v) The installation of a private waste water treatment plant or private water supply system for more than one lot or building site.

Subdivision, minor. A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any off the following:

- i) The creation of any new public street or street right-of-way, or improvements to an existing street.
- ii) A future public school, park, greenway, or open space site shown in any adopted plan or policy document.
- iii) The extension off any needed right-of-way or easement for the water or sewer system operated by Locust or Stanly County Utility Departments.
- iv) The installation of drainage improvements through one or more lots to serve one or more other lots.
- v) The installation of private waste water. treatment plant or private water supply system for more than one lot or building site.

Substantial Improvement. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or City health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Temporary Structure. A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

Thoroughfare. Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-c, or N.

Thoroughfare Plan. The most recent map adopted by the Locust City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

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Threshold elements. Porches, stoops, stairs, balconies, eaves, and cornices, loggias, arcades, chimneys, doors and windows, which are placed at or near the build-to line and interface between the main body of the building and the street.

Through lot. A lot with frontage on two streets.

Traditional Neighborhood. A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

- i) The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
- ii) Residences, shops, workplaces, and civic buildings are located in close proximity.

- iii) A well defined and detailed system of interconnected streets serve the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.

- iv) Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
- v) Private buildings form a clear edge, delineating the private from the public realm.

- vi) Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities...

Traditional neighborhoods pursue certain objectives through their design.

- i) Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.

- ii) Reduced traffic congestion and road construction costs by reducing number and length of car trips.

- iii) Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.

- iv) Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.

- v) Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.

- vi) Accessible places public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard. That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

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Transitional use. A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Turkey Shoot. A place or event at which contestants discharge shotguns in competition for prizes.

University. College and Junior College. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

Variance. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on a parcel of land.

Vested right. The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.

Vocational School. A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Warehousing. The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility. A facility operated by a licensed utility, in compliance with all applicable state, county, and City regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a specific stream, creek lake or other body of water.

Watershed Administrator. The individual appointed and duly sworn by the City Council of the City of Locust to administer and enforce the provisions of the watershed.

Water Dependent Structures. Those structures for which the use requires access or proximity to or sitting within the surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Wholesale Establishment. A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day. Any day on which the offices of the City of Locust are officially open, not including Saturdays, Sundays, and other holidays designated by the City Council.

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Yard, rear required. When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard rear, established. The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, side required. When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the required rear yard.

Yard side, established. The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard shall be defined as extending from the street line to the established rear yard.

Zero lot line. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Zoning Administrator. The employee(s) or agent(s) designated by the City Administrator to oversee the administration and enforcement of these regulations.

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12.2.2 Sign Definitions

For the regulation of signs according to this ordinance, the following words and phrases shall be defined as specified below.

Amortization. A provision requiring nonconforming signs to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

Awning. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

Building Wall. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

Canopy. A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Changeable Copy. Copy that is or can be changed in the field, either manually or through mechanical means; e.g., reader boards with changeable letters.

Commercial Message. A message placed or caused to be placed before the public by a person or business, enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

Copy; Any words, letters; numbers; figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Farm Product Sales. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Linear Frontage. The length of a property abutting a public right-of-way from one side lot line to another.

Logo. A business trademark or symbol.

Out Parcel. A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Parapet. A low wall encircling the perimeter of a flat building roof generally used to screen roof-mounted mechanical equipment.

Planned Development. A tract of land under single, -corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved

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development plan.

Premises. A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable zoning. Out parcels of shopping centers shall be considered on the premises of the shopping center for the purpose of this ordinance.

Roof Line. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation

Sight Triangle. The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection

Sign. Any object, device, 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, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious, or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Structure or Support. Any structure that supports or is capable of supporting a sign.

Sign Types. The following are types of signs included in this ordinance.

Banner. A sign intended to be hung, with message, or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation; organization of nations, state, city, or any fraternal, religious, or civic organization.

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 of public assembly.

Business Sign. A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered upon the premises where the sign is displayed; but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Campaign or Election Sign. A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs. A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign 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.

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

Detached Sign. Any sign that is not affixed or attached to a building and is securely and permanently mounted in the ground. Such sign may be a ground mounted, sign, or monument sign.

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Directional or Instructional Sign. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or 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.

Directory Sign. A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Ground Mounted Sign. A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

Government Sign. A permanent sign erected and maintained for any governmental purposes.

Flag. A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

Flashing Sign A sign that uses an intermittent or flashing light source to attract attention.

Identification Sign. Sign which display only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

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

Memorial Sign or Plaque. A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

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

Nonconforming Sign Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Sign. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected

Outdoor Advertising Sign. A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, usually free standing that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

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Planned Development Sign A sign used in conjunction with an approved planned residential, office, business, industrial, or mixed use development.

Portable or Movable Sign. A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.

Projecting Sign. A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

Public Interest Sign. 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.

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

Primary Sign. The main or principal sign located on the premises.

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

Secondary Sign. A sign used in addition to a primary sign on premises.

Temporary Sign. A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

Temporary Development Sign. A sign that pertains to the development of a new commercial, residential or mixed use development while it is under construction.

Vehicular sign. Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls shall be considered wall signs.

Window Sign. Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.