

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 151: DEFINITIONS**

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CHAPTER 151: DEFINITIONS

151.01 Definitions

For the purpose of Title XV, Unified Development Code, the following definitions shall apply to the divider sections, chapters, sections or subsections, unless the context clearly indicates or requires a different meaning.

A

Abbreviated Tree Preservation Plan. (Tree Preservation and Protection) A shorter, less formal tree preservation plan required of applicants seeking building, grading, or parking lot permits, but who are not subject to the requirements for large scale developments or subdivisions.

Accent Lighting (Outdoor Lighting) means any directional lighting which emphasizes a particular object or draws attention to a particular area.

Accessory community structures. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A structure or a portion of a structure for commercial use that is located in a manufactured home park and which is intended solely for the convenience of the residents or occupants of the manufactured home park.

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Accessory structures. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) Any structural addition to the manufactured home such as awnings, cabanas, carports, Florida rooms, porches, patio covers, and similar additions.

Accessory use or structure. A use or structure on the same lot with, of a nature and size of 50% or less, and customarily incidental and subordinate to, the principal use or structure.

Act. (*Wireless Telecommunications Facilities*) The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, shall include any future amendments.

Active open space. (Development) An area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion.

Administrative determination. (Tree Preservation and Protection) Final action by the landscape administrator to either approve, conditionally approve or disapprove a tree preservation plan. Administrative determinations apply only to those projects which do not require Planning Commission approval.

Adult arcade. (Zoning) Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical area."

Adult bookstore or adult video store. (Zoning) A commercial establishment whose principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."

Adult cabaret. (Zoning) A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (A) Persons who appear in a state of nudity; or
- (B) Live performances which are characterized by the exposing of "specified sexual activities" or "specified anatomical areas;" or
- (C) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater. (Zoning) A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

Adult theaters. (Zoning) A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

Airport. (Airport Zone) Fayetteville Airport (Drake Field).

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Airport elevation. (Airport Zone) 1,251 feet above mean sea level.

Alley. (Development) A minor public way dedicated to public use for utility easements and vehicle access to the back or the side of properties abutting a street.

Alternative tower structure. (Wireless Telecommunications Facilities) Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers and are built for the express purpose of serving as a tower or for locating antennas.

Analysis report. (Tree Preservation and Protection) A report, which among other things, sets forth any alternative designs the applicant considered in arriving at the proposed design.

Animal daycare. (Zoning) A facility that provides day or nighttime supervision for three or more animals. Animals are kept inside the facility, except animals are permitted to be walked on a leash outside. Facilities that contain outdoor dog runs, play areas, or kennels are not considered an animal daycare.

Antenna. (Wireless Telecommunications Facilities) Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas, such as whips but not including satellite earth stations.

Applicant. (Tree Preservation and Protection) Any person, party, partnership, corporation or other business entity seeking the city's approval of a proposed tree preservation plan.

Approach surface. (Airport Zone) A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In a plane the perimeter of the approach surface coincides with the perimeter of the approach.

Approach, transitional, horizontal and conical zones. (Airport Zone) Those zones as set forth in § 165.01.

Approval. (Physical Alteration of Land) A written authorization by the city engineer.

Appurtenances. (DDOD) Architectural features consisting of awnings, marquees, porches, stoops, balconies, turrets, cupolas, balconies, colonnades, and arcades.

Arcade. (DDOD) A colonnade composed of counterthrusting arches.

Area sign. (Signs) A sign to identify a common area containing a group of structures, or a single structure on a minimum site of five acres, such as a residential subdivision, residential office, commercial or industrial subdivision, apartment complex, manufactured home park, or shopping center located at the entrance or entrances of the area, and consisting of fence or wall or archway with letters or symbols affixed thereto or other supporting structure as approved by the zoning and development administrator.

Articulation (Development) The architectural composition of combined treatment of elements and parts of the edges, corners, and surface of a building.

Artist Studio. (Zoning) Any building or place of business where Artists use the premises for the creation, sale and/or display of art or craft work.

As graded. (Physical Alteration of Land) The surface condition on completion of grading.

Aspect. (Landscape Regulations) The angle of exposure from sunlight as it relates to the slope of the earth, primarily south and west in this region.

Auto Salvage. (Zoning) The dismantling or wrecking of motor vehicles or trailers, or the storage, keeping, selling, buying, or dumping of any wrecked, scrapped, ruined, dismantled, disabled, or inoperable motor vehicle or motor vehicle part.

Awning. (DDOD) A flexible roof-like cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.

B

Balcony. (DDOD) An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

Baluster. (DDOD) A short vertical member used to support a railing or coping.

Balustrade. (DDOD) A railing together with its supporting balusters or posts, often used at the front of a parapet.

Banner. (Signs) Any sign printed or displayed upon cloth or other flexible material, with or without frames.

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Barrel roof. (DDOD) Like a covered wagon, or inverted ship; barrel vault is an arch of uniform cross-section.

Base density. (Tree Preservation and Protection) The number of trees an applicant must plant based upon the quality and number of the trees proposed to be removed per acre.

Base flood. (Stormwater Management, Drainage and Erosion Control) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 100 year storm event.

Beacon. (Signs) A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Bed and breakfast facility. (Zoning) A permanently owner occupied private home with a maximum of five guest rooms furnishing temporary lodging and breakfast to paying customers.

Block. A combination of building lots, the perimeter of which abuts streets.

Board of Adjustment. (Airport Zone) The Board of Adjustment established by Chapter 33.

Bona fide agricultural purpose. (Tree Preservation and Protection) The aim or goal of facilitating the ongoing commercial pursuit of farming, dairying, pasturage, horticulture, viticulture, or the keeping or raising of livestock or poultry, not otherwise prohibited by city ordinance.

Build-to line. A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.

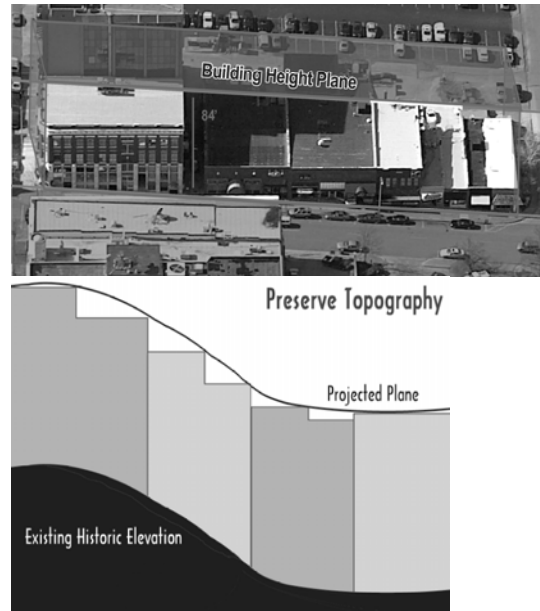
Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Buildable area. (Zoning) the portion of a lot remaining after required yards have been reserved.

Building frontage: The vertical side of a building which faces the primary space or street and is built to the Build-to line.

Building Height. Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas,

antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof and not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.



Building official. (Building Regulations) A city building inspector.

Building permit. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A written permit issued by the enforcement officer permitting construction, erection, alternation, remodeling, or repair of a manufactured home park.

Bulletin board. (Signs) Any sign erected by a charitable, educational or religious institution or public body, which is erected upon the same property as said institution, for purposes of announcing events which are held on the premises.

C

Caliper. (Parking and Loading) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Caliper. (Landscape Regulations) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Canopied Slopes. (Tree Preservation and Protection) Any land with a slope of 15% or greater containing trees, woody shrubs and herbaceous

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plants that serve the function of sustaining the structural integrity of the soil, thus reducing the likelihood of erosion, slide or slump.

Canopy. (Tree Preservation and Protection) The combined crowns of all trees on a tract of land.

Carport. An automobile shelter having one or more sides open.

Center for collecting recyclable materials. (Zoning) A facility that is not a salvage yard and in which recoverable resources, such as paper products, glass, aluminum, metal cans, and other products are processed for recycling. Processing may include the preparation of materials for efficient shipment by such means as baling, compacting, flattening, grinding, crushing and mechanical sorting.

Chief administrator. (Building Regulations) The mayor of the City of Fayetteville.

Chief appointing authority. (Building Regulations) The City Council.

Chief building official. (Building Regulations) Building Safety Division director.

Cistern. (Stormwater) Roof water management devices that provide retention storage volume in above or underground storage tanks. They are typically used for water supply. Cisterns are generally larger than rain barrels, with some underground cisterns having the capacity of 10,000 gallons. On-lot storage with later reuse of stormwater also provides an opportunity for water conservation and the possibility of reducing water utility costs.

City. (Stormwater Management, Drainage and Erosion Control) The City of Fayetteville, including staff and elected officials, or designee.

City Engineer. (Stormwater Drainage and Erosion Control) The city engineer or his appointed representatives, including assigned staff engineers, technicians and inspectors.

City of Fayetteville Landscape Manual. (Tree Preservation and Protection) A document having detailed instructions for preparing tree preservation plans and standards and specifications for tree protection, planting, maintenance and design.

City official. (Streets and Sidewalks) The mayor (or other official designated by the mayor, and authorized to issue the permits granted thereunder) of the city.

City Planning Commission. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) That commission created for the city by Chapter 33.

Civic Building. Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

Club or lodge. (Zoning) A building or portion of a building used by an association for the promotion of some common objective excepting clubs the chief activity of which is a service customarily carried on as a business.

Collector street. (Streets and Sidewalks) A street which in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system.

Co-location. (Wireless Telecommunications Facilities) Locating wireless communications equipment for more than one provider at a single communications facility, on a building, or on an alternative tower structure.

Colonnade. (DDOD) A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.

Column. (DDOD) A supporting pillar usually consisting of a round shaft, a capital, and a base.

Commercial development. (Tree Preservation and Protection) Any development in an R-O, Commercial or Industrial Zone and any conditional use in any other zone which permits activities usually conducted within an R-O, Commercial or Industrial Zone.

Commercial driveway. (Streets and Sidewalks) An entrance on public property or exit from any commercial, business, or public establishment adjacent to a public street or highway.

Commercial tree pruner/service. (Tree Preservation or Protection) A person who performs work on trees for profit.

Common open space. (Development) Land within or related to a development, not individually owned or dedicated for public use, which is reserved for the exclusive use or enjoyment of the residents or occupants of the development and their guests.

Community recycling drop-off facility. (Zoning) A facility designed to be a collection point where only pre-sorted recyclable materials are dropped off and temporarily stored prior to delivery to a center for collecting recyclable materials for processing. A community recycling drop-off facility is intended for household or consumer use. This facility can be

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temporary and/or mobile or a permanent installation that is the principal use.

Community sewage system. (Development) Any non-publicly owned system serving two (2) or more individual houses, housing units, apartments or other occupied structures for the collection and disposal of domestic, non-residential or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste by-products (septage and sludge). (Also known as decentralized sewer systems)

Community storage structure. (Manufactured Homes and Parks) A structure located in a manufactured home park for the convenience of the residents to provide storage space for often used outdoor equipment, furniture, tools and other items which cannot be conveniently stored in the typical manufactured home.

Compact automobile. (Parking and Loading) Any vehicle less than six feet wide and 15 feet long.

Compaction. (Physical Alteration of Land) The densification of a fill by mechanical means.

Company Flag. Signs. A flag identifying a business or organization by use of the name of the business or organization where the flag is displayed. The flag must have the same proportional dimensions as the United States Flag, be installed upon standard flag pole allowing flags to be raised and lowered, and be flown only in conjunction with either the United States Flag or Arkansas State Flag or both. The company flag must be flown lower than the government flag, cannot exceed the size of the government flag and in no case can exceed six feet in length.

Conditional use. (Zoning) A use permitted in certain zoning districts subject to certain conditions imposed by the Planning Commission after review of development plat.

Condominium. (Zoning) Two or more single-family dwelling units constructed in a series of attached units and submitted to a horizontal property regime under A.C.A. §8-13-102 et seq.

Conical surface. (Airport Zone) A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty-to-one for a horizontal distance of 4,000 feet.

Connection. (Water and Wastewater Impact Fees) The physical tie-in of a private water or wastewater service system to the City of Fayetteville's public water or wastewater system. For the purposes

of the impact fee ordinance, the physical tie-in shall occur upon the installation of a water meter.

Conservation easement. (Tree Preservation and Protection) A formal, legally binding agreement between parties, usually a landowner and a private or public entity, providing for the preservation of land in its natural state.

Construction permit. (Stormwater Management, Drainage and Erosion Control) Stormwater management, drainage and erosion control permit issued by the city to an entity with the legal ability to construct the stormwater management system in accordance with the approved system design and permit conditions.

Construction. (Stormwater Management, Drainage and Erosion Control) Any on-site activity that would result in the creation of a new stormwater management system, including the building, assembling, expansion modification, or alteration of the existing contours of the property; the erection of buildings or other structures, any part thereof; or land clearing.

Contiguous woodlands. (Tree Preservation and Protection) A portion of canopy existing on the site of proposed development, which is a part of a larger, unbroken forest, whether or not it extends onto adjacent lots.

Contour intervals. (Development) Topographic map lines connecting points of equal elevations.

Controlled access highway. (Signs) Any state or federal numbered highway designated by ordinance as a controlled access highway by the City Council.

Cornice. (DDOD) A projecting horizontal decorative molding along the top of a wall or building.

Cribbing. (Physical Alteration of Land) A framework of bars for support or strengthening.

Cupola. (DDOD) A domelike structure surmounting a roof or dome, often used as a lookout or to admit light and air.

Curb Radius. The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

Cut. (Physical Alteration of Land) See "Excavation."

D

Dance hall. (Zoning) Any building, premises, pavilion, or place of business wherein dancing is permitted, conducted or engaged in by the public in general, including but not limited to private clubs as

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defined by ordinance and/or the laws of the State of Arkansas, either for profit or not.

Dead-end street. (Development) A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Deciduous trees. (Physical Alteration of Land) Trees that shed their leaves annually. Small deciduous trees are no more than 40 feet tall at maturity while large deciduous trees exceed 40 feet in height at maturity.

Dedication. (Development) Land and improvements offered to the city, county, or state and accepted by them for public use, control, and maintenance.

Department of Law. (Building Regulations) The city attorney's offices.

Dependent manufactured home. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) A manufactured home which does not have a flush toilet and bath or shower.

Detention. (Stormwater Management, Drainage and Erosion Control) The collection and temporary storage of stormwater with subsequent gradual release of the stormwater.

Develop. (Physical Alteration of Land) Permanently altering land by subjecting it to grading, removal of vegetation, or construction such as but not limited to buildings, parking lots, streets, and sidewalks.

Developer. (Stormwater Management, Drainage and Erosion Control) Any person(s), parties, partnerships, or corporations, private or public, engaging in activities described as development.

Developer. (Development) A person, firm or corporation undertaking to develop a subdivision or large scale development as set forth in the development regulations.

Development. (Stormwater Management, Drainage and Erosion Control) To make a site or area available for use by physical alteration. Development includes, but is not limited to, providing access to a site, clearing vegetation; grading; earth moving; providing utilities and other services such as parking facilities; stormwater management and erosion control systems; and sewage disposal systems; altering landforms; or construction of a structure on the land. Development shall also mean any of the following:

- (A) Construction, installation, alteration, demolition, or removal of a structure, impervious surface, or stormwater management system, or

- (B) Clearing, scraping, grubbing, or otherwise removing or killing the vegetation of a site; or

- (C) Adding, removing, exposing, excavating, leveling, grading, digging, dumping, or otherwise disturbing the soil or rock of a site in a manner contrary to the requirements of the stormwater management, drainage and erosion control regulations.

Development. (Streets and Sidewalks) Shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.

Development plan. (Development) A drawing showing all proposed improvements to a piece of property such as streets, parking lots, buildings, drives, signs, utilities, drainage, grading and planting by size and location.

Development site. (Physical Alteration of Land) That portion of any lot or parcel subjected to grading, removal of vegetation, or construction such as, but not limited to, buildings, parking lots, streets and sidewalks.

Diameter breast height (DBH). (Tree Preservation and Protection) The diameter of a tree measured at a point four and one-half feet above the ground. If a tree splits into multi-trunks, the trunk is measured at its narrowest point below the split.

Directional sign. (Signs) A sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or the location of public parks or buildings.

Display surface area. (Signs) The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, "display surface area" shall not include the structural supports for free standing signs; provided further, that only one face of a double-faced sign shall be considered in determining the display surface area.

District or zoning district. (Signs) A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning district established by the City Council in Chapter 160.

Disturb. (Physical Alteration of Land) To alter the natural state.

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Domed roof. (DDOD) A vaulted roof having a circular, polygonal, or elliptical base and a generally hemispherical or semispherical shape.

Dormitory. (Zoning) A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by educational or religious institutions.

Drainage area. (Stormwater Management, Drainage and Erosion Control) The watershed area contributing surface and stormwater runoff to a stormwater management system.

Dripline. (Tree Preservation and Protection) An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in/drive-through restaurant (Zoning) Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling, live/work. A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not dwell in the principal or accessory dwelling unit.

Dwelling, manufactured home. (Zoning) A detached residential dwelling unit designated for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like. A travel trailer is not to be considered as a manufactured home.

Dwelling, multi-family. (Zoning) A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family attached / townhouse. (Zoning) Two or more dwelling units located on individual lots but joined along a single lot line. All such dwellings must be totally separated from other dwellings by a fire-resistant common wall.

Dwelling, single-family. (Zoning) A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only.

Dwelling, two-family / duplex. (Zoning) A detached residential building containing two dwelling units,

designed for occupancy by not more than two families and located on one lot of record.

Dwelling unit. (Zoning) One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

E

Easement. (Development) A grant by the property owner to the public, a corporation or persons, for the use of a strip of land for specific purposes.

EIFS. (Exterior Insulating and Finish Systems). (DDOD) A cement based synthetic material used as an alternative to natural stucco.

Enforcement officer. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The chief building inspector of the city, or his/her duly authorized representative.

Engineer. (Stormwater Management, Drainage and Erosion Control) A professional engineer registered in Arkansas, or other person exempted pursuant to the provisions of the Arkansas Code Annotated, who is competent in the fields of hydrology and stormwater management.

Erect. (Signs) To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Erosion. (Stormwater Management, Drainage and Erosion Control) The removal of soil particles by the action of water, wind, ice or other geological agents.

Evergreen. (Physical Alteration of Land) A plant that retains leaves or needles year-round.

Excavation. (Physical Alteration of Land) The mechanical removal of earth material from water or land.

E

FAA. (Airport Zone) The Federal Aviation Administration.

Facilities emitting odors. (Zoning regulations) Any function that involves a process which emits or has the potential for emitting odor.

Facilities handling explosives. (Zoning) Any function that involves a process dealing with a product with explosive potential.

Fall zone. (Wireless Communications Facilities) The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

Family. (Zoning) In single-family residential districts, a family is no more than three persons unless all are related and occupy a dwelling as a single housekeeping unit in the RSF-.5 (Residential Single-family – Half Acre), RSF - 1 (Residential Single-family - One acre), RSF - 2 (Residential Single-family – 2 Acre), RSF - 4 (Residential Single-family – 4 Units per Acre), and RSF - 7 (Residential Single-family – 7 Units per Acre) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

FCC. (Wireless Telecommunications Facilities) The Federal Communications Commission.

FEMA. (Physical Alteration of Land) Federal Emergency Management Agency.

Fenestration. (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

Fill. (Physical Alteration of Land) A deposit of earth material placed by artificial means.

First or ground floor. (DDOD). The finished floor facing a street right of way.

Flashing sign. (Signs) An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.

Flood or flooding. (Flood Damage Prevention) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of flood waters, or the unusual and rapid accumulation or run-off of surface water from any source.

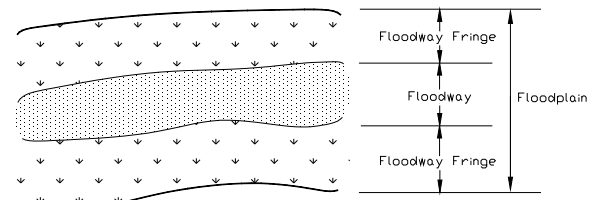
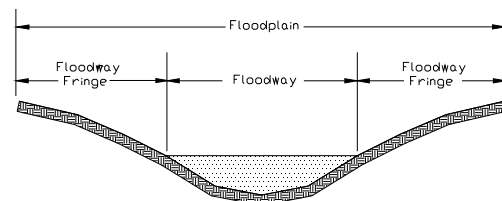
Flood boundary and floodway map. (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

Flood Insurance Rate Map (FIRM). (Flood Damage Prevention) The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the Floodway.

Flood Insurance Study. (Flood Damage Prevention) The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain. (Stormwater Management, Drainage and Erosion Control) For a given flood event, that area of land that is temporarily covered by water and that adjoins a watercourse. In FEMA regulated, or established floodplains, the floodplains shall mean the area subject to inundation from any source during the regulatory event.

Floodplain or flood-prone area. (Flood Damage Prevention) Areas that are subject to, or are exposed to, flooding and flood damage.



Floodplain management. (Flood Damage Prevention) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing. (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or

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eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. (Flood Damage Prevention) The channel of a river, or other watercourse, and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway."

Floodway. (Stormwater Management, Drainage and Erosion Control) The channel of a stream, plus any adjacent floodplain areas that must be kept free to encroachment so that the 100-year flood discharge can be conveyed without increases of more than specified amount in base elevations, either zero or one foot depending on specific location. This is an area of significant depths and velocities and therefore due consideration should be given to the effects of fill and loss of cross-sectional flow area is increased water surface elevations.

Floor. (DDOD) A story within a building.

Forestation. (Tree Preservation and Protection) The act of planting trees.

Fraternity or sorority house. (Zoning) A building owned or leased by a general or local chapter of some regularly organized college fraternity or sorority, or by or on its behalf by a building corporation or association composed of members or alumni thereof, and occupied by the local chapter of such fraternity or sorority as a place of residence.

Freestanding sign. (Signs) A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Frontage Line. The property line or lines of a lot which coincide with a right-of-way or other public open space.

Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.

Functionally dependent use. (Flood Damage Prevention) A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Gable. (DDOD) The vertical triangular end of a building from cornice or eaves to ridge.

Gabled roof. (DDOD) A double sloping roof that forms a gable at each end.

Gambrel roof. (DDOD) A roof where each side has two slopes; a steeper lower slope and a flatter upper one; a 'barn roof'.

Garage sales. (Zoning) An occasional sales activity, not to include activities described elsewhere as home occupations, but including activities generally referred to as garage sales, yard sales, rummage sales, white elephant sales, cleaning sales, or moving sales, where used goods are displayed or offered for sale to the general public in a residential area on the resident's premises.

Gas outlet. (Building Regulations) For the purpose of establishing gas permit fees for additions, alterations, repair, and new installations, a gas outlet shall be defined as any service line and/or pipe replacement or extension and a connection to any device and equipment that receives, stores, consumes, transfers, and/or discharges gas.

Gasoline service station. (Zoning)

(A) Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, no other:

- (1) Sale and servicing of spark plugs, batteries, and distributor parts;
- (2) Tire servicing and repair, but no recapping or regrooving;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (4) Radiator cleaning and flushing;
- (5) Washing and polishing, and sales of automotive washing and polishing materials;
- (6) Greasing and lubrications;
- (7) Providing and repairing fuel pumps, oil pumps, and lines;
- (8) Minor servicing and repair of carburetors;

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- (9) Emergency wiring repairs;
 - (10) Adjusting and repairing brakes;
 - (11) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
 - (12) Sales of cold drinks, package foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations;
 - (13) Provision of road maps and other information material to customer; provision of restroom facilities.
- (B) Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage or automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

Glare (Outdoor Lighting) means the brightness of a light source that causes eye discomfort.

Glazing. (Development) A transparent or translucent material that is integrated into a building envelope, such as a window, display window, door, glass curtain wall, etc.

Grade. (Physical Alteration of Land) The percentage of rise or fall per 100 feet. Existing grade is the grade prior to grading. Rough grade is the stage at which the grade approximately conforms to the approved plan. Finish grade is the final grade of the site which conforms to the approved plan.

Grading. (Physical Alteration of Land) Any stripping, cutting, filling, or stockpiling of earth or land.

Green Roof. (Stormwater) Elevated roof surfaces that are entirely covered with a thin soil and vegetation layer.

Ground cover. (Physical Alteration of Land) Plants with low, spreading habit that form a dense mat in time, preventing erosion.

Guyed towers. (Wireless Telecommunications Facilities) A communications tower that is supported, in whole or in part, by guy wires and ground anchors.

Habitable Space. Building space whose use involves human presence. Habitable space excludes parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

Hazard to air navigation. (Airport Zone) An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous tree. (Tree Preservation and Protection) A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

Health officer. ((Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The legally designated health authority of the city or his authorized representative.

Height. (Airport Zone) Sea level elevation, unless otherwise specified.

Height. (Hillside/Hilltop Overlay District) Building height shall be measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade.

Height. (Wireless Telecommunications Facilities) The vertical distance measured from the mean elevation of the finished grade to the highest point on the tower or other structure, even if said highest point is an antenna or antenna array.

Highest adjacent grade. (Flood Damage Prevention) The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside/Hilltop Development Manual. (Zoning) The best management practices document that supplements the Hillside/Hilltop Overlay District and illustrates desirable Hillside/Hilltop development practices.

Hillside/Hilltop Overlay District. (Zoning) Lands located within the City that generally have slopes in excess of 15 %. The Hillside/Hilltop Overlay District is shown on the City's official zoning map. The development regulations in the Hillside/Hilltop Overlay District supercede the underlying zoning district.

Hilltop. (Hillside/Hilltop Overlay District) Land located above the Hilltop line which contains less than 15% slope and is completely surrounded by Hillside/Hilltop < 15% slope.

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Hipped roof. (DDOD) A roof with slopes on all four sides. The "hips" are the lines formed when the slopes meet at the corners.

Historic discharge or volume. (Stormwater Management, Drainage and Erosion Control) The peak rate or volume at which stormwater runoff leaves a parcel of land in an undisturbed/natural site condition either by gravity or by the legally allowable discharge at the time of permit approval.

Historic grade. (Zoning) The natural grade of the land prior to any development.

Historic Structure. (Flood Damage Prevention) Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (C) Individually listed on a state inventory of historic places which has been approved by the Secretary of the Interior.

Home occupation. (Zoning) An occupation, profession or avocation conducted in a dwelling unit on a part-time or full-time basis for which financial compensation is received and which generates motor vehicle traffic to the dwelling unit by patrons or clients of the occupation, profession or avocation conducted therein. A nontraffic generating occupation, profession or avocation conducted in a dwelling unit by one or more members of the family occupying the premises shall be considered a residential use and not a commercial use. The term home occupation shall include a child care facility handling not more than six children at one time.

Horizontal surface. (Airport Zone) A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

Horsepower. (Building Regulations) The equivalent to 745 watts.

Housing Board. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The Housing Board established by the city.

House, lodging or rooming. (Zoning) A dwelling or building where lodging is provided for two or more persons for compensation, pursuant to previous arrangements, but which is not available to transients and with which no table board is furnished.

Hydroseed. (Physical Alteration of Land) A machine blown mixture of mulch, see and sometimes fertilizer.

I

Illuminated sign. (Signs) Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Illumination, direct. (Signs) Illumination which is so arranged the light is directed into the eyes of the viewer from the light source.

Illumination, indirect. (Signs) Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Impact Fee Administrator. (Water and Wastewater Impact Fees) The Zoning and development administrator or his designee

Impervious surface. (Stormwater Management, Drainage and Erosion Control) A surface that has been compacted or covered so that it is highly resistant to infiltration by water.

Improvements. (Development) Physical changes made to property to prepare it for development such as street grading, drainage structures, street surface, sidewalks, curbs, gutters, utility lines, bridges and similar items.

Independent manufactured home. ((Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) A manufactured home which has a flush toilet and a bath or shower.

Intermittent stream. (Stormwater Management Drainage and Erosion Control) A stream that carries water part of the year is dry another part but receives flow from the groundwater table when it is high enough.

Invasive species. (Tree Preservation and Protection) Any species not indigenous to a region, which becomes established and displaces native species.

J

Joint identification sign. (Signs) A sign which serves as common or collective identification for a group of persons or businesses operating on the

same subdivision or lot in a residential office, commercial or industrial district (e.g., shopping center, office complex, etc.) Such sign may name the person(s) or business included but carry no other advertising matter.

Junkyard. (Zoning) Any worn out or discarded materials including but not limited to scrap metal, inoperable motor vehicles and parts, construction material, discarded appliances, or other material in a condition such that it cannot be used for its original purposes.

K

Kennel. (Zoning) A structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility that keeps animals commercially and has open dog runs, outside play areas, or any areas where animals are kept or left outside.

L

Lamp or Bulb (Outdoor Lighting) means the light producing source installed in the socket portion of a luminaire.

Land disturbance. (Tree Preservation and Protection) Clearing, scraping, grubbing, or otherwise removing or destroying the vegetation of a site, or adding, removing, exposing, excavating, leveling grading, digging, tunneling, trenching, burrowing, dumping, piling, dredging or application of toxic substance, storage of materials, and operation of equipment, or otherwise significantly disturbing the soil, mud, sand, or rock of a site.

Landscape administrator. (Tree Preservation and Protection) The person who is responsible for the administration of Tree Preservation and Protection, Chapter 167 and Landscape Regulations, Chapter 177. Also known as Urban Forester.

Landscape establishment guarantee. (Tree Preservation and Protection) A bond, irrevocable letter of credit, or other surety held by the city until the satisfactory conclusion of the three year landscape establishment period.

Landscape fabric. (Physical Alteration of Land) A barrier against soil erosion, allowing water to pass through while keeping soil in place.

Landscaping. (Zoning) The area within the boundaries of a given lot which consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Large-scale development. (Development) The development of a lot or parcel one acre or greater in size. The term development shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.

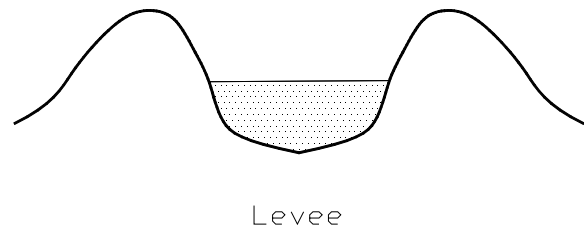
Larger than utility runway. (Airport Zone) A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12, 500 pounds maximum gross weight and jet powered aircraft.

Lattice tower. (Wireless Telecommunications Facilities) A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

Lease. (Signs) An agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property.

Less desirable species. (Tree Preservation and Protection) Low-priority trees or other woody shrubs listed in the City of Fayetteville *Tree Preservation, Protection, and Landscape Manual.*

Levee. (Flood Damage Prevention) A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.



Levee system. (Flood Damage Prevention) A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Light Pollution (Outdoor Lighting) means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

Liner Building. A building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows.

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Lintel. (DDOD) A horizontal beam that supports the weight of the wall above a window or door.

Loading space, off-street. (Zoning) Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. (Development) A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

Lot. (Signs) A parcel of land under one ownership whether described by metes and bounds or as a platted lot.

Lot. (Zoning) A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. The term includes the words "plot" or "parcel". Such lot shall have frontage on an improved public street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (D) A parcel of land described by metes and bounds; provided that in no case of division or combinations shall any residential lot or parcel be created which does not meet the requirements of the zoning regulations, Chapter 167.

Lot, corner. (Zoning) A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, depth of. (Zoning) The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot frontage. (Zoning) The front of a lot shall be construed to be the portion nearest the street.

Lot, interior. (Zoning) A lot other than a corner lot with only one frontage on a street.

Lot, through. (Zoning) A lot, other than a corner lot, with frontage on more than one street. Through

lots abutting two streets may be referred to as double frontage lots.

Lot, width of. (Zoning) The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80% requirement shall not apply.

Lot of record. (Zoning) A lot which is part of a subdivision recorded in the office of the county recorder or a lot or parcel described by metes bounds, the description of which has been so recorded.

Lowest floor. (Flood Damage Prevention) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

Luminaire or Fixture (Outdoor Lighting) means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

M

Major developments. (Development) A suburban or urban major development shall be a large scale development or subdivision that satisfies either of the following conditions:

- (A) It contains 40 acres or more.
- (B) It contains 100 housing units or more.

Whether or not it is planned in one or more phases, the total possible development shall be considered when its first stage, phase, or parcel is presented for review.

Mall. (Signs) Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof. (DDOD) A roof type with two slopes on each of the four sides, the lower slope being steeper than the other; capped off with a cupola, typically Victorian.

Manufactured home. (Flood Damage Prevention) A factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Housing and Urban Development) code. For floodplain management purposes the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home. (Manufactured Homes and Parks) A home built entirely in the factory under a federal building code, administered by the U.S. Department of Housing and Urban Development (HUD), which went into effect June 15, 1976.

Manufactured home. (Manufactured Homes and Parks opened or expanded after 4-20-72) A detached structure designed as a complete residential dwelling unit with a permanent chassis and capable of being transported on its own wheels, or on a trailer, and constructed to be ready for use upon being placed on a temporary or permanent foundation.

Manufactured home lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A plot of ground or a lot in a manufactured home park designed for the location for only one manufactured home.

Manufactured home pad. (Manufactured Homes and Parks opened or expanded after 4-20-72) That part of an individual manufactured home lot which has been reserved for the placement of a manufactured home.

Manufactured home park. (Manufactured Homes and Parks) Any plot of ground of at least one acre in size upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

Manufactured home park. (Manufactured Homes and Parks opened or expanded after 4-20-72) Any park, court, site, parcel or tract of land designed, maintained intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof; whether or not a charge is made for the use of the court and its facilities.

Manufactured home park or subdivision. (Flood Damage Prevention) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Manufactured home space. (Manufactured Homes and Parks) A plot of ground within a manufactured home park, designed for the accommodation of one manufactured home.

Manufactured homes and trailer sales lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A lot on which unoccupied trailers are parked for purposes of inspection and sale.

Manufactured home court. (Zoning) Any plot of ground on which there are located or intended to be located two or more manufactured homes to be occupied for dwelling or sleeping purposes.

Mansard roof. (Signs) Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of Signs, Chapter 174, a low slope roof shall mean any roof with a pitch less than three inches rise per 12 inches horizontal.

Marquee. A permanently roofed architectural projection the sides of which are vertical and are intended for the display of signs and which is supported entirely from an exterior wall of a building.

May. Is permissive.

Mean sea level. (Flood Damage Prevention) For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Meter. (Building Regulations) For the purpose of establishing electrical permit fees for additions, alterations, repair, and new installments and to include farm buildings and owner/occupied dwellings a meter shall be defined as an apparatus to measure electrical power and an outlet shall be defined as a point on the wiring system at which current/voltage is switched, connected to a lighting fixture or receptacle, connected to utilization equipment, and connected to any equipment that receives, controls, stores, consumes, and/or transfers electricity.

Minimum buildable street frontage. (Zoning) The minimum required percentage of a property's street frontage, established by the underlying zoning district and measured in linear feet, that is met by constructing a portion or portions of the vertical side of a building within the build-to zone. Buildings may be constructed outside of the build-to zone after the minimum required percentage has been met.

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Ministorage units. (Zoning) A structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mitigation. (Tree and Preservation and Protection) The planting of trees on-site in an effort to lessen the environmental damage caused by the injury or removal of trees during development.

Mobile home. (Zoning) A manufactured home built prior to June 15, 1976.

Monopole tower. (Wireless Telecommunications Facilities) A communications tower constructed without the use of guy wires and ground anchors and consisting of only a single pole.

Monument sign. (Signs) A freestanding signs whose entire base is in contact with and supported by the ground.

Motor vehicle. (Zoning) A self-propelled vehicle that would have to be licensed to be operated on the public streets and highways. (See Chapter 14 of Title 27 of the Arkansas Code.)

Motor vehicle accessory store. (Zoning) Stores that sell new automobile parts, tires, and/or accessories.

Motor vehicle repair and body shop. (Zoning) Any property, building or portion thereof used for the service and repair of motor vehicles including major mechanical repair and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations.

Mulch. (Physical Alteration of Land) A layer of leaves, straw, bark, or other organic material spread around plants to retain moisture, and to control weeds or erosion.

Mullions. (DDOD) Strips of wood or metal that separate and hold in place the panes of a window.

Muntin. (DDOD) A short vertical or horizontal bar used to separate panes of glass in a window or panels in a door. The muntin extends from a stile, rail, or bar to another bar. This term is often confused with mullion.

N

Native woodlands. (Tree Preservation and Protection) A biological community of trees and woody shrubs native to the Ozark Plateau, covering an area of 10,000 square feet or greater. A list of species to the Ozark Plateau may be found in the City

of Fayetteville *Tree Preservation, Protection, and Landscape Manual.*

Natural drainage ways. (Physical Alteration of Land) Ephemeral, intermittent and perennial streams. Chapter 169 is not concerned with ephemeral streams.

New construction. (Flood Damage Prevention) For floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this development code.

New Development. (Water and Wastewater Impact Fees) Construction of a new single family home and the construction or expansion of any other building or structure. The change in use of a building or structure that results in increased demand from water and wastewater facilities shall also be considered new development.

Nonconforming sign. (Signs) A sign existing on 12-19-72 which could not be built under the terms of the UDC.

Nonconforming use. (Airport Zone) Any pre-existing structure, object of natural growth, or use of land which does not conform to the provisions of Chapter 165 or an amendment thereto.

Nonconforming structures, uses, and lots. A structure or building, use or activity, or lot which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Non-native woodlands. (Tree Preservation and Protection) A biological community of trees and woody shrubs, covering the area of 10,000 square feet or greater, descended from non-native species brought to the area during urban settlement. A list of typical non-native species may be found in the City of Fayetteville *Tree Preservation, Protection, and Landscape Manual.*

Nudity or state of nudity. (Zoning)

- (A) The appearance of the bare human buttocks, anus, male genitals, female genitals or female breast.
- (B) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

O

Obstruction. (Airport Zone) Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Chapter 165.

Off-site sign. (Signs) A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term of-site sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

One-hundred year flood. (100-year)(Flood Damage Prevention) A flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout Chapter 168.

On-site sign. (Signs) A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a noncommercial message.

Operator's permit. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A written permit issued by the enforcement officer permitting the manufactured home park to operate under Chapter 175 and regulations promulgated thereunder.

Original tower height. (Wireless Telecommunications Facilities) Height of a tower, not including any antennas, on the date of the passage of this ordinance.

Outdoor advertising business. (Zoning) Provision of outdoor displays or display space on a lease or rental basis only.

Outdoor music establishment. (Zoning) Any business or establishment that has a garden, patio, rooftop or premises not wholly enclosed by solid walls and fully roofed in which amplified or loud music is played that could be audible at nearby residences or businesses.

Outfall. (Stormwater Management, Drainage and Erosion Control) The terminus of a storm drain, where the contents are released.

P

Parapet. A low guarding wall at the edge of a roof, terrace, or balcony.

Parcel. (Development) An area under one ownership.

Parking garage. (DDOD) Layers of parking stacked vertically.

Parking informational sign. (Signs) A wall sign or a freestanding sign indicating the location of a motor vehicle parking lot and designating the persons authorized to park in said lot. The size of a parking information sign shall not exceed four square feet. The number of parking informational signs on a parking lot shall not exceed the number of entrances for the parking lot.

Parking lot. (Zoning) An off-street, surfaced, ground level open area, for the temporary storage of five or more motor vehicles.

Parking Pad. (Hillside/Hilltop Overlay District) Parking areas for multi-family residential, residential office, and commercial use in the Hillside/Hilltop Overlay District.

Parking space, off-street. (Parking and Loading) A space adequate for parking an automanufactured with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Passive open space. (Development) An area intended for tranquil activities such as walking, sitting, observing and the less active games like shuffleboard and croquet.

Pavement width. (Development) The distance from inside edge of curb to inside edge of curb (Flow line to flow line).

Peak flow. (Stormwater Management, Drainage and Erosion Control) The maximum rate of flow of water at a given point and time resulting from a given storm event.

Peak flow attenuation. (Stormwater Management, Drainage and Erosion Control) The reduction of the peak discharge of storm runoff by storage and gradual release of that stored flow.

Pedestal. (DDOD) The base or support of an upright structure.

Percent minimum canopy. (Tree Preservation and Protection) The amount of existing tree canopy an applicant must preserve based on the zoning designation of the land to be developed.

Perennial stream. (Physical Alteration of Land) A stream that carries water year round.

Permeable Pavers. (Stormwater) A solid surface that allows natural drainage and migration of water into the earth by permitting water to drain through the surface itself or through spaces between the pavers.

Person. An individual, firm, limited or general partnership, corporation, company, business, association, joint stock association, organization, group of individuals, other legal entity or government

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entity, including a trustee, a receiver or assignee or a similar representative of any of them.

Personal use. (*Wireless Telecommunications Facilities*) "Personal use" refers to a non-commercial use by a resident of the subject property. If any revenues are generated from the operation of the tower, it will not be for personal use as such term is used.

Pet Shop. (Zoning) A commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public.

Plan, General. (Development) The plan made and adopted by the Planning Commission and adopted by the City Council that includes studies and analysis of the population, housing and economics of the city and includes the future land use plan and the master street plan.

Plan, Future Land Use. (Development) A part of the Comprehensive Land Use Plan made and adopted by the Planning Commission and adopted by the City Council that establishes long-range planning policies and implementation strategies to manage and guide future growth and development, consisting of a map and text. It includes general recommendations for locations of land uses.

Plan, Master Street. (Development) A part of the Comprehensive Land Use Plan made and adopted by the Planning Commission and adopted by the City Council that classifying certain streets within the planning area jurisdiction as arterial or collector streets, consisting of a map and text.

Planned Zoning District. (Zoning, Development) A zoning district that allows for comprehensively planned developments for either single-use or mixed-use and permits development and zoning review as a simultaneous process.

Plat, concept. (Development) A generalized sketch of an area intended to be subdivided and containing sufficient information to allow the Planning commission to determine whether a subdivision can comply with the regulations.

Plat, final. (Development) A complete and exact subdivision plat, prepared for official recording as required by state law, to define property boundaries and proposed streets and other improvements.

Plat, preliminary. (Development) A preliminary plat for a subdivision shall be a formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and shall meet the requirements outlined in Chapter 166.

Platform sign. (Signs) A single or double-face sign attached to a supporting base placed on the ground surface.

Plinth. (Hillside/Hilltop Overlay District) A foundation or base, usually on the upslope side of the Hillside/Hilltop, on which a house is located. Most often a plinth is constructed by erecting a retaining wall at the street with backfill creating a level building pad for the home.

Plumbing fixture. (Building Regulations) For the purposes of establishing plumbing permit fees for additions, alterations, repairs, and new installations, a plumbing fixture shall be defined as any service line and/or pipe replacement or extension and any device and equipment that receives, stores, consumes, transfers, and/or discharges liquid and/or waste.

Pole sign. (Signs) A freestanding sign that is affixed, attached, or erected on a pole or poles that is not itself an integral part of or attached to a building or structure.

Porch. (DDOD) A covered area adjoining an entrance to a building.

Portable swinger sign and A-frame or sandwich sign. (Signs) An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Portable temporary attraction sign board. (Signs) A single or double-surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, and not permanently attached thereto.

Precision instrument runway. (Airport Zone) A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Prefabricated Construction. (Zoning) Any structure built off-site excluding manufactured homes.

Primary surface. (Airport Zone) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §165.01. The elevation of any point on the

primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

Principal Façade (For purposes of placing buildings along build-to lines or build-to zones). The front plane of a building not including stoops, porches, or other attached architectural features.

Private open space. (Development) The outdoor living area directly adjoining a dwelling unit or building, intended for the private enjoyment of the residents or occupants of the dwelling unit or building and defined in such a manner that its boundaries are evident.

Projected bay. (DDOD) A window or series of windows forming a bay in a room and projecting outward from the wall.

Projecting sign. (Signs) Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Public grounds. (Tree Preservation and Protection) Areas including street rights-of-way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings and any other area designated for public use.

Public open space. (Development) Open space, including but not limited to, any park, lake, stream, playground, or natural area commonly open to the public.

R

Rain Barrels. (Stormwater) A stormwater containment vessel that captures runoff generated by impervious surfaces such as roofs. Rain barrels usually include a hole at the top to allow water to flow in, a sealed lid, an overflow pipe or hose, and a spigot to dispense water. By holding and reusing rainwater, rain barrels reduce stormwater runoff from sites and conserve potable water.

Rain Garden. (Stormwater) an attractive landscaping feature planted with perennial native plants. It is a bowl-shaped garden, designed to absorb stormwater run-off from impervious surfaces such as roofs and parking lots.

Real estate sign. (Signs) Temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Rear Access Lane. A publicly or privately owned secondary way that affords access to the side or rear of abutting property.

Recreational Structure. (Development) Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreational in nature. Among other things, recreation structures include tennis courts, basketball courts, swimming pools and jogging trails.

Regulatory area. (Stormwater Management, Drainage and Erosion Control) That portion of the floodplain subject to inundation by the 100-year flood is defined as the regulatory area. Its width is determined by the 100-year flood. Its length or reach is determined by natural bounds such as a lake, or by structures such as a dam or bridge, or by political or legal bounds. In the absence of complete information to define or estimate a 100-year flood, an interim regulatory area may be designated on the basis of satisfactory existing floodplain information.

Regulatory floodway. (Flood Damage Prevention) See: "Floodway."

Relic orchard. (Tree Preservation and Protection) Groups of fruit trees originally planted for agricultural purposes, but since taken out of production.

Remedy a violation. (Flood Damage Prevention) To bring the structure or other development into compliance with state or local floodplain management regulations, or, if it is possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this development code, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Remove. (Signs) Remove shall mean:

- (A) The sign face, along with the posts, columns, or supports of freestanding signs, shall be taken down and removed from the property.
- (B) The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.
- (C) The sign face of "painted wall signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

Residential driveway. (Streets and Sidewalks) A driveway on public property adjacent to a public street

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or highway to provide entrance to or exit from residential property for the exclusive use and benefit of those residing therein.

Residential zone. (Streets and Sidewalks) Any one side of a block in which 50% or more of the frontage of that side is used for residential purposes.

Retail. (DDOD) The sale of commodities or goods in small quantities to ultimate consumers.

Retail liquor store. (Zoning) Any business engaged primarily in the retail sale of spirituous, vinous or malt beverages or light wine or beer as said terms are defined by A.C.A. §3-1-102, §3-1-103 and §3-5-202 for off-premises consumption.

Retaining wall. (Physical Alteration of Land) A structure erected between lands of different elevation to protect structures and/or prevent erosion from the upper slope.

Retaining wall height. (Physical Alteration of Land) The height of a retaining wall, for setback purposes, shall be defined as the vertical distance from the top of the wall to the ground surface of the low side.

Retention. (Stormwater Management, Drainage and Erosion Control) The use of complete storage to prevent the discharge of a given volume of stormwater runoff into surface waters.

Right-of-way. (Development) The land opened, reserved or dedicated for street, walk, drainage or other public purposes.

Riparian. (Tree Preservation and Protection) Of, relating to, or located on the bank of a river or stream.

Riparian buffer. (Tree Preservation and Protection) A biological community consisting of trees, woody shrubs and groundcover that exists along the banks of rivers, creeks or intermittent and perennial streams.

Rip-rap. (Physical Alteration of Land) A loose assemblage of stones placed on ground to prevent erosion. Rip-rap shall be sized so that displacement does not occur due to velocity of water.

Riverine. (Flood Damage Prevention) Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roof sign. (Signs) Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Runway. (Airport Zone) A defined area on an airport prepared for landing and take-off of aircraft along its length.

Rural street. (Development) A street located, or to be located, outside the city limits of the city but within the planning area jurisdiction of the city.

S

Safety zone. (Streets and Sidewalks) All parts of the street or highway right-of-way between the curb or shoulder line and the right-of-way line along the property frontage, except those areas contained in the access driveways.

Sediment basin. (Physical Alteration of Land) A depression in a waterway designed to trap sedimentation before entry into the stormwater system.

Separate offense. (Tree Preservation and Protection) In relation to trees, each tree is a separate offense.

Service building. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A building housing toilet and bathing facilities for men and women with laundry facilities and such other facilities as may be required by Chapter 175.

Setback. (Zoning) A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Setback lines or building lines. (Development) A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected except as provided in ordinances.

Setback, front. (Zoning)

(A) A setback extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots, unless the prevailing front setback pattern on adjoining lots indicates otherwise, front setbacks shall be provided on all frontages.

(B) Depth of required front setbacks shall be measured at right angles to a straight line joining the foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lines would have met without such rounding.

Setback, rear. (Zoning)

- (A) A setback extending across the rear of the lot between inner side setback lines. In the case of through lots and corner lots, there will be no rear setbacks, but only front and side setbacks.
- (B) Width of a required rear setback shall be measured in such a manner that the setback established is a strip of the minimum width required by the district regulation with its inner edge parallel with the rear lot line.

Setback, side. (Zoning)

- (A) A setback extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side setbacks shall extend from the rear lines of front setbacks required. In the case of corner lots, yards remaining after full front setbacks have been established shall be considered side setbacks.
- (B) Width of a required side setback shall be measured in such a manner that the setback established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Setback, special. (Zoning) A setback behind any required setback adjacent to a public street, required to perform the same functions as a side or rear setback, but adjacent to a lot line so placed or oriented that neither the term "side setback" nor the term "rear setback" clearly applies.

Sexually oriented business. (Zoning) An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater.

Shall. (Zoning) Is mandatory.

Shed roof. (DDOD) A roof type with one high pitched plane covering the entire structure.

Shielding (Outdoor Lighting) means that no part of the lamp or bulb is visible below the horizontal plane of the fixture where light is emitted. The lamp or bulb shall be completely enclosed within the fixture. The top and sides of the fixture above the horizontal plane shall be 100% opaque.

Shopping center. (Signs) Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said

stores and/or establishments occupy separate structures or are under separate ownership.

Sign. (Signs) Every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors but which is illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a sign within the meaning of Chapter 174, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Significant tree. (Tree Preservation and Protection) A tree with a diameter at breast height (DBH) of 24 inches or more for fast growth species, 18 inches or more for slow and moderate growth species, and 8 inches or more for understory species, as set forth in the City of Fayetteville *Tree Preservation, Protection, and Landscape Manual*. A tree may also be considered significant because of advanced age for its species, or because it represents an uncommon or endangered species, or due to its location on a site designated as historic by local, state or federal authorities.

Single housekeeping unit. (Zoning) A dwelling unit with common access to and common use of all living and eating areas an all areas and facilities for the preparation, serving and storage of food within the dwelling unit.

Site. (Physical Alteration of Land) Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

Slope. (Physical Alteration of Land) An inclined ground surface., the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Specified anatomical areas. (Zoning)

- (A) Less than completely and opaquely covered human genitals, pubic region, buttock(s), and female breast below a point immediately above the top of the areola; and

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- (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities. (Zoning)

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse, or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic region, buttock(s) or female breast.

Spotlight or Floodlight (Outdoor Lighting) means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Spot light illumination. (Signs) Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Stabilization. (Physical Alteration of Land) That which is attained once the site is restored to its pre-development state in terms of soil stability and irritability.

Start of construction. (Flood Damage Prevention) The date the building permit is issued for either new construction or substantial improvement, provided the actual start of construction, repair, reconstruction, replacement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, beyond excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation or the installation of streets and/or walkways, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stealth technology. (Wireless Telecommunications Facilities) Systems, components and materials used in the construction of wireless communications facilities to make it compatible with the surrounding property.

Stoop. (DDOD) A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Storefront. The portion of a building at the first story of a retail frontage that is made available for retail use.

Stormwater. (Stormwater Management, Drainage and Erosion Control) The flow of water that

results from and occurs immediately following a rainfall event.

Stormwater Facility. (Landscape Regulations) A facility designed to meet the requirements for stormwater management. For the purposes of this section, stormwater facilities refer primarily to detention ponds.

Stormwater management, drainage and erosion control permit. (Stormwater Management, Drainage and Erosion Control) A construction permit issued by the City of Fayetteville in compliance with the provisions of Chapter 170.

Stormwater management plan. (Stormwater Management, Drainage and Erosion Control) A plan for receiving, handling, and transporting storm and surface waters within the city's stormwater management system.

Stormwater management system. (Stormwater Management, Drainage and Erosion Control) All natural and man-made elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the City of Fayetteville. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, lakes, and other stormwater conveyance and treatment facilities whether public or private.

Story. (DDOD) A floor level within a building.

Stream. (Flood Damage Prevention) A watercourse having a source and terminus, banks, and channel through which waters flow at least periodically. Streams do not lose their character as a watercourse even though the water may dry up. For the purpose of this ordinance, streams are defined on the Flood Insurance Rate Map as single lines with no floodplain or floodway defined.

Stream corridor. (Stormwater Management, Drainage and Erosion Control) The landscape and physical features on both sides of a stream, including soils, slope, and vegetation, whose alteration can directly impact the stream's physical characteristics and biological properties.

Street. (Development) A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

Street, arterial. (Development) A street or road of considerable continuity which serves or is intended to serve as the principal traffic way between separated areas or districts which is the main means of access to the primary street system or expressways.

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Street, collector. (Development) A street which in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system. Where possible, houses should not front on collector streets.

Street, frontage. (Development) A minor street which is generally parallel to and adjacent to a major highway or railroad right-of-way and which provides access to abutting properties and protection from through traffic.

Street line. (Zoning) (Streets and Sidewalks) The right-of-way line of street.

Street, minor. (Development) A street used primarily to provide access to abutting properties.

Street right-of-way. (Development) The area designated for city improvements on both sides of the street.

Streets. (Streets and Sidewalks) Of higher use designation than collector street, including arterial streets and expressways as defined in Ordinance No. 1750 of the City of Fayetteville, Arkansas.

Structure. (Airport Zone) An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Structure or building. (Zoning) Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards and poster panels.

Subdivider. (Development) A person, firm or corporation undertaking a subdivision as defined in Chapter 166, Development.

Subdivision. (Development) The subdividing of land into lots and blocks, the parceling of land resulting in the need for access or utilities, or the dividing of an existing lot or parcel into two or more lots or parcels.

Substantial damage. (Flood Damage Prevention) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement. (Flood Damage Prevention) Any repair, reconstruction, or improvement of a structure, the cost of which equals

or exceeds 50% of the market value of the structure either:

- (A) Before the improvement or repair is started; or
- (B) If the structure has been damaged, and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement or a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places, or a state inventory of historic places.

Suburban. (Development) Located outside the corporate city limits, but within the city's planning area.

I

Tandem lot. (Zoning) A lot which has less than 50% of the required frontage on a public street and which is located behind a lot or a portion of a lot which does have the required frontage.

Telecommunications. (Wireless Telecommunications Facilities) The transmission, between or among points as specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

Terne. (DDOD) An alloy of lead with about 15% tin. Used to coat sheet steel to inhibit corrosion.

Terrace. (Physical Alteration of Land) A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Topping. (Tree Preservation and Protection) Also referred to as stubbing, dehorning, pollarding and heading; it is the severe removal of the tree canopy back to large stubs.

Tower or communications tower. (Wireless Telecommunications Facilities) Any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. The term

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includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one or more antennas.

Towing impound yard. (Zoning) A facility operated for the temporary storage of towed motor vehicles that are to be claimed by their title holders or agents, or transported to a repair shop.

Towing service. (Zoning) An establishment that provides for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound yard. This shall not include a "motor vehicle repair and body shop" use that has a tow truck and services vehicles on-site.

Transitional surfaces. (Airport Zone) A surface extending outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Travel trailer. (Zoning) A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Tree. (Airport Zone) Any object of natural growth.

Tree. (Tree Preservation and Protection) Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at DBH and a height of over 10 feet.

Tree and Landscape Advisory Committee. (Tree Preservation and Protection) An advisory committee appointed by the City Council to assist the landscape administrator with city beautification and the management of its trees.

Tree preservation area. (Tree Preservation and Protection) Those areas designated for the protection of both preserved and planted trees depicted on a tree preservation plan, abbreviated tree preservation plan, preliminary plat, large scale development, or site plan.

Tree preservation plan. (Tree Preservation and Protection) A site plan that delineates tree

preservation areas and details measures to be taken to ensure protection and survivability of trees to be saved, prior to and during construction.

Tree registry. (Tree Preservation and Protection) A list of trees registered with the city due to documented historic association, rare tree species or extraordinary value because of their age, size or type.

Tree surgery. (Tree Preservation and Protection) Includes cavity filling/repair, bracing, cabling, and wound treatment.

Turret. (DDOD) A small tower or tower-shaped projection on a building.

U

Unified Soil Classification System. (Physical Alteration of Land) A system adopted jointly by the Corps of Engineers and Bureau of Reclamation in 1952 to classify soils according to texture, plasticity, and performance as engineering construction material.

Unit. (Building Regulations) A product or equipment used in heating and air conditioning, refrigeration, ventilation, or process cooling and heating system.

Universal soil loss equation. (Physical Alteration of Land) An equation that was developed by USDA to determine erosion based rainfall, soil irritability, slope, length of slope, plant cover, and mulching.

Urban. (Development) Located within the corporate city limits.

Urban Forester. (Tree Preservation and Protection, Landscape Regulations) The person who is responsible for the administration of Tree Preservation and Protection, Chapter 167 and Landscape Regulations, Chapter 177. Also known as Landscape Administrator.

Urban street. (Development) A street located, or to be located, within the city limits.

Use buffer. (Tree Preservation and Protection) Trees or other woody shrubs that serve to screen incompatible land uses, unwanted light, or noise.

Used or occupied. (Zoning) Include the words "intended", "designed", or "arranged to be used or occupied."

V

Variance. (Flood Damage Prevention) A grant of relief to a person from the requirements of this ordinance when specific enforcement would result in

unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see §60.6 of the National Flood Insurance Program regulations.

Variance. (Zoning) A variance is a relaxation of the terms of zoning, Chapters 160 through 165, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement would result in unnecessary and undue hardship.

Veterinary small animal out-patient clinic. (Zoning) An office where vaccination and treatment of small animals is performed; where no x-rays, surgery or treatments requiring hospitalization are performed; where no overnight boarding is permitted; and where no after-hours or weekend emergency services are performed.

View obscuring vegetation. (Zoning) A screen of live plant material that is opaque from the ground to a height of at least six feet intended to exclude visual contact between uses and to create a strong impression of special separation during all seasons of the year. At maturity, the screen shall be considered to be view obscuring if there are no openings of greater than one square foot.

Violation. (Flood Damage Prevention) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapter 168 is presumed to be in violation until such time as that documentation is provided.

Visual runway. (Airport Zone) A runway intended solely for the operation of aircraft using visual approach procedures.

W

Wall sign. (Signs) Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of Chapter 174, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of the building marquee, building awning, or a building canopy shall be considered a wall sign.

Wastewater System Improvements. (Water and Wastewater Impact Fees) Capacity-enhancing improvements to the facilities for the transmission,

treatment, reclamation and disposal of wastewater. Lift stations, force mains and gravity mains or excluded from the definition of wastewater system improvements.

Water surface elevation. (Flood Damage Prevention) The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water System Improvements. (Water and Wastewater Impact Fees) Capacity-enhancing improvements to the facilities for the supply, storage, transmission and distribution of potable water, excluding water lines less than eight inches in diameter and other lines that are the minimum size needed to serve an individual development project.

Windblown sign. (Signs) Any flag, pennant, balloon, spinner, or blimp.

Wireless Communications Facility (WCF). (Wireless Telecommunications Facilities) A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Wireless communications facility includes personal wireless services as defined in the Federal Telecommunications Act of 1996, and as subsequently amended.

(Code 1965, §§13A-1; 13B-1; 17B-7(a0, 19-24, 1713-2; App. A, Art. 17; App. B, §1; App. C, Art. 1, §D; Ord. No. 1509, 8-8-66; Ord. No. 1747, 6-20-70; Ord. No. 1790, 3-15-71; Ord. No. 1801, 6-21-71; Ord. No. 1859, 3-20-72; Ord. No. 1893, 12-19-72; Ord. No. 1998, 5-7-74; Ord. No. 2581, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 2753, 8-18-81; Ord. No. 2789, 1-18-82; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3011, 6-5-84; Ord. No. 3024, 8-21-84; Ord. No. 3231, 12-2-86; Ord. No. 4024, §2, 3-28-87; Ord. No. 3298, 10-6-87; Code 1991, §§98.60, 118.01, 150.02, 156.001, 156.065, 158.03, 158.35, 159.04, 160.002, 160.096(A), 160.121, 161.06, 162.02, 163.02; Ord. No. 3551, 6-4-91; Ord. No. 3138, 11-5-85; Ord. No. 3165, 2-4-86; Ord. No. 3699, §2, 4-20-93; Ord. No. 3780, §1, 4-19-94; Ord. No. 3794, §1 5-17-94; Ord. No. 3870, §1, 4-1-94; Ord. No. 3895, 6-20-95; Ord. No. 3901, §1, 2, 7-5-95; Ord. No. 3908, §1, 7-18-95; Ord. No. 3970, §1, 7-18-95; Ord. No. 3913, §1, 8-1-95; Ord. No. 3963, §1, 4-16-96; Ord. No. 3970, §1, 5-7-96; Ord. No. 3971, §1, 5-21-96; Ord. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. No. 4127, 12-15-98; Ord. No. 4178, 8-31-99; Ord. No. 4226, 2-15-00; Ord. No. 4285, 1-2-01; Ord. No. 4321, 6-19-01; Ord. No. 4340, 10-2-01; Ord. 4714, 6-21-05; Ord. 4817, 1-03-06; Ord. 4847, 3-7-06; Ord. No. 4855, 4-18-06; Ord. 4919, 09-05-06; Ord. 4930, 10-03-06; Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5056, 9-04-07; Ord. 5128, 4-15-08; Ord. No. 5206, 12-16-08; Ord. 5238, 5-5-09; Ord. 5296, 12-15-09; Ord. 5304; 1-19-10; 5312, 4-20-10; Ord. 5313, 4-20-10; Ord. 5327. 6-1-10; Ord.

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5339, 8-3-10; Ord. 5352, 9-7-10; Ord. 5348, 9-7-10; Ord.
5375, 12-21-10; Ord. 5453, 10-18-11)

