

SECTION 11 DEFINITION OF TERMS

Except where specific definitions are used within a specific Section of the UDO for the purpose of such Sections, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context. Principal uses, which correspond with the Permissible Use Table, are defined in Section 7, Permissible Uses and Standards, of this UDO.

A

ABANDONMENT. The termination or relinquishment of property or use for a continuous period.

ABC STORE. An establishment run by the Alcoholic Beverage Control Board selling alcoholic beverages.

ABUTTING. The condition of two parcels of land having a common property line or boundary, including cases where two or more parcels of land adjoin at a corner, but not including cases where parcels of land are separated by a street, water body or right-of-way.

ACCESS. The right or ability of pedestrians and vehicles to enter and leave a lot or development.

ACCESSORY DWELLING UNIT. A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

ACCESSORY STRUCTURE. A subordinate or incidental structure, of which the use is incidental to the principal structure and is located on the same lot as the principal structure.

ACCESSORY USE. A use that is incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot. Accessory uses are allowed by right in conjunction with the primary use unless stated otherwise in these regulations.

ADA (AMERICANS WITH DISABILITIES ACT). Civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life.

ADAPTIVE REUSE. The rehabilitation or renovation of existing buildings or structures for any use other than its current use.

ADJACENT PROPERTIES. A parcel or lot of land that shares part of a common lot line or boundary with another parcel or lot of land (or would abut if not for the presence of a street, waterbody or right-of-way).

ADULT CARE. An assisted living residence, in compliance with G.S. 131D, in a structure other than a single family dwelling in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies.

ADULT ESTABLISHMENT. Adult bookstore, adult motion picture theater, adult mini-motion picture-theater, adult live entertainment business, massage business, or other such adult establishment as outlined in G.S. § 14-2-2.10 and in [Chapter 112](#) of the City of Monroe Code of Ordinances.

AGENT. A person who has legal, authorized consent to act upon another's behalf.

AIRPORT. Charlotte-Monroe Executive Airport.

AIRPORT ELEVATION. The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).

ALLEY. A local access service way providing a secondary means of public access to abutting property, typically used for service access to the back or side of properties.

ALTERATION. Any change in the construction, repair, size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location or use.

AMORTIZATION. The process of providing for a timed expiration or extinction of a use which is not in compliance with this UDO.

ANTENNA. Communication equipment designed to transmit or receive electronic signals for all types of wireless telecommunication services and devices.

APPLICATION. A form designed by the City on which a development review process submission occurs.

APPROACH SURFACE. 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.

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land within the floodplain subject to a 1% or greater chance of flooding in any given year.

AWNING. A plastic, canvas or metal shade structure, often foldable, covered over a storefront or doorway.

B

BALANCE OF WATERSHED. That part of a water supply watershed area that does not lie within a critical area.

BAR. Any business or commercial establishment which is devoted primarily to the retailing and on-premises consumption of alcoholic beverages (not made on-site) and which is licensed by the state to dispense or sell alcoholic beverages. May be subject to locational requirements. See Bar/Tavern/Nightclub in use-definitions.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

BASEMENT. The lowest level or story which has its floor sub grade on all sides.

BERM. An earthen mound designed to separate, screen and buffer adjacent uses or site features.

BEST MANAGEMENT PRACTICES (BMP'S). Measures or practices utilized to reduce pollution entering surface waters. May be structural or nonstructural and take the form of a process or planning.

BLOCK. Land within an area bounded by streets on all sides.

BONA FIDE FARM. Any land which actively engages in a substantial way in the commercial production or growing of crops, plants, livestock, or poultry.

BUFFER. A buffer is a specified land area located parallel to and within the outer perimeter of a lot or parcel. A buffer shall contain the required planting, landscaping, berm, fence or wall, or any combination required as set forth in this UDO.

BUILDING. A structure having a roof supported by walls for the shelter or support of persons, animals and goods.

BUILDING HEIGHT. For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of 15 feet. Additional stories shall be a maximum of 12 feet for each individual story. Building heights are limited through the district development standards table for each mixed-use district. To allow for a wide variety of building designs,

requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted.

C

CALIPER. A horticultural method of measuring the diameter of a tree trunk. This measurement is taken at six inches above ground level for trees up to four inches in caliper. For larger trees, measurement of *CALIPER* shall be taken at twelve inches above ground level.

CANOPY. A permanent structure attached to a building for the purpose of providing shelter or shade or as a decorative feature. A canopy is not completely enclosed.

CANOPY TREE. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet, and which meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurserymen.

CERTIFY. Whenever this UDO requires that some agency certify the existence of a fact or circumstance, such certification shall be made in any manner that provides reasonable assurance of the accuracy of the certification.

CERTIFICATE OF APPROPRIATENESS. A permit issued by the Historic District Commission granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, structure, landmark, noncontributing structure, or noncontributing site. Shall comply with all standards defined in G.S. 160D-9-47. See Section 3.4.13 for the CERTIFICATE OF APPROPRIATENESS review process.

CIRCULATION. The ability of a vehicle to utilize portion of the vehicle use area used for access to parking or loading areas, or other facilities on the lot.

CITY. The City of Monroe, North Carolina.

CLUSTER DEVELOPMENT.

COPY. The linguistic or graphic content of a sign.

COUNCIL. The City Council of the City of Monroe, North Carolina.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

CRITICAL ROOT ZONE (CRZ). A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. *CRZ* is one foot of radial distance for every inch of tree diameter measured at 4.5 feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to 1.5 feet for every inch of tree diameter at 4.5 feet above ground level, with a minimum of 12 feet.

CROWN. See "Canopy".

D

DECIDUOUS. A plant or tree with foliage that is shed annually.

DEDICATION. Giving or dedicating land or infrastructure improvements to the City for their operation and maintenance.

DENSITY. The maximum number of residential dwelling units permitted per gross acre of land. In determining density, a fractional unit shall not entitle an additional unit.

DEVELOPER. Any person engaged in land, site or building development.

DEVELOPMENT. Any man-made changes to real property, including but not limited to buildings, filling, grading, paving, or storage of equipment or materials.

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

DRIVEWAY. That portion of the vehicle use area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

DWELLING UNIT. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

E

EASEMENT. The right to use or occupy real property of another owner for a purpose.

EASEMENT, PRIVATE ACCESS. A privately owned and maintained right-of-way created by express grant or reservation in an instrument of record in the Union County Register of Deeds, which connects directly to a publicly maintained and dedicated street that provides vehicular access to no more than two lots.

ELECTRONIC GAMING OPERATIONS. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance or skill, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

ENTERTAINMENT. Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities.

ERECT. To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

EVERGREEN. A plant with foliage that persists year-round.

EXPENDITURE. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

EXTRA TERRITORIAL PLANNING JURISDICTION (ETI). That portion of the City's planning jurisdiction that lies outside the corporate limits of the city.

F

FAÇADE. The exterior wall of a building facing a lot line or right-of-way, from the grade to the eave or highest point of a roof. Facades may be on the front, side or rear of the building.

FAMILY.

1. One or more persons related by blood, adoption or marriage living together as a single housekeeping unit. All degrees of kinship are computed as provided in G.S. § 104A-1.
2. The following are not included in the determination of occupancy limits defined above:
 - a. Five or fewer foster children placed in a family foster home licensed by the State of North Carolina.
 - b. A bona fide live-in health care provider providing medical and personal care services to a resident.
 - c. A live-in nanny providing child care services to a resident child.

FAMILY CARE HOME. An adult care home having two to six residents in accordance with G.S. 131D.

FEDERAL COMMUNICATIONS COMMISSION (FCC). The government agency responsible for regulating telecommunications in the United States.

FLAG. Any fabric, or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation or business or other entity.

FLEA MARKET. An open-air market for new and/or second-hand articles and goods sold by one or more merchants which is conducted on an open, non-residential lot. Yard sales conducted by individuals shall not be considered flea markets.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard, and the risk premium zones applicable to the city.

FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN. Any land area susceptible to be inundated by water from the base flood. As used in this UDO, the term refers to that area designated as subject to flooding from the base flood (100-year flood) on the “Flood Boundary and Floodway Map” prepared by the U.S. Department of Housing and Urban Development.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this UDO, the terms refers to that area designated as a floodway on the “Flood Boundary and Floodway Map” prepared by the U.S. Department of Housing and Urban Development, a copy of which is one file in the planning department.

FLOOR. The top surface of an enclosed area in a building (including basement).

FLOOR AREA RATIO (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located.

FOOD TRUCK. Food trucks are defined as a licensed, motorized vehicle or mobile food unit licensed by the NC State Division of Motor Vehicles, designed and equipped to serve food and beverages

FRESH PRODUCE STAND. A temporary stand intended to allow for the sale of fresh produce and homemade baked goods. Typically an accessory use to agricultural activities.

FRONTAGE. The length of a building or use abutting a street, parking area, or other means of customer access.

G

GOVERNMENT FACILITIES. An office or other facility of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, government employment offices, public assistance offices, motor vehicle licensing.

GROSS FLOOR AREA. The sum in square feet of all floors of a building measured from the exterior face of the exterior walls.

GROUND COVER. Any plant material that reaches an average height of not more than 12 inches.

GROUND LEVEL. The finished grade of a parcel of land.

GROUP HOME DAY SERVICE. A Mental Health Facility, as licensed under the state, which provides only day services.

GROUP HOME – 24 HOUR SERVICE. A Mental Health Facility, as licensed under the state, which provides 24 hour service care.

H

HALFWAY HOUSE. A licensed home for persons released from restrictive confinement, where supervision and rehabilitation is provided to the resident.

HARDSHIP. An extenuating circumstance that places an unreasonable or disproportionate burden on an applicant or landowner.

HAZARD TO NAVIGATION. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

HEIGHT LIMITS. For the purpose of determining the height limits in all zones set forth in the Airport Overlay and shown on the zoning map, the datum shall be a mean sea level elevation unless otherwise specified.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HISTORIC TREES. Selected trees placed on a City inventory based on age, species, location, health and historic significance.

HOA (HOMEOWNER ASSOCIATION). An organization that makes and enforces rules for a subdivision, planned community, or condominium building.

HOME OCCUPATION. The use of a dwelling unit on the same lot for a commercial activity that is clearly subordinate to the principal use of the dwelling unit for residential purposes. Home occupations are an accessory use to a residential primary use and do not allow customers to come to and from.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

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INGRESS. Access to a building or site.

INTERIOR LANDSCAPING. Landscaping required within the parking lot perimeters, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces to either side.

INTERMEDIATE CARE HOME. An Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF-IID) is an institution that:

1. Functions primarily for the diagnosis, treatment or rehabilitation of individuals with intellectual disabilities or with a related condition
2. Provides ongoing evaluation, planning, 24-hour supervision, coordination and integration of health or rehabilitative services in a residential setting

INTERMEDIATE CARE FACILITY. An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing ongoing evaluation, planning, 24-hour supervision, coordination and integration of health, treatment, rehabilitative services in a residential setting

J

JUNK YARD. Any property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

JURISDICTION. A geographic area of a municipal body in which that body has control or power to make legal decisions and judgements.

K

KENNEL. A commercial operation that:

1. Provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or
2. Engages in the breeding of animals for sale.

L

LAND DEBRIS. Stumps, limbs, leaves, concrete, brick, or uncontaminated earth commonly associated with land development activities, construction, grading, or paving of land.

LANDFILL. A facility for disposal of solid waste on land in a sanitary manner in accordance with the minimum standards of the State of North Carolina wherein "solid waste" as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

LANDSCAPING. The improvement of a lot or land with plant material. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LANDSCAPING PLAN. A plan, drawn to scale, which shows dimensions and details of the requirements of this Section. Such plan can be drawn by a landscape architect, engineer, arborist, architect, and the like.

LARGER THAN UTILITY RUNWAY. 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.

LEVEE. 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.

LOADING AREA. That portion of the vehicle use area used to allow for the loading and unloading of goods or materials from a vehicle.

LOT.

1. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

2. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.
3. The permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this UDO.

LOT, CORNER. A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new home, to designate its primary front street yard, which shall dictate its front setback requirement. Orientation of the home, driveways and entrances on the lot shall be required respective of the primary front street yard, but may also be permitted on a non primary street yard.

LOT, EXISTING (LOT OF RECORD). A lot which has been recorded at the Union County Registry prior to the adoption of this UDO.

LOT, FLAG. A lot which has an irregular shape where the buildable portion of the lot is connected to its street frontage by an arm. The arm width may be less than the minimum required lot width.

LOT, RESIDUAL. Any tract of land which exceeds ten acres in size resulting from a subdivision.

LOT, THROUGH. A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front street yard, which shall dictate its front setback requirements. Orientation of the house, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non primary street yard.

LOT AREA. Lot Area is the lot width multiplied by the lot length. Minimum lot areas shall exclude rights-of-way.

1. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street; and
2. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for the purposes of computing the lot shall be the inside boundary of the traveled portion of that road.

LOT WIDTH. Lot Width is the distance between the side lot lines measured at the primary street property line along a straight line of the property line. Lot width may be averaged between the front lot width and rear lot width.

LOWEST FLOOR. The lowest floor or the lowest enclosed area (including basement).

M

MAJOR PRUNING. Removal of over 20% of a tree's canopy, tree topping, or disturbance of over 10% of the tree's root system.

MECHANICAL EQUIPMENT. Equipment used for AC, Pool, HVAC or associated uses.

MIXED-USE. The combination of either commercial, office, industrial and residential uses within a single building or within one single development. Mixed-use development may be vertically integrated within a single building or horizontally integrated where a development contains two or more buildings and/or uses.

MOBILE HOME. A dwelling unit that:

1. Is not constructed in accordance with the standards set forth in the City of Monroe Building Code;
2. Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and

3. Exceeds 40 feet in length and eight feet in width.

MOBILE HOME, CLASS A. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1. The home has a length not exceeding four times its width;
2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
4. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

MOBILE HOME, CLASS B. A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

MOBILE HOME, CLASS C. Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

MOBILE HOME PARK. A dwelling unit constructed in accordance with the standards set forth in the City of Monroe Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the City

of Monroe Building Code) or a series of panels or room sections transported on a truck and erected or joined together on the site.

MODULAR HOME. A sectional dwelling consisting of two or more units which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a single family house. All such modular homes shall meet all single family home requirements of the current volume of the North Carolina Uniform Residential Building Code.

MULTIFAMILY DEVELOPMENT. A tract of land planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations.

N

NONCONFORMING LOT. A lot of record that was lawful at the date it was established but no longer conforms to standards in this UDO.

NONCONFORMING PROJECT. Any structure, development, or undertaking that is incomplete at the effective date of this UDO and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING USE. A use which was lawful on the date it was established, but is no longer a permitted use within that zoning district.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in no precision instrument approach procedure has been approved or planned.

O

OBSTRUCTION. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 6.5, Airport Overlay, of this UDO.

OCCUPANCY. The act of residing or using a premises, lot, building or dwelling.

OFFICE. An establishment or building in which activities conducted in an office setting occur and generally focus on business, government, professional, medical or financial services.

OPACITY. A measurement which indicates the degree of visibility.

OPEN SPACE. Lands set aside for a development, not individually owned, designed for the common use or enjoyment, not including lands occupied by streets, rights-of-way, or off-street parking.

ORDINANCE. A legislative enactment by the City of Monroe, North Carolina.

OUTPARCEL. A lot in a multi-tenant development which may not have access from a public road. The lot is part of a larger development or commercial subdivision.

OWNER. The legal owner of land, including a mortgagee or vendee in possession, trustee, or commercial lessee.

P

PARAPET. A false front or wall extension above the roofline of a building.

PARCEL. Land which has been or which is proposed to be used, developed, or built upon as a unit under single ownership.

PARKING AREA. A parking area shall be defined as any surface area used for off-street parking, storage or display of vehicles, areas for loading and unloading goods, and service areas and drive-throughs.

PARKING AREA AISLES. A portion of the vehicle accommodations area consisting of lanes providing access to parking spaces.

PARKS AND OPEN AREAS. Uses focusing on natural areas consisting of mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

PERENNIAL WATERS. All streams, lakes, rivers, and other bodies of water shown as perennial on the most recent versions of U.S.G.S. topographic maps, or as determined by NC DENR Division of Water Quality.

PERSON. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

PERVIOUS SURFACE. A surface that presents an opportunity for precipitation to infiltrate into the ground.

PLANNED UNIT DEVELOPMENT (PUD). A development constructed on a tract under single ownership, planned and developed as an integral unit, and consisting of a combination of uses on land.

PLANNING JURISDICTION. The area within the city limits as well as the area beyond the city limits within which the city is authorized to plan for and regulate development.

PLANTING YARD. Area where required plantings are located.

POA (PROPERTY OWNERS ASSOCIATION). A governing body that may encompass HOAs and various mix of property types that supports other associations and their members.

PRACTICABLE. No practical or feasible alternative exists, as determined by the City. Economic considerations may play a role in determining what is PRACTICABLE but shall not be the primary or overriding factor determining what is PRACTICABLE.

PRECISION INSTRUMENT RUNWAY. 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.

PREMISES. Any property owned, leased or controlled by the person actively engaged in business at that location.

PRIMARY SURFACE. 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.

PRINCIPAL USE (PRIMARY): A predominant or primary use of a lot. A use listed in the Table of Permissible Uses.

PRINCIPAL STRUCTURE (PRIMARY): The structure where the principal use occurs.

PRIVATE CLUB. An establishment as defined in G.S. § 18B-1000(5) that is eligible to hold an ABC permit from the State of North Carolina.

PUBLIC AND INSTITUTIONAL USES. The use of land, buildings or structures for a public, non-profit, or community purposes and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, civic clubs, public hospitals and government buildings.

PUBLIC WATER SUPPLY SYSTEM. Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

R

RAIL TRANSPORTATION AND SUPPORT FACILITIES. An area of land, including any related support facilities, used for switching, storing, moving, repairing, and weighing of railroad cars, trains, or engines.

REAL PROPERTY. All land, buildings and other fixtures attached thereto.

RECREATION (ACTIVE). Recreational features, often requiring equipment and taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development which they serve.

RECREATION (PASSIVE). Recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site.

REDEVELOPMENT. Any installation of improvements, new construction, or reconstruction on a lot or site which already has pre-existing uses.

REFUSE COLLECTION (AREA). A container or area surrounding a container dedicated to the collection and temporary storage of refuse or solid waste.

REQUIRED DRAINAGE CHANNEL. The theoretical stream bed section which is required to discharge the runoff from a 100-year storm.

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

RESIDUAL LOT. See *LOT, RESIDUAL*.

RESOURCE RECOVERY FACILITY. A facility in which garbage, minerals, glass, tin cans, paper, rags, and other materials are reclaimed or converted into energy.

RETAIL SALES AND SERVICE. Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

RIGHT-OF-WAY. Land located within and adjoining the streets, roads and highways within the City, which rights-of-way are owned or maintained by the City or State.

ROOF AREA. A single, unbroken, contiguous plane, measured at perpendicular slope.

ROOF, FLAT. The external covering of a building having a 2(v):12 (h) slope or less.

ROOF LINE. The highest continuous horizontal line of a roof. On a sloping roof, the *ROOFLINE* is the principal ridgeline or the highest line common to one or more principal slopes of roof. On a flat roof, the *ROOFLINE* is the highest continuous line of a roof or parapet.

ROOF, PITCHED. The external covering of a building having a slope greater than 2 (v):12 (h).

ROOM RENTING. A single family residential structure in which the renting of rooms shall be clearly incidental and secondary to the single family use of the structure.

ROOT PROTECTION ZONE. Generally 18 to 24-inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

S

SATELLITE DISH. An apparatus capable of receiving communications signal from a transmitter relay located in planetary orbit.

SCHOOL. An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academics, or business, technical, trade schools. Includes public, private, charter and community schools. See use-definitions for Schools (Elementary/Middle), Schools (High/Senior), and University, College, and Vocational School.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation. Screens are typically vertical objects providing visual separation.

SETBACK. The required distance measured from both the property line and the street right-of-way to the nearest part of the building, structure and/or sign.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHOPPING CENTER. Two or more uses planned, developed and managed as a unit and related in location, size and type of shop to the needs of the trade area which is being serviced.

SHOPPING CENTERS. Shall be construed to include all out parcels, whether or not developed.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIDEWALK. A paved area running parallel to the street intended for pedestrian use and travel, providing access to adjacent streets and land.

SIGN. Any device, object, fixture, display, placard or structure, which uses color, form, graphics, illumination, projected images, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of, or identify the purpose of any person or entity or to communicate information of any kind to the public. The term *SIGN* includes sign structure.

SIGN AREA. The total square foot area of a sign area which contains the message being conveyed.

SIGN FACE. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for the visual representation, which attracts or intends to attract the attention of the public for any purpose.

SIGN HEIGHT. Vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

SIGN PERMIT. A permit issued that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

SIGN STRUCTURE. Any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the *SIGN STRUCTURE*.

SIGN, ABANDONED. A sign and associated sign structure that the sign owner has failed to operate or maintain for a period of 180 days or longer. The following conditions shall be considered as the failure to operate or maintain a sign:

1. A sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed; or
2. A sign which is blank.

SIGN, ADVERTISING. Sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

SIGN, CONSTRUCTION. A temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

SIGN, DILAPIDATED. A sign that is that has been poorly maintained, is in a state of disrepair or similar that poses a public safety hazard or is difficult to read.

SIGN, DIRECTIONAL. An on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises, and not displaying a commercial message, e.g., "entrance", "exit", "caution", "no parking", "one way only", "no trespassing", and the like.

SIGN, DOUBLE-FACED. A single sign with items of information relating to the same business on both sides of the sign and mounted as a single structure.

SIGN, DRIVE-THROUGH MENU. A sign placed so as to be viewed from a drive-through lane and which contains only a listing of the products, with prices, offered for sale by the business on which the sign is located and which may provide a mechanism for ordering the products while viewing the sign.

SIGN, ELECTRONIC CHANGEABLE FACE. A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composed of a series of lights, including light emitting diodes (LED's), fiber optics, or other similar new technology where the message

change sequence is accomplished immediately. Electronic changeable face outdoor advertising signs include computer programmable, microprocessor controlled electronic or digital displays that display electronic, static images, static graphics, or static pictures, with or without textual information.

SIGN, FLASHING. A sign, which permits light to be turned on or off intermittently more frequently than once per five seconds.

SIGN, FREESTANDING. A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. A *FREESTANDING SIGN* will be allowed as a monument sign in its allowed district, but may never be constructed as a single pole sign. A *FREESTANDING SIGN* is not a single pole/pylon Sign.

SIGN, GOVERNMENTAL. A sign posted by various local, state, and federal agencies, such as regulatory signs, welcome signs, seasonal signs/banners/decorations, and traffic control signs.

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

SIGN, ILLUMINATED. Any sign or portion thereof, which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

SIGN, INTERNALLY ILLUMINATED. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that:

1. Are filled with neon or some other gas that glows when an electric current passes through it; and

2. Are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered *INTERNALLY ILLUMINATED SIGNS*.

SIGN, LIGHTED. A sign lighted only by light cast upon the sign from an external light source.

SIGN, NONCONFORMING. A sign, which does not conform to the regulations provided in this UDO.

SIGN, OFF-PREMISE or OFF-SITE. Any sign relating in its subject matter to commodities, accommodations, services or activities on a premise other than the premises on which the sign is located.

SIGN, PERMANENT. Any sign which, when installed, is intended for permanent use. Banner and banner like materials are not considered *PERMANENT SIGNS*.

SIGN, POLE/PYLON. A detached sign erected and maintained on a single mast, or pole and not attached to any building but not including ground-monument or freestanding monument signs.

SIGN, PORTABLE. Any sign, banner, or poster that is not permanently attached to the ground or structure.

SIGN, REAL ESTATE. A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

SIGN, ROOF. Any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building.

SIGN, SAFETY RELATED Any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A *SAFETY RELATED SIGN* includes those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that

give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

SIGN, STATUTORY. A sign required by any statute or regulation of the State of North Carolina or the United States.

SIGN, STREET ADDRESS. Any sign denoting the street address of the premises on which it is attached or located.

SIGN, STRIP LIGHTING. Any sign that features electric lighting by means of long glass tubes that are fluorescent lamps or neon, typically placed along the edges or strips of a canopy, building, or structure.

SIGN, TEMPORARY. A sign that:

1. Is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or
2. Is intended to remain on the location where it is erected or placed for a period of not more than 15 days.

SIGN, WIND. A sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include ribbons, spinners, streamers or captive balloons; however, the term wind sign shall not include flags or feather banners.

SIGN, WINDOW. Any sign mounted in any fashion on the interior or exterior of the surface of a window.

SIGHT VISIBILITY TRIANGLE. *May also be referred to as a Sight Triangle.* A triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection (see specifications for Sight Visibility Triangle in the City of Monroe Standard Detail Manual).

SITE WALLS. Retaining walls.

SPECIAL EVENTS. Temporary events undertaken that is not part of an establishment or group's daily activities. Examples include grand opening sales, fundraising, festivals, and tent revivals.

SPECIAL-USE PERMIT. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this UDO as well as any additional requirements by the Board of Adjustment.

STORAGE. Facilities providing separate storage areas for personal or business use designated to allow private access by the tenant for storing or removing personal property.

STORAGE UNIT. Transport trailers, cargo containers, storage trailers, mobile storage facilities, sea/land containers, and similar structures designed for conveyance and used primarily for storage of goods and materials. Storage Units are not intended to be used a permanent storage facilities in residential districts.

STORM, TEN-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in ten-years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 25-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, 100-YEAR. The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on average, once in 100 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STREET. A public street or a street with respect to which an offer of dedication has been made. Types of *STREETS* are identified in the City of Monroe Standard Specifications and Detail Manual.

STREET TREE. A tree with a crown which provides shade to the portion of the street on which it is planted.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area to another; a thoroughfare.

STREET, COLLECTOR. A public way designed primarily to connect residential streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor designation on the street.

STREET, HALF. A proposed vehicular travel way intended to be developed by constructing one-half of a required multi-lane width with the remainder to be provided at some future date.

STREET, MINOR. A public way used primarily for providing direct access to abutting properties. *MINOR STREETS* are further classified as:

1. *Residential.* Those streets whose primary function is to provide direct access to residential property;
2. *Commercial-industrial.* Those streets whose primary function is to provide direct access to commercial-industrial property; and
3. *Cul-de-sac.* A short minor street having one end open to traffic and the other end permanently terminated with a vehicular turnaround. The maximum length of a cul-de-sac is 1,200 feet.

STREET, PRIVATE. A vehicular travel-way not dedicated as a public street.

STREETSCAPE. An area that abuts or is contained within a public or private street right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

STRUCTURE. Anything constructed or erected.

SUBDIVISION. The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets. See Section 8.1, Subdivision Regulations, for subdivision design standards and regulations.

SUBDIVISION, MAJOR. Any subdivision other than a minor subdivision, involving any of the following:

5. The creation of more than a total of four lots;
6. The creation of any new public streets;
7. The extension of a public water or sewer system; or
8. The installation of drainage improvements through one or more lots to serve one or more lots.

SUBDIVISION, MINOR. Any subdivision that does not qualify as a major subdivision.

SWIMMING POOL. An above or in ground structure filled with water for the purpose of recreation and swimming.

T

TEMPORARY DWELLING. A residence (which may be a mobile home) that is:

1. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster;
2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intended to live in such permanent residence when the work is completed; or

3. Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

TOPPING. The severe cutting back of limbs to stubs three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

TRACT. The term *TRACT* is used interchangeably with the term lot, particularly in the context of subdivisions, where one *TRACT* is subdivided into several "lots".

TRANSITIONAL SURFACES. These surfaces extend 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 aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. *TRANSITIONAL SURFACES* for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRANSPORTATION FACILITIES. Facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between modes of transportation. These uses include bus terminals, railroad stations, public transit stations, taxi cab facilities, and other similar uses.

TRAVEL TRAILER. A structure that:

1. Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and
2. Is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches.

U

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet in height, and meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurserymen.

URGENT CARE. A medical walk-in clinic or facility designed to provide emergency care for injuries or illness.

USE. The activity or function that actually takes place or is intended to take place on a lot.

UTILITIES. Public or private infrastructure serving a limited or regional area.

UTILITY FACILITIES, COMMUNITY OR REGIONAL. All utility facilities other than neighborhood facilities.

UTILITY FACILITIES, NEIGHBORHOOD. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, are located in or near the neighborhood where such facilities are proposed to be located.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

V

VARIANCE. A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this UDO, the recipient could not otherwise legally do.

VEGETATIVE COVER. Grasses, shrubs, trees, and other vegetation, which holds and stabilizes soils.

VEHICLE USE AREA. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

W

WASTE. Materials to be disposed resulting from consumption or developmental activity.

WASTE TRANSFER STATIONS. An area and/or building used to unload and temporarily store solid waste (for a period of less than 90 days) for the subsequent delivery of the solid waste to another transfer site, storage site, or disposal site. Such uses may involve intermediate processing such as compaction, sorting, or shredding. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials.

WATERSHED. The entire land area contributing surface drainage to a specific point (for example, the water supply intake).

WHOLESALE SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods. See Wholesale Trade in use-definitions.

WOODED AREA. An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Y

YARD. Unoccupied space on a lot with a building between a building and property line.

YARD SALE. A temporary sale of personally owned goods on a yard (also referred to as a *GARAGE SALE*). *YARD SALE* may occur on a residential lot (no temporary use permit required) or a non-residential lot (a temporary use permit is required).

Z

ZONING MAP. The official zoning map of the City of Monroe. See Section 1.2.1. Official Zoning Map.

ZONING PERMIT. A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this UDO.