

CHAPTER 2: DEFINITIONS

2.1 DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions where not inconsistent with the context of the Ordinance. The term "shall" is mandatory. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Ordinance, the definition herein shall prevail. The categories established herein to define the permitted uses are derived from the North American Industrial Classification System and adapted to the particular needs of the Town of Arlington.

Abandoned Sign: A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of thirty (30) days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Accessory Building/Structure and Use: A detached building or use subordinate to the principal building or use on the same lot and serving a purpose naturally and normally incidental to the principal building or use, including swimming pools and satellite dishes.

Addition (To an Existing Building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projections, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, anywhere the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Book Store or Video Store: A commercial establishment which as its principal business purpose offers for sale or rental books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual presentations, which depict or describe "specified sexual activities" or "specified anatomical areas or

instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" or "specified anatomical areas".

Adult Cabaret or Theater: A nightclub, bar, restaurant or similar commercial establishment which regularly features persons who appear in a state of nudity, live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". This definition shall not include "R-rated" films so defined by the Motion Picture Association.

Adult Motel: A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions. This definition shall not include "R-rated" films so defined by the Motion Picture Association; or offers a sleeping room for rent more than two times in a period of ten (10) hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than (ten) 10 hours; or offers or allows a discount or refund which is less than half the normal daily rate.

Adult Telecommunications Business: A commercial establishment where, by means of telephone, any communication characterized by the description of "specified anatomical areas" or "specified sexual activities" is made for commercial purposes to any person, regardless of whether the maker of such communication placed the call.

Agricultural Services: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

Agriculture: Land devoted to the production of crops and/or livestock for sale.

Alley: A thoroughfare which affords only a secondary means of access to abutting properties.

Amusement: An establishment which provides arcade type entertainment including such items as pinball machines, video games, pool tables, miniature golf and other amusements.

Animated Sign: Any sign or permanent structure that uses movement, projection, or change of lighting or other electrical impulses to depict action or

create a special effect. Variable display signs, beacons and moving message boards are considered to be animated signs under this definition.

Antenna: A device used to transmit and/or receive radio-frequency signals, microwave signals, or other telephonic, radio, or television signals.

Apartment: One (1) dwelling unit, including living, cooking and sanitary facilities in a multi-family structure.

Appeal: A request for a review of the Mayor or his Designee's interpretation of any provision of this ordinance or a request for a variance.

Awning: See Canopy.

Banner Sign: A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Base Flood: The flood level that has a one (1%) percent chance of being inundated in any given year. (See one hundred (100)-year flood)

Buffer, Perimeter Landscape: A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another. A combination of physical space and vertical elements, such as plants, berms, fences, or walls the purpose of which is to separate and screen incompatible land uses.

Buffer Strip: A strip of land, established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

Building, Height of: The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

Building, Main or Principal: A building in which the primary use of the lot is conducted.

Building Line, Front, Side and Rear: Lines which define the required area for the front, side and rear yards, as set forth in this Ordinance. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Business Service: Establishments which provide aid or merchandise to retail trade establishments including, but not limited to: advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp services.

Caliper Inches: A method of measuring the diameter of a tree with trees that are up to and including four (4") inches in diameter being measured six (6") inches above the ground and trees over four (4") inches in diameter being measured one (1') foot above the ground. Quantity in inches of the diameter of supplemental and replacement trees measured at the height of six (6") inches above the ground for trees four (4") inches in trunk diameter and under, and twelve (12") inches above the ground for trees over four (4") inches in trunk diameter.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: Any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Center Line: The center of the surface roadway or the surveyed center line of the street.

Changeable Copy Sign: Any sign on which copy is changed either manually or electronically.

Child Care Facility: A building or structure used for the care of children as defined herein. Such a facility normally includes the following:

- 1) **Day Care Center:** A place operated by a person, social agency, corporation, institution, or other group that receives pay for the care of thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody.

Co-location: Shared use by locating wireless communications equipment from more than one provider on a single support structure.

Commercial: Activities related to the provision of products and services. See retail and wholesale trade; financial, business, personal and professional services.

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

Construction Sign: A sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Density: Maximum number of dwelling units per acre allowed by this Zoning Ordinance.

Density Units: The number value resulting from the tree value factor, times the actual measured inches of trees, times the total number of trees in each respective category of trees.

Design Guidelines Manual: A document developed by the Town's Design Review Committee and adopted by the Board of Mayor and Aldermen that sets forth design criteria pertaining to building architectural character, landscaping and screening, site lighting and associated sign design elements. The Design Guidelines Manual fulfills the responsibility of the Design Review Committee to develop specific review procedures for construction of development for all non-residential properties, multiple-family residential, and any entrances to residential or non-residential development.

Diameter at Breast Height: The diameter in inches of an existing tree measured at four and one half (4 1/2') feet above the existing grade.

Dilapidated Sign: Any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

District: Any section or sections of the Town of Arlington for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Drip Line: A vertical line extending from the outermost portion of the tree canopy to the ground.

Driveway: A paved or gravel way, on private property, providing access from the public way, street or alley, to the main building, carport, garage, parking space or other portion of the premises.

Dwelling: A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Ordinance, the term "dwelling" shall not include boarding or rooming houses, hotels, or other structures designed for transient residence.

Dwelling, Single-Family Attached: A one (1) family dwelling attached to two (2) or more one (1) family dwellings by a common vertical fire wall with each dwelling being located on a separate lot. This shall include zero (0) lot line development.

Dwelling, Manufactured Home: See Manufactured Home.

Dwelling, Multi-Family: A building designed for occupancy by three (3) or more families living independently of each other.

Dwelling, Single-Family Detached: A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.

Dwelling, Townhouse: An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit consisting of at least two (2) stories and each dwelling unit located on a single lot. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no opening in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor. For the purpose of this Ordinance a townhouse designation shall apply to three (3) or more units built contiguous to each other. This definition does not preclude condominium standards as set forth in the Southern Standard Building Code.

Dwelling, Two-Family: A building designed to be occupied by two (2) families, living independently of each other having one (1) wall common to both dwelling units, and located on one (1) lot.

Dwelling Unit: One (1) or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes.

Educational Services: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools and art, dance and music schools.

Electronic Message Display: Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Equipment Cabinet: A structure, cabinet, box, vault, or shelter designed for and used to house and protect electronic equipment necessary for processing wireless communication signals and data, including mechanical cooling equipment, air conditioning, ventilation, and electric generators.

Erosion: The process of the gradual wearing away of land masses.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Exterior Boundary or Yard: A yard adjacent to the side or exterior boundaries of a mobile home park, a multi-family development or planned commercial development which are clear of any structures.

Family: One (1) or more persons related by blood, marriage, or other legal arrangement, or a group of unrelated individuals, not to exceed two (2) persons per bedroom of the house occupied, living as a single non-profit housekeeping unit.

Finance, Insurance and Real Estate Services: Those establishments which provide banking or bank related functions, insurance and real estate brokers.

Flag: Any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or non-commercial entity.

- **Commercial Flag:** Any flag which displays a commercial name, message, logo or symbol.
- **Decorative Flag:** Any flag which displays any holiday or seasonal insignia, design or the like which does not include any commercial name, message, logo or symbol.
- **Non-commercial/government/civic Flag:** Any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

Freestanding Sign: Any sign supported by structures or supports that are anchored in the ground and that are independent of any building or other structure.

Garage: A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: An agency of the federal, state, or the local government or any combination thereof.

Governmental Services: Fire, police, judicial and other services provided by the government.

Grade: The ground elevation used for the purpose of regulating the height of the building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area: The total floor area, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Grouping Sign: A sign which lists such information as on-site businesses and tenants of an office or commercial subdivision or development with two (2) or more tenants, businesses or uses.

Guest House: An accessory residential unit which is subordinate to the principal residence in size and use, and which is not used for rental purposes.

Guyed Tower: A vertical support structure that is supported by guy wires and ground anchors.

Hazard Area: An area having special flood, mudslide (i.e., mudflow) and/or flood related erosion hazard, and shown on an FHBM or Firm as Zone A, AO, A1-30, AE, A99, or AH.

Height: See Building, Height Of.

Heritage Tree: A tree of significant age or stature that constitutes a unique asset to the community.

Home Occupation: A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use.

Hospital: An establishment which provides out patient, inpatient and emergency services of a medical, surgical and obstetrical nature to ill or injured human patients.

Hotel/Motel: A building where, for a fee, sleeping accommodations and customary lodging services are provided, including maid service, the furnishings and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to meeting rooms, restaurants, recreational facilities and gift shops.

Illegal Sign: Any sign which is a prohibited sign, does not comply with the requirements established herein, is not a lawful nonconforming sign, is not exempted by law from the requirements established herein, or for which a variance has not been granted by the appropriate Board or Commission.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "exit," "loading only," "no trespassing," "no hunting," "phone," "ATM," etc.

Inflatable Sign: Any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a charitable character to the public.

Land Development Plan: A general plan for the physical development of a particular area, which can be a municipality, region or both. The plan will formulate a coordinated, long term development pattern for the identified area, the creation of a future land development or land use map, a major road plan and the identification of goals, objectives and policies.

Land Disturbance: Any activity involving the alteration of topography or the shaping of land for construction, development, or excavation purposes which in any way alters the soil cover, affects on-site drainage and stormwater runoff, affects drainage on off-site properties, or alters natural drainage patterns or streams and stream flow characteristics.

Lattice Tower: A guyed or self-supporting support structure that consists of multiple legs and metal cross bars.

Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot: A legally recorded parcel of land.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot of Record: A parcel legally recorded in the Office of the Shelby County Register of Deeds prior to the date of the adoption of this Ordinance.

Lot Coverage: The lot area covered by all buildings located therein.

Lot Width: The horizontal measurement at the building line.

Manufacturing: Establishments engaged in the mechanical or chemical transformations of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. The term manufacturing covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process. Manufacturing production usually is carried on for the wholesale market rather than for direct sales. Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of farming.

Manufactured Home: A residential dwelling, transportable in two (2) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Manufactured homes are defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended (HUD Code), and manufactured after June 14, 1976.

Manufactured Home, Mobile Home Park: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home or mobile home lots for rent or sale.

Marquee Sign: Any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

Mayor or His Designee: The Town official or authorized representative charged with responsibilities of enforcing the Ordinance.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For

purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Menu Board: Means a structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Mixed-Use Development: The development of a tract of land, building or structure with two (2) or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mini-Warehouse (Self-Storage): A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or wares.

Monopole: A self-supporting structure, constructed without guy wires and ground anchors, that consists of a single vertical metal, concrete, or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

Municipal Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Non-Commercial: Not naming, advertising or calling attention to a business or commercial product, service or activity. However, where the name of a business is merely incidental to the primary purpose of a sign displayed on residential property, such as may be the case with a real estate sign or baby announcement, such sign shall be deemed non-commercial.

Nonconforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Sign or Sign Structure: Any existing permanent sign or sign structure which does not conform to the provisions of this chapter, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Nonconforming Structure or Building: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use: Any use of building or premises which lawfully existed prior to the adoption of, or amendment to this Ordinance, but which no longer complies with the use regulations of the district in which it is located.

Noxious Matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals.

Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity: A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola aureole of the female breast.

One Hundred (100) Year Flood: A flood which has, on the average a one (1%) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "one (1%) percent chance flood".

Pads: The surface on which a trailer is located consisting of concrete footings and a support of the trailer.

Painted Wall Sign: Any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

Parks: An open area set aside for leisure activities which is not used for the operation of a profit making venture, such as but not limited to playgrounds, athletic or play fields and picnic areas.

Parking Space: A paved and properly drained area enclosed or unclosed required by this Ordinance to be permanently reserved for parking one (1) motor vehicle.

Pennant: See "Banner Sign."

Permanent Sign A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or other structure by mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

Permitted Use: Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Personal Services: Establishments which provide services which include laundry, beauty, funeral, and other services to individuals.

Planned Commercial/Industrial Development: An area of a minimum contiguous size to be planned, developed, operated and maintained as a single entity containing one or more structures to accommodate commercial/industrial or office uses, or both and appurtenant common areas and other uses incidental to the predominant uses.

Planned Development: An area of a minimum contiguous size developed according to an approved plan containing one (1) or more structures with joint use parking areas, common open areas and limited access points on to major thoroughfares.

Planned Unit Development (PUD): An area of a minimum contiguous size to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges or ratios of non-residential uses to residential uses as shall be specified.

Plat: A map, plan or layout indicating the location and boundaries of individual properties and which may indicate structure location and horizontal measurements.

Plot: A parcel of land set aside for an individual mobile home in a mobile home park. This is often synonymous with lot.

Political Preference Sign: Any temporary sign erected for the purpose of supporting a political candidate, stating a position regarding a political issue or similar purpose.

Portable Sign: A sign which is not attached by way of rigid, non-flexible connection to a building or the ground. Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Principal Building: A building in which is conducted the primary use of the lot on which it is located.

Principal Use: The specific primary purpose for which land or a building is used.

Projecting Sign: Any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

Pruning: Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.

Public Assembly: Any of the following types of institutions or installations where community activities are typically performed such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas, temporary festivals, theaters, public, parochial and private museums and art galleries, places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion, public community centers and recreational areas such as playgrounds, playing fields and parks.

Public Uses: Facilities such as, but not limited to, parks, schools, and offices owned and operated by governmental bodies.

Public Utility: Any plant or equipment for the conveyance, production, transmission, delivery of or furnishing of heat, chilled air, water, light, power, or sewage facilities, either directly or indirectly to or for the public.

Real Estate Sign: Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease, sale, or sold.

Recreational Activities: Sports activity, playground and athletic areas, swimming areas, marinas and other similar activities.

Recreational Vehicle: A vehicle which is built on a single chassis, has four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self propelled or permanently towable by a light duty truck, and is not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

Repair Services: Those establishments which fix, mend or overhaul merchandise for households or businesses, not to include automobile body shops.

Replacement Tree: Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.

Restaurant: Restaurants shall be defined as follows:

- 1) **Neighborhood Restaurant:** A restaurant for sit down dining (no drive through) with thirty-nine (39) or less seats.
- 2) **Limited Restaurant:** A restaurant for sit down dining (no drive through) with between forty (40) and seventy-four (74) seats.

- 3) **General Restaurant:** A restaurant for sit down dining (no drive through) with seventy-five (75) or more seats.
- 4) **Drive-Through Restaurant:** A restaurant where customer orders and/or service may be by means of a walk-up counter or window designed to accommodate vehicular traffic. Sit-down dining may also be provided.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-Of-Way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and similar uses.

Roof Line: The highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

Roof Sign: Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

School: An institution of learning owned and/or operated by a governmental body, a church or religious institution, or a private enterprise.

Scoreboard: A structure located within an athletic field, displaying changing scores and related information; provided, however, the scoreboard may also display additional content, including but not limited to the names and logos of the athletic teams or participants.

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

Services: Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations: including hotels and other lodging places, establishments providing personal, business, repair and amusement services, health, legal, engineering, and other professional services, educational institutions, membership organizations, and other miscellaneous services.

Service Station: Any facility used for dispensing or sale at retail of any motor vehicle fuels.

Setback: The minimum distance required between the lot boundary and the building line as stipulated by the front, side and rear yard provisions of this Ordinance.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sexually-Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, or Adult Telecommunications Business.

Shade Tree: Any deciduous tree maturing at a height of at least thirty (30') feet or greater that would occupy the upper canopy of a forest.

Shopping Center: Two (2) or more businesses sharing a common parking lot which shall include indoor and outdoor malls.

Sign: Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, and colors.

Sign Area: The area enclosed by one (1) continuous line, connecting the extreme points or edges which shall include all lettering, wording, and accompanying design or symbols together with any background but shall exclude any necessary supports or uprights. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Face: The entire area of a sign upon, against or through which sign copy is placed.

Sign Structure: Any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Site Plan, Sketch Plan or General Plan: A plan delineating the overall scheme of the development of a tract including all items as specified in this Ordinance.

Snipe Sign: Any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign.

Stealth Design: The design of wireless communications facilities in a manner that camouflages, conceals, or disguises the facilities as described below:

- 1) **Camouflage:** The use of shape, color, and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. "Camouflage" does not mean invisible, but rather appearing as part of or exactly like the structured used as a mount.
- 2) **Conceal:** Fully hidden from view. For example, a wireless communications facility (WCF) is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof.
- 3) **Disguise:** A wireless communications facility (WCF) that has been changed to appear to be something other than what it really is. For example, WCF's are sometimes disguised to appear as flagpoles.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy, between the top most floor and the roof. A basement not used for human occupancy shall not be counted as a story.

Story, Half: A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50%) percent of the floor area of the floor immediately above.

Street or Road: A way for vehicular, bicycle and pedestrian traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley or other way, and for the purpose of these regulations "roads" are divided into the following categories:

- 1) **Arterial:** A major highway used primarily for heavy through traffic which will be so designated on the Arlington Major Road Plan.
- 2) **Collector Street:** A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development.

- 3) **Commercial Street:** A street serving predominately commercial properties used primarily for access to the abutting properties.
- 4) **Residential Street:** A street serving predominately residential properties used primarily for access to the abutting properties.
- 5) **Cul-De-Sac or Dead End Street:** A local street with only one (1) outlet for which there are no plans for extension and no need for extension.
- 6) **Marginal Access Street:** A minor street which is constructed parallel and adjacent to an arterial street for the purpose of providing access to abutting properties and protection from through traffic.

Street Line: The property line which bonds the rights-of-way set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Street Tree: Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens.

Subdivision: The division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new street or utility construction, or any division of land less than five (5) acres, for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing.

Subdivision Sign: Any sign located at the entrance to a subdivision for the purpose of identifying the subdivision.

Subdivision Temporary Development Sign: Any temporary sign for the purpose of advertising the sale of lots and the development of the subdivision. The names of participating home builders may be included on such signs. Such signs shall not be classified as the same as a construction sign.

Support Structure: A structure designed and constructed specifically to support an antenna array.

Swinging Sign: Any sign installed on an arm, mast or similar appendage that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary Sign: Any sign that is intended for temporary use and a limited period.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is towed on its own chassis composed of a frame and wheels. The structure is to be used without a permanent foundation.

Tower: A vertical structure designed and constructed specifically to support an antenna array. See also "Support Structure."

Traffic Directional Sign: A permanent sign erected for or by a public entity for purposes of identification, direction or public safety.

Transportation Services: Services including bus, taxi and motor freight transportation.

Tree: Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.

Tree Protection Zone: The area around a tree corresponding to the drip line or ten (10') feet in all directions from the trunk, at the discretion of the Town Inspector.

Tree Value Factor: The numerical value assigned to each tree category that represents the importance of that category of trees with respect to visual buffering, growth characteristics, native species and aesthetics.

Tubular Lighting: Lighting such as but not limited to neon, gas, fiber optics, or other similar forms of lighting, installed on an exterior building façade, canopy, awning, architectural feature or any other structural component of the building outside the area of any allowable wall signs, for the purpose of drawing visual attention to the business.

Use: The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Utilities: Gas, water, electricity, sewer and telephone services provided by government agencies or private companies.

Utility Services: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

Variance: A modification of the strict application of the Zoning Ordinance.

Veterinarian: Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of

animals. Such an establishment may include accessory boarding facilities provided they are located within the building.

Wall Sign: Any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning, or canopy and projects from the plane of the wall, canopy or awning less than twelve (12") inches. This definition shall not include freestanding walls or multiple sign surfaces.

Warehouse: A structure used exclusively for the storage of merchandise or commodities.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

Window Sign: Any sign installed in or on a window and intended to be viewed from the outside.

Wireless Communications: Any personal wireless service as defined in the Telecommunications Act of 1996, which includes Federal Communications Commission licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), paging and similar services that currently exist or that may in the future be developed.

Wireless Communications Facility (WCF): Any un-staffed facility for the transmission and/or reception of wireless telecommunications usually consisting of an antenna array, connection cables, equipment facility and a support structure or other type of structure to achieve the necessary elevation.

Yards: Any open space on the same lot with a principal building open, unoccupied and unobstructed by building from the ground to the sky except as otherwise provided in this Ordinance. The measure of a yard shall be the minimum horizontal distance between any part of the principal building and lot or street right-of-way lines.

- 1) **Front Yard:** The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building. On corner lots, the yards adjacent to both streets shall be front yards.
- 2) **Rear Yard:** A yard extending across the rear of a lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear building line. On all lots

except corner lots, the rear yard shall be defined at the time the building permit is issued.

- 3) **Side Yard:** The yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side building line.

Zoning Districts: Any section of the Town for which the zoning regulations, governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.