

CITY OF ROSS
DEFINED TERMS
2011

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ABANDONED VEHICLE

A motor vehicle that has been abandoned by its registered owner as described in the Ross Municipal Code.

ABUTTING OR ADJOINING

Two or more uses of land having common district boundaries, lot lines, or being immediately adjacent, including across a street, easement, or right-of-way.

ACCESS ROAD

A road designated on an approved grading plan and used during construction operations for the movement of grading equipment, hauling of fill material, and for other traffic to and from the grading site.

ACCESSORY BUILDING OR STRUCTURE

A building or structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.

ACCESSORY USE

A use of land that is incidental to the principal permitted or conditionally-permitted use on a site and is found on the same site or lot.

ACCOMMODATION FACILITY

A day-care facility that is operated by a business licensed to conduct business other than child care and is an auxiliary service provided for the customers of the primary business.

ACTION

An act to approve, approve with conditions, or to deny any development review application described in Ross Municipal Code, with consideration given to whether the application complies with the Development Code and all other applicable regulations. Acknowledgement of a withdrawal or a continuance are other forms of action.

ADMINISTRATIVE ADJUSTMENT

Minor deviations from otherwise applicable standards that may be approved by the Community Development Director.

ALLEY

A minor public right-of-way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

ALTER

To make any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ANIMAL, DOMESTIC

Small animals of the type generally accepted as household pets including, but not limited to, dogs, cats, birds, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs, or similar animals.

ANIMAL, EXOTIC

Any species of wild or exotic animals not customarily confined or cultivated by humans for domestic or commercial purposes, but kept as a pet or for display. These animals are prohibited unless otherwise allowed in strict compliance with Ross Municipal Code.

ANIMAL, LARGE

An animal larger than the largest breed of dogs, including horses, cows, and other mammals customarily kept in corrals or stables.

ANIMAL, POT-BELLIED PIG

A small domesticated pig (native to southeastern Asia), often raised as a house pet, having a saddle shaped back, a straight tail, potbelly, swayback, and black, white, or black and white coat.

ANIMAL, SMALL

An animal no larger than the largest breed of dogs, including fish, birds, and mammals customarily kept in kennels.

APPEAL

A procedure by which a decision, interpretation, or enforcement action is brought from a lower decision making authority to a higher authority for determination.

APPROVAL

Written notice by an authorized representative of the City of Ross approving the design, progress, or completion of work.

ARCADE

A covered passageway, typically found at street level, often comprised of a series of arches supported by columns.

ARTICULATION

Describes the degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors, or textures.

ARTS AND CRAFTS OUTDOOR SHOW

Outdoor display and sale of painting, sculpture, hand crafts, and similar objects.

ASSESSED VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity assigned by the Mountrail County Property Appraiser's office for the purposes of taxation.

AWNING

Means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. The awning area is a roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the awning/canopy or cantilevered from the building. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

AWNING SIGN

A sign painted on, printed on or otherwise attached flat against the surface of an awning.

AXIS

The centerline of a structure that divides it into two halves.

BACK-LIT AWNING SIGN

An internally illuminated fixed-space frame structure with translucent, flexible, reinforced covering designed in awning form, either with or without graphics or copy applied to the visible surface of the awning.

BACKGROUND NOISE

The term used to describe the noise measured in the absence of the noise under investigation. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for 90 percent of a sample period. This is represented as the L90 noise level.

BACKHAUL NETWORK

The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network through the use of existing wire line networks, fiber systems, microwave links, or other transport technology.

BALCONY

A porch or other outdoor use area associated with the upper floor(s) of a building.

BANNER

A fabric device, either solid in color or displaying a civic or private symbol, message or pattern, whether flown on a flagpole, draped or displayed by some other method. The term banner also includes all other forms of bunting and fabric or metallic festoonery, whether "stars and stripes" or other colors, used for festive occasions or to draw attention to a place or event.

BARRIER PLANT

A plant that, by its characteristics, would act as a barrier to pedestrian movement.

BASEMENT

A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet (as distinguished from a cellar, which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than 6.5 feet).

BERM

In the context of landscaping or buffer yard requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

BILLBOARD (OFF-PREMISES)

A sign that advertises products or services that are not sold on the premises upon which the sign is constructed.

BLOCK FACE

The lands abutting one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.

BUFFER

A perimeter area around a lot or parcel which, through landscape planning, distance, or structures, is designed to improve nuisances between adjacent land uses or between a land use and a street.

BUFFER YARD

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUFFER ZONE

For purposes of the alcoholic liquor business regulations of this Code, a protected area created by measuring around and parallel to the property line of the subject use outward and in which no type of alcoholic liquor business can be operated.

BUILDING

Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

- Is permanently affixed to the land;
- Has one or more floors and a roof; and
- Is bounded by either open space, yards, or the lot lines of a lot.

BUILDING, PRINCIPAL

The building or structure on a lot used to accommodate the primary permitted use, possibly occurring in more than one building or structure.

BUILD-TO ZONE

The Build-To Zone is defined by a minimum percentage of each building façade that shall be built to the minimum setback. The balance of the building shall be built at a distance not to exceed the maximum build-to line.

BULKHEAD

The portion of a building’s facade closest to the ground.

CANOPY, BUILDING

A rigid, multi-sided structure covered with fabric, metal, or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

CHANNEL LETTER

A fabricated or formed three-dimensional letter, number, or symbol.

CHARACTER

Those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

CITY

The City of Ross, North Dakota.

CITY COUNCIL

The City Council for the City of Ross.

CODE

Development Code of the City of Ross, North Dakota.

COMMERCIAL MESSAGE

Words, symbols, logos, pictures, or any combination of elements that identify or direct attention to a business, commodity, service, or entertainment sold or offered for sale or a fee.

COMMERCIAL VEHICLE

Every vehicle designed, maintained, or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, or any vehicle of over 10,000 pounds gross unloaded weight, but not including any residential mobile home or motor home. Storage of a commercial vehicle or vehicles constitutes a commercial use of land; but this provision shall not be interpreted to prohibit the parking of a single commercially licensed automobile at a residence.

COMMUNITY DEVELOPMENT DIRECTOR

The Community Development Director/Auditor for the City of Ross, North Dakota.

COMPATIBLE OR COMPATIBILITY

The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPLETE APPLICATION

An application for development approval or a permit that has been submitted in the required format, including all mandatory information and accompanied by the established fee.

COMPREHENSIVE PLAN

The master plan of the City of Ross, entitled the, “Ross Comprehensive Plan”.

COMPREHESIVE PLAN AMENDMENT

An application to modify the text or future land use map of the adopted Ross Land Use Plan.

CONDITIONAL USE PERMIT

A discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features.

CONDITIONALLY PERMITTED

A use permitted subject to approval of a conditional use permit or temporary use permit.

CONNECTING WALKWAY

(1) Any street sidewalk, or (2) Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways and around buildings, or to follow parking lot outlines that are not aligned to a logical route.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSTRUCTION

Any or all activity, except tunneling, necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks, utility lines, or other property, including land clearing, grading, excavating, and filling.

CONTINUOUS SOUND

Any sound that exists essentially without interruption for a period of ten minutes or more.

CORNICE

A horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

COURT

An open space of prescribed dimensions opposite a required window of a habitable room in a multifamily dwelling that is unobstructed by structures and open to the sky, except as otherwise provided in this Title.

COUNTY

The County of Mountrail, North Dakota.

CROSS-ACCESS

Vehicular access provided between the vehicular use areas of two or more development sites or parcels of land intended to allow travel between the sites without the use of a public or private street.

CUPOLA

A dome-like structure on top of a roof or dome, often used as a lookout or to admit light and air.

CURB

A stone, concrete or other improved boundary usually demarcating the edge of a roadway, parking lot or other paved area.

CUT SLOPE

The exposed ground surface resulting from the excavation of material from the natural terrain.

DECIBEL

A unit of measure of sound (see “sound pressure level”). The level of noise is measured objectively using a sound level meter. This instrument has been specifically developed to mimic the operation of the human ear. The human ear responds to minute pressure variations in the air. These pressure variations can be likened to the ripples on the surface of water but of course cannot be seen. The pressure variations in the air cause the eardrum to vibrate, and this is heard as sound in the brain. The stronger the pressure variation, the louder the sound is heard. The standard notation is dB.

DECISION-MAKING BODY

The entity (typically City Council or Planning Commission) that is authorized to finally approve or deny an application or permit required under this Development Code.

DECK

A platform, either freestanding or attached to a building, which is supported by pillars or posts.

DESIGN REVIEW

The review of a site plan or other diagrammatic display of a proposed development, including lot lines, public infrastructure, buildings, and site elements such as landscaping, parking, fencing, and similar features.

DEVELOPED RESIDENTIAL DISTRICT

A district zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

DEVELOPMENT

The carrying out of any building activity or mining operation and the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see “Subdivision” below).

A. The term “development” includes:

1. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land.
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development.
3. Any change in use of land or a structure.
4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland.
5. The clearing of land as an adjunct of construction.
6. The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling, or excavation on a parcel of land.
7. The deposit of refuse, solid or liquid waste, or fill on a parcel of land.
8. The installation of landscaping within the public right-of-way when installed in connection with the development of adjacent property.

B. The term “development” does not include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility and other entity or persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
3. A change in the ownership or form of ownership of any parcel or structure.
4. Creation or termination of rights of access, easements, or covenants concerning development of land or other rights in land.

DEVELOPMENT AGREEMENT

A discretionary process where an applicant proposes an alternative set of development standards intended for application to a specific development which are reviewed and approved by the City Council.

DEVELOPMENT CODE TEXT AMENDMENT

The process by which the text of this Development Code text is revised in accordance with all City and State laws.

DEVELOPMENT STANDARDS

Regulations that limit the size, bulk, or siting conditions of particular types of buildings or uses located within any designated district.

DIGITAL VIDEO DISPLAY

An electronic graphic display sign capable of displaying digital videos.

DIRECTOR OF BUILDING AND FIRE SAFETY

The Director of Building and Safety for the City of Ross, North Dakota.

DISTRIBUTION LINE

An electric power line bringing power from a distribution substation to consumers.

DISTRICT

A base or overlay zoning district within which the use of land and structures and the location, height, and bulk of structures are governed by this Code.

DORMER

A window or other projection from a roof that includes its own roof.

DRIVE-THROUGH FACILITY

An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY

A private roadway providing access to a street or highway from a building or structure.

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with a single kitchen, sleeping, and bathroom facilities for the exclusive use of a single household.

DYNAMIC BRAKING DEVICE

A device used primarily on trucks and buses that controls braking by using the retarding forces within an engine to slow a vehicle down, as opposed to using an external braking mechanism, for example friction brakes or magnetic brakes, commonly referred to as an engine or “jake” brake.

EASEMENT

A grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC MESSAGE CENTER

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

EMERGENCY WORK

Work required to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

EROSION

Means the wearing away of the ground surface as a result of movement by wind or water.

EXCAVATION

Means the mechanical removal of earth material.

FAA

The Federal Aviation Administration.

FAMILY UNIT

A family unit is defined as a person living alone or any of the following groups living together as a stable single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. any number of related people and no more than two unrelated persons;
- B. six unrelated people; or
- C. two unrelated people and any minor children related to either of them.

A family unit does not include any society, club, fraternity, sorority, lodge, organization, or group where people come and go on a transient basis or where the relationship is merely based on a commercial basis; rather, the composition of a family unit must be sufficiently stable and permanent and of a demonstrable bond characteristic of a cohesive family unit. The size of a family unit is subject to the maximum dwelling unit occupancy set forth in the Ross Municipal Code. For purposes of this section, “related” means by blood, marriage, adoption, guardianship, or other duly and legally authorized custodial relationship.

FARMERS MARKET

A designated area where on designated days and times, agricultural and home manufactured products may be sold directly to the public in accordance with City regulations. The City shall have the right to relocate or discontinue a market to specify the days and times of its use and to stipulate what goods may be sold.

FCC

The Federal Communications Commission.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENCE, DECORATIVE

A continuous permanent or temporary structure designed primarily for aesthetic appeal and not intended or designated as a method of prohibiting entry to a property.

FESTOON

A string or garland suspended in a loop or curve between two points.

FILL SLOPE

The exposed ground surface resulting from the placement of excavated material on the natural terrain.

FINAL PLAT

A map prepared in accordance with the provisions of State and County Statutes and any applicable local ordinance that is designed to be placed on record in the office of the Mountrail County Recorder.

FIRE LANE

A “Fire Apparatus Access Road” as defined in the Fire Code.

FLAG

The flag of a recognized government and its agencies or a flag-like device not bearing governmental emblems, whether flown from a flagpole, draped, or displayed by some other method.

FLOODPLAIN

A natural watercourse and adjacent low-land areas that would be inundated by flood waters that are generated from a 100-year storm.

GARAGE

A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with no facilities for mechanical service or repair of a commercial or public nature.

GRADE

The vertical alignment of a surface of land as it exists or as rendered by cut or fill activities.

GRADING

Rearrangement of the earth’s surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

GRUBBING

The removal of trees and other large plants by their roots.

HABITABLE STRUCTURE

A structure that has facilities to accommodate people for an overnight stay, including, but not limited to, residential homes, apartments, condominiums, hotels, motels, and manufactured homes, and which does not include recreational vehicles.

HARDSCAPE

The part of a development's grounds consisting of structures, such as patios, retaining walls, and walkways, made with hard materials.

HAZARDOUS WASTE OR MATERIALS

Chemicals or substances that are physical or health hazards as defined and classified in the Fire and Building Codes and Title 29 of the Code of Federal Regulations, such as: explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers, and other health hazards.

HIGH-VOLTAGE TRANSMISSION LINE

A facility that transmits a minimum of 69 kilovolts of electrical power.

HOSTEL

An establishment operated, managed, or maintained under sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended, or that is licensed by and operated under the rules of Hosteling International -American Youth Hostels, or a comparable hosteling umbrella organization approved by the City Council. Such uses provide beds for rent on a daily basis in individual rooms or dormitories, and guests shall be provided toilet and bathing facilities. This use type does not include homeless shelters, honor camps, halfway houses, and for early-release shelters operated through the judicial system or in conjunction with or in lieu of incarceration in a penal institution. Hostels are also distinguished from drug, alcohol, or other rehabilitation facilities or similar institutional facilities providing physical or psychological care.

ILLUMINATION, DIRECT

Illumination by means of light that travels directly from its source to the viewer's eye.

ILLUMINATION, EXTERNAL

A lighting source that projects light onto a sign surface from an exterior location to the sign itself.

IMPULSE SOUND

A noise containing excursions usually less than one second as measured on a peak un-weighted sound pressure measuring instrument.

INFRASTRUCTURE

Man-made structures that serve the common needs of the population, such as: potable-water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

INTERPRETATION

The process whereby the Community Development Director/Auditor interprets or explains the provisions of this Code in relation to a proposed use or activity.

KITCHEN

That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. A kitchen indicates the presence of complete cooking facilities (i.e., stove, oven and/or microwave oven, refrigerator, dishwasher, and sink). For the purposes of this Code, a natural gas stub or a 220 volt electrical outlet/wiring shall classify any food preparation area as a kitchen.

LANDSCAPING

An area devoted to or developed and maintained with native or exotic plantings; lawn; groundcover; gardens; trees; shrubs and other plant materials; decorative outdoor landscape elements; pools; fountains; water features; paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas); and sculptural elements. Plants on rooftops and porches or in boxes attached to buildings are not considered landscaping.

LANDSCAPING, INTERIOR PARKING LOT

A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding walkways providing direct access to the facility, driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

LANDSCAPING, PERIMETER

A landscaped area adjoining the perimeter or exterior boundary of a subdivision, project, parking, loading or similar paved area, excluding driveways or walkways providing access to the subdivision, project or other facility.

LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabric items in machines operated by the patron.

LIGHTING, INDIRECT

Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.

LIGHTING, HALO OR SILHOUETTE

A type of indirect sign illumination where a concealed light source illuminates the wall behind sign letters.

LOADING AREA

An off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.

LOT

A piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied or intended to be occupied by one or more buildings, structures or uses, together with such open spaces and access to or frontage on a street, as required by this Code.

LOUDNESS

A rise of ten dB in sound level corresponds approximately to a doubling of subjective loudness. That is, a sound of 85 dB is twice as loud as a sound of 75 dB, which is twice as loud as a sound of 65 dB, and so on. That is, the sound of 85 dB is 400 times the loudness of a sound of 65 dB.

MAIN BODY

As used in the design standards, the primary mass of a house or other building. The main body may be augmented by side or rear wings as well as bays, porches, and balconies.

MALT BEVERAGE

Beer, ale, porter, stout, or other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

MANUFACTURED HOME

A structure that is:

- A. Built on a permanent chassis.
- B. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities.
- C. Transportable in one or more sections.
- D. Eight feet or more in body width or 40 feet or more in body length when transported or, when erected onsite, contains 320 square feet or more.
- E. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.).

MARQUEE

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

MASTER PLAN

The provisions for development of land including all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

MASTER SIGN PLAN

A plan establishing the requirements for the size, location, and design of signs within a development that is constructed or managed as a single development.

MATERIAL STRUCTURE VALUE

The cost of labor and materials necessary to erect a sign. The term does not include any revenue or expenses related to the lease of real property upon which the sign is located.

MAXIMUM EXTENT FEASIBLE

Means that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining “maximum extent feasible.”

MAXIMUM PRACTICAL EXTENT

Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

MIXED-USE

The development of a site, building, or structure with two or more different uses including, but not limited to, residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

MOBILE HOME

A vehicle without motor power designed or equipped for long-term habitation purposes and to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle. This use type does not include travel trailers, commercial coaches, manufactured homes, or any structure built in compliance with the requirements of State Statutes.

MOBILE HOME LOT

Any area or tract of land designated, designed, or used for the occupancy of a mobile home.

MOTOR COURT

The vehicular access to housing units within a cluster.

MOTOR HOME

Means any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for the storage or conveyance of materials, tools, equipment or machinery, and so designed that it is or may be mounted on wheels, used as a conveyance on highways and streets, and propelled by its own motor power.

MULTI-TENANT DEVELOPMENT

A development (either a single or multiple-building development) consisting of two or more business establishments. The tenants of a multi-tenant development typically share vehicle access and parking facilities. Building entrances may be separate or common.

MURAL

A graphic representation that is painted on a building, wall, or fence.

NOISE

Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE OR UNREASONABLE NOISE

Any sound that annoys, injures, or endangers the safety or health of a reasonable person(s) with normal sensitivities or endangers the comfort, repose, health, hearing, peace, or safety of another person(s), or that causes injury to, or damage to property or business.

NONCONFORMING LOT

A lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment to conform to all the present requirements of this Code.

NONCONFORMING STRUCTURE

A structure that was lawfully erected but does not conform with the standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code or by reason of annexation of territory to the City.

NONCONFORMING USE

The use of a structure or land that was lawfully established and maintained, but does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMING SITE

A site that was lawfully established and maintained, but does not conform with the applicable development standards (e.g., landscaping, parking) for the district in which it is located by reason of adoption or amendment of this Title or by reason of annexation of territory to the City.

NONCONFORMITY

A nonconforming use, lot, site, structure, or building.

OFF-STREET LOADING

A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

OFF-STREET PARKING

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

OPEN SPACE, COMMON

A parcel or parcels of land, an area of water, or a combination of land and water within the site that is designated and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

OPEN SPACE, NATURAL

Protected lands that, depending on their resource sensitivity, are conserved in their natural state restored, or improved with appropriate native landscaping to retain a natural or natural-appearing condition and are integrated into an interconnected open space and trails system. Natural open space may include appropriate public trails or other public improvements. Open space is typically publicly-owned and maintained.

OPEN SPACE, PRIVATE

A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

OPEN SPACE, USABLE

An outdoor or unenclosed area on the ground or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard, and excluding any space with a dimension of less than six feet in any direction or an area of less than 36 square feet. The area must be surfaced with lawn, pavers, decking, or sport-court-type that allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be

placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

OPPOSITE

Walls, windows, signs, districts or property lines are deemed “opposite” if a line perpendicular to a vertical plane through one element and having its widest horizontal dimension would intersect a similar vertical plane through another element.

OUTDOOR ACTIVITY

Any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot, and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OUTPARCEL

A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, and that is intended for development of one or more smaller independent buildings usually located adjacent to a development’s street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings. Also known as Pad Site.

OVERLAY DISTRICT

A zoning district that encompasses one or more underlying base zoning districts and that imposes additional or alternate requirements to that required by the underlying zone(s).

PARAPET

A building facade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARCEL

All real property for which a development permit is applied.

PARKING AISLE

The traveled way by which cars enter and depart parking stalls or spaces.

PARKING AREA

Any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING LOT

An off-street, ground-level, open area for the temporary storage of motor vehicles.

PARKING, SHARED

Joint use of a parking lot or area for more than one use.

PARKING SPACE

The space or area in which a vehicle would park in a private or public parking lot.

PARKING STRUCTURE

A building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

PASEO

A linear park or path designated for walking or recreation.

PEDESTRIAN ARCADE

A public or private right-of-way across a block or within a block to provide access to be used by pedestrians.

PEDESTRIAN ORIENTATION

Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size, and they are not emphasized by the design of the site.

PEDESTRIAN SCALE

The use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

PERMITTED

As related to a particular use type, “permitted” means the use is allowed without a requirement for approval of a use permit or temporary use permit.

PERSON

Any individual, partnership, company, corporation, association, firm, organization, government agency, administration, or department, or any other group of individuals, or any officer or employee thereof.

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature. This term is also used for the supporting structures of masonry walls.

PLAINLY AUDIBLE NOISE

Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensive of whether a voice is raised or normal, or comprehensible musical rhythms.

PLAN

The provisions for development of a planned unit development, including a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, private streets, ways, and parking facilities, common open space, and public facilities.

PLANNED UNIT DEVELOPMENT

An area of land controlled by a landowner that is to be developed as a single entity for one or more planned unit developments, one or more public, quasi-public, commercial or industrial areas, or any combination of these uses.

PORCH

A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

PORTICO

A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

POWER TOOL

Any device powered mechanically, by electricity, by gasoline, by diesel fuel, or by any other fuel, which is intended to be used or is actually used for, but shall not be limited to, the performance of such functions as cutting, nailing, stapling, sawing, vacuuming, or drilling.

PRE-EXISTING

A use or condition in existence prior to the effective date of the subject provision.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS

Any tower or antenna for which a building permit, design review, or conditional use permit has been properly issued prior to the effective date of this Code, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not yet expired.

PRIMARY ENTRANCE

A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

PRIMARY FACADE

The side of the building containing the primary entrance, or the side of a building facing the street from which the building derives its street address.

PRIMARY STREET

The street adjacent to and facing the primary front facade of a structure.

PRINCIPAL USE

See "Use, Principal."

PROJECT

Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this Code.

PROJECT OF SIGNIFICANT IMPACT

A development project resulting in 500 or more dwelling units, 300 or more hotel rooms, nonresidential development on 160 or more acres, or commercial/industrial development generating over 3,000 average daily vehicle trips.

PROPERTY BOUNDARY

An imaginary line at the ground surface, and its vertical extension, that separates the real property owned by one person from that owned by another person.

PROTECTED USE

School sites, religious assemblies, and day-care centers as defined in the Ross Municipal Code.

PUBLIC RIGHT-OF-WAY

Land owned by the United States of America, the State of North Dakota, Mountrail County, or the City of Ross, that is used, reserved, or intended for use for pedestrian or vehicular travel.

REAL PROPERTY

A lot or parcel of land together with all structures located thereon.

RECREATIONAL VEHICLE

As defined in the Ross Municipal Code.

REDEVELOPMENT AREA REVIEW

A process where proposed development is reviewed for consistency with an applicable redevelopment plan for a specific portion of the City that has already been adopted by the City Council.

RETAINING WALL

A wall designed and constructed to withstand lateral earth and hydrostatic pressures.

REVEGETATION

The placement of native living plant materials or seeds on areas where the natural vegetation has been removed. Such areas include disturbed natural areas and manmade cut and fill slopes.

REVERSION TO ACREAGE

A process where the lot lines of two or more platted lots within a subdivision are removed or relocated to form a single larger parcel or site.

REVIEW BODY

The entity (typically City staff or Planning Commission) that is authorized to recommend approval or denial of an application or permit required under this Code.

REZONING

A legislative process where the official zoning map designation for a lot, portion of a lot, or group of lots is changed in accordance with State and Local Codes.

RMC

Ross Municipal Code.

ROSS MUNICIPAL CODE (RMC)

The Municipal Code of the City of Ross, North Dakota.

ROUTINE MAINTENANCE

Normal repair and upkeep of a sign’s or billboard’s structural integrity and appearance. The term does not include any increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.

SCHOOL SITE

A public or private facility recognized by the State of North Dakota Board of Education that provides educational instruction to children in grades kindergarten to twelfth grade, has a minimum enrollment of 25 students, and conducts classes on either a nine-month or 12-month basis, or parcels with an existing use permit for a school.

SECONDARY STREET

A street facing a secondary or side/rear facade of a structure.

SEXUAL ACTIVITIES, SPECIFIED

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts.

SHADED WALKWAY

For purposes of this Code, a shaded walkway shall be any one of the following:

- A sidewalk at least ten feet wide made of pervious concrete with shade trees at 30-foot intervals or of standard concrete with the trees planted in grates at the same distance.
- A five-foot sidewalk adjacent to a landscape strip at least ten feet wide planted with shade trees at 30-foot intervals.
- A sidewalk at least six feet wide covered with weather-protection materials (such as awnings, an arcade, or other structure).

SHADE TREE

A tree grown primarily to produce shade.

SHOPPING CENTER

Any structure or group of structures housing any assemblage of commercial and/or retail uses, including personal services, food service, and other ancillary uses, with a minimum 25,000 square feet of gross floor area upon a single lot or parcel of land, or upon contiguous parcels of land that have common vehicular access and parking facilities. A shopping center may consist of one or more “out parcels” under separate ownership or lease that contain complementary commercial enterprises.

SIDE OR REAR WINGS

As used in the design standards, massing forms of a house or building subordinate to the main body attaching to the side or rear faces of the main body. Side or rear wings are usually smaller than the main body. Wings are typically limited to a maximum width of one third the width of the main facade.

SIGN

A visual communications device used to convey a message to its viewer. A sign means and includes every advertising message, announcement, declaration, insignia, mural, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of any establishment, product, good or service, or the interests of any person or entity.

SINGLE FAMILY RESIDENCE

A structure containing one or more dwelling units in which resides a family unit. This classification includes homes for individual residential care, residential facilities for groups, and

halfway house for recovering alcohol and drug abusers pursuant to the provisions of State Statutes.

SINGLE OWNERSHIP

Holding record title, possession under a contract to purchase or possession under a lease by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

SITE

A lot or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit that is proposed for development in accordance with the provisions of this Code and is in a single ownership or has multiple owners, all of whom join in an application for development.

SITE DISTURBANCE

The area on a lot or parcel, excluding streets, that has been graded, excavated, cleared or grubbed, or contains cut slopes or fill slopes.

SOIL

All earth material of any origin that overlies bedrock and may include a decomposed zone of bedrock that can be excavated by mechanical equipment or blasting.

SOLAR REFLECTANCE INDEX (SRI)

A composite index used to estimate how hot a surface will get when exposed to full sun. The temperature of a surface depends on the surface’s reflectance and emittance, as well as solar radiation. The Solar Reflectance Index (SRI) is used to determine the effect of the reflectance and emittance on the surface temperature, and varies from 100 for a standard white surface to zero for a standard black surface. The SRI is calculated using ASTM E1980, “Standard Practice for Calculating Solar Reflectance Index of Horizontal and Low-Sloped Opaque Surfaces.”

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distance points that evokes an auditory sensation.

SOUND LEVEL METER

A sound level measuring device, either Type I or Type II, as defined by American National Standards Institute Specifications S 1.4-1971. A sound level meter for the purposes of this Code shall contain at least an A-scale and both fast and slow meter response.

SOUND PRESSURE LEVEL

In decibels (dBA), is 20 times the logarithm to the base ten of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is ten micropascals per square meter. Abbreviated LP or SPL.

STEADY NOISE

A sound pressure level that remains essentially constant during the period of observation and does not vary more than six dBA when measured with the slow response of the sound level meter.

STREET

An improved vehicular passage within a right-of-way that affords the primary means of access to abutting lots. The term “street” includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

STREET, COLLECTOR

A street that collects traffic from local streets and connects with minor or major arterials, and that is defined specifically as such on the City’s Master Streets, Water & Sewer Plan.

STREET, CUL-DE-SAC

A minor street with only one outlet, which provides for an adequate turning area for vehicular traffic at its terminus.

STREET FRONTAGE

The frontage of the parcel or lot with access to the public right-of-way.

STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through-traffic, and that is defined specifically as such on the City’s Master Streets, Water & Sewer Plan.

STREET, MAJOR ARTERIAL

A street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials, and that is defined specifically as such on the City’s Master Streets, Water & Sewer Plan.

STREET, MINOR ARTERIAL

A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets, and that is defined specifically as such on the City’s Master Streets, Water & Sewer Plan.

STREET, PRIVATE

A street that has not been accepted by the municipality or other governmental entity.

STREET, PUBLIC

A right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Ross for perpetual maintenance.

STREET STUB

A terminated street intended for future connection.

STRUCTURE

Any manmade construction in, on, or over the ground or water, including: buildings, stadiums, platforms, radio towers, sheds, storage bins, fences, improved facilities for drainage, flood control, retention, public recreation, and other facilities.

SWIMMING POOLS AND HOT TUBS

Water-filled enclosures having a depth of 18 inches or more used for swimming or recreation.

TOBACCO PARAPHERNALIA/ACCESSORIES

Includes pipes, pipe tampers and cleaners, cigar cutters, humidors, lighters, cigarette papers or wrappers, holders of smoking materials of all types, hookahs, cigarette rolling machines, and other similar accessories designed for the smoking or ingestion of tobacco products.

TRAFFIC IMPACT STUDY

A report analyzing anticipated roadway conditions with and without an applicant’s development, and may also include a parking study and overall access management plan for the development site.

TRAILER

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or for the conduct of any business, trade or occupation, or for use as a selling or advertising device, or for the storage or conveyance of materials, tools, equipment, machinery, or recreational apparatus, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by the motor power of another vehicle.

TRANSMISSION LINE

An electric power line bringing power to a receiving or distribution substation.

TREILLAGE

Two or more trellis structures.

UNDISTURBED AREA

The area on a lot or parcel that has not been graded for access, a building pad, or a driveway. Undisturbed areas may include areas that are fenced and landscaped.

USE

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

USE, PRINCIPAL

The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained.

USE, SIMILAR

A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.

VACATION, TYPE I

A process where the City abandons interest in any public street or easement.

VACATION, TYPE II

A process where the City abandons interest in an easement for municipal utility (water or sewer) or controlled by the City. (Municipal Utility Easement).

VARIANCE

A grant by the Planning Commission permitting an owner to use a lot not wholly in accordance with the provisions of this Code because the Commission finds that strict conformance would be an unusual hardship not created by the owner, but depriving him of reasonable use of the lot. Such a grant specifies a minimum deviation or deviations from the regulations intended to cure the hardship, but not create detrimental conditions affecting abutting property owners or the public-at-large.

VEGETATION

Trees, grass, shrubs, or vines.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ANTIQUE

Any vehicle older than 40 years.

VEHICLE, CLASSIC

Any vehicle between 25 and 40 years old.

VEHICLE, CUSTOM

Any vehicle that has been significantly modified after delivery from the manufacturer for the purpose of enhancing engine performance, suspension performance, braking, handling, appearance, or other permanent and significant modifications to the body, electrical systems, parts or engine thereof that distinguish the vehicle from original equipment manufacturer's

(OEM) specifications, other than minor cosmetic modifications including, but not limited to, pinstriping or decals.

VEHICLE TRAVEL DISTANCE -- LIQUOR ORDINANCE (VTD)

The most direct path measured along the centerline of a street or streets that begins at a point on the centerline closest to the property line of a protected use and ends at a point on the centerline of the street that is closest to the occupied space of a proposed liquor use. In instances where more than one street abuts the property where a proposed liquor use is to be located, the vehicle travel distance ends at a point on the centerline of the street that is nearest to the occupied space of the proposed liquor use.

VISIBLE

Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

VISIBLE LIGHT TRANSMITTANCE

An optical property that indicates the amount of visible light transmitted. The higher the visible transmittance, the more light is transmitted. A high visible transmittance is desirable to maximize daylight.

YARD

An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this Code, including a front yard, side yard, or rear yard.

ZONING MAP AMENDMENT

A formal application and procedure for amending the official zoning map.