

## **ARTICLE II. DEFINITIONS**

### **A. Purpose**

Certain terms used in these regulations shall have the meanings defined by this Article. In the event that a term is not listed in this Article; or is not defined elsewhere in the Zoning Ordinance of the City of Auburn, the Auburn City Code, or Sections 11-52-30 through 11-52-36 of the 1975 Code of Alabama, as amended; then the conventional meaning of such term shall apply.

### **B. Interpretation**

The Planning Director of the City of Auburn is hereby authorized to make a final determination of any term used in these regulations. In case of a dispute over such interpretation a written appeal of the Planning Director's determination may be filed with the Planning Commission. Such appeal must be filed within 15 days of such determination.

### **C. Use of Words**

In the interpretation of these regulations, the provisions and rules of this Section shall be observed and applied, except where the context clearly requires otherwise.

Words used or defined in one tense or form shall include other tenses and derivative forms.

Words in the singular number shall include the plural number; and words in the plural number shall include the singular number.

The masculine gender shall include the feminine; and the feminine gender shall include the masculine.

The word "shall" is mandatory. The word "may" is permissive.

The word "person" includes an individual, firm, association, organization, partnership, trust, company, or corporation.

In case of any conflict between the text of these regulations and any caption, illustration, figure, or other graphic material, the text shall govern.

### **D. Terms Defined**

For the purposes of these Regulations, certain words and phrases used herein are defined as follows:

**Agriculture:** The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; and the usual and necessary accessory facilities for packing, treating and storage of the produce of such activities. None of these uses shall include the commercial feeding of offal or garbage to swine.

**Alley (public):** A public right-of-way, not less than 25 feet wide, either used or shown on any recorded description of the subject parcel(s) which affords only a secondary means of access to abutting property.

**Applicant:** One (1) individual, entity or agency that is legally authorized to submit subdivision plats for review and apply for any form of subdivision approval or waiver with respect to a development site.

**Application for Development:** The application forms and all accompanying documents required by these regulations or other regulations for the approval of a subdivision plat or site plan.

**Block:** A tract or parcel of land entirely surrounded by streets, streams, railroad right-of-way, parks, or other public spaces, or by a combination thereof.

**Building Footprint:** The outline of the total area that a building covers.

**Building Line:** A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or the City of Auburn Zoning Ordinance and these Regulations.

**Building Setback:** The line, generally parallel to a lot line or road right-of-way line, indicating the minimum horizontal distance between the lot line and the face of the building, as required by the Zoning Ordinance. In those cases where the Building Line and the Building Setback are not identical, the greater of the two shall take precedence. Platting required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance; thereby complicating enforcement. In the case of a setback or building line represented on a recorded plat which is less restrictive than that required by the current Zoning Ordinance, the setback required by the Zoning Ordinance shall prevail.

**City:** The City of Auburn, Alabama.

**City Attorney:** The licensed attorney designated by the City Council to furnish legal assistance in the administration and enforcement of these regulations.

**City Council:** The City Council of the City of Auburn, Alabama.

**City Engineer:** The registered engineer designated by the City Manager to furnish engineering assistance in the administration and enforcement of these regulations.

**Concept Plan:** A generalized plan showing the entire development site of a conservation subdivision and meeting the requirements of Article VI, Section F.

**Conservation Area:** Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal means.

**Conservation Subdivision:** A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for open space or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity.

**Conservation Easement:** A legally enforceable agreement of a holder in real property that restricts the manner in which the land may be developed in an effort to protect natural, scenic, or open space values of real property.

**Comprehensive Plan:** A composite of the plans (including the latest adopted version of the City's Land Use Plan, Major Street Plan, Plan for Sewer Service, Plan for Water Distribution Facilities, Bikeway Plan, Greenways Plan, and Capital Improvements Program), maps, official reports and explanatory material adopted by the Planning Commission and/or City Council for the guidance of the growth and development of the City of Auburn.

**Cul-De-Sac:** A local street with one outlet, and having an appropriate terminal for safe and convenient reversal of traffic movement.

**Dedication:** The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**Density:** The number of dwelling units per acre of land, usually expressed in units per gross acre.

**Developer:** The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease.

**Development:** The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to these Regulations or other codes and ordinances of the City.

**Development Phase:** A portion, part or geographical area within a development site that constitutes a stage of the development project with each stage being capable of existing independently of the other stages.

**Drainage Facilities:** Structural and nonstructural elements designed to collect stormwater runoff and convey it away from structures and through the roadway right-of-way in a manner which adequately drains sites and roadways and minimizes the potential for flooding and erosion.

**Easement:** Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under these Regulations that has not been created through valid legal instruments and recorded in the Office of the Judge of Probate of Lee County, except those established by the City through continuous and historic use.

**Easement, Public:** An easement intended to accommodate utilities and/or drainage facilities; or to provide public access to pedestrian ways, bikeways, greenways, public parks and other public facilities. Such easements shall be accepted for dedication by resolution of the City Council.

**Engineering Plan:** Plans prepared by a registered engineer showing details of the design and construction of required improvements in a proposed subdivision.

**Erosion:** The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

**Erosion Control:** Measures and actions which are to be taken to control potential erosion and sedimentation problems.

**Family Subdivision:** Division of land by the property owner resulting in a sale, deed, or transfer of land to any individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43 of the Alabama State Code (1975), relating to intestate succession.

**Final Plat Approval:** The official action of the Auburn Planning Commission taken on a preliminarily approved plat, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements installed, or guarantees properly posted for their completion; or approval conditioned upon the posting of such guarantees.

**Final Plat:** The map or plan or record of all or a portion of a subdivision, and any accompanying materials presented for final approval and recording as required in these regulations.

**Flag Lot:** Any lot, that is, generally, in the shape of a flag extended at the end of a pole, wherein the pole portion of the lot serves to provide the required street frontage, and the flag portion of the lot serves to provide the buildable area of the lot. Any lot which narrows to a dimension of less than 50% of the lot width at any point between a street and the front building line shall be considered a flag lot.

**Grade:** The slope of land or a built feature such as a street, specified in percentage terms.

**Grand Tree:** Any tree, whether on public or private property which has a diameter at breast height (DBH) of thirty-two (32) inches or greater, or a circumference at four and one half (4 ½) feet above ground level of one hundred (100) inches or more.

**Greenway:** Interconnected linear corridors of natural land, preserved as open space, which follow natural, water, or man-made features. They connect people and places together, and when they include trails, they provide routes for alternative non-motorized transportation; a specific type of greenspace.

**Health Department:** The Lee County and State of Alabama Health Departments.

**Homeowners' Association:** An incorporated nonprofit organization operating under recorded land agreements in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.

**Horticulture:** The use of land for the growing of fruits, vegetables, flowers, or ornamental plants and trees.

**Impervious Surface Ratio (ISR):** A measure of the intensity of land use, which is determined by dividing the total area of all impervious surfaces on the development site by the total area of the site.

**Improvement:** Any built or constructed immovable item which becomes part of, placed upon, or is affixed to, real estate.

**Interlocal Agreement:** Written agreement between Lee County and City of Auburn providing joint review of subdivision activity in the City of Auburn's Planning Jurisdiction.

**Lot:** A parcel of land occupied by, or designated to be developed for, one (1) or more buildings or principal uses and the accessory buildings or uses customarily incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by these Regulations for such building, use, or development.

**Lot Area:** The area contained within the boundary lines of a lot.

**Lot, Corner:** A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

**Lot Depth:** The distance between the midpoints of the front and rear lot lines.

**Lot, Double Frontage:** A lot, other than a corner lot, which has frontage on more than one street.

**Lot Frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured at each such line.

**Lot Layout:** A design prepared for review and initial comment at a pre-application meeting.

**Lot Line:** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Lot Line, Front:** In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one as the front lot line for the purposes of setbacks and placement of accessory structures.

**Lot Line, Rear:** That lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** Any validly recorded lot which complies with all currently applicable laws, ordinances, and regulations. (See also Nonconforming Lot of Record)

**Lot Width:** The horizontal distance between side lot lines measured at the right-of-way.

**Major Street Plan:** A component of the Comprehensive Plan showing the general location of existing and proposed major streets in the City of Auburn and its planning jurisdiction.

**Monument:** A permanent object serving to indicate a limit to or mark a boundary.

**Nonconforming Lot of Record:** Any lot, validly recorded in the public records of Lee County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date, but does not conform to current applicable regulations. (See also Lot of Record).

**Open Space:** Any lot or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

**Open Space (Conservation Subdivision):** Any parcel or area of land or water that is a portion of the Conservation Subdivision and has been set aside for permanent protection. Activities within the Open Space shall be restricted in perpetuity through use of a legal instrument.

**Owner:** The person or persons having legal title to a lot or parcel of land.

**Outlot:** A lot or remnant parcel of land left over after platting or other division of land that does not meet standards of the zoning ordinance or the subdivision regulations. Such a lot is unbuildable and no permits to construct upon or improve an outlot may be issued, except that it may be used for public improvements, such as water, sewer, power, gas, and communications, or for cemeteries.

**Planned Greenway:** A public greenway as identified in the City of Auburn Greenspace and Greenways Master Plan.

**Planning Commission:** The Auburn Planning Commission created by the City of Auburn under the authority of Chapter 52, Article 1, of the Code of Alabama, 1975, as amended.

**Planning Jurisdiction:** All land located within the corporate limits of the City of Auburn and within one and one half (1.5) miles thereof, and not located within the corporate limits of any other city or within the planning jurisdiction of any other city having a planning commission, in accordance with Chapter 52, Article 2, Section 11-52-30 of the Code of Alabama, 1975, as amended.

**Pre-application Meeting:** An initial review of any proposed development in which information is exchanged and preliminary guidance concerning the development process is provided by designees of the Planning, Engineering Services, Water Resource Management Departments, and any other relevant departments to a subdivider, developer, or his or her representatives.

**Preliminary Plat Approval:** The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Commission and the applicant.

**Preliminary Plat:** A map and related materials indicating the proposed layout of a development submitted for preliminary approval in accordance with these regulations.

**Private Access Drive:** A driveway or drive, under common ownership, that provides shared vehicular access to multiple residential/nonresidential units and has at least one connection to a public street.

**Probate Judge:** The Judge of Probate for Lee County, Alabama.

**Public Improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Open Space:** An open space area conveyed or otherwise dedicated to the City or another public body or agency for recreational or conservation purposes for the public at large.

**Purpose Statement:** A general statement indicating the reason for which a subdivision or resubdivision of property is necessary.

**Recreation, Active:** Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields including but not limited to swimming, court games, sports fields, bicycle paths, golf and playground activities.

**Recreation, Passive:** Activities that are less intensive, involve existing natural resources such as hiking, walking trails, fishing, and picnicking, and generally do not require a development site.

**Registered Engineer:** An engineer properly licensed and registered in the State of Alabama.

**Registered Land Surveyor:** A land surveyor properly licensed and registered in the State of Alabama.

**Reserve Strip:** A strip of land, smaller than a lot, and retained in private ownership as a means of controlling access to land dedicated or intended to be dedicated to street or other public use.

**Restrictive Covenant:** A written agreement imposed in a deed by the seller upon the buyer of real estate to do, or refrain from doing, certain things. Such restrictive covenant is recorded in the public record and run with the land and is binding upon the property owners, his successors, and assignees

**Resubdivision:** A combination, recombination, or splitting of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing ones.

**Right-of-Way:** A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, pedestrian way, crosswalk, utilities, railroad or similar facility; and dedicated to public use through acceptance by the City Council in fee simple, or by other legal means such as prescription.

**Roadway:** The portion of a right-of-way intended for use by vehicular and bicycle traffic.

**Sidewalk:** A paved path provided for pedestrian use, and typically located at the side of a road and within the street right-of-way.

**Silviculture:** The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands, to meet the diverse needs and values of landowners and society on a sustainable basis.

**Special Flood Hazard Area (SFHA):** The area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

**Street:** Any street, avenue, boulevard, road, parkway, viaduct, drive, or other right-of-way provided for vehicular traffic and travel.

**Street Hierarchy:** The classification of public streets based upon their individual function, as follows:

**Arterial Road:** A facility that serves as a primary artery of the City intended to mainly carry through traffic and to connect major activity centers in the City and its planning jurisdiction. Its function is to move intra-city and intercity traffic. The streets that are classified as arterials may also serve abutting property; however, their primary purpose is to carry traffic. Arterials should not be bordered by uncontrolled strip development. Access to these facilities should be carefully

managed to ensure the capacity of the facility is not compromised by driveways. Arterials vary in width and parking on-street is prohibited. Arterial roads are shown on the City's Major Street Plan.

**Collector:** A street whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land uses. A collector roadway will generally have lower design speeds than arterial roadways but higher than local street. Collector roads are shown on the City's Major Street Plan.

**Residential Collector:** A street whose primary function is to provide direct access to residential properties as well as residential subdivisions. Typically, residential collector streets collect traffic from local streets in residential neighborhoods and channel it to the arterial and collector system. Residential Collector roads are shown on the City's Major Street Plan.

**Local Commercial:** All minor streets, marginal access streets and cul-de-sacs serving primarily commercial developed property.

**Local Residential:** All minor streets, marginal access streets and cul-de-sacs serving primarily residential property.

**Marginal Access:** A street that runs parallel to a major street, generally an arterial, with the purpose of separating through traffic from local traffic, and to provide access to abutting properties. A service road in commercial/business areas intended to remove traffic from arterials would be considered a marginal roadway. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the effects of highway traffic as well as limit the number of direct driveway accesses to arterials for safety purposes is also considered a marginal roadway.

**Cul-de-sac:** A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Alley:** A public right-of-way primarily designed to provide a secondary access to the side or rear of properties.

**Street, Loop:** A circular or semi-circular road designed around landscaped greenspace or a rain garden, with outlets that begin and end on the same road. A one-way loop street can be used as an alternative to the cul-de-sac.

**Structure:** Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, and walls; but not including telephone and other utilities poles, overhead wires, retaining walls and terrace walls, wire fences, and any other thing less than three feet in height.

**Subdivider:** Any person who, having an interest in land, causes it directly or indirectly, to be divided into a subdivision as defined herein.

**Subdivision:** Any division, redivision, or consolidation of tracts, parcels, or lots of land by means of mapping, platting, conveyance, change, or rearrangement of boundaries. All subdivisions, including land condominiums, are also developments. (See Development).



**Subdivision Administrator:** The official of the City of Auburn charged with the responsibility of administering and enforcing these regulations.

**Subdivision Regulations:** The Subdivision Regulations of the City of Auburn, Alabama.

**These Regulations or Standards:** The Auburn Subdivision Regulations together with all applicable design and construction requirements, all of which constitute the comprehensive development regulations of the City of Auburn, Alabama.

**Tree:** All wooded vegetation, whether occurring naturally or planted, which has one erect perennial stem or trunk at least nine and one half (9 ½) inches in circumference at a point four and one half (4 ½) feet above ground level.

**Water Supply:** The system made up of water sources, treatment, and conveyance systems to provide potable water to the community.

**Watershed:** The area of land, due to its natural drainage pattern, that collects precipitation and drains or seeps into a marsh, stream, river, lake, or groundwater. Topography is the key element affecting this area of land. The boundary of a watershed is defined by the highest elevations surrounding the stream. A drop of water falling outside this boundary will drain to another watershed.

**Zoning Ordinance:** The Zoning Ordinance of the City of Auburn, Alabama.