

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 Town of Elmore, the Elmore Town 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 Subdivision Committee of the Town of Elmore or other duly authorized official 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 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 "should" is strongly recommended.

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:

Alley. A travel way either used or shown on any recorded description of the subject parcel(s) which is a fifteen (15) feet minimum and not more than thirty (30) feet wide and 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. For applicants other than the property owner, a properly executed "Authorization To Act As Applicant" must be submitted along with

the application.

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 Line. A line shown on a plat indicating the allowable distance between any structure and a lot line, as established by requirements of the developer and/or the Town of Elmore Zoning Ordinance and these Regulations.

Building Setback. The line, generally parallel to a lot line or road right-of-way line, indicating the 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 of required building setback lines is discouraged as they may change with amendments to the Zoning Ordinance thereby complicating enforcement.

Comprehensive Plan. A composite of the plans, maps, official reports and explanatory material adopted by the Planning Commission and/or Town Council for the guidance of the growth and development of the Town of Elmore.

Cul-de-sac. A local street with only one outlet, and having the closed end terminated by a vehicular turn-around.

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.

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 Town.

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 that 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 Elmore County, except those established by the Town through continuous and historic use.

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, waters, and/or ice.

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

Final Plat Approval. The official action of the Elmore 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, established after the effective date of these Regulations, which does not comply with the definition of Lot Width provided in these Regulations.

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

Health Department. The Elmore County and State of Alabama Health Departments.

Hundred (100) Year Flood. Flood created by a 100-year storm event, a storm having a one percent chance of being equaled or exceeded in any given year.

Hundred (100) Year Floodplain. The area of land inundated as a result of the 100-year rainfall event.

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

Land Use Plan. A plan developed and adopted that documents current land use, projects future land use, and sets out goals and objectives to guide the future development of the Town of Elmore.

Lot. A parcel of land occupied by, or designated to be developed for, one (1) building or principal use 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 or more streets at their intersection. If the two streets form an angle of more than 135 degrees, as measured at the point of intersection of their centerlines, 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 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 that complies with all currently applicable laws, ordinances, and regulations. (See also Nonconforming Lot of Record)

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

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 Elmore County, which complied with all applicable laws, ordinances, and regulations in effect on the recording date. (See also Lot of Record).

Open Space. Any parcel 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.

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

Planning Commission. The Elmore Planning Commission created by the Town of Elmore under the authority of Chapter 52, Article 1, of the Code of Alabama, 1975, as amended.

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.

Probate Judge. The Judge of Probate for Elmore 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 Town or another public body or agency for recreational or conservation purposes for the public at large.

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 for street or other public use.

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, crosswalk, utilities, railroad or similar facility; and dedicated to the governing body in fee simple, or by other legal means such as prescription.

Roadway. The portion of a right-of-way intended for use by vehicular traffic.

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

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 streets based upon their individual function, as follows:

Arterial. A major street intended mainly to carry through traffic and to connect major activity centers in the Town and its planning jurisdiction.

Collector. A street intended to carry traffic from local streets to arterial streets.

Local. A street intended mainly to provide access to adjoining property and uses, providing access to and from individual lots.

Marginal Access. A service road that runs parallel to a major street, generally an arterial. Its purpose is to separate through from local traffic, and to provide access to abutting properties.

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 are also developments. See Development.

Subdivision Committee. A committee of three or more members of the Planning Commission, Town Engineer, Town Clerk and CARPDC representative appointed to review subdivision plats for compliance with all regulations of the Town of Elmore and to report their findings and recommendations to the Planning Commission.

Subdivision Jurisdiction. All land located within the corporate limits of the Town of Elmore and within five (5) miles thereof, and not located within the corporate limits of any other municipality or within the subdivision jurisdiction of any other municipality having a planning commission, in accordance with Chapter 52, Article 2, Section 11-52-30 of the Code of Alabama, 1975, as amended.

Subdivision Administrator. The official of the Town of Elmore charged with the responsibility of administering and enforcing these regulations.

Subdivision Regulations. The Subdivision Regulations of the Town of Elmore, Alabama.

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

Town. The Town of Elmore, Alabama.

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

Town Council. The Town Council of the Town of Elmore, Alabama.

Town Engineer. The registered engineer designated by the Mayor to furnish engineering assistance in the administration and enforcement of these regulations.

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

Watershed. The land area from which surface water runoff flows and ultimately drains to a particular watercourse or body of water.

Zoning Ordinance. The Zoning Ordinance of the Town of Elmore, Alabama.