

ARTICLE II. DEFINITIONS.**Section 200. Purpose.**

It is the purpose of this Article to define words, terms, and phrases contained within this Ordinance.

Section 201. Word Usage.

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine, this shall be extended to apply to partnerships, firms and corporations or other similar entities.
- D. The words “shall” and “must” are mandatory.
- E. The word “may” is permissive.
- F. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G. The words “governing body” refer to the City Council of Elmore.
- H. The words “Planning Commission” shall mean the Elmore Planning Commission.
- I. The word “Board” refers to the Board of Zoning Adjustment of the Town of Elmore.
- J. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

Section 202. Abbreviation.

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

FAR – Floor Area Ratio
 ISR – Impervious Surface Ratio
 AC – Acre

Section 203. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Abutting: Having a common border with, or being separated from such common border by an alley, easement or right-of-way.

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles.

Access, Legal: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage, or a recorded easement across one (1) or more intervening properties

Accessory Use, Building or Structure: A separate use, building or structure that is for the convenience and benefit of the occupants of the same lot and that is clearly incidental or subordinate (by nature of use, size and location) to the principal use of the land, building or structure.

Alley: A thoroughfare either used or shown on any recorded description of the subject parcel(s) which is not more than 30 feet wide and which affords only a secondary means of access to abutting property.

Alteration/Altered: Any enlargement or reduction of a building or structure, whether horizontally or vertically, accomplished by a change or rearrangement of parts of an existing building or structural members, such as bearing walls, columns, beams, girders, interior partitions, doors or windows. Alteration shall be extended to the moving of a use, building or structure from one location to another.

Animal: All livestock, fowl, poultry, dogs, cats, and all other pet animals of every kind including, but not limited to pets of exotic wildlife such as skunks, raccoons, ocelots and foxes and all other wild and domestic animals of all kinds.

Apartment: A dwelling unit contained in a building comprising at least three (3) dwelling units.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 1008.

Applicant: One (1) individual who is duly authorized to submit development plans for review, request variances or changes in zoning classification, and apply for any form of development approval with respect to a development site. An applicant may be the property owner(s), or any person having written authority from the property owner(s). This written authority shall be provided in any form that the Planning Commission determines to be appropriate.

Architect: A person licensed, registered and in good standing to practice architecture in the State of Alabama.

Assisted Living Facility: A portion of or a complete permanent building in which room, board, meals, laundry, and assistance with personal care and other non-medical services are provided for a minimum of two ambulatory adults, but excluding facilities licensed by the Alabama Department of Mental Health and Retardation.

Bed-and-Breakfast Inn (B&B): A private, owner-occupied business with 4 to 20 guest rooms where overnight accommodations and one or more meals are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business. The inn may host events such as wedding, small business meetings, etc.

Board of Zoning Adjustment: The Board of Zoning Adjustment of the Town of Elmore, Alabama.

Boarding House: An establishment other than a hotel, motel, or restaurant where lodging is provided for compensation to at least six (6) persons. Meals, where provided, shall be available to members and employees only. This definition shall include fraternity houses.

Bufferyard/strip: An area and features, such as landscaping or obscure fencing, separating one use from another in order to shield or block intrusions of light, noise or other nuisance factors or to partially or totally obstruct views between adjacent land uses or from one property to another.

Buildable Area: The portion of a lot remaining for construction of a principal building or structure after all required yard setbacks have been provided.

Building: Any structure permanently fixed to the ground and having one or more floors, walls and roof and built for the enclosure of persons, personal property or equipment, goods or animals.

Building, Accessory: See Accessory Use, Building or Structure.

Building Area: The portion of the lot occupied by the principal building including carports, porches, accessory buildings and other structures.

Building Official: The designated person responsible for performing or directing building inspection services and processing submissions of subdivision and zoning proposals.

Building, Principal: A building in which the primary use is conducted; typically occupying a prominent area of the lot.

Building or Structure, Temporary: A building or structure intended for removal or demolition within a prescribed time as set forth as a condition of the building permit.

Building Setback Line: A line, parallel to the lot line, used to regulate the position of the principal building on the lot.

Front Building Setback Line - The minimum horizontal distance between the street right-of-way line and the area of a lot on which the principal building can be constructed or erected. The required setback to form the front yard.

Side Building Setback Line - The minimum horizontal distance between the side property line and the area on a lot on which the principal building can be constructed or erected. The required setback to form the side yard.

Rear Building Line - The minimum horizontal distance between the rear property line and the area on a lot where the principal building can be constructed or erected. The required setback to form the rear yard.

Building Height: See Height of Structure.

Car Wash (Truck Wash): A building or structure, used in whole or in part, for the washing of motorized vehicles.

Automatic Car Wash - A car wash using apparatus, such as a conveyor system, and equipment (e.g. stem cleaning device) that mechanically washes automobiles. Some labor may be provided to dry or polish vehicles.

Manual Car Wash (Detailing Shop) - A car wash where the proprietor provides labor for the washing or cleaning of vehicles.

Coin Operated Car Wash - A car wash providing space and limited facilities, but where labor is not provided for the washing of vehicles.

Certificate of Occupancy: A certificate, issued by the Building Official, permitting the use or occupancy of land, buildings or structures after a final inspection has determined that Town codes and regulations have been met.

Church: A building used for regular religious worship, by the congregation or parts thereof, of an organized religion.

Code of Alabama: The Code of Alabama as recompiled and amended or any subsequent code of this state.)

Comprehensive Plan: Any legally adopted complete plan or element of a plan for the Town of Elmore and its planning jurisdiction as authorized by the Code of Alabama. This may include, but is not limited to, plans for community facilities, streets, land use, subdivision regulations and zoning ordinance.

Conditional Use: A use that, due to special characteristics pertaining to either the installation or operation, is expected to create a need for special requirements to promote and preserve the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the neighborhood and town.

Condominium: A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

Corner Lot: See Lot, Corner.

Council: See Town Council

County: Elmore County, Alabama

Coverage: The percentage of the lot that is covered by all buildings (including accessory buildings), structures and other impervious surfaces (driveways, patios and sidewalks).

Curb Cut: Vehicular entrance onto a public right-of-way.

Day Care, Adult:

Center, Adult Day Care - Any portion of or a complete permanent building or group of buildings and related premises used to provide care, during the day, to five or more ambulatory and semi-ambulatory adults.

Home, Adult Day Care - Any private residential building and related premises used for the care, daily activities, eating and resting of four or less adults.

Foster Home, Adult Day Care - Any private residential building and related premises used for the care, daily activities, eating and resting of three or less adults because of mental or emotional limitations.

Day Care, Child:

Center, Child Day Care - Any portion of or a complete permanent building and related premises used for the care and / or teaching of thirteen or more children.

Group Home, Child Day Care - Any portion of or a complete permanent building and related premises used for the care and / or teaching of seven to twelve children.

Home, Child Day Care - Any portion of or a complete permanent building and related premises used for the care and / or teaching of six or less children.

Foster Care Home - A group care home under the supervision of one or two resident managers who serve socially, physically, mentally, or developmentally impaired children in a family type living environment that meets or exceeds the minimum requirements of *Regulation as to housing of mentally retarded or mentally ill persons in multi-family zone*, Section 11-52-75.1, Code of Alabama, as amended.

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: Any person, or duly authorized agent, responsible for an application to undertake the use, subdivision or development of land, buildings or structures in accordance with Town ordinances and regulations.

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 this Ordinance or other regulations, codes and ordinances of Elmore.

Development Site: One (1) or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of development shown on a site plan or subdivision plat. The development site must include all land needed for required open space, bufferyards, landscaping, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development.

Drainage: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Duplex: Residential structure, divided horizontally or vertically, and designed for or occupied by two (2) dwelling units, contained entirely under one (1) roof on one (1) lot.

Dwelling: Any building or portion thereof which is designated or used for residential purposes.

Dwelling, Single-Family Detached: See Single Family Detached Dwelling Unit.

Dwelling Unit: A portion of or a complete permanent building used as independent living quarters by one or more individuals composing a housekeeping unit. Dwelling unit shall not be extended to include tents or other temporary emergency housing, boarding or rooming houses, hotels, motels or other buildings designed for transient residents or tourists, recreational vehicles and travel trailer camps.

Dwelling Unit, Single Family - A detached permanent building containing one dwelling unit arranged for residential occupancy by one housekeeping unit.

Dwelling Unit, Two Family (Duplex) - A detached permanent building containing two independent dwelling units designed for and separately occupied for residential use by two separate housekeeping units.

Dwelling Unit, Multiple Family (Apartment)- A portion of or a complete permanent building containing three or more independent dwelling units designed for and separately occupied for residential use by three or more separate house keeping units.

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 this Ordinance which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Elmore County and those established by the Town through continuous historic use.

Engineer: A person licensed, registered and in good standing to practice engineering in the State of Alabama.

Town Engineer - The designated person performing engineering services for the Town of Elmore, Alabama.

Owner's Engineer - The person performing engineering services for the owner or developer.

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

Family: One (1) or more persons related by blood, marriage, adoption or guardianship plus one (1) unrelated person occupying a dwelling unit and living as a single housekeeping unit.

Filling: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

Final Plat: See Subdivision Plat, Final Plat

Floodplain: For the purposes of this Ordinance, "Floodplain" shall mean areas adjacent to a river, stream, or other drainageway which lie within the 100-year flood elevation contour, as established by Flood Insurance Rate Maps or by certified survey.

Floor Area: The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area and includes attic floor area only if the attic area meets the current building code standards of the Town of Elmore for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor Area Ratio (FAR): An intensity measure expressed as a ratio derived by dividing the total floor area of a building by the base site area. Where the lot is part of a larger development and has no buffer, that lot area may be used instead of the base site area.

Forestry: A premises, or portion of a premises, occupied by an establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap and other forest products.

Garden Center: A place of business where garden-related products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage: A structure that is owned, operated and used primarily for the parking or storage of vehicles.

Private Garage - An accessory structure used for the storage of vehicles used by the occupants of the building to which it is an accessory.

Public Garage - A structure that is privately or publicly owned and operated for the storage of vehicles owed by the general public whether or not a fee is charged.

Governing Body: The Town Council of the Town of Elmore, Alabama.

Group Child Care Home: A child care facility which is a family home and which receives at least seven (7) but no more than 12 children for care where there are at least two (2) adults present and supervising the activities. Such facility shall be licensed by the State of Alabama.

Health Department: The Elmore County, Alabama Health Department.

Height (of building or structure): The vertical distance measured from the lowest grade level to the highest point on a building or structure.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel: A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager.

Impervious Surface: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. For the purpose of this Ordinance, impervious surface measurements shall exclude the water surface area of swimming pools.

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 a development site by the site area.

Improvements: A man-made item attached to, or installed under the surface of the land such as, but not limited to, street pavements, curbs, gutters, sidewalks, walkways, water mains, sanitary sewers, street signs, storm drainage systems, erosion control facilities, and other items as may be required.

Institutional Use: The use of land, buildings or structures for public or non-profit purposes such as government buildings, schools, places of worship, community centers and hospitals serving the general public. (Also see Public Land Uses)

Kennel: Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.

Keeping: Keeping shall be extended to include harboring or confining.

Kindergarten (private): See Day Care Center.

Lakes and Ponds: Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Land Surveyor: A person licensed, registered and in good standing to practice land surveying in the State of Alabama.

Land Use: See Use, Land

Lot (parcel, plot tract): An area of land under single ownership or control that is, for purposes of these regulations, considered as a single lot. In the context of municipal development regulations a lot is typically a unit of land considered for use, the development of buildings or structures, or for the transfer of ownership.

Lot Area - The gross area of land within the property lines defining the lot.

Lot, Corner - A lot located at the intersection of two (2) or more streets or one street that curves and the interior angle is less than 135°. The street frontage with the least distance shall be deemed the front of the lot. When the two (2) street frontages are approximately equal the owner shall specify which is the front.

Lot, Depth - The minimum horizontal distance between the front and rear lot lines.

Lot, Double Front (Through Lot) - A lot having frontage on two streets that do not intersect each other while adjacent to the lot.

Lot, Frontage - The distance over which the front boundary line of the lot and the street right-of-way line are coincident.

Lot, Interior - A lot that has at least one lot abutting each side lot line.

Lot Line - The legally defined boundary of a lot.

Lot Line, Front - The lot line coincident with the street right-of-way line upon which the lot fronts.

Lot Line, Rear - The lot line at the rear of the lot, typically the dividing line between two tiers of lots.

Lot Line, Side - Any lot line other than the front or rear lot lines.

Lot of Record - A lot or parcel of land that has been recorded in the office of the Probate Judge of Elmore County.

Lot, Single Tier - A lot that backs up to a physical barrier (e.g. a railroad) or non residential use and access from the rear of the lot is usually prohibited.

Lot, Manufactured Home - See Manufactured Home Site

Lot Width - The distance between side lot lines measured at the rear of the minimum required front yard. Lot width shall not be measured at the building line where such line establishes a yard, which exceeds the minimum requirements.

Manufactured Home (Single wide, multiple wide,): "A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems therein." (National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et. Seq.)

Single Wide - A manufactured home that is manufactured having a width of more than 8 feet and less than 14 feet, excluding expansion bays and a length of not less than 40 feet.

Multiple Wide - A manufactured home that is manufactured in two or more parts, that when assembled on a lot becomes a single structural unit having a width greater than 14 feet and a length of not less than 40 feet.

Mobile Home - "A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site is three hundred and twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems therein and manufactured prior to June 15, 1976."

Manufactured Home Site (Mobile Home Site): A site designed for the accommodation of one manufactured home.

Manufactured Home Community/Subdivision: A subdivision designed and intended for the sale of lots to other individuals for the purpose of siting manufactured homes.

Manufactured Home (Lease and Rental) Community (Manufactured Home or Mobile Home Park): An area of land under single ownership or control where the land owner retains the right of ownership and creates two or more sites for the placement of manufactured homes, trailers, campers or recreational vehicles. This shall be extended to apply whether the sites are occupied or vacant and regardless of whether or not a charge is made for such accommodations. Manufactured home community shall be extended to include the lease and rental of sites where the manufactured home is provided with the site, but shall not be extended to include the display and sale of manufactured homes.

Mayor: The Mayor of the Town of Elmore, Alabama.

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the "dead" storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Mobile Home: See Manufactured Home, Mobile Home.

Modular, Panelized and Prefabricated Buildings: Any combination of materials assembled off site and transported to the construction site that are permanently attachment to a solid masonry foundation and erected as a permanent building in compliance with local ordinances. These building components are not designed to be moved on a permanent metal chassis or frame with wheels, axles and tongue.

Modular Building - A factory fabricated building, constructed in one or more units, typically including walls and sheathing, roof and flooring. that are constructed to local building code standards and transported to a site to be erected and incorporated in a permanent building.

Panelized Building - A building for which, at a minimum, the envelope of the building is comprised of panels, including exterior sheathing and window units, that are built to local building code standards and are transported to a site to be erected and incorporated in a permanent building.

Prefabricated Building - A building that is comprised of pre-made components, such as studded wall panels without sheathing or sheet rock, that are built to local building code standards and transported to a site and to be erected and finished as a part of a permanent building.

Monument: A permanent object serving as a reference or to directly mark a boundary.

Motel: See Hotel.

Nonconformity: A use, parcel of land, building or structure that lawfully existed at the time of adoption or amendment of regulations that would currently limit or prohibit the use, parcel of land, building or structure because it does not conform with the requirements of the current regulations or a subsequent amendment.

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.

Nursing or Convalescent Home: A portion of or a complete permanent building or group of permanent buildings in which the proprietor provides nursing, medical and similar professional care and personal treatment, in accordance with Alabama statutes and regulations, for persons suffering from illness and ailments requiring acute care.

Nursery: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

On-Site: Located within the boundaries of the development site.

Open Space: Undeveloped or landscaped area extending from the ground to the sky that is not occupied by a building, structure or site improvements such as a driveway, off-street parking, loading space, or storage. 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.

Open Storage: See Storage, Open

Outdoor Storage: Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land. Owner shall be extended to include the owner of the whole and any part owner, joint owner, tenant in common or joint tenant of the whole or part of the property.

Parcel: See Lot, Development Site.

Parking: An area of land or space in a building or structure designed, used and maintained for the temporary storage of vehicles. This shall be extended to apply to cars, trucks, tractors, or any other type vehicle, regardless of the number of wheels, that is mobile in character.

Off-street Parking - An area of land or space in a building or structure that is not located on a street right-of-way that is used for the parking of vehicles.

On-street Parking - An area of land located within the street right-of-way, typically within the developed area of a street, that is used for the parking of vehicles.

Parking Space: A space of usable size, shape and condition designed for the temporary storage of vehicles.

Patio house: A detached, single-family, unit typically situated on a reduced size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

Person: The word "person" shall extend and be applied to [companies,] firms, partnerships, corporations, associations, organizations, [trusts and] trustees, agents, bodies politic, or any combination thereof, as well as natural persons.

Planning Commission: The Planning Commission of the Town of Elmore, Alabama.

Pond: See Lakes and Ponds.

Principal Building: See Structure, Principal.

Principal Use: See Use, Principal.

Private Club: A corporation or an association organized or formed in accordance with the Code of Alabama.

Provider/Carrier: See Wireless Communication Service Provider.

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.

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle shall not be permanently affixed to the ground or any structure.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Restaurant Lounge: Any place or premise in which foods, refreshments, and liquor are offered for consumption within the building in which the establishment is located, which is operated by a responsible person of good reputation and which meets the following additional requirements:

- A. A kitchen in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared;
- B. At least one (1) meal per day shall be served at least six (6) days a week, with the exception of holidays, vacations, and periods of redecorating;
- C. Such place shall be duly licensed by the ABC Board of the State of Alabama.

Restaurant-Pub: Any place or premise in which foods, refreshments, and malt or brewed beverages and/or table wines (but not liquor) are offered for sale for consumption within the building in which the establishment is located, which is operated by a person of good reputation and which meets the following additional requirements:

- A. A kitchen in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared;
- B. At least one (1) meal per day shall be served at least six (6) days a week, with the exception of holidays, vacations, and periods of redecorating;
- C. Such place shall be duly licensed by the ABC Board of the State of Alabama.

Restrictive, More (Less): A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business uses.

Resubdivision: See Subdivision.

Setback: The required minimum distance between a structure and the front, side, or rear lot line.

Shopping Center: A group of commercial-retail establishments planned, developed, and managed as a unit with off-street parking provided on the property. An out-parcel within a shopping center shall be developed under a separate site plan.

Sign: See Article V.

Shelter (fallout, hurricane, tornado or storm shelter, etc.): A portion of or a complete building or structure intended to provide protection of human life during periods of danger from emergencies.

Sidewalk: A walkway constructed for pedestrians.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit.

Site Plan: A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including bufferyards, parking, landscaping, and drainage facilities. Site plans shall include, in written form, all information necessary to determine whether the proposed development meets the requirements of this Ordinance, such as proposed use(s) of the site, impervious surface and floor area, number of employees, hours of operation, and calculations of parking requirements.

Storage: A building, structure or outside area materials are stored. Material shall be extended to include any material that is raw or processed and include equipment, goods, junk, and merchandise.

Storage Building - An accessory building or structure, that is completely enclosed, where materials is stored.

Open Storage - Storage areas located outside completely enclosed buildings and structures. Open storage shall be extended to apply to areas whether the area is partially enclosed or fenced or not. Open storage shall also apply to the storage of inoperable motorized vehicles, but exclude the overnight parking of operable vehicles used by the occupants provided they meet all other requirements of applicable regulations.

Street: A publicly or privately maintained road, regardless of the associated name, that affords the primary means for vehicular traffic to access abutting property.

Street Ownership

Street, Public - A dedicated and accepted improved street that is maintained by a public entity.

Street, Private - All streets that are not public streets.

Street Right-of-way - The area of land between property lines, regardless of public or private ownership, that is intended for use as a street, alley, bicycle path or pedestrian walkway.

Street Right-of-way Line - The dividing line between a right-of-way and the contiguous property.

Street, Right-of-way Width - The minimum horizontal distance between opposing property lines as measured across the land area reserved for a street.

Street Hierarchy - A systematic approach to street design based on classifying streets according to function. The classifications range from residential service and access streets to high traffic arterials.

Street, Alley - A narrow right-of-way and street not intended for general traffic circulation and affording a secondary means of access to abutting properties; typically at the side or rear of the lot.

Residential Access Street - The lowest order of residential street designed to serve residents on the street by providing access to abutting property and eliminating or minimizing through traffic. Residential access streets may include:

Cul-de-sac - A short street designed to have one end permanently closed; the closed end terminated by a vehicular turn-around.

Dead-end Streets - A short street that is permanently closed at one end.

Residential Connector Streets - Low order residential streets designed to regulate the lengths of blocks and provide alternate means of access to residential access streets. Side yards, rather than front yards, typically abut connector streets. Residential connector streets may include:

Stub Street - A portion of a street for which a future extension has been proposed or required. Stub streets may be permitted in phased developments to access future building areas or be planned or required to provide access to future development areas.

Residential Sub-collector Street - The middle order of residential street designed to serve residents by primarily providing access to abutting property. Sub-collectors are designed to discourage through traffic, but collect light to moderate volumes of traffic from residential access streets in order to provide access to the network of arterial streets.

Residential Collector Street - The highest order of residential street designed to serve abutting property and collect moderate to high amounts of traffic from lower order residential streets to provide access to the network of arterial streets.

Street, Arterial - Streets that are primarily used for fast or heavy volumes of traffic.

Minor Arterial - Streets that are used to move from neighborhood to neighborhood and provide access to commercial areas within a short to moderate distance of the neighborhood.

Major Arterial - Streets that are used to move between sections of the community that are separated by longer distances and provide interurban connections within the surrounding area. Major arterials typically includes designated federal and state highways and provide access to major shopping areas and employment centers including truck deliveries.

Marginal Access Street (Frontage or Service Road) - Streets that are parallel and adjacent to major arterial streets that provide access to abutting properties and separation from through traffic.

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.

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, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three (3) feet in height.

Structure, Accessory: A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure. Accessory structures shall comply with all regulations set out in Section 409, and shall be subject to other limitations as established under applicable provisions of this Ordinance.

Structure, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space.

Subdivision: Any division or redivision of a tract, parcel, or lot of land into two (2) or more parts by means of platting of boundaries in accordance with the Elmore County Subdivision Regulations. All subdivisions are also developments (See Development).

Subdivision Plat (Plat): A map and accompanying information presenting a plan for a tract of land that describes the division of the land and the improvements supporting the division of land including, but not limited to, improvements such as water, sewer, drainage and streets.

Schematic Plat - A preliminary plan illustrating the proposed division and development of land in relation to existing conditions.

Construction Plat - A detailed engineering plan presenting the design, related data and supporting legal and financial instruments for the construction of improvements and subdivision of land.

Final Plat - A detailed engineering plan that 1) accurately describes the actual division of the land and the installed improvements; 2) accompanied by any restrictive covenants, land dedications and required signed certificates; 3) in acceptable form to be approved by the Planning Commission; for 4) recording in the Office of the Probate Judge of Elmore County, Alabama.

Tavern: Any place or premise in which malt or brewed beverages and/or table wines (but not liquor) are offered for sale for on-premise consumption, but which does not meet the requirements for a Restaurant-Lounge, Restaurant-Pub, or Private Club-Lounge.

Temporary Use: See Use, Temporary.

Town (this town, in the town): The Town of Elmore, Alabama.

Town Clerk (Clerk): The designated Clerk of the Town of Elmore, Alabama.

Town Council (Council): The Town Council of the Town of Elmore, Alabama.

Town House: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one (1) other unit, and located in a structure containing three (3) units or more. Such units shall be built on property which is platted according to the requirements of the Elmore County Subdivision Regulations.

Town Plan: See Comprehensive Plan.

Use: The current primary activity resulting from the activities associated with the land, building or structure regardless of the intended design and arrangement. Use shall be extended to the manner in which the property is maintained; especially in relation to parking, storage and accumulations of material typically associated with salvage yards.

Use, Land - The utilization of land for trade, industry, residence, recreation or any other activity. Land use shall be extended to the activities necessary for the preparation of the site for use such as excavation, filing, grading or building construction.

Use, Business or Commercial - That use of land, buildings or structures for activities that are strictly commercial in character as indicated by the exchange or sale of goods, wares or property and those which are not strictly commercial such as activities conducted in offices and establishments rendering services.

Use, Industrial - That use of land, buildings and structures for manufacturing or similar operations through which component products and marketable commodities are produced.

Use, Residential - That use of the land, buildings and structures for dwellings units used for living and sleeping accommodations by natural persons.

Use, Accessory: An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See also Section 409.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: Permission to depart from the literal requirements of this Ordinance granted pursuant to Section 1007.

Vehicle, Abandoned: A vehicle that is physically inoperable and/or is missing parts so that it is not maintained for driving; and/or which does not bear a current license plate unless said vehicle is stored within a completely enclosed building, or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

Warehousing: A portion of or a complete building or structure or group of buildings and structures used for the storage of goods, merchandise, substances or articles before distribution to retailers. Warehouses may include accessory areas to provide access and areas for loading and unloading trucks. Warehouses shall not be extended to include a fuel storage facility or a truck terminal.

Wireless Communications Service Provider: Any private company, corporation or similar such entity providing two-way interactive communications services to the general public by way of Cellular Communications facilities.

Yard: The required land areas on a lot between the property lines and the building setback lines that is unobstructed by buildings and structures and unoccupied except as allowed by specific provisions of these regulations.

Yard, Front - The land area extending across the entire width of the lot between the front property line and the front building or setback line.

Yard, Rear - The land area extending across the entire width of the lot between the rear building line and the rear property line.

Yard, Side - The land area extending from the side lot line to the side building or side setback line and located between the front and rear yards.

Zoning Certificate: A certificate issued by the Planning Commission after all Zoning Ordinance requirements, have been met, which permits a requested use at a specific location.

Zoning District: Defined areas of the town in which uniform land use regulations are applied.

Zoning Ordinance: The Zoning Ordinance of the Town of Elmore, Alabama including all subsequent legally adopted amendments.