

ARTICLE VI

DEFINITIONS OF TERMS

- 6.1 USAGE. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged or designed to be used or occupied". The word "zoning map" means the Official Zoning District Map of the City of Robertsdale.
- 6.2 WORDS AND TERMS DEFINED. As used in this Ordinance, the following words and terms shall have the meaning defined:

Abutting/Contiguous Property. Any property that is immediately adjacent to, touching or immediately across any street, highway or road or public right-of-way from the property in questions.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Airport. Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown area, hangars, and other necessary buildings, and open spaces.

Alley. A public street which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration, Altered. These terms shall include any changes in structural parts, stairways, type of construction, kind of class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code or this Ordinance, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Antenna Support Structure. Any building or other structure forty-five (45) feet in height or taller and which complies with the maximum height allowed in the district in which it is located, other than a tower which can be used for location of Telecommunications Facilities.

Applicant. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Arterial Street. A street designed or utilized primarily for high-speed vehicular movements and heavy volumes of traffic.

Assisted Living Facility. See Elderly housing, assisted living.

Atrium. An open area within a building surrounded on all four sides by the building walls and open and unobstructed from the first floor level to the roof or sky except as otherwise provided in this Ordinance.

Automobile Repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automobile Wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

Banner. Any sign or lightweight fabric or similar material that is mounted to a pole or a building at one or more edges that carries a message.

Basement. A story, all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast. The renting of rooms in a private residence for brief periods of time together with the provision of breakfast for the guests by the homeowner. All service is to be provided by the homeowner.

Block. A tract of land bounded by public highways, streets, or by shorelines, waterways or other definite boundaries.

Board of Adjustment. A Board appointed by the City Council that hears appeals to this Ordinance.

Boarding House, Rooming House, Lodging House, or Dormitory. A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council wherever a bond is required by these regulations.

Buildable Area. The portion of a lot remaining after required yards have been provided.

Building. Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

Building, Accessory. A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

Building, Alterations of. Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any changes in use resulting from moving a building from one location to another.

Building Coverage. The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building or from walls enclosing an atrium.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Inspector. (See Building Official)

Building Line. (See Setback Line.)

Building Official. Individual appointed by the City to carry out the duties and enforcement required by the Zoning Ordinance, and the Building Code. May be used interchangeably with Building Inspector, Zoning Enforcement Officer, Zoning Administrator and Code Enforcement Officer.

Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk. Height and percentage of land coverage of a building.

Caliper. Diameter of a tree trunk. Caliper is used to determine the minimum size of trees planted to fulfill this ordinance. For trees less than 4" in diameter, is measure 6" above the ground. For trees between 4" and 12" in diameter, it is measure 12" above the ground.

Camouflage. To minimize a visual impact and to blend into the surrounding environment (applies to any tower or telecommunications facility).

Camp Site. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants.

Canopy. A detachable, roof-like cover supported from the ground, or deck or floor of a building, and from the walls of a building for protection from sun or weather.

Cemetery. Land used or intended to be used for the burial of the human and animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Central Sewer System. All equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

Central Water System. All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Alabama laws and regulations.

Certificate of Occupancy. Official certification that a premise conforms to provisions of the Zoning Ordinance and Building Code, and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Change of Occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

City. The City of Robertsdale, Alabama.

City Attorney. The Licensed attorney designated by the City of Robertsdale to furnish legal assistance for the administration of this ordinance.

City Council. The chief legislative body of the City of Robertsdale, Alabama

City Engineer. The consulting Engineer appointed by the Robertsdale City Council.

City Horticulturist. Refers to the City of Robertsdale Grounds keeping Superintendent or designated authority.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Club, Private. Any association or organization of a fraternal or social character not operated or maintained for profit; does not include casinos, nightclubs, or other institutions operated for a profit.

Collector Street. A street, which carries medium volumes of traffic, collected primarily from minor streets and delivered to arterial streets.

Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

Commission. (See Planning Commission).

Comprehensive Plan. The Comprehensive Plan including land use, housing, public facilities, and other plan elements currently in use by the City.

Condominium. A development where all land, including that under the buildings in the development, is held in single ownership for the common use of unit owners or tenants; also a living unit within such a development.

Construction sign. Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the premises during the time actual construction work is in progress.

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, other than mental or contagious, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital other than a mental hospital; includes Extended Care Facilities.

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

Curb and Curb Line. The inside vertical face of a masonry curb, the center line of a valley gutter, or the edge of the pavement where no curb or gutters exist.

D.B.H. Diameter at Breast Height, or 4.5 feet above the grade. Used to measure all existing trees with a diameter greater than 12 inches.

Day Care Center. A place for the day care and instruction of young or elderly persons not remaining overnight.

Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

Dedication. The deliberate assignation of land by its owner(s) for any general or public use(s), reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density. A unit of measurement; the number of dwelling units per acre of land.

- a. Gross Density - the number of dwelling units per acre of the total land to be developed.
- b. Maximum Density - the density allowable in a given zoning district not otherwise limited by other applicable requirements of this Ordinance.

- c. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Design Engineer. A professional engineer which is registered in the state of Alabama.

Detention Basin (Pond). A facility for the temporary storage of stormwater runoff.

- a. Detention basins or ponds differ from retention basins in that the water storage is only temporary, often released by mechanical means at such time as downstream facilities can handle the flow. Basins are generally designed to regulate the rate of flow to pre-development conditions. Usually, the basins are planted with grass and, if large enough, can be used for open space or recreation in periods of dry weather. Basins also serve to recharge groundwater.

Developer. The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District. A section of the area zoned, within which the zoning regulations are uniform.

Double Frontage or Through Lot. A lot or plot, but not a corner lot, that abuts upon two streets, the two frontages being non-contiguous.

Drive-In Restaurant. A restaurant or public eating business so conducted that food; the customer or patron brings meals or refreshments to the motor vehicles for consumption.

Dry Well. A cavity of sufficient size, filled to the surface with compacted rocks to allow water storage capacity.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy.

Dwelling, Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling Unit. Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.

- a. Single-Family - a detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two-Family - a single building occupied by or designed for occupancy by two families only, with separate cooking and housekeeping facilities for each, separated by a common wall and sharing a common roof and foundation.
- c. Multiple-Family - a building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Elderly Housing, Assisted Living. Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc. These are also referred to as board and care establishments.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Escrow. A deposit of cash with the City of Robertsdale in lieu of an amount required and still in force on a performance or maintenance bond. The Building and Zoning Official shall deposit such escrow funds in a separate account.

Essential Services. Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the City; but not including buildings housing employees, or public safety facilities such as fire and/or police stations.

Establishment. A commercial, industrial, institutional, educational, office, business, or financial entity.

Excavation. Any mechanical removal of rock, sand, gravel, or other unconsolidated materials from a location.

Expansion, Building or Use. The addition of enclosed or unenclosed rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

Fall-Out Shelter. A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Family. One or more persons (related by blood, adoption or marriage) occupying a single dwelling unit and using common cooking facilities.

Filling Station. (See Service Station.)

Final Plat. The completed PUD or subdivision plat with appropriate official signatures in form for approval and recording.

Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation.

Flashing or Intermittent Illuminating Signs. Time and temperature announcements, excluding other advertising copy, is not deemed to be flashing or intermittent illuminating signs.

Flood. A temporary rise in stream or surface water level that results in inundation of areas not ordinarily covered by water.

Flood Frequency. The average frequency statistically determined, for which it is expected that a specific flood level may be equaled or exceeded.

Flood Plain. Those areas defined by the U.S. Geological Survey or the U.S. Army Corps of Engineers as subject to flooding once in one hundred (100) years, based on topography.

Flood Prone Area. Any area with a frequency of inundation of once in 100 years as defined by qualified hydrologists or engineers using methods that are generally accepted by persons engaged in the field of hydrology and engineering.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to discharge the bulk of the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floor Area, Gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns.

Food Processing. The preparation, storage, or processing of food products on a large scale. Examples of these activities include bakeries, dairies, canneries, and other similar activities or businesses.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Frontage, Building. The outside wall surface of a building or of an enclosed porch on a building that is nearest to the front lot line, or, in the case of a wall surface not parallel to the front lot lines, the average of the longest and shortest distance of the wall from the front lot line.

- a. Lot Line - shall mean the lot line, which abuts a street or separates the lot from a street.
- b. Street Line - all the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Commercial. A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storage of self propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail.

Garage, Private. A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of or employees of a particular firm.

Garage, Public. A building or part thereof designed or used for indoor or partially indoor (covered) parking of self-propelled private passenger vehicles, operated as a commercial enterprise, accessory to a commercial enterprise, or as a governmental service and providing only incidental services for such vehicles.

Garage, Repair. (See Automobile Repair.)

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Group Development. A development comprising two or more structures built on a single lot, tract or parcel of land and designed for occupancy by separate families, firms, businesses, or other enterprises.

Habitable Rooms. All living spaces within a dwelling unit arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used as a room for the carrying on of general family activities and intended to conform to applicable building codes.

Hard Surface Streets. Those roadways constructed with an asphalt or concrete.

Height of Building. (see Building, Height.)

Home Association. An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

Home Occupation – Any business occupation conducted in a residential dwelling unit.

Homeowners Association. A group of homeowners in a geographical area banded together for a specific purpose.

Hotel. A transient commercial lodging establishment consisting of one or more buildings used for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities and parking. This category includes motels and motor hotels. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but are not intended for long-term occupancy.

Improvement, Non-substantial. Any improvement, which is not a substantial improvement.

Improvement, Substantial. Any addition to any structure; any extension, enlargement or expansion of any structure; any repair, reconstruction or improvement, the cost of which equals or exceeds 50 percent of the fair market value of the structure either before the repair, reconstruction or improvement is started, or if the structure has been damaged and is being restored, before the damage occurred.

Institution or Institutional. A non-profit organizational building, for use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift pumps, libraries, museums, city offices, etc.).

Interval Occupancy Facility. A facility comprised of one or more dwelling units in which the exclusive right of use, possession, or occupancy of each dwelling unit circulates among twelve (12) or more owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

Junk Vehicle. Any vehicle that does not have a current license tag and that the owner has abandoned or left to deteriorate. This definition does not include vintage vehicles, which the owner intends to restore; provided that such vehicles are properly protected by being covered or stored in a garage, barn or other enclosed area, and screened from view.

Junk Yard. Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled, or handled, including used tires, unregistered, inoperable vehicles, auto wrecking yards, used lumber yards, used mobile home yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials. One year from the date of adoption of this ordinance all junk yards, auto salvage or scrap yards shall be surrounded by either a fence at least six feet high or a buffer strip of solid screen planting within the building lines and maintain it in acceptable condition so that the yard cannot be seen from any public street and the yard may not be located within 1,000 feet of any residential structure.

Kennel. Any place or premises where four or more dogs over four months of age are kept for pay; for boarding, breeding, sale or other commercial purposes. This definition does not include the raising of a litter by an owner who intends to sell or give away the puppies as soon as they reach a level of maturity, not to exceed four months, for separation from their mother.

Land Area. The total land area within the property lines of a lot.

Land Disturbing Activity. Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Land Use Certificate. Certificate issued by the City Clerk indicating that a proposed use of land is in conformity with the zoning regulations, a prerequisite to issuance of a building permit.

Landscape Plan. Detailed drawings of proposed landscaping, which are evaluated by the Robertsdale Tree Board to meet this ordinance. (See Section V No. 2.)

Lease. A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

Licensee. Any person licensed under the provisions of this Ordinance.

Local Government. The City of Robertsdale, Alabama.

Loading Space, Off-Street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot. A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main buildings and such open spaces as are provided in this Ordinance, or as are intended to be used with such piece, parcel, or plot of land.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

Lot, Interior. A lot other than a corner lot.

Lot Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

Lot Line, Front. The lot line of shortest length adjacent to the street right-of-way line of the principal street on which the lot abuts.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. Any lot lines other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot Width. The mean (average) horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this code to be measured at the front setback line.

Lot of Record. A lot, which is a part of a recorded plat or a plot, described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Maintenance and Storage Facilities. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

Maneuvering Space. The space entirely on private property required for maneuvering vehicles into and out of spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Manufactured Home. A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401. Motor homes, house trailers, travel trailers, campers, mobile homes, and mobile homes made to HUD standards and similar towed, transported, or self-propelled units are not manufactured homes.

Manufacturing, Extractive. Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource, except for oil and natural gas resources.

Manufacturing, General. Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light. Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances.

Mini-Warehouse. A building or group of buildings in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

Minor Subdivision. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Ordinance, or these regulations.

Mobile Home. Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and capable of being towed on a public street and so constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile Home Park. A residential development on a parcel of land, with one ownership, providing rental spaces for two (2) or more mobile homes on a long-term basis, with recreation and service facilities for the tenants, whether or not a charge is made for such accommodation.

Mobile Home Space. A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home or travel trailer.

Mobile Home Subdivision. A residential development designed for the accommodation of mobile homes on individually-owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourist or vacation-oriented travel, motor homes, campers, etc.

Modular Structure. Any pre-built or pre-manufactured structure mass produced in a factory and delivered as a single module or as a series of modules for placement and connection on a building site or lot approved for the intended use; provided that such structure meets State and Building Code specifications for modular structures. This definition does not include manufactured homes or mobile homes.

Motel, Motor Hotel. (See Hotel.)

Municipality. See local government.

Net Residential Acreage. Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. Does not include streets or public recreation or open spaces.

Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floorshows or other forms of entertainment by persons are provided for guests.

Non-Conforming Use. A use of land or structures existing lawfully at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and which does not conform with the regulations of the district in which it is located.

Nursing Home. A home for aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Nursery, Plant Materials. Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping.

Nursery School. A place for the day care and instruction of children not remaining overnight; includes day care centers.

Offices. Space or rooms used for professional, administrative, clerical, and similar uses.

Office Park. Two or more offices grouped together on one lot. This may be either in one or multiple buildings.

Open Space. An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation, and the like shall not be included.

- a. Open Space, Permanent Usable, in Planned Unit Development: (1) privately-owned and occupied area of a separate lot, outside of any buildings on the lot; (2) privately-occupied open space assigned to an individual dwelling unit in a project and not occupied by the dwelling; (3) public open space are any spaces not occupied by buildings or privately-owned lots or privately-occupied space. This public open space may consist of access driveways, off-street parking spaces, and pedestrian walkways; play areas, landscaped areas and any other areas suitable for the common enjoyment of the residents of the project.

Overstory Tree. Trees, which at maturity comprise the canopy of a natural forest. Generally greater than fifty (50) feet at mature height.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parking Space, Off-street. For the purpose of this Ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be totally outside of any street or alley right-of-way.

Permit. Any written authorization by a duly appointed City Representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, PUDs, land use, or building in the City.

Permittee. Any individual, firm, trust, partnership, association or corporation to whom a permit is granted, including any person to whom a temporary permit is issued, such as that to maintain and operate a mobile home park under the provisions of this Ordinance.

Person. Any individual, firm, trust, partnership, association or corporation.

Plat. A map, plan, or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

Planned Unit Development (PUD). A planned unit development (1) is land under unified control, planned and developed as a whole in a single development operation or approved programmed series of development operations for dwelling units and related uses and facilities; (2) includes principal and accessory uses and structures substantially related to the character of the development itself and surrounding area of which it is a part; (3) is developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements, facilities, and services as will be for common use by some or all of the occupants of the planned unit development but will not be provided, operated or maintained at public expense.

Planning Commission. The City of Robertsdale's planning group as detailed by the state codes, 11-52-3 & 11-52-4, which governs subdivision, zoning applications, annexation reviews, and other items of business which are so granted by the state of Alabama.

Plat. A map, plan, or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Prefabricated House - A site-built residential dwelling whose construction consists mainly of assembly and uniting standardized structural parts, which have been fabricated at a factory.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or lay out of the subdivision to be submitted to the Planning Commission for approval.

Premises. An area of land with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary Arterial. A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental units, and/or as a route for traffic between communities or large areas.

Principal Building. A building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Public Tree, City Tree. Any tree located on city property. This includes city rights-of-way.

Public Works Director. City official as designated by the City Council.

Recommended Tree. Any of the trees listed in Appendix II or III, or others as approved by the Robertsdale Tree Board.

Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes motor homes as well as campers and camping trailers capable of being towed by a motor vehicle.

Registered Engineer. An engineer properly licensed and registered in the State.

Registered Land Surveyor. A land surveyor properly licensed and registered in the State.

Regulatory Flood. The flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur. The regulatory flood generally has a flood frequency of approximately 100 years as determined from an analysis of floods at a particular site and other sites in the same general region.

Regulatory Flood Protection Elevation. The elevation required for protection from the regulatory flood by the Federal Emergency Management Agency (FEMA).

Restrictive Covenants. Private regulations recorded with the Final Plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Re-subdivision. The combination of or recombination of portions of previously platted lots where the resultants lots are equal to or exceed the minimum standards set forth in this ordinance.

Retention Basin. A pond, pool, or basin used for the permanent storage of water runoff.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Road Classification. For the purpose of providing for the development of the streets, highways roads, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, alignment, and necessary widening including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map. Street, highway, road and right-of-way are based upon their location in the respective zoning districts of the local government and their present and estimated future traffic volume and their relative importance and function as specified in the Master Plan of the local government. The required improvements shall be measured as set forth for each street classification on the Official Map.

Road Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Roadside Stand. A temporary structure designed or used for the display or sale of products of a seasonal nature.

Roadway. That portion of a street between the regularly established curb lines or that part of a street devoted to vehicular traffic.

Rooming House. Any building or portion thereof, other than a hotel or motel, which contains rooms which are designed or intended to be used, let, or hired out for occupancy, more or less transiently, by individuals for compensation whether paid directly or indirectly, and without provisions for cooking by guests or meals for guests.

Sale. The exchange of goods or property for money or some other consideration.

Satellite Receiving Dishes. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one (1) directional arrow with the name of the establishment with "for Patrons Only" or like limitation, not over two (2) square feet in area, which shall be non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Secondary Arterial. A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospital, major recreational areas, churches, and offices, and/or are designed to carry traffic from collector streets to the system of primary arterials.

Semi-Public Land Uses. Philanthropic and charitable land uses including: YMCAs, YWCAs, Salvation Army, churches and church institutions, orphanages, humane societies, private welfare organizations, non-profit lodges and fraternal orders, hospitals, Red Cross, and other general charitable institutions.

Service Station, Automobile. Any building or land used for retail sale and dispensing of automobile fuels or oils; may furnish supplies, equipment and minor services to private passenger vehicles incidental to sale and dispensing of automobile fuels and oils.

Setback Line. A line established by the subdivision regulations and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure, may be located above ground, except as may be provided in said Ordinance.

Sewers, Public or Community. An approved sewage disposal system, which provides a collection network and disposal system and central sewage and treatment facility for a single community, development, or region.

Sewers, On-Site. A septic tank or similar installation on an individual lot which utilizes a bacteriological or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Shelter, Fall-Out. A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center. A group of two or more commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sidewalk Area. That portion of a street not included in the roadway, and devoted in whole or in part to pedestrian traffic.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product which are visible from any public way and used as an outdoor display.

Billboard Sign. Any off-premise, or off site sign advertising an establishment, product, service, etc., that is not located at that site, which is visible from any roadway.

Off-Premises Sign. A billboard or other sign relating its subject matter or any portion thereof to a premises other than the premises on which said sign is located.

Permanent sign. A sign permanently affixed to a building or the ground.

Political sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

Portable sign. A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

Real estate sign. A sign which advertises the sale, rental or development of the premises upon which it is located.

Sandwich sign. Any sign, double or single faced, which is portable and may readily be moved from place to place.

Temporary sign. A sign or advertising display intended to be displayed for a short period of time.

Wall sign. A sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall.

Window sign. Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

Sign height. The vertical distance from the finished grade at the base of the supporting structure at the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Illuminated. A sign designed or arranged to reflect light from an artificial source.

- a. Direct Illumination: Light sources, including spotlights and neon tubing, which is directed toward sign face that are attached to the structure.
- b. Electric Message Center: Light sources arranged in rows, designed to be lit in such a manner as to form letters or graphics which may blink on and off, travel or flash.
- c. Indirect Illumination: Light sources not attached to the sign structure or sign face, but which are designed to be directed onto the sign face area.
- d. Internal Illumination: Light sources enclosed in a sign face; also described as direct illumination.
- e. Digital Illumination: Internal LED lighting enclosed in a sign face. These must meet State Regulations.

Sign surface area. The surface area of a sign shall be computed for the area within the periphery of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority. See Site Plan Requirements as listed in section 11.211.

Significant Tree. (See Section 11.5- Tree Protection) Any tree that has aged and grown to an impressive enough stature (for its species) to be considered an integral part of the city's natural heritage.

Sketch Plat. (see Section 14.3 - Submission of Sketch Plat)

Special Exception. A land use permitted that is not similar in nature to the uses permitted in the City, but that is desired and for which a suitable district is not available. Such use may be permitted upon appeal and in compliance with any special conditions, which may be required.

Spot Zoning. The zoning of a "spot" or small area (individual lot or several contiguous lots) within the limits of an existing zoning district, and in which are permitted uses other than those permitted in the larger existing zoning district surrounding the "spot". "Spot Zoning" is not authorized by law.

Storm Water Detention Storage. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. *See Detention Basin; Retention Basin.*

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, Habitable. A story having its floor elevated at or above base flood elevation, as established by the City, regardless of the intended use of the story or its floor area and complying with applicable building codes.

Street. Any public or private way set aside for common travel more than twenty (20) feet in width.

Collector Street. A street used to carry traffic from minor streets to the system of major streets.

Cul-de-sac or Dead End Street. A street having one end open to traffic and one terminating in a vehicular turnaround.

Major Street, Arterial Street or Highway. A street or highway or exceptional continuity designed to carry high volume traffic considerable distances.

Minor Street or Local Street. A street used primarily for access to abutting properties.

Street Line. The right-of-way of a street.

Structural Alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders and complying with applicable building codes.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something having a location on the ground, including, but not limited to, a house, building, deck, pool, parking lot, gazebo or other object.

Structure, Existing. Any structure the construction of which was initiated prior to the effective date of this Ordinance and for which all required state, local and federal authorizations were obtained prior to the effective date of this Ordinance.

Structure, New. Any structure which is not an existing structure.

Subdivider. Any individual, firm, association, syndicate co-partnership, corporation, trust, or any other legal entity commencing proceedings to effect a subdivision of land hereunder.

Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale or of building development. It concludes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory being subdivided. It shall include all divisions of land involving the dedication of a new street or a change in existing streets. However, the following shall not be included within this definition or be subject to the requirements thereof:

- a. Property that is divided by probated family estates;
- b. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses.
- c. Property that is divided by an individual and given or sold to parents, spouses, sisters or brothers, children or grandchildren, either adopted or natural, where no streets or roadway access to the lots is involved and where lots are not less than the minimum lot size as herein required.

Subdivision, Major. See major subdivision.

Subdivision, Minor. See minor subdivision.

Supervisory Control and Data Acquisition. Communications equipment necessary for the remote control and operation of Public Safety and Utility devices (traffic lights, lift stations, pumps, wells, substations, etc.).

Telecommunications Facilities. Any cables, wire, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communication which a persons seeks to locate or has installed upon or near a tower or antenna support structure. However, the term Telecommunications Facilities shall not include private radio and transformers, satellite receivers dishes and supervisory control and data acquisition devices less than one meter in length.

Collocation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.

Monopole. A support structure constructed of a single, self-supporting hollow metal, wooden or concrete tube securely anchored to a foundation.

Open Space. Land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

Telecommunication. The technology, which enables information to be, exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

Wireless Telecommunications Antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunications Equipment Shelter. The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless Telecommunications Facility. A facility consisting of the equipment and structures involved in receiving telecommunications and/or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Wireless Telecommunications Tower. A structure intended to support equipment used to transmit and/ or receive telecommunications signals including monopoles, guyed and lattice construction steel structures. For the purpose of this ordinance the word tower is synonymous with the words wireless telecommunications tower.

Temporary Use. Any use of a mobile home facility not longer than three (3) calendar months within any given calendar year.

Tourist Home. A building, or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as the residence of the operator.

Tower. A self-supporting lattice, guyed or monopole structure constructed from grade, which receives, and/or send radio and television communications or which supports Telecommunications Facilities.

Townhouse or Condominium. An individually owned single family attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one or both sides of the dwelling unit, and not exceeding two and one-half (2 ½) stories or thirty-five (35) feet in height.

Travel Trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

Travel Trailer Park. A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants.

Tree Credits. A means of crediting existing trees for trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.

Understory Tree. Trees, which at maturity, comprise the sub-canopy of a natural forest. These are generally 20-40 feet at mature height.

Use. The specific purpose, for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance. A modification of the strict terms of the relevant regulations in the City with regard to placement of structures, developmental criteria or provision of facilities. Examples include: (1) allowing smaller yard dimensions because an existing lot of record is of substandard size; (2) waiving a portion of required parking and/or loading space due to some unusual circumstances; (3) allowing fencing and/or plant material buffering different from that required, due to some unusual circumstances. Available only on appeal to the Board of Adjustment.

Watershed. The drainage basin, catchment, or other area of land that drains water, sediment, and dissolved materials to a common outlet point. Wetlands are characterized by one or more parameters: certain soil types, aquatic plants, and hydrology. Recent federal and state legislation make the filling or dredging of wetlands extremely difficult. Many states also require buffer or transition areas to provide additional protection to wetlands.

Wetlands. Jurisdictional wetlands as defined by the U.S. Army Corp of Engineers.

Wholesale Establishment. Business establishments that generally sell commodities in large quantities or by the place to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Yard. A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

- a. Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. On waterfront lots the front yard shall be considered from the front line of the building to the water.
- b. Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building projected to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.
- c. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the sideline of the building and the adjacent sideline of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.
- d. Yard, Minimum. That yard space that must remain when the property is developed to the fullest extent allowable under applicable ordinances and codes.

Zero Lot Line. A developmental approach in which a dwelling unit is sited along one or more lot lines.

Zoning Board of Adjustments. See Section 13.3.

Zoning Administrator. The administrative officer designated to administer the zoning ordinance and issue land use certificates.

Zoning District. A section of the city designated in this Ordinance text and delineated on the zoning map wherein all requirements for use of land and building and development standards must be uniform.

Zoning Enforcement Officer. Individual appointed by the City to carry out the duties and enforcement required by the Zoning Ordinance and Subdivision Regulations. May be used interchangeably with Building Official, Zoning Administrator and Code Enforcement Officer.

Zoning Map. The map which is part of this Zoning Ordinance and which delineate the boundaries of zoning uses.

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