

ARTICLE 2 DEFINITIONS

SECTION 2.01 INTERPRETATION OF COMMONLY USED WORDS

For the purpose of interpreting this Ordinance, certain words and phrases have the meaning ascribed herein. In the event a word or phrase is not listed in this Article or is not defined elsewhere in these Regulations, the customary dictionary meaning of the term applies. The word “may” is permissive. The word “shall” is mandatory. The words “building” and “structure” are mutually inclusive. Words used in the present tense include the future tense and words used in the future tense include the present tense. Words used in the singular include the plural and words used in the plural include the singular.

SECTION 2.02 DEFINITIONS

- 2.02.01** Access. A deeded portion of a lot, tract or parcel that provides travel way to a City, County or State road.
- 2.02.02** Adverse Effect. The potential for harm or damage from a proposed development related to potential impacts to the health, safety, convenience, order, prosperity, and general welfare of the residents; congestion in the street; safety from fire, panic, and other dangers; the provision of adequate light and air; the adequate provision of water, sewerage, and enhancement of the ecological and aesthetic environments of present and future residents and the coordinated and efficient development of the City of Bay Minette.
- 2.02.03** Adjacent. Either adjoining or on the opposite side of a street or other right-of-way that separates it from the subject property. Properties separated by an interstate or railroad are not considered adjacent.
- 2.02.04** Adjoining or Abutting. Having property or district lines in common. Properties separated by a right-of-way are adjacent, but not abutting.
- 2.02.05** Agent. A person, firm or corporation who is empowered to act for a principal on matters which come within the scope of designated activities.
- 2.02.06** Alley. A public right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on some other street.
- 2.02.07** Applicant. The owner of land proposed to be subdivided or a person designated in writing by the legal owner as their representative.
- 2.02.08** Arterial. A highway or street of considerable continuity which is used primarily for moving large volumes of traffic through or around the city; sometimes called a major highway or street.
- 2.02.09** As-Built Plan. A post construction record giving details of construction and locations of improvements as they were built or installed.
- 2.02.10** Block. A division or parcel of land bounded by streets, or by a combination of streets, public highways, alleys, public parks, cemeteries, railroad right-of-way, shorelines of waterways, other

rights-of-way, or boundary lines. Where platting is incomplete or disconnected, block outline may be determined by subdivider.

- 2.02.11** Building Envelope. A defined portion of a lot where building construction, or other activities as defined on the plat, will be permitted, typically within building setbacks designated by the Zoning Ordinance.
- 2.02.12** Building Setback Line. A line parallel to the property line(s) over which no structure may be erected, except for steps or terraces with no canopy, open fire escapes, roof overhangs, balconies, canopies or cornices projecting no more than two (2) feet beyond the main wall, offset or overlapping projections of second floors that project no more than three (3) feet beyond the main floor of the building.
- 2.02.13** City. The City of Bay Minette, Alabama.
- 2.02.14** City Council. The chief legislative body of the City of Bay Minette, Alabama.
- 2.02.15** City Engineer. A State Certified Engineer acting on behalf of the City of Bay Minette.
- 2.02.16** City Planner. A City official as designated by the City Council, who represents and acts on the behalf of the City in performing the duties and enforcement required by the Zoning Ordinance and/or Subdivision Regulations. Interchangeable with City Planner, Zoning Administrator or Community Development Director. For general responsibilities, also refers to their designee and/or other City Planning and Community Development Staff.
- 2.02.17** Collector. A route which collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.
- 2.02.18** Comprehensive Plan. Shall mean the entire collection of the master plan, land use maps and guidelines adopted by Bay Minette Planning Commission.
- 2.02.19** Construction Plans. Plans prepared in accordance with these Regulations, detailing the design and requirements for the construction of all required improvements. These plans shall include, but not be limited to, the engineering plans for the construction of all improvements and detail such items as the location and dimensions of all existing and proposed roads, utilities, storm drainage facilities, curve data, and any other data as required.
- 2.02.20** Corner Lot. A parcel of land adjoining two or more streets at their intersection.
- 2.02.21** Crosswalk. A designated transverse right-of-way across a public street for the purpose of protection of pedestrians crossing to the other side of the street.
- 2.02.22** Cul-de-sac. A minor street designed with only one outlet and having an appropriate terminal for safe and convenient vehicular turnaround.
- 2.02.23** Curb or Curblin. Shall mean the vertical face of a concrete curb nearest the center of the street or, where no curb exists, the edge of the traveled way.
- 2.02.24** Dedication. The transfer of property from private to public ownership.
- 2.02.25** Develop. Means the physical preparation of land for occupation or utilization, including the design work of lot layout, the construction of drainage structures, the construction of buildings or public use

areas, the planning and construction of public streets and public roads, and the placement of utilities, mining, dredging, filling, grading, paving, excavating, or drilling operations; and any other applicable construction or improvement required or included in a certain subdivision project. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition.

- 2.02.26** Differential Runoff. Shall mean the difference between the rate and volume of stormwater runoff from a particular parcel or project in its undeveloped or natural condition and that of the same property after development.
- 2.02.27** Double Frontage Lot. A lot which abuts a public way on both front and rear - a lot which extends all the way through the block.
- 2.02.28** Easement. Shall mean a restricted area on privately owned land, the use of which is reserved for a specific purpose or public utility, such right of use to run with the land in perpetuity unless the governing body, by resolution, assents to the vacation of such easement upon a finding that there is no public need therefor.
- 2.02.29** Engineer. Shall mean one who is registered and actively licensed to practice as a Professional Engineer in his qualified field of expertise by the Alabama Licensing Board for Engineers and Land Surveyors. A qualified engineer undertaking the design and inspection of construction within subdivisions may be referred to herein as the Project Engineer or Subdivision Engineer.
- 2.02.30** Essential Services. Public utility facilities related to water, stormwater sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the City of Bay Minette; but not including buildings housing employees, or public safety facilities such as fire and/or police stations.
- 2.02.31** Final Plat. A plat of a tract of land which meets the requirements of these Regulations and is in form for recording in the Office of the Probate Judge of Baldwin County, Alabama.
- 2.02.32** Highway. A road or street that forms a part of the existing or projected Federal Aid Highway System, the State road system or the County road system.
- 2.02.33** Infrastructure. Includes, but is not limited to a street, road, sidewalk, parking facility, bridge, water or wastewater facility, drainage system, waterline, water storage facility, rail line, utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, designed for the benefit of the general public.
- 2.02.34** Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, lease, or rental, and/or for building development, and having its principal frontage on an existing or proposed right-of-way conforming to these Regulations.
- 2.02.35** Lot of Record. A lot which is a part of a recorded plat, or a parcel described by metes and bounds, the map and/or description of which has been recorded according to Alabama law.
- 2.02.36** Lot Line. The lot line which abuts a street or separates the lot from a street.

- 2.02.37** Lot Line, Front. The lot line contiguous to the street right-of-way line of the principal street on which the lot abuts.
- 2.02.38** Lot Line, Interior. A side lot line separating a lot from another lot is called an interior lot line.
- 2.02.39** Lot Line, Rear. The lot line opposite to and most distant from the front lot line.
- 2.02.40** Lot Line, Side. Any lot line other than a front or rear lot line.
- 2.02.41** Lot Line, Side Street. A side lot line of a corner lot separating a lot from a street is called a Side Street lot line.
- 2.02.42** Lot Width. The horizontal distance between side lines of the lot when measured parallel to the street right-of-way at the building set back line.
- 2.02.43** Major Street. See Arterial Street above.
- 2.02.44** Major Subdivision. A subdivision not classified as a minor subdivision, including but not limited to subdivisions of 5 or more lots, or any size subdivision requiring any new street or drainage improvements, the extension of public facilities, or the creation of any public improvements.
- 2.02.45** Marginal Access Street. A service road or street which is parallel and adjacent to a major street or highway and provides protected access to abutting properties in cases where an arterial runs through or near a subdivided area.
- 2.02.46** Minor Street. A local or neighborhood street used primarily to provide access to abutting property.
- 2.02.47** Minor Subdivision. A subdivision that creates not more than 4 lots, each lot fronting on an existing, paved public road and does not involve any new street or drainage improvements, the extension of public facilities, nor the creation of any public improvements.
- 2.02.48** Monument. A permanent object which serves to indicate a limit or to mark a boundary.
- 2.02.49** Official Maps and Plans. The maps and plans prepared as a part of the comprehensive plan.
- 2.02.50** Parkway. A special scenic route or park drive abutting a park, green way, or conservation area where zoning or topography would prohibit development on at least one side of the roadway.
- 2.02.51** Planning Commission. Means the Planning Commission of the City of Bay Minette, Alabama. Interchangeable with “the Commission”
- 2.02.52** Planning Department. Unless specifically noted otherwise, “the Department” or “the Planning Department” specifically refers to the Planning and Community Development Services Department of the City of Bay Minette.
- 2.02.53** Planting Strip. That portion of the street right-of-way between curb and the property line exclusive of the area occupied by sidewalks.
- 2.02.54** Private Drive. A type of private access easement which serves as a common driveway for three or more dwelling units or structures, and which shall not be maintained by the City.

- 2.02.55** Proposed Plat. A plan for a subdivision of land which is submitted to the Planning Commission for approval to develop the subdivision in accordance with applicable regulations.
- 2.02.56** Recreational Vehicle. A self-propelled vehicle used for temporary housing of individuals and families during travel. This category also includes campers and camping trailers capable of being towed by a passenger motor vehicle and motor homes.
- 2.02.57** Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
- 2.02.58** Recreational Vehicle Sites. Spaces or areas of ground within a recreational vehicle park intended for the accommodation of transient recreational vehicles, travel trailers, campers, motor homes or similar transient vehicles.
- 2.02.59** Road or Street. A public right-of-way for vehicular traffic that affords the principal means of access to abutting property.
- 2.02.60** Road, City. A public road which has been accepted into the City's road system through construction by the City, dedication and formal acceptance by the City Council, or prescription and is maintained by the City. A road which has been dedicated to the public and is used by the public is not a City Road, unless it has been accepted into the City's road system through construction, acceptance or prescription as set out herein and authorized by law.
- 2.02.61** Road, County. A public road owned or maintained by the Baldwin County Commission.
- 2.02.62** Road, Private. A road which has not been dedicated to the public and is not owned or maintained by the City, County, or State whether or not it has public access.
- 2.02.63** Road, Public. A street or road that has been constructed for public use, established by statutory proceedings, or dedicated for public use. A public road may or may not be a City Road.
- 2.02.64** Road, State. A public road owned or maintained by the State of Alabama.
- 2.02.65** Roadway, Traveled Way or Street Surface. that part of a street or highway available for use by vehicular traffic - the portion from face of curb to face of curb.
- 2.02.66** Secondary Street. See Collector Street above.
- 2.02.67** Sidewalk. A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.
- 2.02.68** Sketch Plat. Drawing submitted prior to the preparation of the Preliminary Plat to enable the applicant to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these Regulations.
- 2.02.69** Specifications, State. Shall mean the latest revision of the Alabama Highway Department Specifications for Roads and Bridges.

- 2.02.70** Street or Street Width. Shall mean the entire right-of-way, the perpendicular or radial distance between the boundaries of property adjoining either side of such street.
- 2.02.71** Stub Street or Stub Out. A street right-of-way or improvement which terminates abruptly without the provision for vehicular turn-around. Such a street is temporary, usually terminating at the boundary of a development and expected to continue to and through adjacent property in its subsequent future development.
- 2.02.72** Subdivider. A person, firm, corporation or any other legal entity who 1) proposes to divide, divides or causes to be divided, real property into a subdivision; or who 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel, site, unit, or plat in a subdivision; or who 3) commences proceedings under these Regulations to develop a subdivision. The terms “agent,” “applicant,” and “developer” will have corresponding meanings in these Regulations. This definition does not include a public agency or officer authorized by law to approve subdivisions.
- 2.02.73** Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- 2.02.74** Subdivision, Exempt. A division of lots, parcels or tracts meeting the criteria in Section 3.17 herein, and not subject to the requirements of these Regulations.
- 2.02.75** Subdivision, Pre-Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County before October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.76** Subdivision, Regulatory. A subdivision or lots of record that were recorded in the Office of the Judge of Probate, Baldwin County after October 19, 1989, the date of the implementation of Subdivision Regulations in the City of Bay Minette.
- 2.02.77** Surety. Any bond, certificate of deposit, irrevocable letter of credit, cashier check, or other acceptable guarantee as approved by the Planning Commission or their authorized agent.
- 2.02.78** Surface Drainage. A stormwater drainage system consisting of gutters, culverts and open channels.
- 2.02.79** Waiver. A request for the modification of a standard contained in these Regulations, granted at the discretion of the Planning Commission at the time of Preliminary Plat approval, and based on criteria unique to the specific site.

SECTION 2.03 ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act of 1990
ADEM	Alabama Department of Environmental Management
ALDOT	Alabama Department of Transportation
CAD	Computer Aided Drafting
DWG	drawing file

FEMA	Federal Emergency Management Agency
ft	feet
GIS	Geographic Information Systems
HOA	Home Owner's Association
MUTCD	Manual on Uniform Traffic Control Devices for Streets and Highways
PDF	Portable Document Format
PUD	Planned Unit Development
ROW	Right of Way
RV	Recreational Vehicle
sf	square feet
SHP	shapefile
USGS	United States Geological Survey