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.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.

G. The word "Auburn" means Auburn, Alabama.

H. The words "governing body" refer to the City Council of Auburn.

I. The words "Planning Commission" shall mean the Auburn Planning Commission.

J. The word "Board" refers to the Board of Zoning Adjustment of the City of Auburn.

K. 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.

L. The word "permitted" refers to uses with the designation "P" as shown in Table 4-1.

M. The word "conditional" refers to uses with the designation "C" as shown in Table 4-1.

Section 202. Abbreviations.

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

DF – Density Factor
FAR – Floor Area Ratio
ISR – Impervious Surface Ratio
OSR – Open Space Ratio
ADT – Average Daily Traffic
AC – Acre
LUI – Land Use Intensity

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 a right-of-way, alley or easement.

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles. A way of approaching or entering a property. Including ingress (the right to enter) and egress (the right to leave).

Access Control: The process of managing access to land development from major streets in order to preserve the safety and efficiency of the transportation system.

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 (See Section 806).

Accessory Use: The use of a building, structure or land that is subordinate to, customarily incidental to, and ordinarily found in association with, a principal use, which it serves.

Active Park: A park area that is improved with facilities for organized recreational activities to serve the neighborhood or community.

Activity Centers: Centers are the commercial and mixed use areas of the City and may serve the region, the City, several neighborhoods or a single neighborhood. They serve as the focus of community life and shall include public facilities like schools and civic buildings. Centers are distributed throughout the City and are within walking or bicycling distance of virtually all residents. The City's Land Use Plan defines the following types of center -- Village and Neighborhood Centers, Community Commercial Centers, Commercial Corridors, Gateway Centers, Commercial Support Centers, and Industrial Support Centers.

Adjoining Property Owner: The owner of record at the Lee County Courthouse for properties that physically touch or are directly across a right-of-way from a subject property. When the corner of a parcel or tract to be subdivided is located at and forms a part of a street intersection, the parcel or tract diagonally opposite the subject parcel or tract shall be considered an adjoining property.

Agriculture: The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; and the usual and necessary accessory facilities for packing, treating and storage of the produce of such activities. The accessory uses shall be secondary to that of normal agricultural activities, and provided further that none of the above uses or accessory uses shall include the commercial feeding of offal or garbage to swine.

Alcoholic Beverages: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes which contain one-half of one percent of alcohol by volume and shall include liquor, beer, and wine, both fortified and table wine.

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

Alteration/Altered: Any addition to the height, width, or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its fair value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Alteration, Incidental: Modifications to a building or structure that are of a cosmetic nature, replacement of utilities, and rearrangement of internal partitions. The replacement or alteration of exterior walls is not an incidental alteration.

Amenity: The features of a plan, project or location that add to the quality of life, value of property, and generally have a positive impact on the built environment and the natural environment.

ANSI: American National Standards Institute (ANSI), originally known as the American Standards Association published procedures in 1949. This activity of the American Association of Nurserymen, Inc. developed the first standardized system of sizing and describing plants to facilitate trade in nursery stock in the 1920's.

Angle of Light Exposure: An imaginary line drawn at an angle from the property line, which establishes the relationship between the height of a structure and the required setback from the property line; and designed to ensure adequate air, sunlight and privacy to adjoining properties, as required by Section 502.03 and Table 4-3.

Antenna: Electronic devices, whose purpose is to receive or transmit signals directly from ground-based sources, which are freestanding or mounted on a structure.

Apartment: A dwelling unit contained in a multi-family structure or complex. (See "multi-family").

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 908.

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 Director determines to be appropriate.

Arterial Road: A facility that serves as a primary artery of the City intended to mainly carry through traffic and to connect major activity centers in the City and its planning jurisdiction. Its function is to move intra-city and intercity traffic. The streets that are classified as arterials may also serve abutting property; however, their primary purpose is to carry traffic. Arterials should not be bordered by uncontrolled strip development. Access to these facilities should be carefully managed to ensure the capacity of the facility is not compromised by driveways. Arterials vary in width and parking on-street is prohibited. Arterial roads are shown on the City's Major Street Plan.

Assisted Living Facility: A residential facility for four (4) or more elderly or other persons needing light medical supervision (medicine distribution) within which are provided living and sleeping quarters, meal preparation, and room cleaning. (Also see: Independent Living Facilities and Nursing Homes)

Attic: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.

Basal Area: The cross sectional area of a tree trunk at a diameter breast height (DBH) expressed herein in terms of "units" per acre.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year. See Section 7-18 of the Auburn City Code.

Basement: The lowest habitable story of a building usually below, or partially below, ground level.

Bed and Breakfast Inn: An existing residence where the owner lives on the premises and provides short-time lodging for compensation. The residence contains no more than eight (8) guest rooms with breakfast being provided for the guests.

Bedroom: A room marketed, designed, or otherwise likely to function primarily for sleeping.

Best Management Practices: A physical, structural or managerial practice, which has gained general acceptance for its ability to prevent or reduce environmental impacts.

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.

Branching: An outgrowing shoot, stem or twig that grows from the main stem or tree trunk.

Brewpub: Any building, structure, or portion thereof designated as a historic building and site as defined in Section 40.8.1 of the State Code of Alabama 1975 where beer is manufactured or brewed, subject to the barrel production limitation and other standards prescribed in the Alabama Brewpub Act (Section 28, chapter 4A of the Code of Alabama 1975).

Buffer: An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, plant materials, or property of any kind. The term is inclusive of any part thereof.

Building, Accessory: See Structure, Accessory.

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

Building Envelope: Designated area within a lot, as shown on a subdivision plat for zero lot line, single family attached, and twin house development, wherein all principal and accessory structures (including swimming pools) will be built, except fences and/or walls enclosing yards or patio areas.

Building Frontage: The exterior wall of a building that faces a front lot line of the lot.

Building Height: See Height of Structure.

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

Building Line, Front: A line, generally parallel to the front lot line, which passes through the most forward point of the principal structure.

Caliper: The diameter of a tree measured at a point six (6) inches above the ground line if the resulting measurement is no more than four (4) inches. If the resulting measurement is more than four (4) inches, the measurement is made at a point twelve (12) inches above the ground line.

Caliper measurements are used in the landscape or nursery trades, and DBH measurements are used in forestry and the timber industry. For ordinance purposes, caliper is used for replacement trees and DBH is used for existing trees.

Canopy: A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term "awning" and shall apply regardless of the materials used in its construction.

Canopy Tree: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen canopy tree.

Capital Improvements Program (CIP): Ranks capital projects based on goals established in the Comprehensive Plan and on established standards for the appropriate provision of services. The CIP outlines a schedule for the expenditure of municipal funds for public physical improvements. It consists of two components: a capital budget, which lists and describes the capital projects to be undertaken during the coming fiscal year, and a capital program, which lists and describes the capital projects proposed to be undertaken during each of the following five years. The CIP is monitored continuously and updated every two years as part of the City's biennial budgetary process.

Carport: An unenclosed paved and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature.

Carrier/Provider: See Wireless Communication Service Provider.

Cellar: An uninhabited room used for storage, usually beneath the ground or under a building.

Certified Survey: The orderly process of determining data relating to the physical characteristics of the earth, the primary purpose of which includes, but is not limited to, determining the perimeter of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purpose of describing and locating fixed, which has been signed and sealed by a professional surveyor licensed in the State of Alabama according to the standards of practice for surveying in the State of Alabama.

Church: A building used for regular religious worship, by the congregation or parts thereof, of an organized religion. May include related facilities such as classrooms, family activity centers, fitness centers, and day-care centers.

Cluster Development: Development in which individual lots may be smaller than the average lot authorized by the zoning ordinance, yet the overall gross density remains the same. Buildable lots are located on a portion of rather than the entire site so that the residual area may be preserved for recreation or open space.

Cluster Home: Three (3) or four (4) single-family residential dwelling units attached by at least two common walls and arranged in a non-linear layout.

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

Commercial Strip: A land use pattern characterized by continuous automobile-dependent commercial frontage, usually dominated by front parking lots and long, low buildings oriented towards a highway or arterial street.

Community Event: A public event, which fosters character and a sense of community in the City of Auburn. Such events include Cityfest, Fourth of July celebrations, Memorial Day Breakfast and similar activities determined by the City Council or City Manager. Community events do not include Auburn University athletic events and social activities, or similar commercial activities held at apartment complexes, commercial establishments, or private houses.

Compact Development: A development philosophy that emphasizes infilling of vacant land and underutilized lots and structures before expanding the boundaries of the City, and encourages higher residential densities and non-residential development intensity as a means of conserving open space and public resources.

Comprehensive Plan: The Combination of the latest adopted version of the City's Land Use Plan, Major Street Plan, Plan for Sewer Service, Plan for Water Distribution Facilities, Bikeway Plan, Green Space and Greenways Plan, and Capital Improvements Program.

Comprehensive Plan Amendment: Any adopted addition or modification to the Comprehensive Plan.

Condominium: Property ownership arrangement in which a buyer receives a percentage interest in a development on an undivided parcel of land, resulting in the right to exclusive use of a specific dwelling unit or portion of the undivided parcel, such as a mobile home or recreational vehicle site. Common areas of the site, which are not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or members of the condominium development. A building, or groups of buildings, in which units are owned individually, and all the owners on a proportional, undivided basis own the structure, commons areas and facilities.

Condotel or condo-hotel (Condominium Hotel): A condominium project, with individual unit ownership, developed for short-term or transient occupancy and will not be occupied as multi-family dwellings. Such project may have rental or registration desks, on-site management services, daily cleaning services, telephone switchboard services and other convenience services to residents and guests typical of a commercially operated facility. Restaurants, cafes and similar facilities may or may not be provided on site. For the purpose of the ordinance, a condotel is classified as a commercial hotel even though the units are individually owned.

Constraints: Physical conditions that must be overcome to achieve the preferred vision for Auburn.

Convenience Oriented Business: A business that sells retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Often purchased without comparison-shopping because these goods cost relatively little compared to income.

Corner Lot: See Lot, Corner.

Cottage Housing Development: This development type consists of small, detached units within a single-family neighborhood designed for smaller houses. The units may be located on either an undivided or subdivided lot.

Critical Root Zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass; this will give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the trunk with a radius equal in feet to the number of inches of the tree's DBH, with a minimum radius of eight feet.

Crown: The portion of a tree comprised of the branches, upright mass of branches, twigs and leaves of a tree, or the foliated portion.

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

Cultivar: A variation of a species, one that has been produced through breeding deliberate selection. Terms in the cultivar name are always capitalized and included in single quotes.

Curb Cut: Vehicular entrance onto a public right-of-way from a public or private development. The intersection of two public rights-of-way is not considered a curb cut.

Day Care Services: Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part of all of the day or any number of successive days. Such facility shall be licensed by the State of Alabama.

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

Density: The number of dwelling units or persons per acre of land, usually expressed in units per gross acre. The number of families, individuals, dwelling units, total number of bedrooms, or housing structures per unit of land; usually density is expressed "per acre." Thus, the density of a development of 100 units occupying 20 acres is 5 units per acre, or 140 total bedrooms in a development on 2 acres is 70 bedrooms per acre.

Density Bonus: An incentive through which the City may allow a developer to increase the density of a residential project, or the mix and intensity of a nonresidential project, in exchange for the developer providing specified public benefits at no cost to the City.

Density, Gross: Density is measured by dividing the total land area by the number of dwelling units or building floor area to arrive at a dwelling unit per land area ratio or square foot per land area ratio.

Design Guidelines: Provisions guiding the design of buildings that are not mandatory but may be used by Staff, the City's advisory boards and commissions, and the City Council in evaluating projects.

Design Review: A formal process for reviewing the design and aesthetics of proposed new developments and building alterations; and for determining what improvements or changes might be made to make new developments compatible with the surroundings.

Developer: The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease. This term shall include both public and private entities.

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 the City.

Development Committee: A committee chaired by the Planning Director, and including the Directors of the Public Works, Water Resource Management, Economic Development, and Finance Departments of the City. The Committee's function is to assess infrastructure needs and availability associated with selected development projects; and, based on such assessment, to determine the public costs associated with the provisions of such infrastructure.

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 (except as provided for in Sections 509.02 and 509.03), internal access roads or driveways, and other physical design features needed to serve the proposed development.

Diameter-at-Breast Height (DBH): The tree trunk diameter (in inches) at a height of four and one-half feet (4 ½ feet) above the ground. If a tree splits into multiple trunks below four and one-half feet (4 ½ feet), then the trunk is measured at its most narrow point beneath the split.

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.

Drainageway: Minor watercourses, ravines, and ditches, natural or man-made, which are defined either by soil type or the presence of intermittent or perennial streams.

Dripline: A vertical line extending from the outermost portion of a tree canopy to the ground.

Drive-In Restaurant: See Restaurant, Fast Food.

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: A structure or portion thereof which is designated or used for human habitation.

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

Dwelling Unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except as otherwise provided by this Ordinance. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter.

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 Lee County or established by prescription through continuous historic use.

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

Eave Height: The vertical distance measured from the grade level to the underside of the eave. In locations where the grade level slopes the measurement shall be the average of the least and greatest vertical measurements.

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

Exchange: A public benefit or amenity provided by an applicant or developer for additional development capacity (i.e. a density bonus, lot width reduction, etc.).

Exterior 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.

Family: Two (2) or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption or guardianship up to the second degree of consanguinity, plus one unrelated person in the Limited Development District, Neighborhood Conservation District, or the Development District Housing. For the purpose of this definition "consanguinity" means husbands and wives, brothers and sisters, parents and children, grandparents and grandchildren, uncles and aunts, nephews and nieces, and first cousins. In all other zoning districts where residential units are permitted the term "family" may include up to five (5) unrelated persons occupying a single dwelling unit.

Family Child Care Home: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama. (See Section 507.05)

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

Floodplain: Any land area susceptible to flooding. (Auburn City Code, Section 7-18)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than a designated height. (Auburn City Code, Section 7-18)

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 excludes basement floor area, but includes attic floor area only if the attic area meets the current building code standards of the City of Auburn 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 derived by dividing the gross floor area of all buildings on a lot by the area of that lot. The floor area ratio is one measure of development intensity and should be used in conjunction with other measures such as setbacks, height restrictions, impervious surface ratio, and similar indicators.

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.

Fraternity House: See Boarding House.

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 deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station: Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered; such as, sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of minor items of equipment such as mufflers, and tail pipes, water hoses, fan belts, brake fluid, etc.; radiator cleaning and flushing; minor servicing and replacing of carburetors; car washing , waxing, and detailing.

Gateway: A point along a roadway at which a motorist or pedestrian gains a sense of having entered the City or a particular part of the City. This impression can be imparted through such things as signs, monuments, landscaping, a change in development character, or a natural feature such as a creek.

Geographic Information System (GIS): The City's organized collection of computer hardware, software, geographic data, and personnel designated to efficiently capture, store, update, manipulate, analyze and display all forms of geographically referenced information.

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

Gross Density: See Density, Gross.

Group Child Care Home: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama. (As per State of Alabama Department of Human Resources)

Height of Structure: See Structure Height.

High Density: A relative term, used to describe development dominated by smaller lots single-family development and by multi-family housing.

Historic structure: A structure deemed to be historically significant on its visual quality, design, history, association, context and/or integrity.

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 total area of the site.

Incentive: The granting of additional development capacity by the City in exchange for a public benefit or amenity.

Independent Living Facility: A residential facility containing two or more rooming units limited in occupancy and occupied by elderly or disabled persons within which are provided living and sleeping facilities, meal preparation, shared dining facilities, laundry services, and room cleaning for the exclusive use of all residents. Such facilities may also provide transportation for routine social and medical appointments and counseling.

Infrastructure: Facilities and services needed to sustain industrial, residential, and commercial activities. Infrastructure may include, but not be limited to, water and sewer lines, streets, communication lines, drainage facilities, and utilities.

Institutional Use: Structures and related ground uses by organizations providing educational, medical, social or recreational services to the community, and by non-profit organizations such as colleges, schools, community centers and clubs, and religious facilities.

Intensity Class, Land Use: A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses (See Section 419).

Interior parking area- A lot or portion of a lot devoted to off-street parking of vehicles, including parking spaces, aisles, and access drives and providing vehicular access to a public street. Interior parking area shall exclude drive-thru lanes, truck loading areas, parking areas unconnected to and exclusive of any vehicle parking, automobile dealerships, and display/sales/service/vehicle storage area parking for auto dealerships.

Internal Access: Physical design of a dwelling unit in which the kitchen, bathrooms, and all other rooms intended for human habitation, are connected internally.

Joint Ownership PDD: Joint plan for development and conservation of properties owned by two or more landowners. Each receives a share of the net proceeds in proportion to the number and value of units each could develop independently, irrespective of the total acreage owned by each participant.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative vehicles.

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.

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 Use: A broad term used to classify land according to present use and according to the suitability for future uses; that is, for housing, open spaces and parks, commercial, industrial, etc.

Level of Service (LOS): The condition of traffic flow measured as level of service, ranging from LOS A, which represents unimpeded flow, to LOS F, which represents no flow. A qualitative measure describing traffic conditions along a given roadway or at a particular intersection, including travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined from A to F, with A representing the best conditions and F the worst.

Liquor: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes, which contain more than one-half of one percent of alcohol of volume, except malt or brewed beverages as defined herein.

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

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

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

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

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

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

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

Lot Frontage: Lot width measured at the street lot line.

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

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one (1) as the front lot line for the purposes of front setback and placement of accessory structures.

Lot Line, Rear: That lot line which is opposite to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line (See Figure 5-2).

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

Lot Line, Street: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two opposing yards shall be a rear yard.

Lot of Record: Any validly recorded lot meeting current requirements for size and/or width. Minimum sizes for residential uses shall be established through Section 502.01 and 502.02. Minimum size for nonresidential uses are established in Table 4-3 (See also Nonconforming Lot of Record).

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

Lounge: Any place or premises in which alcoholic beverages of all types may be offered for sale, but does not meet the requirement for a Restaurant or Private Club.

Major Development: Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Building Permit. By way of illustration, but not limitation, Major Development shall also include the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

Malt or Brewed Beverages: Any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent (.5) or more of alcohol by volume and not in excess of four (4) percent alcohol by weight and five (5) percent by volume, by whatever name the same may be called.

Manufactured Home: A dwelling, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more, 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 the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any dwelling which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD). For mobile homes built prior to June 15, 1976, a label certifying compliance to NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

Manufactured Home Park: A parcel of land under single management which has been planned and improved for the provisions of services for manufactured homes for transient and/or non-transient use. A manufactured home park may not be platted or otherwise divided by fee simple ownership; however, the

sale of interests or memberships on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards, are privately owned or owned in common by residents of the park.

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

Master Development Plan: A conceptual plan, meeting the requirements of Section 504 and depicting a mixture of land uses, showing an entire development site and all component stages or phases which express the overall development concept for the site at buildout.

Minimum Floor Elevation: The lowest elevation, in relation to mean sea level, permissible for the construction, erection, or placement of residential and non-residential structures, including basements floors in accordance with Section 7-37 of the Auburn City Code.

Minimum Plant Area: Required minimum amount of open soil surface area for trees mandated by this Ordinance. These areas may be planted with shrubs, groundcover, or mulched, but no impervious surfaces will be allowed. Minimum areas are 325 ft^2 for canopy trees and 90 ft^2 for understory trees. These figures are also used to calculate tree credit when protecting existing trees.

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.

Minor Development: Any alteration of the natural environment, which may or may not require development, site plan approval or issuance of a building permit, but which would possibly cause the removal or destruction of any tree(s). Any removal of trees that constitutes Major Development as that term is herein defined shall not constitute Minor Development.

Mixed-Use Development: A combination of residential and non-residential uses on a single property or land parcel, involving two (2) or more uses of different land use categories that may or may not be located in a single structure. Such developments include, but are not limited to, combinations of residential, office, retail, public entertainment, and/or manufacturing uses in a compact urban form such as an office or research park. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Mobile Home: See Manufactured Home.

Motel: See Hotel.

Multi-Modal System: More than one type (mode) of transportation including automobile, pedestrian, bicycle, mass transit, etc.

Natural Environment: Natural resources include the soils, water, forests, minerals, geologic formations, and plant and animal species found within the planning area.

Neighborhood: A part of the City defined by distinct characteristics and boundaries and considered as familiar territory by its residents.

Neighborhood Park: Small-scale parks, intended to meet the recreation needs of residential areas.

Nonconforming/Nonconformity: A legal nonconformity is any land use or physical design of development, structure, sign, or lot of record legally established prior to the effective date of this Ordinance or subsequent amendment to it, which would not be permitted by or is not in full compliance with the regulations of this Ordinance.

Nonconforming Development Site: A nonconforming development site is any development site, legally established prior to the effective date of this Ordinance or subsequent amendment to it and part of an approved site plan or subdivision plat at the time of its establishment, which does not fully comply with the standards of this Ordinance, including the minimum acceptable bufferyard requirements of Section 714.. Noncompliance with the bufferyard requirements of Section 420 through Section 428 requires compliance with Section 714, but does not render a development site nonconforming.

Nonconforming Lot of Record: A nonconforming lot of record is any validly recorded lot meeting the requirements of § 711.03 of the Zoning Ordinance, which at the time it was recorded fully, complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

Nonconforming Sign: A nonconforming sign is any sign legally established prior to the effective date of this ordinance or subsequent amendment to it which does not fully comply with all requirements of Article VI of this Ordinance.

Nonconforming Structure: any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards of this Ordinance.

Nonconforming Use: An activity using land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it, and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.The conditions under which such uses or lots may be continued, modified, and/or used are contained in Article VII of this ordinance.

Nursery for Children: See Day Care Center.

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: 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. Any parcel or area or land or water that is essentially unimproved and devoted to an open space use for the purpose of (1) the preservation of natural resources; (2) the managed production of resources; (3) outdoor recreation; or (4) public health and safety.

Open Space Ratio: The proportion of a site consisting of open space as defined by Section 417 and specified in Table 4-2.

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

Owner: A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, personal representative or trustee) have legal or equitable title to any property in question.

Package Store: Any place or premise for the principal purpose of selling, at retail, alcoholic beverages by the bottle, can, pack, or case, for off-premise consumption. Should gross receipts from the sale of distilled alcoholic beverages exceed gross receipts from other sales and activities on the premises during any one (1) month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.

Parcel: See Lot, Development Site.

Parking Garage or Lot: An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Passive Park: An open area set aside to provide an environment for quiet relaxation. Improvements are limited to parking areas, walking trails, seats, small shelters, picnic tables, rest rooms, and drinking fountains.

Pedestrian Oriented: An environment which is designed to provide space and facilities that will allow and encourage pedestrian travel; and to create connectivity among residential neighborhoods, activity centers, and public and community spaces and structures.

Performance Standards: Standards that provide detailed regulations and restrictions by means of minimum criteria or maximum criteria. The intent of these standards is to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such standards for open space, density, impervious surface coverage, lot area and height in each zoning district.

Planned Development: A land development project comprehensively planned as an entity via a master development plan in the Planned Development District (PDD).

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.

Private Dormitory: a building or buildings not operated by an academic institution containing rooms forming one or more habitable units which are used or intended to be used by residents of academic institutions. The typical unit configuration is a suite with common space for living and cooking and private bedrooms, each with a dedicated bathroom. Most properties offer furnished units that rent by the bed with parental guarantees. Utilities are typically included with the lease rate and lease terms are most commonly for one (1) academic year.

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.

Recreational Vehicle Park: A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards are privately owned or owned in common by members of a condominium association.

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

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.

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: A business which prepares, sells, and serves food and beverages to customers for consumption within the restaurant building or on the building site at outside tables. Businesses of this type include, but are not limited to, café, cafeteria, dining room, tearoom, coffee shop, hot dog stand, and sandwich shop. Carryout service may be provided, but not curb service or drive-thru window service. A restaurant may involve service of liquors, table wine and beer with State and local licenses, but must derive at least 51% of its gross revenue from the sale of food and non-alcoholic beverages and devote 51% or more of the floor area to the restaurant use.

Resubdivision: See Subdivision.

Revitalization: The renewal and improvement of older commercial and residential areas through any of a series of actions or programs that encourage and facilitate private and public investment. This community investment can include (but is not limited to) activities and programs designed to improve neighborhoods; strengthen existing businesses; attract new businesses; encourage quality renovation and new construction; enhance public spaces and pedestrian amenities; ensure safe, efficient and convenient traffic flow; and contribute to the social and economic vitality of the area.

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

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Scale: The relative proportion of the size of different elements of the built environment to one another; the measurement of the relationship of one object to another.

Screening: The method of visually shielding or obscuring one abutting or nearby use from another with densely planted vegetation. Screening is designed to reduce the effects or objectionable or potentially objectionable uses and activities between incompatible uses. Breaks in screens shall be permitted to provide adequate ingress and egress as needed.

Setback: The required minimum distance between a structure and the front, side, or rear lot line. The distance between a building or structure (not including ground-level parking lots or other paved surfaces) from property lines or from other buildings.

Shopping Center: A group of commercial-retail establishments planned, developed, owned or 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.

Shopping Center, Regional: A shopping center having in excess of 500,000 square feet of gross floor area.

Shrub: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen shrub.

Sign: See Article VI.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit. Single-family detached units may be constructed in subdivisions pursuant to Section 502.

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, in accordance with the requirements of Section 802.

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

Specific Plan: A detailed land use plan for a village (community) or neighborhood which indicates the location and characteristics of the activity center which is the focal point of the area; the location, type and density of residential development; and the location, type, and characteristics of the public infrastructure and amenities to be provided.

Specimen Tree: Any tree that qualifies for special consideration for preservation due to its size, species or historic relevance. See Section 428 for determination of specimen trees or specimen stands of trees.

Sprawl: Low-density, auto-dependent development, particularly on the fringes of the City. The desire for inexpensive land often prompts the development of land on the fringe that is surrounded by undeveloped land, rather than the development of vacant land that is adjacent to an already developed area. Sprawl causes expensive road and utility extensions and excessive reliance on automobiles, leading to traffic congestion and road wear.

Steep Slopes: Land area where the inclination of the land's surface from the horizontal is 15 percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

Stream, Perennial: A natural watercourse which contains flowing water, year around.

Street Centerline: That line surveyed, monumented and designated by the City as the centerline of a street.

Street trees: Trees planted in medians or along sidewalks in the public right-of-way that are intended to enhance the visual quality of a street, provide shade, absorb pollutants and noise, and provide habitat for urban wildlife.

Strip Development: Commercial, retail or industrial development, usually one lot deep that fronts on a major street.

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.

Structure, Height: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the eave height for gable, hip, and gambrel roofs, measured from the grade level. In situations where the grade level slopes, the structure height is the average of the least and greatest vertical distance. Structure height does not include portions of a structure that are not used for habitation and storage and are less than 65 feet tall. Exclusions from structure height include chimneys, ventilators, utility service structures, solar panels, steeples, bell towers, clock towers, cupolas, flag poles, fire escapes, stairway enclosures and elevator enclosures. Also excluded are parapet walls, balustrades or railings that rise less than six feet from the floor or roof from which they extend.

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. There shall be internal access to all interior portions of a single family detached dwelling unit. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space.

Subdivision: Any division, redivision, or consolidation of a tract, parcel, or lot of land by means of mapping, platting, conveyance, change or rearrangement of boundaries in accordance with the City of Auburn Subdivision Regulations. All subdivisions are also developments (See Development).

Substandard Structures: A broad classification for housing condition, rated in degrees of major and minor, which indicates that a certain dwelling unit is deficient for general use. Common criteria for assessing substandard housing include whether a dwelling unit is wired for electricity (or properly wired), contains plumbing and indoor flush toilet facilities, and has proper sewage disposal and adequate windows for light and air; the condition of exterior surfaces; and many others.

Telecommunications Facilities, Wireless: Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) Installed, used or intended for use in conjunction with any of the following:

A. *Cellular Communications facilities* – low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), personal communications services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public.

B. *Commercial Satellite facilities* – satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.

C. *Microwave Relay facilities (Repeater)* – used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

Telecommunications Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more Communications Antennas. Communications Towers shall include:

A. *Monopole Towers* – cylindrical self-supporting towers constructed as a single spire.

B. *Self-Supporting or Lattice Towers* – self-supporting towers with multiple sides of open-frame supports.

C. *Guyed Towers* – towers anchored with guy wires.

D. *Camouflaged Towers or Stealth Towers* – any tower or telecommunications facility, which is designed to minimize a visual impact and to blend into the surrounding environment. Such towers may be constructed to resemble objects, such as a tree or a streetlight, or may be concealed within another structure, such as a clock tower, church steeple or lamppost.

E. *Portable Towers* – any tower not permanently attached to the ground or other permanent structure, or a tower designed to be transported. Sometimes referred to by the term "Communications On Wheels or C.O.W.s."

F. *Temporary Tower* – tower placed on a site where a permanent tower is under construction. The temporary tower must be contained within the fenced boundary of the site and not accessible to the general public.

Telecommunications Tower, Fall Zone: The area located around the base of the tower, with a radius equal to one-half the height of the tower.

Temporary Use: See Use, Temporary.

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 City of Auburn Subdivision Regulations, and shall be developed under Performance Residential standards set forth in Section 502.02(C).

Traffic Calming: A set of techniques that serve to reduce the speed of traffic. Such strategies include lane narrowing, parking additions, sharp offsets, yield points, sidewalk bulge-outs, speed bumps, surface variations, and visual clues on a vertical plane.

Transfer of Development Rights (TDR): A method of transferring the "rights to develop" from one parcel to another parcel in a manner that allows an increase in the density or intensity of development on the receiving property with a corresponding decrease in the remaining development rights on the sending property.

Tree Inches Per Acre: A quantitative system used to determine the tree coverage of a development site. The inches represent the combined total of the diameter at breast height (DBH) of trees to remain and the caliper of replacement trees.

Tree Protection Area: Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this Ordinance.

Tree Removal or Removal of Trees: Any act which causes a tree to die, after commission of the act that include but not limited to damage inflicted upon the root system in the Critical Root Zone or trunk, as the result of:

A. The improper use of machinery on the trees;
B. The storage of materials in or around the trees;
C. Soil compaction;
D. Altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil.
E. Causing the infection or infestation of the tree by pests, fungus, or harmful bacteria;
F. Pruning judged to be excessive by the Administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
G. Paving with concrete, asphalt, or other impervious surface within such proximity as to be harmful to the tree or its root system; and
H. Application of herbicides or defoliants to any tree without first obtaining a permit.

Tree Survey: An assessment and recording of location size, species and critical root zone of all specimen trees, specimen stands of trees and all other trees proposed to remain on a development site (See Section 432(A) for Tree Survey Plan requirements).

Twin House: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with one (1) other unit, and located in a structure containing no more than two (2) units. Such units shall be built only on property which is platted according to the requirements of the City of Auburn Subdivision Regulations, and shall be developed under Performance Residential standards set forth in Section 502.02 (D).

Understory Tree: For the purpose of meeting landscape planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen understory tree.

Urban Forest: Trees growing within urbanized or developed areas. These include street trees, open green spaces, underdeveloped forested areas, trees in municipal parks and playgrounds, trees and vegetation on private property, and trees around public buildings.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

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 507.

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: An exception granted by the Board of Zoning Adjustment in special circumstances to protect against an undue hardship resulting from strict application of the provisions of this Zoning Ordinance. See Section 907.

Vision: A shared dream of the future characterized by long-term idealistic thinking. Provides the foundation for the development of goals, policies and programs. A vision is not a binding goal and may not be achievable in the lifetime of those participating in the drafting of the Comprehensive Plan.

Waiver: Modification of certain development standards dependent upon a finding by the Planning Commission that such standards are inappropriate in relation to a specific development. See Section 802.04 of this Zoning Ordinance.

Walkable Neighborhood: An area designed and constructed in such a way to provide and encourage pleasant, easy and efficient pedestrian movement.

Watershed: An area of land, due to its natural drainage pattern, that collects precipitation and drains or seeps into a marsh, stream, river, lake or groundwater.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Wetlands generally include swamps, marshes, bogs, and similar areas). A lowland area, such as a marsh, that is saturated with moisture all or part of the year. Standards for defining wetland boundaries consider hydrology, vegetation and soil conditions.

Wine: All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products. **Fortified Wine –** Any wine containing more than 14 percent alcohol by volume, but not more than 24 percent. **Table Wine –** Any wine containing not more than 14 percent alcohol by volume.

Wine, fortified: Any wine containing more than 14 percent alcohol by volume, but not more than 24 percent.

Wine, table: Any wine containing not more than 14 percent alcohol by volume.

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.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one quarter (1/4) acre or more and consisting substantially of canopy trees.

Yard: The open space between a lot line and building line.

Yard, Front: A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line, (See Figure 5-1).

Yard, Rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line, (See Figure 5-1).

Yard, Side: The yard extending along a side lot line, from the front yard to the rear yard, between the nearest side of a building and a side lot line. In the case of corner lots, the yard along all established or future street lines shall be termed a front yard and shall meet requirements herein for such, (See Figure 5-1)

Zoning Certificate: A certificate issued by the Planning Director after all Zoning Ordinance requirements, as stipulated in Section 804, have been met, which permits a requested use at a specific location.

Zoning Ordinance: A set of land use regulations enacted by the local governing body to create districts, which permit certain land uses and prohibit others. Land uses in each district are regulated according to type, density, height and the coverage of buildings.