

ARTICLE 5

DEFINITIONS

5-1 Usage

- 5-1.1 Abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Article.
- 5-1.2 Unless the context clearly indicates to the contrary, words used in the present tense include the singular; and the word “herein” means “in these regulations” and the word “regulations” means “these regulations”.
- 5-1.3 A “person” includes a corporation, a partnership, and an unincorporated association of persons, such as a club; “shall” is always mandatory; a “building” or “structure” includes any part thereof; “used” or “occupied,” as applies to any land or building, shall be construed to include “intended, arranged, or designed to be used or occupied.”

5-2 Words and Terms Defined

Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant

The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Approving Authorities

Those responsible for reviewing and applying certification to subdivision plats indicating conformance with all applicable laws, ordinances and regulations as required in these regulations and in the Tennessee Code Annotated. Approving Authorities include but are not necessarily limited to the responsible party that signs on a subdivision plat (1) Certificate of ownership and dedication, (2) Certificate of accuracy, (3) Certification of the approval of public ways, (4) Certification of the approval of water and sewerage system, and (5) Certificate of Approval for Recording.

Architect

An architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tennessee Code Annotated, to practice in Tennessee; or a landscape architect certified and licensed by the State Board of Landscape Architects

pursuant to Tennessee Code Annotated, to practice in Tennessee.

Arterial Street or Road

A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of 3,000 vehicles.

Average Daily Traffic (ADT)

A projected traffic volume based upon the estimated number of vehicles traveling upon a given street within a twenty-four-hour period.

Block

A tract of land bounded by public ways or by public parks, cemeteries, railroad right-of-way, or shorelines or waterways, or a combination of such.

Bond

An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind; including mobile homes.

Building Setback

A line beyond which no foundation, wall or part of the structure of any building shall project with the exception of open walkways and the sub- surface projection of footings.

Bikeway

A facility that is explicitly provided for non-motorized bicycle travel.

Capital Improvements Program

A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual governing body's operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Common Elements

Any portion of a condominium which is held in common by owners of condominium units.

These elements may be either general common elements or limited common elements, as defined below.

- a) General Common Elements – Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.
- b) Limited Common Elements – Any of the common elements of a condominium which are reserved for use by the owner(s) of a particular condominium unit or group of units.

Comprehensive Plan

The comprehensive plan or any applicable element of the plan for the Springfield Area approved by the Planning Commission. The plan may consist of such elements as major street and road plan, major thoroughfare plan, general land use plan, and other maps data, and descriptive matter for the physical development of the urban area or any portions thereof, including any amendments, extensions, or additions thereto as adopted by the Planning Commission. It may also include all or part of the Public Chapter 1101 Growth Plan for Springfield. The plan and its elements shall also be used to identify the General Plan or Community Plan. It is the official statement of the Planning Commission which sets forth major policies concerning future development of the jurisdictional area.

Condominium

A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision

The subdivision of property through the establishment of a condominium or horizontal property regime.

Condominium Unit

A space conveyed by separate title and located within a condominium structure.

Construction Plan

The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor

An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist

An agent designated to administer local and/or state health regulations.

County Road Superintendent

The Robertson County Road Superintendent.

County Register's Office

Robertson County Register of Deeds office.

Cul-de-sac

A street having only one outlet and having an appropriate terminal for the safe and convenient reversal or traffic movement, definition includes: dead-end, turnaround, or turnabout.

Cut Area

Consists of the excavation and grading of an area (roadway, borrow pit, waterways, ditches, benches, etc.), which in turn lowers or rearranges the elevation of the existing area.

Design Specifications

Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local governing body's ownership or maintenance.

Developer

The owner of land proposed to be subdivided or his authorized representative.

Design Manuals – Condition of Service Manuals

The manuals adopted by Robertson County and the City of Springfield, Tennessee for design and specifications of road, water mains, sanitary sewers, storm drains, culverts, and any amendments thereto.

Dwelling Unit

A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the

same structure; and containing independent cooking and sleeping facilities.

Easement

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his/her property.

Enforcing Officer

The Community Development Director, or other such person designated by the Chief Executive Officer (City Manager) to be responsible for enforcing the provisions of these regulations.

Engineer

An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tennessee Code Annotated, to practice in Tennessee.

Engineering Official

The City Engineer, his or her designate or any duly authorized city employee.

Equal Degree of Encroachment

The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow

A fiduciary agreement with the governing body in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the governing body.

External Subdivision Boundary

All points along the periphery of a subdivision.

Fill Area

Consists of placing of approved materials in an area to create an embankment for a roadway, building structure, etc. which in turn raises the elevation of the existing area.

Final Subdivision Plat

The final map or drawing and accompanying materials, described in these regulations, on which the Subdivider's plan of the subdivision is presented to the Planning Commission for approval and which, if approved by the Planning Commission, is recorded with the county

register of deeds.

Flood

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

Flood Frequency

The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map

An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood-Prone Area

The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred years ((i.e., that has a one percent (1%) chance of being flooded in any year)).

Floodplain

A land area adjoining a river, stream, watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program

The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile

A graph showing the water-surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Flood-proofing

Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway

The stream channel and adjacent over-bank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Floodway Encroachment Limits

The lines marking the limits of floodways on official federal, state, and local floodplain maps.

Floodway Fringe

The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage

That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

Governmental Agency

Any public Body other than the governing body.

Governing Body

The chief legislative body of any government.

Governmental Representative

An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade

The slope of a public way specified in percentage terms.

Health Department

Tennessee Department of Environment and Conservation, County Environmentalist, and other agencies of the city of Springfield that hold responsibility for environmental and other health related functions.

Highway Department (Street Department)

Robertson County Highway Department and the City of Springfield Department of Public Works.

Highway, Limited Access

An expressway, arterial or collector street serving a primary function of efficient and expedient

traffic flow. Access by driveways onto limited access highways shall be prohibited. Public streets or frontage roads onto streets classified by the Planning Commission as "Limited Access" shall be restricted to distances of a minimum of five hundred (500) feet apart. Private driveways are not allowed onto this road classification.

Horizontal Property Act

"The Tennessee Horizontal Property Act" as codified in Sections 66-27-101 through 66-27-121, Tennessee Code Annotated

Individual Sewage Disposal System

A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary

All points within a subdivision which do not constitute external boundaries.

Joint Ownership

Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area

Planning boundary(s) established in keeping with Sections 13-3-101, 13-3-102, and 13-3-201, Tennessee Code Annotated.

Land Development Plan

An element of the general plan, which sets out a plan, or scheme of future land usage.

Land Surveyor

A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Tennessee Code Annotated, to practice in Tennessee.

Legal Counsel

The certified attorney designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot

A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or for building development.

Lot Corner

A lot situated at the intersection of two (2) public ways.

Lot, Double Frontage

A lot which runs through a block from street to street.

Lot Improvement

Any building, structure, place, work of art, or other object or improvement of the land on which it/they are situated constituting a physical betterment of real property, or any part of such betterment.

Lot, Interior

A lot other than a corner lot.

Lot, Reverse Frontage

A double frontage lot which has its vehicular access point limited to the back of the lot rather than having access on its front.

Lot Width

The mean horizontal distance across the lot measured at right angles to the depth.

Major Street or Road

A public way that is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan

The plan adopted by the Planning Commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, "the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision

All subdivisions not classified as minor subdivisions including but not limited to subdivisions of six or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood-prone area.

Minor Street or Road

A public way that is not classified as an arterial or collector.

Minor Subdivision

Any subdivision containing five (5) or less lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program

A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations.

Off-Site

Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood

A flood having an average frequency of occurrence of once in 100 years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient propriety interest in the real property.

Permanent Easement

An easement providing legal access from one or more lots to existing public highways, streets, thoroughfares, utilities or drainage facilities. Maintenance of such permanent easements shall not be the responsibility of the City or County.

Performance Bond

See "Bond."

Perimeter Street

Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission

A public planning body established pursuant to Title 13, Chapters 3 or 4, Tennessee Code Annotated, to execute a partial or full planning program within authorized areal limits.

Planning Region

For the purpose of these regulations, the area composed of territory of the Springfield, Tennessee municipality together with the designated Springfield Planning Region granted to the city by the State of Tennessee under Section 13-3-102 of Tennessee Code Annotated.

Plat

The map, drawing, or chart upon which the plan of subdivision is presented to the Planning Commission for approval.

Preliminary Plat

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

Premise(s)

A tract of land together with any buildings or structures which may be thereon.

Public Improvement

Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, or other facility for which the governing body may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the governing body's responsibility is established.

Public Way

Any publicly owned street, alley, sidewalk, or land right-of-way which provides for movement of pedestrians and/or vehicles.

Reach

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood

The one-hundred-year flood.

Regulatory Flood Protection Elevation

the elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Resubdivision

A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way

A strip of land occupied or intended to be occupied by a public way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way," for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease

Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership

Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback

The distance between a building wall and the nearest public way right-of-way.

Sketch Plat

A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map

The official map designated by the Flood Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission

The person(s) employed by the local governing body to assist the Planning Commission in planning and land use regulation activities.

Start of Construction

For purposes of subdivision control any alteration of the original surface area of the land, from and after the date and adoption of these regulations.

Structure

Anything constructed above or below ground.

Subdivider

Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided 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 plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision

Subdivision means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-3-401 or 13-4-301, Tennessee Code Annotated).

Subdivision Agent

Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Surveyor

An individual licensed and registered by the State of Tennessee to practice surveying in the State of Tennessee.

Temporary Improvement

Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Tract

A portion of land with definite and ascertainable limits or boundaries.

Twenty-Five Year Flood

A flood having an average frequency of occurrence of once in 25 years.

Water Surface Elevation

The heights in relation to mean sea level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also, the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution

A statute, legally adopted pursuant to Title 13, Chapter 7, Tennessee Code Annotated, for the purpose of regulating, by district, land development or use for a designated area.