

CHAPTER 12

Definitions

AMENITY. Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public.

ARCHEOLOGICAL RESOURCE. Any material of past human life, activities, or habitation that are of historic or prehistoric significance. Such material include but is not limited to pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings, rock carving, graves, skeletal remains, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of the foregoing items.

AS-BUILT PLAN. Construction plans prepared after the completion of construction in such a manner as to accurately identify and depict the location of on-site improvements.

ACCESSIBILITY. Extent to which all persons are able to approach and utilize the City's park and recreation facilities and programs.

BIKE LANE. A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BIKE ROUTE. A facility shared with motorists and identified only by signs without any pavement markings or lane stripes.

BOAT LAUNCH. Facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of smaller crafts such as canoes.

CAPITAL IMPROVEMENT. Any building or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or, in whole or in part, with federal or public funds, or in any combination thereof.

CASH-IN-LIEU OF DEDICATION. Cash payments which may be required of an owner or developer as a substitute for a dedication of land or physical improvements.

COMMON OPEN SPACE. Undeveloped land within a subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites, and/or recreational facilities for residents, including but not limited to benches, picnic tables and interpretive signage as indicated on an approved development plan. Stormwater control facilities for the benefit of the subdivision may also be located within common open space.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, or

unincorporated association in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

CONDOMINIUM. A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION EASEMENT. The grant of a property right or interest from the property owner to the public or a nonprofit conservation organization stipulating that the described land shall remain in perpetuity in its natural and open state, precluding future or additional development (with the exception of any allowable structures or facilities).

CORE PARK. Used for Parks Department budgeting purposes, refers to parks that comprise the “core” of the City’s park system. Those parks that the community uses the most, such as Lindley, Bogert, South Side, Cooper, Beall and Kirk. The Parks Department targets the core parks for a higher level of maintenance due to the popularity and diversity of uses at these parks.

CRITICAL AREA. An area with one or more of the following environmental characteristics: 1) steep slopes; 2) floodplain; 3) soils classified as having high water tables; 4) soils classified as highly erodible, subject to erosion, or highly acidic; 5) land incapable of meeting percolation requirements; 6) land formally used for landfill operations; 7) fault areas; 8) stream corridors; 9) mature stands of native vegetation; 10) aquifer recharge and discharge areas; 11) wetland and wetland transition areas; and 12) habitats of endangered species.

CRITICAL WILDLIFE HABITATS. Biologically diverse areas containing habitats of endangered or threatened plant or animal species; contiguous freshwater wetland systems, defined as the zone of biologic diversity primarily supported by wetlands and wetland systems; and prime forested areas, including mature stands of native species.

CULTURAL RESOURCES. A site or structure which is part of the area’s cultural heritage; that is, which typifies a particular stage of human activity in the area. Cultural resources include archeological sites, historic buildings and sites, and undisturbed natural sites that have historic or prehistoric significance.

DEDICATION. The deliberate appropriation of land by an owner for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

DENSITY, GROSS. The number of dwelling units per unit of land used for residential purposes, with unit of land being the gross residential acreage.

DENSITY, NET. The number of dwelling units per buildable unit of land, excluding any land used or to be used as street rights-of-way, parks, public buildings or private nonresidential uses.

DETENTION POND. A facility for the temporary storage of stormwater runoff.

DEVELOPMENT. Any man-made change to improve or alter real estate, including but no limited to, subdivision of land, buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations.

DEVELOPMENT RIGHT. The rights, along with others such as mineral rights and water rights, that are commonly associated with real property ownership. Development rights, subject to local, state, and federal regulations, provide the legal basis for property development.

DISABILITY. Incapacity by reason of illness, injury, age, congenital malfunction or other permanent or temporary condition.

DONATION. A voluntary gift for which no valuable consideration is given in exchange.

EASEMENT. A grant by a property owner to the public, a specific person or persons, other than the owner, for a right to use land for a specific purpose or purposes.

FACILITY. A place where an activity occurs.

FAIR MARKET VALUE. The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing, but not forced, to sell and a knowledgeable buyer willing, but not forced, to buy.

FEE SIMPLE. A form of land ownership that includes all property rights, including the right to develop land.

FINISHED GRADE. The final elevation of the ground surface, that conforms with approved plans, after completion of development.

FRONTAGE. That part of a park abutting on a street or way; except that the ends of incomplete streets, or streets without an approved cul-de-sac, shall not be considered frontage.

GREEN. An open space available for unstructured recreation, with landscaping consisting of maintained grassy areas, trees and other vegetation.

GREENWAY. Any natural or landscaped course for pedestrian or bicycle passage.

HABITAT. The sum total of environmental conditions of a specific place that is occupied by an organism, a population or a community.

HISTORIC RESOURCE. A building, structure, object, district or site of historical, architectural, archeological or cultural significance due to its location, design, setting, materials, workmanship, feeling and association.

LAKE. A permanent body of open water five acres or more in size.

LAND TRUST. Private nonprofit organizations that work with private landowners to protect the sensitive and important features of their property, primarily by fee simple acquisition of land by donation or purchase or through conservation easements.

LEVEL OF SERVICE STANDARD. A measure of the relationship between service capacity and service demand for public facilities.

MULTI-USE PATH. An off-street path that can be used by several transportation modes, including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

NATURAL PARK. A park that is not occupied by any structures or impervious surfaces, and is characterized by a condition arising from or found in nature and not altered by human intervention.

NATURAL RESOURCE. Existing natural elements relating to land, water, air, plant and animal life, including but not limited to soils, geology, topography, surface and subsurface water, wetlands, vegetation, and animal habitat.

OPEN SPACE. A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation, including but not limited to benches, picnic tables and interpretive signage.

PARK. An area that is developed and maintained for recreation, and is provided for the use and enjoyment of the public.

PARKLAND. An area that is dedicated to the City and is suitable for recreational purposes; does not include watercourse setbacks or detention/retention ponds, utilities, municipal infrastructure and other similar facilities.

PATHWAY. A facility that accommodates the recreational and/or transportation needs of pedestrians and bicyclists including sidewalks, bike lanes, multi-use paths and trails.

PLAYGROUND. A publicly owned area for recreational use primarily by children.

POND. A permanent or temporary body of open water which is less than 5 acres in size.

PRIVATE ACCESS. Recreational sites and facilities where only the residents of the development and their guests have the ability and/or right to reach, enter or use.

PROPERTY OWNERS ASSOCIATION. A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping or facilities.

PUBLIC ACCESS. The ability and right of the general public to physically reach, enter or use recreational sites and facilities.

PURCHASE OF DEVELOPMENT RIGHTS (PDR). A public program to pay landowners the fair market value of their development rights in exchange for a permanent conservation easement that restricts development of the property. PDR programs are strictly voluntary.

RECREATION. The pursuit of leisure-time activities. The recreational activity may be active, such as swimming or playing ball, or passive, such as wildlife viewing or picnicking.

RETENTION POND. A facility to collect and hold stormwater runoff with no surface outlet other than perhaps an emergency spillway.

RIVER. A free-flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

SHARED USE PATH. A Class I trail that is physically separated from motorized traffic by an open space or boulevard strip, and is either within the street right-of-way or a public trail easement on private property. Shared use paths may be used by bicyclists, pedestrians, skaters, wheelchair users, joggers and other non-motorized users.

STORMWATER. The flow of water which results from precipitation and which occurs immediately following rainfall or snowmelt.

STREAM. A channel that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage facilities.

TRAIL. A way designed for and used by pedestrians, cyclists and other similar uses.

TRANSFER OF DEVELOPMENT RIGHTS. A process by which development rights may be transferred from one parcel of land to another.

USABLE. In the context of parks, land that is suitable for the intended recreational use in terms of physical characteristics such as grade, vegetation, presence of surface water, size, location, access, etc.

WATERCOURSE. Natural or once naturally flowing (perennially or intermittently) water including rivers and streams. Includes natural waterways that have been channelized, but does not include man-made irrigation or drainage facilities.

WATERCOURSE SETBACK. The required distance from the ordinary high water mark of a watercourse to the nearest point of the applicable fence, structure, fill materials, parking area or other similar improvement. Watercourse setbacks cannot be used to satisfy parkland dedication requirements.