

## Whitfield County Definitions Ordinance

The following definitions of terms, words, or phrases shall be applicable generally for interpretation of all ordinances and/or resolutions adopted by the Whitfield County Board of Commissioners, specifically including, but not limited to, the *Whitfield County Road Design and Specifications Ordinance*, the *Whitfield County Building Ordinance*, the *Whitfield County Subdivision Regulations*, the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the *Whitfield County Flood Damage Control Ordinance*, and the *Whitfield County Zoning Ordinance*. If any such ordinance or resolution shall contain a definition of a term, word, or phrase which is inconsistent herewith, the definition contained within the particular ordinance or resolution shall control:

**Acceleration Lane.** A speed change lane, including tapered areas, for the purpose of enabling a vehicle entering the roadway to increase its speed to a rate at which it may more safely merge with through traffic.

**Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and to leave property.

**Accessible Frontage.** That length of real property adjoining a highway which is legally accessible from the highway. Frontage along a “limited access” highway shall not be included as a part of the nearest travel lane to the center line of the driveway. An angle of ninety (90) degrees is preferable.

**Accessory Structure.** A structure detached from a principal building or structure upon the same lot or parcel and customarily incidental and subordinate to the principal building or use. Accessory structures include, but are not limited to, satellite dishes, open sheds and shelters that contain two hundred (200) square feet or less, or water or storage tanks for either liquid, semi-liquid, or gaseous substances, of one thousand (1,000) gallons or more. A building permit shall not be required for accessory structures.

**Accessory Use.** A use of land or of a structure, or portion thereof, customarily incidental to and subordinate to the principal use of the land or structure and located or utilized upon the same lot or parcel as the principal use.

**Angle of Entrance Driveway.** The angle of deflection measured from the center line of an “enter only” driveway to the center line of the nearest travel lane, which shall not exceed ninety (90) degrees.

**Angle of Exit Driveway.** The angle of deflection measured from the center line of an “exit only” driveway to the center line of the nearest travel lane, which shall not exceed ninety (90) degrees.

**Area of Shallow Flooding.** A designated “AO” or “VO” zone on a community’s Flood Insurance Rate Map (FIRM,) with base flood depths from one (1) to three (3) feet where a

clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Flood Hazard.** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

**Arterial Road.** A road with traffic signals at important intersections and with stop signs on side streets, which collects and distributes traffic to and from collector roads and upon which an annual average of more than ten thousand (10,000) vehicles travel per day.

**Assisted Living Home.** *See Personal Care Home.*

**Base flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Basement.** That portion of a building having its floor sub grade (below ground level) on all sides.

**Bed and Breakfast Home.** A dwelling, not a hotel, which while retaining its residential appearance and character, offers nightly lodging and a morning meal for a combined fee to persons who are unrelated to the resident owner or resident tenant of the dwelling. Such accommodations shall be provided to no greater than six (6) persons on any given night and shall be provided to no person for more than five (5) consecutive nights.

**Bed and Breakfast Inn.** A dwelling, not a hotel, which while retaining its residential appearance and character, offers nightly lodging and a morning meal for a combined fee to persons who are unrelated to the resident owner or resident tenant of the dwelling. Such accommodations shall be provided to no greater than eighteen (18) persons on any given night and shall be provided to no person for more than five (5) consecutive nights.

**Bedroom.** Any space in the conditioned area of a dwelling unit which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall, bathroom, kitchen, living room (maximum of one per dwelling unit), dining room (in proximity to kitchen, maximum of one per dwelling unit), family room (maximum of one per dwelling unit), bonus room/playroom (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom. Any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room does not contain a closet and at least one of the following is present: a) permanently built-in bookcases, desks, or other feature that encumber the room in such a way that it cannot be used as a bedroom, b) a minimum 4-foot opening, without doors, into another room, or c) a half wall (4-foot maximum height) between the room and another room.

**Best Management Practices (BMP's):** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a twenty five (25) year, twenty four (24) hour rainfall event.

**Block.** An area of land within a subdivision which is entirely bounded by roads, or by roads and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

**Board.** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Georgia State Board of Natural Resources.

**Board Of Commissioners.** The Whitfield County Board of Commissioners.

**Board of Zoning Appeals.** The Board authorized to hear and decide appeals relating to the enforcement of the *Whitfield County Zoning Ordinance*.

**Bond.** A legal instrument with a clause which establishes a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of penalty may be avoided by the performance of certain acts.

**Breakaway Wall.** A wall which is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Buffer.** A portion of a lot or parcel set aside for open space and/or screening purposes, to shield or to block noise, light, glare, or visual or other nuisances; to block physical passage to dangerous areas, or to reduce air pollution, dust, dirt, and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of protection between various activities. A buffer may also be the area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

**Buffer, Natural.** A natural buffer is an enhanced vegetative area with no or limited minor land disturbances, such as trail or picnic areas.

**Building.** Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

**Building Height.** The vertical distance measured from the highest adjacent grade where the foundation intersects the ground, measured from the middle of the building to the highest point of roof surface of a flat roof; the deck line of a mansard floor; and to the mean height level between eaves and ridges of a gable, hipped, or gambrel roof.

**Building Inspector.** The legally designated building code inspection authority for Whitfield County.

**Cemetery.** A place for the burial of the dead, including a mausoleum and a columbarium.

**Collector Road.** A road which collects traffic from local roads and connects to arterial roads and upon which an annual average of not less than two thousand five hundred (2,500) and not more than ten thousand (10,000) vehicles travel per day.

**Columbarium.** A vault with niches for urns containing the ashes of cremated bodies.

**Commercial Driveway.** Any private entrance, exit, ramp, tunnel, bridge, side road, or other vehicular passage-way to any real property used for commercial or manufacturing purposes, and leading to or from any public roadway.

**Commission.** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Georgia State Soil & Water Conservation Commission.

**Common Elements.** Any portion of a development which is held in common by owners of the development.

**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 normal filing and recording of divided interests in real property, whether the division is vertical or horizontal.

**Convenience Center.** A site where one or more containers are located for temporary storage of solid waste and/or recyclable materials brought to the site by persons transporting only their own household solid waste and/or recyclable materials in non-commercial vehicles bearing general registration plates.

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

**Crosswalk.** A right-of-way within a block dedicated to public use, intended primarily for pedestrian use, and designed to provide access to adjacent roads and lots.

**Cul-de-sac.** A road having one end open to traffic and the other end terminated in a minimum right-of-way and paved turnaround with a minimum outside diameter of eighty (80) feet.

**Cut.** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

**Day Care Facility.** There are four (4) separate subcategories of day care facilities recognized by the *Whitfield County Zoning Ordinance*:

**Family Day Care Home.** A private residence operated by a resident thereof who, for a fee, supervises and/or cares for not less than three (3) and not more than six (6) children under eighteen (18) years of age who are (a) not related to such person; (b) whose parents or guardians are not residents thereof; and (c) and who remain at such establishment for not more than sixteen (16) hours per day.

**Group Day Care Home.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, firm, partnership, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than seven (7) and not more than eighteen (18) children under eighteen (18) years of age who remain at such establishment for not more than sixteen (16) hours per day.

**Day Care Center.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, firm, partnership, proprietorship, company, or corporation which, for a fee, supervises and/or cares for not less than nineteen (19) children under eighteen years of age who remain at such establishment for not more than sixteen (16) hours per day.

**Adult Day Care Center.** An establishment regulated by the State of Georgia Department of Human Resources and operated by any person, firm, partnership, proprietorship, company, or corporation which, for a fee, supervises and/or cares for persons eighteen (18) years of age or older who, because of some mental or physical impairment which limits either the person's major life activities or has a record of impairing such activities, remain at such establishment for not more than sixteen (16) hours per day.

**Debris.** All sand, gravel, slag, brickbats, rubbish, waste material, metal cans, refuse, garbage, trash, litter, dead animals or discarded materials of every kind and description, including loose or scattered handbills, newspapers, posters and other such items which may be carried by the wind or water.

**Deceleration Lane.** A speed change lane, including tapered areas, for the purpose of enabling a vehicle exiting the roadway to decrease its speed to a rate at which it may more safely turn after it has left the stream of faster-moving traffic.

**Density.** The number of dwelling units per acre of land. Gross density refers to the number of units per acre to the total land to be developed. Net density refers to the number of units per acre of land devoted to residential use.

**Department:** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Department of Natural Resources.

**Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or permanent storage of materials or equipment.

**Design Standards.** The design specifications for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum, or maximum dimensions of such items as right-of-way, blocks, easements, and lots.

**Director.** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Director of the Environmental Protection Division of the Department of Natural Resources.

**District.** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Limestone Valley Soil and Water Conservation District.

**District, Zoning.** A section or sections of Whitfield County for which the zoning regulations governing the use of buildings and premises are uniform.

**Division:** With respect to the *Whitfield County Soil Erosion and Sedimentation Control Ordinance*, the Environmental Protection Division of the Department of Natural Resources.

**Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

**Driveway Width.** The narrowest width of a driveway measured perpendicular to the center line of the driveway, from edge of pavement to edge of pavement.

**Dwelling.** A building which is designed or used exclusively for residential purposes, including single-family, and multi family residential buildings.

**Dwelling, Multi-family.** A building in single ownership containing two (2) or more dwelling units, including what is commonly known as apartment buildings, duplexes, triplexes and fourplexes, rooming and boarding houses, fraternities, sororities, dormitories, townhouses and condominiums.

**Dwelling, One-Family.** A detached building containing one (1) dwelling unit only.

**Dwelling Unit.** One (1) or more rooms located within a building and forming a single habitable unit with individual permanent bathroom and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes.

**Dwelling, Zero Lot Line.** A type of single-family detached residence in which one interior side yard may be lawfully reduced to zero (0) on any lot within an approved development for the purpose of creating larger, more useable, and more easily maintained yard spaces, particularly on smaller lots.

**Easement.** The right of a person, governmental agency, or public or private utility company to use public or private land owned by another for a specific purpose.

**Elevated Building.** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**Encroachment.** Use of county right-of-way by any person other than county personnel or authorized agents for any specific purpose, other than that generally intended.

**Erosion.** The process by which land surface is worn away by the action of wind, water, ice or gravity.

**Erosion and Sedimentation Control Plan (or Plan).** A plan on sites of one and one tenth (1.1) acres or greater or within two hundred (200) feet of state waters which presents a complete understanding of the proposed land-disturbing activity and measures to prevent soil erosion and water pollution.

**Escrow.** A legal agreement between the developer and Whitfield County or the appropriate agency or utility in lieu of actual performance and intended to assure performance.

**Existing Grade.** The vertical location of the existing ground surface prior to cutting or filling.

**Family Member.** For purposes only of the family easement exemption provided in the *Whitfield County Subdivision Regulations*, a mother, father, sister, brother, child, or grandchild of an original owner of an original parcel.

**Farming.** The business of cultivating land, or employing it for the purposes of husbandry the cultivation and fertilization of the soil as well as caring and harvesting the crops.

**Fence.** An artificially constructed barrier of any materials or combination of material erected to enclose or to screen areas of lands. A privacy fence is one which is solid and is otherwise designed to limit visibility.

**Filling.** The placement of any soil or other solid material either organic or inorganic on a natural ground surface or an excavation.

**Finished Grade.** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

**Flood.** An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity.

**Flood Hazard Boundary Map (FHBM).** An official map of Whitfield County, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as *Zone A*.

**Flood Insurance Rate Map (FIRM).** An official map of Whitfield County, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Whitfield County.

**Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

**Flood plain.** Any land area susceptible to being inundated by water from any source.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floodway Fringe Areas.** Areas lying outside the floodway district but within the area which would be flooded by the regional flood.

**Frontage.** The side of a lot abutting upon road.

**Functionally dependent facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Garage, Private.** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

**Garage, General Service.** A building or portion thereof, other than a private storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

**Garage, Yard or Carport Sales.** Any sale of used household goods, clothes, or other items of personal property conducted at or near a residential dwelling by the owner or occupant of said dwelling who is not a merchant with respect to the goods sold.

**Grading.** Altering surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, and stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Ground Elevation.** The original elevation of the ground surface prior to cutting or filling.

**Group Home.** A residence composed of non-related individuals with one or more surrogate parents that function as a singular housekeeping unit. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources.

**Health Department.** The State Department of Human Resources and/or the Whitfield County Health Department and/or the Whitfield County Board of Health.

**Health Inspector.** The legally designated Environmental Health Specialist of the Whitfield County Health Department, or his or her representative, who has authority to approve the installation of on-site sewage management systems.

**Highest adjacent grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

**Historic structure.** Any structure which is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or
3. Individually listed upon a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed upon a local inventory of historic places by or through the Dalton-Whitfield County Joint Historic Preservation Commission.

**Holiday Tree and Produce Farm.** A lot or parcel whereby pumpkins, corn, gourds, and the like, evergreen trees, and/or greenery for use as holiday decoration are grown or produced.

**Holiday Tree Lot, temporary.** A lot or parcel whereby retail sales of Holiday trees, wreaths, garlands, and related accessories are conducted seasonally during the months of November and/or December only.

**Home Occupation.** An occupation, profession, business activity, or use which is clearly customary, incidental, and subordinate to the use of a residential dwelling unit and which is carried on wholly within such dwelling unit by a member of the family who resides upon the premises. General farming and gardening activities are not considered home occupations.

**Hotel.** A building offering overnight sleeping accommodations for travelers; ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the

applicable requirements of the Health Department and *OCGA §31-28-1 et.seq.*, and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**Impervious Surface.** A man-made structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

**Industrialized Home.** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

**Inert Waste Landfill.** A disposal site accepting only wastes which will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to dirt, concrete, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition wastes.

**Island.** A device used to separate or to direct traffic in order to facilitate the safe and orderly movement of vehicles. An island may be a painted area or a raised area that provides a physical barrier to channel traffic movement. It should normally extend at least to the right-of-way line.

**Issuing Authority:** The governing authority of Whitfield County, which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the *Soil Erosion and Sedimentation Act of 1975*, as amended, or the Division in those instances where an application for a permit is submitted to the Division.

**Junk Vehicles.** Any automobile, vehicle, or part thereof which is in an inoperative condition, by reason of its having been wrecked, dismantled, partially dismantled, abandoned, or discarded, and which does not have a valid license plate and current year tag attached thereto. For purposes of this ordinance, a vehicle is "inoperative" if it is incapable of movement by its own power. This definition shall not apply to any vehicle in a carport, shed, or other accessory structure.

**Junk Yard.** A property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, household appliances or furniture, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Kennel.** Any premises at which three (3) or more dogs, cats, or other domestic or non-domestic animals, four (4) months old or older, are kept either permanently or temporarily for the purpose of sale, care, breeding, or training, and for which a fee is incurred by the owner of such animal(s).

**Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not

limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

**Livestock.** Includes cattle, horses, goats, sheep, swine, poultry, ducks, geese, and other fowl; and rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

**Lot (or Parcel.)** A developed or undeveloped tract of land in one (1) ownership legally transferable as a single unit of land.

**Lot Area.** The total surface area of land included within lot lines.

**Lot Area Requirement.** For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private road rights-of-way and land dedicated for park or school purposes or common purposes

**Lot, Corner.** A lot or parcel of land abutting upon two (2) or more roads at their intersection and having two (2) front setback lines and two (2) side setback lines.

**Lot, Donor.** A lot or parcel subsequently subdivided, in whole or in part, and from which either new lot(s) or parcel(s) are created or combined into adjacent lot(s) or parcel(s).

**Lot Depth.** The mean horizontal distance between the front and rear lot lines measured within the lot boundaries. On corner lots, lot depth is measured from the road frontage with the shortest dimension.

**Lot, Double Corner.** A corner lot which has frontage on three (3) or more roads.

**Lot, Double and/or Reverse Frontage.** A lot or parcel which fronts upon two (2) roads which do not intersect at the boundaries of such lot or parcel.

**Lot, Flag.** A tract or lot meeting minimum street frontage requirements, but shaped in such a manner that the portion of the lot closest to the street (the “pole”) can only be used for access purposes and not as a functional yard or buildable area. The buildable portion (the “flag”) of the lot is located some distance from the street R/W, behind other conventional lots fronting the street.

**Lot, Through.** A lot which fronts upon two (2) parallel roads, or which fronts upon two (2) roads which do not intersect at the boundaries of the lot.

**Lot, Frontage.** That dimension of a lot or portion of a lot abutting on a road.

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

**Lot Line.** A line of record that bounds a lot and divides one lot from another lot or from a public or private road or any other public space.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet minimum in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

**Lot of Record.** A lot which lawfully existed prior to December 14, 1993, as shown or described upon a plat or deed in the records of the Clerk of Superior Court of Whitfield County.

**Lot, Through.** A lot which fronts upon two (2) parallel roads, or which fronts upon two (2) roads which do not intersect at the boundaries of the lot.

**Lot Width.** The distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**Lot Width, curvilinear road.** For a lot or parcel having frontage upon a curvilinear road, the lot width shall be the distance between the side lines of the lot or parcel where the minimum lot width is obtained, measured parallel to the chord formed by the two (2) outermost points of intersection of such lot or parcel with the road right-of-way line. The lot width line is synonymous with the setback line in this circumstance.

**Manufactured Home.** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (20) or more square feet, 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 system contained therein which unit was built after June 15, 1976 with HUD approval.

**Manufactured Home Park.** A parcel of land which has been planned and improved for the placement of three or more manufactured homes for non-transient use. Also sometimes referred to as mobile home park.

**Mausoleum.** A building where bodies are interred above ground in stacked vaults.

**Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Metropolitan River Protection Act (MRPA):** A state law referenced as *OCGA § 12-5-440 et.seq.*, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Mile Post.** Small signs located along state routes numbered in sequence, approximately one (1) mile apart, from south to north or from west to east.

**Mobile Home.** A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet 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 and manufactured prior to June 15, 1976.

**Modular Home.** *See Industrialized Home.*

**Motel (or Motor Lodge.)** A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the Health Department and *OCGA §31-28-1 et.seq.*, and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

**M.U.T.C.D.** An acronym for the *Manual on Uniform Traffic Devices*.

**National Geodetic Vertical Datum (NGVD).** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the flood plain.

**Natural Ground Surface.** The ground surface in its original state before any grading, excavation or filling.

**Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

**Non-Commercial Driveway.** A driveway serving a school, government building, hospital, church, or other non-commercial organization inviting public use.

**Nuisance.** An interference with the enjoyment and use of real property.

**Nursing Home.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**On-Site Sewage Management System.** A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system, approved by the Health Department.

**Original Owner.** For purposes only of the family easement exemption provided in the *Whitfield County Subdivision Regulations*, the fee simple owner(s) of an original parcel, prior to a subdivision thereof by such person(s.) This term shall also include the spouse of such person should the spouse acquire fee simple title to the original lot or parcel by testate or intestate succession.

**Original Parcel.** For purposes only of the family easement exemption provided in the *Whitfield County Subdivision Regulations*, all contiguous lands, lots, or parcels owned by the original owner, all or portions of which said original owner desires to convey to a family member and for which otherwise lawful access thereto does not exist.

**Owner(s) of Record.** The owner(s) of property as specified on the deed of the lot of record.

**Parking Lot.** An off-street, ground level area, usually surfaced and improved for the temporary storage of motor vehicles.

**Percentage of Grade.** On road center line, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred (100) feet of horizontal distance.

**Permit.** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

**Person.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

**Personal Care Home (or Assisted Living Home.)** An intermediate care facility licensed or approved to provide full-time assistance as necessary, including, but not limited to rooms, meals, and attention to personal needs, to non-family ambulatory individuals who, by reason of advanced age or infirmity, are unable to care completely for themselves, but who remain largely self sufficient. For purposes of the *Whitfield County Zoning Ordinance*, Personal Care Homes are sub-classified, as follows:

**Family Personal Care Home.** A home for adults in a family type residence, non-institutional in character, which offers care to two (2) to six (6) persons.

**Group Personal Care Home.** A home for adults in a residential setting, non-institutional in character, which offers care to seven (7) to fifteen (15) persons.

**Congregate Personal Care Home.** A home for adults which offers care to sixteen (16) or more persons.

**Planning Commission.** The Dalton-Whitfield County Planning Commission.

**Premises.** A lot, parcel, tract, or plot of land together with all buildings and structures existing thereon.

**Principal Use.** The primary and/or predominant reason for which a lot or parcel is occupied and/or used.

**Project.** The entire proposed development project regardless of the size of the area of land to be disturbed.

**Protective Covenants.** Contracts made between private parties or conditions recorded with an approved plat and running with the land, specifying the manner in which land may be used, developed, or improved with the view to protecting and preserving the physical and economic integrity of any given area.

**Putrescible Wastes.** Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes includes, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatcher and poultry processing plant wastes, and garbage.

**Recreational vehicle.** A vehicle which is:

- (1) Built upon a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, or travel.

**Recycling Center.** A non-governmental facility in which recoverable resources, such as papers, glassware, plastics, and metal cans, or any non-hazardous recycling materials are collected, stored, flattened, crushed, or bundled, by hand or machines.

**Recycling Collection Station.** An incidental use which serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items shall be allowed. Such facility would generally be located in a commercial parking lot, or at other public/quasi-public areas, such as churches or schools.

**Reserve Strip.** A strip or parcel of land along, or around, or between properties, the purpose of which is to restrict access.

**Re-Subdivision.** 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 designated, reserved, dedicated, occupied or purchased for the purpose of pedestrian or vehicular access, road, railroad, sanitary or storm sewer, water main, shade trees, utility line installation or other special use.

**Right-of-Way Miter.** A right-of-way line at an intersection which is parallel to neither road but which forms a triangle with extensions of the right-of-way lines of the adjacent sides of the intersecting roads, the purpose of which is to provide improved visibility. A driveway may not be located upon along a right-of-way miter.

**Road (or Street.)** A right-of-way for vehicular traffic, whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, alley, or otherwise. There are several types of roads:

1. **Arterials.** Roads designed to carry rapid, continuous traffic to major magnets within the County Routes; will usually pass through or near the heart of a municipality, connecting residential, commercial, industrial and public activity areas.
2. **By-Pass.** A highway designed for fast, continuous movement of all types of traffic between highways and widely separated parts of the urban area. By-passes generally have limited or controlled access and are usually grade-separated at railroads and major crossings.
3. **Collector Roads.** A road bringing traffic to arterials, or interconnecting arterials. A road that provides for relatively easy movement at moderate speeds from homes and businesses to arterials.
4. **Local Roads.** A road providing direct access to abutting properties.
5. **Alley or Service Drive.** A minor access way used for service access, or property access under specified circumstances, to the back or side of properties otherwise abutting on a road.
6. **Frontage Road.** A road parallel and adjacent to major thoroughfares or arterial roads which provides access to abutting properties with protection from through traffic.
7. **Cul-De-Sac.** A local road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
8. **Half-Road.** A road adjacent to a subdivision tract boundary where only one half (½) the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other one half (½) is undecided or is left to the adjacent property owner.

**Road (Private).** A right-of-way serving two or more properties which is not dedicated to public use. Any such right-of-way shall be recorded on a plat or deed with a statement that the right-of-way will not be maintained by a government entity.

**Road (Public).** A right-of-way arising by purchase, dedication, or public use which is maintained by a government entity or agency thereof; accessible to, supported and shared by all members of the public.

**Road Line or Right-of-Way Line.** A dividing line between a lot, tract, or parcel of land and a contiguous road.

**Roadway.** The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

**Roadway Drainage Structure.** A device, such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Rooming House/Boarding House.** A dwelling, not a hotel, where for a fee and by prearrangement for definite periods of time, either meals or meals and lodging are provided for three (3) or more persons, who are unrelated to the residents of the dwelling.

**Sanitary Sewer.** A municipal or community sewerage collection, treatment, and disposal system, or a type approved by the Whitfield County Health Department.

**Screening (or Buffering).** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

**Sedimentation.** The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

**Service Buildings.** A building, housing facilities such as recreational, maintenance, laundry, and office structures necessary to the successful development and management of a manufactured home park.

**Setback Line.** That line that is the required minimum distance from the road right-of-way line or any other lot line that establishes the area within which the principal structure(s) and accessory structure(s) must be erected or placed.

**Sewage Management System, Central On-Site.** An on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

**Sewage Management System, On-Site.** A sewage management system other than a public or community sewage treatment system, whether serving single or multiple buildings, mobile homes or manufactured homes, recreational vehicles, residences or other facilities designed or used for human occupancy or congregation. Included are conventional septic tank systems, chamber septic tank systems privies, experimental and alternative on-site sewage management systems that may be approved by the Health Department.

**Sewage Treatment System, Public or Community.** Any sewage treatment system, including pipe lines or conduits, pumping stations, force mains and all other construction, devices, and appliances appurtenant thereto, designed for treating or conducting sewage for treatment and disposal into lakes, streams, or other bodies of surface water.

**Shopping Center.** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

**Sight Distance.** The length of roadway ahead visible to the driver. The minimum sight distance available on a roadway must be sufficiently long to enable a vehicle traveling at or near design speed to stop before reaching a stationary object in its path.

**Slope.** Degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

**Soil and Water Conservation District Approved Plan.** An erosion and sedimentation control plan approved in writing by the Limestone Valley Soil and Water Conservation District.

**Solid Waste.** Putrescible and non-putrescible wastes, except water-carried body waste, but shall include garbage, rubbish, ashes, road refuse, dead animals, sewage sludge, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and other waste material in a solid or semi-solid state not otherwise defined in these regulations.

**Solid Waste Handling Facility.** Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. This term encompasses the terms *Solid Waste Landfill*, *Inert Waste Landfill* and *Transfer Station*.

**Solid Waste Landfill.** A disposal site where putrescible wastes are disposed of using solid waste land filling techniques.

**Solid Waste Landfilling.** An engineered method of disposing of putrescible wastes on land by spreading them in thin layers, compacting them to the smallest practical volume, placing an earthen cover thereon, and such other measures as are necessary to protect human health and the environment.

**Specialty Food Stores.** A retail store specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

**Stabilization.** The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**State Waters.** Any and all rivers, streams, creeks, branches, lakes reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

**Structural Erosion and Sedimentation Control Practices.** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Structure.** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site built buildings, industrialized buildings, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, fall-out shelters, stadiums, reviewing stands, platforms, stagings, observation towers, radio and television towers, trestles, and open sheds, garages, carports, and shelters over one hundred forty four (144) square feet.

**Subdivision.** The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale, legacy, or building development, and includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or area subdivided. For the purpose of the *Whitfield County Subdivision Regulations*, the definition of a subdivision is broken down into three subcategories as follows:

1. Exempt Subdivisions of Land. Divisions of land, which have the following characteristics are exempt from the subdivision regulations as set forth in this ordinance. (Under such circumstances, the resulting lot dimensions must conform to the minimum lots dimensions specified in the *Whitfield County Zoning*

*Ordinance* and/or the Regulations of the Whitfield County Board of Health for On-Site Sewage Management Systems.):

- a. The division of land among heirs or beneficiaries in accordance with the Georgia Probate Code and approved by the Whitfield County Probate Judge;
  - b. The sale of real property to adjoining landowner(s) for combination therein as a single parcel;
  - c. The acquisition of rights-of-way by any governmental unit, municipality, the Georgia Regional Transportation Authority (GRTA,) or the Georgia Department of Transportation (GDOT.)
2. **Minor Subdivisions of Land.** Any division of a lot or parcel into two (2) or more lots, building sites, parcels, or other divisions (or re-divisions of the same parcel which alters lot lines) which fronts upon an existing public or private road and which does not require any new or improved road, public water, sewer service, or other utility extensions, and which is not otherwise in violation of any provision of the *Whitfield County Subdivision Regulations*.
3. **Major Subdivisions of Land.** All subdivisions not classified as exempt or minor subdivisions.

**Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**Substantial improvement.** Any combination of repairs, reconstruction, alteration or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions.

**Swimming Pool.** A body of water in an artificial or semi-artificial receptacle or other container intended for swimming, which has a minimum depth of eighteen (18) inches of water.

**Townhouse.** A type of dwelling unit that is one or more stories in height which has outside, individual, front and rear entrances, is separated from other dwelling units by common party walls that are four hour fire-rated masonry construction extending from the foundation through the roof line for a minimum of three feet, occupies its own lot and is part of a contiguous group of at least three such townhouses. Each group of dwelling units shall be staggered at least three feet or the firewall shall extend front and rear for a distance of three feet. The fire wall separating single story units and units of two or more stories must extend only to the roof decking of the two-story unit.

**Transfer Station.** A facility used to transfer solid waste from one (1) transportation vehicle to another for transportation to a solid waste handling facility.

**Travel Trailer.** A motorized camper, converted bus, tent-trailer or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or recreation, and providing sleeping accommodations.

**Trout Streams:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources (DNR) under the provisions of the *Georgia Water Quality Control Act, OCGA §12-5-20 et. seq.* Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**Utility.** Any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, storm water not connected with highway drainage, and other similar services. Such term may also include a person, municipal corporation, county, state agency, or public authority which owns or manages such line, facility, or system.

**Variance.** A modification of the strict terms of certain ordinances, as provided more specifically therein, granted either by the Whitfield County Board of Commissioners, the Board of Zoning Appeals, or other appropriate entity as specifically set forth in the particular ordinance to be varied, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property such as irregular lot size, topographic or other characteristics of the land and not as the result of any action on the part of the property owner, a literal enforcement of the applicable regulation or ordinance would result in unnecessary and undue hardship.

**Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or

3. Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.

#### **Water System.**

1. **Public Water System** - a system which provides piped water to the public for human consumption, if such system has at least fifteen (15) service connections, or regularly serves an average of twenty-five (25) individuals daily, at least sixty (60) days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-5, "Rules for Safe Drinking Water."
  - a. **Governmental Public Water System** - a public water system, which is owned and operated by a governmental entity, or a legislatively-created authority.
  - b. **Non-Governmental Public Water System** - a public water system, which is owned and operated by any non-governmental entity and must execute a Trust Indenture with the Director of the Georgia Environmental Protection Division to secure the operation and maintenance of the system.
2. **Community Water System** - a system serving more than one single-family dwelling but fewer than the connections and/or persons required to be considered a public water system.
3. **Individual Water Supply System** - means a system of piping, pumps, tanks, or other facilities, which utilizes groundwater to supply a single-family dwelling.

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Yard.** An open space upon a lot situated between the principal building or use upon the lot and a lot line and unoccupied by any structure, except as otherwise provided herein.

**Zoning.** The power of Whitfield County to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such

zones or districts and for the regulation or development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.