CHAPTER THREE

DEFINITIONS

ARTICLE I, GENERAL PROVISIONS REGARDING DEFINITIONS:

3-1.1 The word "shall" is always mandatory and not merely directory.

3-1.2 Words used in the present tense include the future tense.

3-1.3 When not inconsistent with the context, words used in the singular number shall include the plural and those in the plural number shall include the singular.

3-1.4 Terms not defined in this Code shall have their customary dictionary definitions unless the context indicates otherwise.

3-1.5 Where the term "County Attorney" is used it shall mean either the County Attorney or any attorney designated by the Board of Commissioners acting on behalf of the County.

3-1.6 Any terms related to solid waste disposal or alteration shall have the meaning attributed to those terms in Ordinance No. 84, (Solid Waste Management Ordinance) or O.C.G.A. 12-8-22, as that section now reads, or hereafter may be amended.

3-1.7 Any terms used herein, not defined in Ordinance No. 84 (Solid Waste Management Ordinance) or O.C.G.A. 12-8-22, shall have the meaning as attributed in Chapter 391-3-4, Rules of Georgia Department of Natural Resources, Environmental Protection Division as may be amended from time to time.

ARTICLE II, SPECIFIC DEFINITIONS:

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory Apartment, Attached: A second dwelling unit that is added to the structure of an existing site-built single family dwelling, for use as a complete, independent living facility for a single household, with provisions within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory Apartment, Detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building (e.g., manufactured home), for use as a complete, independent living facility for a single household, with provision within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

Accessory Building: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

Accessory Structure: A structure subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building and located on the same lot as the principal building.

Accessory Use: A use of the land or building or portion thereof customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Active Recreational Facilities: Equipment and areas prepared for active use for recreational and leisure purposes, including but not limited to: playground equipment (swing sets and climbing structures); pools; courts for basketball, volleyball, and tennis; community buildings for recreational events and accessory uses. Trails and bikeways through open spaces shall not be considered Active Recreational Facilities if constructed of pervious materials. Open fields utilized for soccer, baseball, or football shall not be considered Active Recreational Facilities.

Agriculture: The commercial cultivation or growth from or on the land of horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products. Included within the definition of "agriculture" shall be the importation, storage, or distribution in bulk, unpackaged form of raw materials directly to persons engaged in agriculture. "Raw materials" for purposes of this definition shall include organic materials such as straw, hay, animal feeds, sawdust, mulches, and like items. "Raw materials" shall also include inorganic dolomitic lime. "Raw materials" shall not include farm equipment, building materials, chemicals, fertilizer, manure not produced on the premises, packaged materials not produced on the premises, materials distributed for resale not produced on the premises, or materials not expended in the production of the above listed products.

Aircraft: Any machine that may be heavier or lighter than air, which is used or designated for navigation or flight in the air. This definition does not include helicopters.

Airport: Any area of land, water, or mechanical structure which is used for the landing and takeoff of aircraft and includes any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights-of-way, or easements, but not to include heliports.

Alteration: Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Alley: A strip of land dedicated to public use providing vehicular and pedestrian access to the rear of properties which abut and are served by a public road or street.

Alternative tower structure: Clock towers, bell towers, church steeples, water towers, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Apartment House: A structure containing three or more dwelling units.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Assisted Living Facility: A residential facility that provides assistance with non-medical aspects of daily activities in an atmosphere of separate, private living for seniors. Twenty-four hour supervision is provided and is designed for seniors who need some level of support for daily living. Personal care services include, but are not limited to, meals, housekeeping, transportation, laundry, grooming, medication management and other functions of daily living. These facilities may be freestanding or part of a CCRC.

Auction: A public sale of property to the highest bidder; or a facility dedicated to a public sale of property to the highest bidder.

Automobile sales and service establishment: New and used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales, leasing, rental, and service, including mobile and manufactured home and modular building sales, and agricultural implement and equipment. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, including automated and staffed facilities, and oil change and lubrication facilities.

Bed and Breakfast Inn: A facility where overnight accommodations are provided to transients for compensation, with or without a morning meal, and where the operators of the facility live on the premises.

Bedroom: A room intended for, or capable of, being used for sleeping and is at least seventy square feet in area. A room designated on building plan submittals as a “den,” “study,” “loft,” “bonus room,” or other extra room satisfying the criteria in this definition and is not a kitchen, living room, or bath, and which may contain closets or access to a bathroom, may be considered a bedroom for purposes of computing bedroom area and building code compliance.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.

Block Corner: The corner of any subdivision block where two streets intersect.

Board: Board of Commissioners

Boarding House: A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

Buffer: This pertains to all buffers. Natural vegetated and/or landscaped areas used to physically and visually separate land uses to mitigate adverse impacts from adjacent permitted uses including, but not limited to, noise, odor, dust, fumes, glare, or unsightly storage of merchandise and/or materials.

Buffer, Church: An undisturbed buffer as applied to churches when this use is adjacent to a residential use or residentially zoned property. The buffer shall be provided along the property lines adjacent to said use or zoning.

Buffer, Disturbed: A buffer that is allowed to be altered through grading and/or clearing of vegetation during the development of a site.

Buffer, Exterior: An existing and/or augmented buffer as applied to residential zoning districts that may be disturbed for grading and/or development of a site.

Buffer, GA 400: An undisturbed buffer along the GA 400 corridor.

Buffer, Large Scale Retail: An existing and/or augmented buffer that shall remain undisturbed as applied to large scale retail establishments when the subject property abuts a residential, agricultural, or OR zoning district.

Buffer, Stream: An undisturbed buffer located on both sides of all State Waters, measured horizontally from the top of the bank.

Buffer, Side and Rear Yard: An existing and/or augmented buffer as applied to commercial, industrial, and mining zoning districts when subject property abuts a residential, agricultural, or OR zoning district.

Buffer, Undisturbed: A buffer that is unaltered from clearing and grading processes.

Buildable Area: The area of a lot remaining after the following requirements have been met: 1) the minimum yard and open space requirements of this Code; 2) all applicable Health Department requirements; and 3) zoning conditions imposed by the Board of Commissioners.

Building: Any structure having a roof supported by columns, walls, or by other means, and intended for shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Envelope: That portion of a lot located within the minimum required front, rear and side yard building setback/yard distances where a principal building may be constructed; or in cases where minimum building setbacks/yards are not established, that area of each lot designated on a sketch plat as appropriate for the siting of principal buildings.

Building Height: The vertical distance from the finished front yard grade at the lowest point at the foundation adjacent to the structure to the highest finished roof surface in the case of flat roofs; or in the case of a gable, hip, or gambrel roof, the mean height between the eaves and the ridge of a gable, hip or gambrel roof.

Building Line: The line beyond which a building or structure does not extend, as determined by front, side and rear building setbacks established by zoning district. Uncovered entrance platforms, terraces, and steps, which are on grade, and are not elevated above ground and are not to be considered a part of the building or structure for purposes of this definition.

Business Park: A tract of land, or a subdivision of land, with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Business Service Establishment: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis including but not limited to: advertising agencies, consumer credit and/or collection agency, photocopying, blueprinting and duplication services, mailing agencies, computer and data processing services, detective agencies, consulting firms, accounting, auditing and bookkeeping services, personal supply services, employment agencies, and interior decorators.

Camouflaged Communication Tower: A tower designed to unobtrusively blend into the existing surroundings and be disguised so as to not have the appearance of a communication tower. Such structures shall be considered communication towers and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. It is recognized that due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing, and architectural treatment of both the tower and surrounding development. Camouflaged towers on developed property must be disguised to appear as either a part of the structure housing the principal use or an accessory structure that is normally associated with the principal use occupying the property. Camouflaged communication towers developed on unimproved property must be disguised to blend in with the existing vegetation. An example of a camouflaged communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area, or a tower constructed to appear to be or to actually be a component of a bell or clock tower on sites with existing industrial or institutional development, or to be or appear to be a component of a church steeple on sites with existing churches.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters. In this instance, “temporary” refers to occupancy for not more than thirty (30) continuous days.

Center Line: That line surveyed and monumented by the governing body as the center line of the street; or if such center line has not been surveyed, it shall be that line running midway within the pavement of the road or that line running midway within the travel way if unpaved.

Certification: A signed, written statement from the proper County authority stating that specific constructions, inspections, or tests where required have been performed and that such comply with the applicable requirements of this Code or regulations adopted pursuant thereto.

Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. A clinic allows lodging and care in cases of medical necessity.

Club or Lodge, Nonprofit: A building or premises used by non-profit associations or organizations of an educational, fraternal, or social character. Representative organizations include elks, veterans of foreign wars, and lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Co-location: The placement of antennas of two or more service providers upon a single tower or other structure.

Commercial Recreational Facility, Indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, art galleries and museums, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating rinks, fully-enclosed theaters, physical fitness centers and health clubs.

Commercial Recreational Facility, Outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, trout ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, recreational vehicle parks, ultra-light flight parks, and bungee jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Communication Antenna: An antenna designed to transmit or receive communications as authorized by Federal Communications Commission.

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting communication (transmission or receiving) equipment, including but not limited to self-supporting lattice towers, guy towers, or monopole towers. The term communication tower includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, satellite fiber optic towers, man-made trees (with accessory buildings/structures) and other similar structures. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission. No tower shall exceed 200 feet in height (including antenna) when freestanding, or twenty (20) percent above the building height when placed on top of buildings.

Community Onsite Sewage Management System: A method of sewage treatment which may be similar to a Septic Tank System, but a Community Onsite Sewage Management System routes sewage, wastewater, or effluent (whether for storage, pumping and transporting, percolation, or continuation of the function or process of a Septic Tank or Septic Tank System) from one or more lots to a drain field, collection point, settling tank, back-up drain field, or other equipment or component for sewage disposal or storage which is located on another lot, tract or property. Treatment or partial treatment of sewage shall not disqualify a system from falling within this definition. Community Onsite Sewage Management Systems are prohibited

Competent Substantial Evidence: Such reliable and complete evidence as would enable the reviewing authority to make an informed decision. Such evidence may include signed and sealed reports, and opinions prepared by licensed professionals or qualified experts.

Comprehensive Plan or Plan: Any plan adopted by the Forsyth County Board of Commissioners, or any plan adopted by a regional development center covering Forsyth County, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989 as may be amended from time to time.

Conditional Use: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found and approved by the Board of Commissioners within a particular zoning district. For the purposes of this Code, Home Occupation Permits (HOPs) are considered conditional uses.

Condominium (Building): A building containing multiple attached dwellings, where each dwelling unit is designed for or occupied by a single family or household, and where the tenant holds full title to the unit and joint ownership in the common grounds.

Conservation Areas, Primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4, as may be amended from time to time; and any steep mountain slopes, floodplains, wetlands, waterbodies, upland buffers around wetlands and waterbodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation Areas, Secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation Easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the County Attorney and recorded in the office of the Clerk of The Superior Court of Forsyth County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Forsyth County Board of Commissioners and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation Subdivision: A subdivision, as defined by this Code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Construction/Demolition Waste Landfill: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other nonputrescible wastes which have a low potential for groundwater contamination.

Contiguous Common Parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

Continuance: The postponement or adjournment of proceedings to a later specified date.

Continuing Care Retirement Community (CCRC): A development, controlled by either a public body, institutional body, or corporation, comprised of senior housing and any combination of non-medical and medical resident services. A CCRC may include senior independent living, assisted living or skilled nursing facilities, or any combination thereof. Housing may be provided as single family detached dwellings, single family attached dwellings, multifamily dwellings, and/or an institutional setting.

Contractor’s Establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined by this Code.

Convalescent home: An installation other than a hospital where two or more persons afflicted with illness, injury, or an infirmity are housed or lodged, and furnished with nursing care.

Convenience Store: A retail store with a retail floor area of less than 2,500 square feet that sells groceries and may also sell gasoline; does not include automotive service establishments.

County Commission: The Forsyth County Board of Commissioners or "Board".

County Health Department: The Forsyth County Health Department.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land, and constructed with a turnaround at its end.

Cul-de-sac, Temporary: A nonpermanent vehicular turn around located at the termination of a street or alley.

Cut: A portion of land surface or area from which earth is removed by excavating; the depth below original ground surface to excavated surface.

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits up to, but no more than, 2.5% light spillage above the horizontal plane of the fixture.

Day Care Center: Also referred to as a child care center, kindergarten, family day care, play school, nursery, etc.; a structure or portion of a structure wherein is provided care and supervision of persons away from their place of residence for less than 24 hours a day on a regular basis for compensation.

Deceleration Lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the Director of Engineering, that permits vehicles to slow down and leave the main vehicle stream.

Decibel: A unit measuring the intensity or loudness of sound.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication Plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Defer: To postpone an application until a later specified date.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Director of the Department of Planning and Community Development of Forsyth County, Georgia, or his/her designee.

Director of Engineering: The person employed or otherwise retained or designated by Forsyth County to review engineering aspects of land subdivision and developments.

Director of Water & Sewer: The Director of the Department of Water & Sewer of Forsyth County, Georgia, or his/her designee.

Diversion: A channel with or without a supporting ridge on the lower side, constructed to divert water to a desirable outlet across or at the bottom of a slope.

DRASTIC: The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. The "DRASTIC" methodology is the most widely used technique for evaluating pollution susceptibility.

Drive-in: A retail or service enterprise wherein service is provided or goods are sold to the customer within a motor vehicle and outside of a principal building.

Dwelling, Single-Family Attached: (See Townhouse).

Dwelling, Single-Family Detached: A completely independent residential structure, occupying its own structure from ground to roof, designed for or occupied exclusively by one (1) family and meeting or exceeding the local building code for on-site construction, and separated from other single-family detached dwellings by yards.

Dwelling, Two-Family (Duplex): A single structure, meeting or exceeding the local building code for on-site construction, consisting of two independent dwelling units attached on one side, each designed for or occupied exclusively by two (2) families in separate dwelling units each with its own separate entrance, located either on a single lot or two lots (each unit under fee simple ownership) with the common lot line drawn along the line of the common wall of the two attached units.

Dwelling Unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly or longer basis, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

Easement: An incorporeal interest in land owned and possessed by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.

Embankment: A man-made structure of soil, rock or other material.

Erosion: The wearing away of land surface by the action of wind, water or gravity.

Escrow Account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Director of Engineering to cover the costs of required improvements.

Etowah River Corridor Protection District: All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), in areas of a protected river and being within one hundred (100) feet horizontally on both sides of the river, as measured form the river banks.

The 100-foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100 foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by Forsyth County in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because stream channels move due to natural processes such as meandering, river bank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Forsyth County Comprehensive Plan. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

In the context of “conservation use property,” in Chapter 14 and “conservation subdivisions” in Chapter 19, “river corridor” shall also mean any area, proximal to rivers and perennial streams, shown on a published Federal

Emergency Management Agency flood insurance map to be in the 100-year floodplain and that meets the definition of "natural conditions" as defined in this Code.

Excavation: See "Cut."

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

Existing Private Sewage Treatment Plant: Any facility designed for the treatment of sewage, except for a Community On Site Sewage Management System, that serves two or more structures or dwellings. Such a facility is constructed, owned, maintained and operated by an entity or person other than a municipality or governmental agency. Such a facility is considered existing if a permit by the appropriate State regulatory agency was issued, a DDR has been submitted to the appropriate State regulatory agency, or the facility was approved by the Board of Commissioners, prior to the amendments to the Unified Development Code dated February 23, 2004.

Extraction: A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, and mining. Specifically excluded from this definition are grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption, or guardianship, or a group of up to five (5) unrelated persons operating as a family unit, occupying a single dwelling unit and using the same cooking facilities; provided, however, that domestic servants employed on the premises or two (2) roomers or boarders, may be housed on the premises without being counted as a separate family of families. A family is distinguished from a group occupying a boarding house, rooming house, hotel, nursing home, or convalescent home, or similar homes, regardless of whether said home provides charitable services or operates for profit.

Farm: An area of land principally devoted to agriculture.

Farm Supply Store: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

Fast Food Restaurant: Any restaurant whose design or principal method of operation includes four or more of the following characteristics: 1) 45% or more of the floor area is devoted to food preparation, employee work space, and customer service area; 2) A permanent menu board is provided from which to select and order food; 3) If a chain or franchised restaurant, standardized floor plans are used over several locations; 4) Customers pay for food before consuming it; 5) A self-service condiment bar is provided; 6) Trash receptacles are provided for self-service bussing.; 7) Furnishing plan indicates hard-finished, stationary seating arrangements; or 8) The majority of the main course food items are packaged to leave the premises prior to the customer order, rather than being prepared after the customer order.

Fence: A structural barrier for enclosure, screening, or demarcation.

Final Plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Forsyth County Superior Court, and containing all elements and requirements set forth in Chapter Eighteen of this Code.

Finance, Insurance, and Real Estate Establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

Finished Grade: The final grade or elevation of the ground surface forming the proposed design.

Foot-candle: A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

Full Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Geographic Antenna Placement Area: The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

Government Agency: Any department, commission, independent agency, or instrumentality of the United States or of the State of Georgia, or any County, city, authority, district, or other governmental unit.

Grading: The stripping, cutting, filling, stockpiling, or any combination thereof, and activities where the land itself in its cut or filled.

Grading Permit: A permit issued to authorize earth work to be performed under the terms of this Code.

Grassed Waterway: A natural or constructed waterway, usually broad and shallow, with approved erosion-resistant vegetation thereon, established to conduct surface water from a field, diversion, or other site feature.

Guest House: A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Habitat for Endangered or Threatened Species: An area verified by the Georgia Department of Natural Resources as 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Code.

Hazardous Waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. as may be amended from time to time.

Health Department: The Forsyth County Health Department.

Helicopter: An aircraft whose support in the air is derived chiefly from the aerodynamic forces acting on one or more rotors turning about substantially vertical axis.

Helipad: A location where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, storage of helicopters, or other incidental uses.

Heliport: A facility used routinely and regularly for the landings and takeoffs of one or more helicopters. Heliports may include service areas devoted to terminals, maintenance and repair, fueling, and/or helicopter storage

High Erosion Susceptibility: Lands shown in the Comprehensive Plan of Forsyth County as containing soils that are highly erodible, or soils described in the County Soil Survey as possessing severe erosion potential.

Historic Property: Any parcel shown as a historic property, building, structure, or site on the Historic Resources Survey of Forsyth County, or any other property, building, structure, or site that can be shown to be significant with respect to the County's, state's or nation's history, including homes, carriage houses, and servants' houses, among others.

Home Occupation: An occupation, profession, or trade conducted on a regular basis within or from an approved residential dwelling and/or accessory buildings (if permitted) by one or more occupants residing in said dwelling that is clearly incidental and subordinate to the primary or principal use of the dwelling and property for residential or agricultural purposes.

Home Owners Association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Hotel: A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Impervious Surface: A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples include but are not limited to buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Incorporeal: Without body; not of material nature.

Industrial: Areas where manufacturing, assembling, warehousing, bulk storage, and similar industrial operations are the dominant use.

Industrialized Building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and 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. Industrialized buildings are constructed and regulated in accordance with O.C.G.A. Title 8, Chapter 2, Article 2, Part 1, Section 8-2-110 through 8-2-121, as the same may be hereafter amended.

Industrialized Housing: Any structure or component thereof, designed primarily for residential occupancy, which is wholly or substantially made, fabricated, formed or assembled in manufacturing facilities and assembled on a building site; and is designed only for erection or installation on a building site on a permanent foundation and is not intended to be used other than on a permanent foundation; and is not designed to be moved once so erected or installed; and is designed and manufactured to comply with the most recent provisions of the Georgia Industrialized Buildings Program; and is designed with a minimum roof pitch of 5:12. The above definition shall be presumed to have been met where there appears affixed to the structure the seal of the Georgia Department of Community Affairs. The term "industrialized housing" shall not include a "mobile home" or "manufactured home" as herein defined or previously occupied houses moved from other locations.

Inert Waste Landfill: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

Junk Vehicle: Any wheeled contrivance or part thereof, propelled by power and used primarily for the transportation of persons or property on public streets and highways, or to serve some function such as grading, dredging, or tilling, located in public view and, inoperative, or, where such is required by law, bearing no current, valid license plate.

Junk Yard: The use of any space, outside an enclosed building for the storage, keeping, salvage and/or sale of, junk, scrap metal, or other scrap materials, including the dismantling, demolition, or abandonment of four (4) or more automobiles or other vehicles or machinery or parts thereof.

Kennel: Any facility used for the purpose of boarding, breeding or sale of animals (excluding horses, swine, goats, and geese) or pets and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Land Application: Alternative method wastewater disposal where the treated wastewater is sprayed on the ground surface through an irrigation system or injected under the ground surface in the vegetative root zone. Land Application shall not be permitted except when utilized for Public Sewer as defined herein, and except as to Existing Private Sewage Treatment Plants as defined herein.

Landscaping Company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Landscaped Areas: Areas devoted to the installation and permanent maintenance of trees, shrubs, ground covers, turf grasses, mulch, and other similar materials. At least 75 percent of a landscaped area must be covered by live plant material at the time of plant maturity and must consist of at least three of the following elements: vegetative ground cover, herbaceous ornamentals, shrubs, trees. Examples of landscaped areas include landscape strips and landscaped open space.

Land-Disturbing Activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Land Reclamation: The return of land that has been disturbed by mining activities to productive use. Reclamation procedures may include addition of topsoil, return of vegetative cover, planting of trees and restoration of landforms.

Land Use Existing Prior to the Promulgation of the Etowah River Corridor Protection District (as applied to the Etowah River Corridor Protection District): Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which, prior to the promulgation of the Etowah River Corridor Protection District falls within one of the following categories:

1. is completed;
2. is under construction;
3. is fully approved by the governing authority;
4. all materials have been submitted for approval by the governing authority; or
5. is zoned for such use and expenditures in excess of $2,500.00 have been made in preparation for construction in accordance with such zoning.
6. Within the Etowah River Corridor Protection District, industrial and commercial land uses existing prior to the promulgation of the Etowah River Corridor Protection District are exempt from these criteria provided that:
    (a) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river; and
    (b) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

Letter of Credit: A type of subdivision improvement guarantee whereby a subdivider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the County. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Light Trespass: The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Livestock: Domesticated animals, including but not limited to cattle, goats, sheep, llamas and alpacas raised for profit or personal use. Specifically excluded from the definition of livestock are pigs, hogs and horses.

Local Government: Forsyth County Board of Commissioners.

Lodging Service: A facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including but not limited to inns, hotels, motels, and motor hotels, and rooming and boarding houses.

Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way. For purposes of calculating lot sizes, a lot shall also exclude any areas reserved for easements upon which, by the nature thereof, construction is prohibited, i.e., easements for ingress and egress to other lots or properties, major power line transmission easements, etc. For purposes of calculating lot sizes, “lot” shall also not include strips of property, with widths less than the minimum lot width of the particular zoning district, intended to provide access to a given lot or parcel; provided, however, land less than the minimum required lot width may be considered as part of the square footage lot size calculation in those instances where lot lines are radial to a curved street or cul-de-sac on a major or minor subdivision plat approved by the Department or the Planning Commission.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

Lot, Flag: A tract of land or lot where access to the public road is by a narrow strip of land not meeting minimum lot width requirements in the particular zoning district which the tract or lot is located.

Lot, Through: See Lot, Double Frontage.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot of Record: A lot which is part of a subdivision approved by Forsyth County in accordance with land subdivision requirements, a plat of which has been recorded in the records of the Clerk of the Forsyth County Superior Court; or a parcel of land, the deed of which was recorded in the same office prior to September 24, 1973.

Lot Width: The shortest distance between side lot lines measured at the regulatory/required front building line.

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, when erected on site, is three hundred twenty (320) or more square feet in floor area, 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; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as may be amended from time to time (42 U.S.C. 5401-5445).

Manufactured Home Park: Any property on which three (3) or more manufactured homes are located or intended to be located for purposes of residential occupancy.

Manufactured Home Space: An area within a manufactured home park, distinguished from a lot in a subdivision under fee simple ownership, upon which a single manufactured home is or may be placed and which provides space for the belongings and activities of the occupant.

Manufactured Home Subdivision: A subdivision designed primarily for the use and occupancy of manufactured homes on individual lots.

Manufacturing, Processing, Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.

Materials Recovery Facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery.

Miscellaneous Service Establishment: Those services not otherwise specifically classified or substantially similar in character to lodging services, automotive services, personal services, and business services. Such facilities include but are not limited to funeral homes, mortuaries, and mausoleums, palm reading and fortune telling, pet grooming, pet psychologists and dog obedience schools, and taxidermists.

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, when erected on site, is three hundred twenty (320) or more square feet in floor area, 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 which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Modular Dwelling: (see "Industrialized Housing").

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through a main lobby of a building.

Mulching: The application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

Multifamily Dwelling: A dwelling on a single lot, designed for or occupied by three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Apartments and residential condominiums are considered to be multi-family dwellings.

Natural Conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

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

New Private Sewage Treatment Plant: Any facility designed for the treatment of sewage, except for a Community Onsite Sewage Management System, that serves two or more structures or dwellings, which is constructed, owned, maintained and operated by entities or persons other than Forsyth County or its designee. New Private Sewage Treatment Plants are prohibited. [A sewage treatment plant owned by Forsyth County and operated by Forsyth County, its contractors, agents, or licensees, shall fall within the definition of Public Sewer, regardless of the type, design, or technology of the system, regardless of whether it would be allowed or prohibited if otherwise owned and operated, and regardless of who or what entity originally constructed, owned or permitted the facility.]

Non-Conforming Building or Structure: A building that does meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum lot coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that that otherwise does not comply with dimensional requirements established by this Code for the particular principal building or accessory structure.

Non-Conforming Lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this Code but which was a lot of record prior to the effective date of this Code.

Non-Conforming Use: A building, structure, or land occupied by a use that does not conform to the use regulations of the zoning district in which it is situated.

Non-Integral Wing Wall: A continuation of a building wall that projects beyond the exterior walls of a building. Non-Integral Wing Walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Non-Profit Association: A group organized for purposes other than generating profit, such as a charitable, scientific or literary organization.

Nonstructural Stormwater Management Practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and green space areas, overland flow filtration areas, natural depressions, and vegetated channels.

Nursery/Greenhouses: A retail or wholesale establishment whereby the goods sold, i.e., plants, shrubs and trees, are grown and raised on site from a seed or seedling. An operator of a nursery/greenhouse should have a live plant license from the state of Georgia. The selling of goods not grown on site, such as rocks, mulch (unless created from vegetation grown on-site), stones, wheelbarrows, rakes, etc., is prohibited.

Office: A building, or portion thereof, wherein predominantly administrative, professional, or clerical operations are performed, and not involving retail sales.

On-Site Construction: Construction, by convenient means, of a building on the site where it is to be occupied. This form of construction may include a pre-fabrication of certain building components as well as "industrialized housing" as herein defined, but shall not be interpreted to include the on-site assemblage of mobile homes or manufactured homes.

Open Air Business: Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, flea markets, statuaries and monument sales establishments, Christmas tree lots and firewood sales lots, liquid petroleum dealers and tank sales.

Open Space: Within the context of Chapter Nineteen, Conservation Subdivision, any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. Easements for electric transmission lines or any other above-ground improvement shall not be considered open space. Within the context of other chapters of this Code, “open space” shall have more liberalized meaning to include buffers and areas not containing any man-made structures or pavements. For all zoning districts requiring open space, including Conservation Subdivisions, Structural Stormwater Control practices shall not be counted toward the required open space. Nonstructural Stormwater Control practices, however, may count toward required open space. An Active Recreational Facility may not be located in the required open space. Passive amenities, such as walking trails, may be located in required open space, but passive amenities may not comprise more than 25% of the required open space and may not include impervious materials. Areas dedicated to Land Application shall not be counted toward required open space unless the application is above ground and the area affected can be utilized for such activities as ball fields, golf courses, park areas, etc.

Open Space, Public: Within the context of Chapter 18, an area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

Open Storage Yard: An area(s) dedicated as an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, boats, and the like. Outside storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage. Outside storage yards may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify as outside storage yards. Outside storage yards do not involve any product representation or signage except for those emergency or safety-related signs specifically approved by Forsyth County. Vending machines accessory to allowable uses do not constitute outside storage. The parking or storage or vehicles, equipment, and merchandise for a period of less than 96 hours does not constitute outside storage.

Original Tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Code, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Outdoor Display: The keeping of any goods, material, or merchandise outside of a business, building or establishment or in an area visible from a public right-of-way, for display, advertisement, or purposes of attracting rental or sales. Such definition shall not be construed as including the temporary loading or unloading of such goods, material, or merchandise to or from a fully enclosed area.

Overburden: All of the earth and other materials which lie above natural deposits of minerals, including such earth and other materials disturbed from their natural state in the process of surface mining.

Overlay District: A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

Parking Space: An area devoted to the temporary storage of a vehicle.

Particulate Matter: Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Pedestrian Way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance Bond: A type of developmental improvement guarantee in the form of a bond, secured by the developer from a bonding company, in an amount specified by the Board to cover the costs of required improvements, and payable to the County. The County may call in the performance bond in the event the developer defaults on required improvements.

Permit: Any written authorization for building, construction, alteration, occupancy, or other matter required by this Code to be approved by a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the "permittee."

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Perennial River: A river or section of a river that flows continuously throughout the year.

Perennial Stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey quadrangle map.

Personal Care Home: A residential facility that provides daily living assistance with meals, dressing, movement, bathing, and other similar personal needs, or general supervision of the physical and mental well-being of a person who is incapable of maintaining a private, independent residence, or who is incapable of managing his or her person, whether or not a guardian has been appointed for such person. Senior housing shall not be included under this definition.

Personal Service Establishment: A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, dance studios, schools, and halls, specialized instructional studios and schools, and travel agencies.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a slightly more dense setting than allowable on separate zoned lots.

Planning Commission: The Forsyth County Planning Commission.

Planning and Community Development Department: That person or body of persons designated by the governing authority of Forsyth County to handle certain ministerial affairs of the Planning Commission, enforcement duties, and administration of this Code.

Pollution Susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharge, leaks, impoundments, application of chemicals, injections, and other human activities in a recharge area.

Pollution Susceptibility Maps: Maps prepared by the Department of Natural Resources showing relative vulnerability of aquifers to pollution. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is situated.

Private On-Site Sewage Disposal System: A system for collection and disposal of sewage, with each and every component located and functioning completely within the boundaries of a single lot and serving exclusively the permitted improvements on said lot, and receiving no sewage, waste or substance from any other source. Includes traditional Septic Tank Systems as well as improvements and technological advances thereupon, provided the system is acceptable to and approved by the Georgia Department of Human Resources and the Forsyth County Health Department.

Processing: (See definition of Manufacturing, Processing, and Assembling).

Professional Architect: An architect duly registered or otherwise authorized by the State of Georgia to practice in the field of architecture.

Professional Engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional Home Office: A home occupation consisting of the office of a practitioner of a recognized profession.

Professional Surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protected River: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate United States Geological Survey documents. However, those segments of rivers covered by the Metropolitan River Protection Act are specifically excluded from the definition of a protected river.

Protective Covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Forsyth County or other County, the city of Cumming or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Public Sewer: Includes and is limited to: (a) any sewer collection, disposal or treatment system owned by Forsyth County and operated by Forsyth County, its contractors, agents, or licensees; and (b) any sewer collection, disposal or treatment system owned by a municipality or other political subdivision of the State of Georgia and approved by the Director of Water and Sewer as a public sewer for the purposes of this Code. Public Sewer shall specifically include any sewer collection, disposal or treatment system built by a non-governmental entity via an approved variance meeting the design and performance standards of Forsyth County and titled, owned and operated by Forsyth County or its designee.

Public Utility or Utilities: A service or services provided by a public utility company, or, as approved by the Board, a private entity which provides such service or services, and all equipment and structures necessary to provide such services.

Quadrangle Map: The most recently published United States Geological Survey 7.5 minute topographic map, prepared at a scale of 1:24,000.

Quadraplex: Four single family dwelling units in one structure utilizing common walls on two sides and a side and rear or front yard on the other two sides. Quadraplexes can be located on a single lot with or without other quadraplexes (i.e., an apartment complex with four-unit buildings, or each unit may be located on its own lot (i.e., fee simple ownership with "zero lot line" on two sides). Also known and referred to as "fourplex."

Reasonable Cause: Such a state of facts, based on reliable evidence or information, as would lead a person of ordinary care and prudence to believe and have an honest, strong, articulable suspicion that premises to be inspected are in violation of County ordinances, including this Code, or there exists circumstances posing a detrimental risk to the health, safety, and welfare of Forsyth County citizens.

Recharge Areas: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Reclamation Plan: A written proposal for reclamation of mined or disturbed areas including land uses, maps, and documents as required to describe reclamation, and where relevant, grading specifications and manner and type of revegetation.

Recreational Vehicle: A vehicular-type, portable structure without a permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: A developed campground, governed by a set of public or private management rules, that accommodates recreational vehicles on camping spaces for paying guests and which may include park-owned recreational vehicle(s) for rent. A recreational vehicle park is distinguished from a campground in that all or some of the camping sites provide recreational vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or telephone, and sometimes cable television.

Recovered Materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling: The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Recycling Plant: A facility in which recyclables are reprocessed and treated to return such products to a condition in which they may be used again in new products.

Relocated Residential Structure: A detached, single family dwelling that is moved or disassembled into more than one structure and moved to another site, whether temporary or permanent.

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve Strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Residence for Caretaker or Night watchman: A dwelling designed or intended for occupancy by a person(s) owning, employed in, or dealing with, and responsible for the security and maintenance of the land on which it is situated.

Research Laboratory: A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products, and forensic laboratories for analysis of evidence in support of law enforcement agencies.

Residential Zoning District: Any R1R, CR1, R1, R2R, R2, R3, R4, LR, Res1, Res2, Res3, Res4, Res6 MHP or any district described in Chapter 11 of this Code.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, newsstands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retaining Wall: A wall, terraced combination of walls, or similar structure located at a grade change to hold the soil on the up-hillside from slumping, sliding, or falling. Retaining walls are not integral to the structure and do not provide direct physical contact for the support of a building or structure.

Right-Of-Way: (1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use; (2) generally, the right of one to pass over the property of another.

River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River Corridor Protection Plan: That part of Forsyth County Comprehensive Plan which deals with the river corridor protection requirements specified in rules of the Georgia Department of Natural Resources and state law, as appropriate.

Road: See Street.

Roadside Stand: A structure, or portion thereof, for the shelter, display, and sale of agricultural products produced on the premises, with no space for customers within the structure itself.

Salvage Yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

Scenic Corridor: Any corridor paralleling both sides of a public road that has been formally identified by Resolution of the Forsyth County Board of Commissioners as a scenic corridor worthy of special protection through an overlay district or other special provisions governing land uses and development and their aesthetic effects on road travelers.

Scenic Views and Sites: Those geographic areas containing visually significant or unique natural features, as identified in the Forsyth County Comprehensive Plan, or by an applicant of a conservation subdivision if such information is accepted by the Planning Commission in the sketch plat review process.

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, or gravity as a product of erosion.

Sediment Basin: See "Debris Basin."

Sediment Pool: The reservoir space allotted to the accumulation of submerged sediment during the life of the structure.

Semi-Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits up to, but no more than, 5.0% light spillage above the horizontal plane of the fixture.

Semi-Public Use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, steam or water distribution or transmission lines or systems, including incidental wires, cables and poles.

Senior Housing: A single family, multifamily, or residential care facility development intended for, operated for, and designed to accommodate residents fifty-five (55) years of age and older. A variety of development types fall under this category including senior independent living, assisted living facilities, skilled nursing facilities, and continuing care retirement communities.

Senior Independent Living: Housing that is designed and operated for seniors in good health who are capable of maintaining independent households. Individual dwellings are designed to promote independent living through living, sleeping, kitchen and sanitary facilities located within each unit. Such housing may provide certain services such as security, housekeeping, and recreational and social activities.

Sensitive Natural Areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. habitat, including nesting sites, occupied by rare or endangered species;
2. rare or exemplary natural communities;
3. significant landforms, hydroforms, or geological features; or
4. other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Septic Tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Septic Tank System: Traditional wastewater disposal method consisting of an in-ground settling tank for solids removal and a drain field for water disposal. Soil bacteria clean the wastewater as it percolates through the soil from the drain field. The traditional septic system requires that a settling tank, drain field, and back-up drain field be provided within the boundaries of each individual lot.

Setback: A line demarcating that portion of the lot specified by this Code that must remain devoted to a yard, and the buildable portion of the lot. Between the building setbacks and the property lines, principal buildings are not permitted. Principal building setbacks and “yard” requirements are considered one and the same. See definitions of yard (front, rear, and side). In cases where buffer or landscape strips requirements are specified, said buffer or landscape strip requirements are also considered setbacks for both principal buildings and accessory buildings and structures.

Setback, Exterior: A Setback placed around the entire perimeter of a development or property. An Exterior Setback is required even if a property or lot line abuts an existing street.

Shade Tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Shooting Range, Indoor: The use of a structure of other confined space for the enclosed safe discharging of firearms for purposes of target practice or temporary competitions, which is not available for such use by the general public without payment of a fee, membership contribution, or dues.

Shooting Range, Outdoor: The use of land for the unenclosed safe discharging of firearms for purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots, which is not available for such use by the general public without payment of a fee, membership contribution, or dues. Excluded from this definition shall be general hunting and unstructured discharging of firearms on private property.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Sign: Any outdoor advertising device.

Significant Groundwater Recharge Area: Any area shown on the most recent edition of Georgia Geologic Survey Hydrologic Atlas 18 to be a significant groundwater recharge area. Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contracts, geologic structure, the presence of karst, and potentiometric surfaces. Significant recharge areas for Forsyth County are typified by those in the Piedmont and Blue Ridge, where rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge areas are those with thicker soils. Field mapping indicates that thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than eight (8) percent. These aquifer recharge areas, which contain soils with properties that support the recharging of groundwater, are mapped on the Official Zoning Map of Forsyth County and/or on the Official Overlay District Map of Forsyth County. Groundwater recharge areas represent freshwater resources for some residents of the County.

Site: Any plot or parcel of land, or a combination of contiguous lots or parcels of land, where grading, building, construction, or alteration is performed or permitted.

Site Plan: A drawing showing the following information: Proposed layout of streets and lots; Lot or tract dimensions with required setbacks shown; Buffers and natural areas proposed; Buffer fences where appropriate; Areas reserved for future construction; Proposed structures with dimensions and square footages (except for single family subdivisions); Proposed uses for each structure (i.e. retail sales, offices, single family residence, etc.); Current zoning district of the subject property and abutting property, and the proposed zoning district, as applicable; Location and use of all structures on abutting property; Right-of-way locations and dimensions and names of all roads and streets bounding the property in question; Driveways and parking areas with number of parking spaces, where appropriate; Loading and unloading facilities, where appropriate; Storm drainage and structures, where appropriate; water, gas and electric utility lines preliminary locations plus points of utility access; and Wastewater facilities including preliminary areas reserved for drain fields and septic tanks or point of access.

Sketch Plat: A detailed drawing of a proposed major subdivision, multi-family residential subdivision, institutional, office, commercial, or industrial development, showing the layout of streets, lots, blocks, open spaces, and other elements identified in Section 8-2.1 (E) that are consistent with the requirements of this Code. The sketch plat must include or otherwise identify the location of buildings, parking areas, buffers, setbacks, landscaping, proposed densities, height restrictions, lot sizes, roadway access (es), open spaces, streets, and overlay districts. The sketch plat shall be the basis for the approval or disapproval of the layout of a major subdivision, multi-family residential subdivision and/or the layout of an institutional, office, commercial or industrial development.

Skilled Nursing Facility: A residential facility that provides twenty-four (24) hour nursing care as well as custodial care for seniors. Such a facility typically offers personal care, recreational activities, physical and occupational therapy, and all meals. These facilities may be freestanding or part of a CCRC. Residents may stay temporarily for a period of rehabilitation, or may be there for long-term care.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes eligible for current use assessment under Georgia State law, slope shall be measured between two points on the ground separated by 500 feet or more.

Soil: All unconsolidated mineral and organic material of whatever origin that overlies bedrock, which can be readily excavated.

Soil Engineer: A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

Solid Waste: Discarded putrescible and nonputrescible waste, except water-carried body waste and recovered materials, and shall include garbage; rubbish, such as paper, cartons, boxes, wood, tree branches, yard trimmings, furniture and appliances, metal, tin cans, glass crockery, or dunnage, ashes, street refuse, dead animals; sewage sludges, animal manures, industrial waste, such as waste materials generated in industrial operations, residue from solid waste thermal treatment technology, food processing waste, demolition waste, abandoned automobiles, dredging waste, construction waste, and any other waste material in a solid, semi-solid, or liquid state not otherwise defined here.

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. (also see definitions of “materials recovery facility,” “recovered materials processing facility,” and “recovered materials”).

Sound Level: The intensity of sound, measured in decibels.

Sound Level Meter: An instrument designed to measure sound pressure levels and constructed in accordance with the requirements for General Purpose Sound Level Meters published in the American National Standards Institute.

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 and 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.

Steep Mountain Slopes: An area that (1) is shown on a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map to be higher than an elevation in feet of 1,900 feet; and (2) has a slope exceeding 25 percent; and (3) meets the definition of "natural conditions" provided in this Code. Steep mountain slopes shall include the crests, summits, and ridge tops which lie at elevations higher than those of adjacent steep mountain slopes (even though the crests, summits, and ridge tops may have a slope of less than 25 percent), provided that such crests, summits, and ridge tops are in a natural condition as defined by this Code.

Steep Slopes: Lands with slopes of at least 35 percent, as indicated in the Comprehensive Plan of Forsyth County, or which are so indicated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that: (1) is an existing state, County or municipal roadway; (2) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel; (3) is constructed and open to vehicle travel as approved by other official action of the Board of Commissioners; or (4) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, Forsyth County Superior Court prior to the appointment of the Planning Commission and the grant to the Planning Commission of the power to review plats. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, Collector: Unless otherwise defined by the Major Transportation Plan or Comprehensive Plan, a collector street is a public street whose function is to collect traffic from neighborhoods and local streets and which connects to another public street of equal of greater classification. A collector also may provide direct access to adjacent properties.

Street, Local: Unless otherwise defined in the Forsyth County Major Transportation Plan or Comprehensive Plan, any public street, except an alley, collector, or arterial, and which has a primary function to provide direct access to adjoining properties and which serves a limited area only, usually a single land subdivision.

Street, Major Arterial: Unless otherwise defined by the Forsyth County Major Transportation Plan or Comprehensive Plan, a major arterial street is a street connecting two or more towns or communities, connecting two highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area) and perform a secondary function of providing local access.

Street, Marginal Access: A residential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through traffic.

Street, Private: A road or street that has not been accepted for maintenance by the County and that is not owned and maintained by the state, City of Cumming, another County, or another public entity.

Stripping: Any activity which removes or significantly alters the vegetation surface cover, including clearing and grubbing operations.

Structural Lot Fills: Fills constructed predominately of rock materials for the purpose of supporting structures.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow of such runoff.

Structure: Materials that, when combined, form a construction for use, occupancy, or ornamentation. A structure may be installed on, above, or below the surface of land or water. For purposes of this Code, all buildings (including overhangs) are considered structures, but not all structures are considered buildings. Specifically exempted from the definition of structure are the following: driveways; mail boxes; flag poles; walls, unless they are an integral part of a structure not exempted herein; light poles/fixtures; patios, at grade; pool decking, at grade; sidewalks; swing sets; and any construction not requiring a building permit by Forsyth County.

Subdivider: Any person, as defined by this Code, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Code, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, including all division of land involving the dedication of a new street or a change in existing streets. The word “subdivision” includes re-

subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.

Subdivision, Minor: A subdivision of six (6) or fewer lots which does not involve the construction of a new public or private street. Because minor subdivisions do not involve the construction of a new public or private street, they are processed administratively by the Department of Planning and Community Development as final plat applications that do not require sketch plat approval. Any improvements to an existing public street abutting the tract proposed for minor subdivision, or the installation of utilities along said existing public road, as may be required to comply with this Code, shall be done according to plans and permit requirements of this Code, but said requirements shall not subject the minor subdivision to the requirements for a major subdivision as specified in this Code.

Subdivision, Major: A subdivision of seven (7) or more lots which may or may not involve the construction of a new public or private street; or any subdivision of less than seven (7) lots that involves the construction of a new public or private street. Because major subdivisions involve construction of a new public or private street or the upgrade of an existing private way to County standards, construction plans and land disturbance permits are required, and major subdivisions are therefore processed in multiple steps including sketch plat approval (unless specifically exempted), approval of construction plans and issuance of land disturbance permits, and final plat approval.

Sufficient Capacity: Shall mean that the anticipated additional effluent volume per day (based upon Forsyth County Water and Sewer Department usage guidelines) does not exceed the maximum treatment volume per day as provided in the existing Georgia Department of Natural Resources, Environmental Protection Division ("EPD") permit.

Table: To postpone indefinitely the discussion or consideration of an application before the Board of Commissioners.

Temporary Protection: Stabilization of erosive or sediment producing areas.

Townhouse: One of a series of three (3) or more attached single-family dwelling units where each unit functions for use as an independent housekeeping unit with its own private entrance and each unit is located on its own separate lot in fee simple ownership.

Transportation, Communication and Utility Facility: Including but not limited to: bus passenger stations and terminals, airports, heliports and helistops, taxi cabs and limousine services, radio and television studios and broadcasting towers, recycling collection centers, truck stops and truck terminals, trucking and courier services, marinas, railroad facilities, gas, electric, and water supply services, electric substations.

Truck Terminal: A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

"Used" or "Occupied": In addition to the common dictionary meaning of these words, they shall be construed to also include the meaning, "intended, arranged, or designated to be used or occupied."

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by Forsyth County. As appropriate to the context the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief that relaxes or modifies the strict dimensional or numerical requirements of this Code to permit construction in a manner that would otherwise be prohibited by this Code, based on a showing that special or unique circumstances exist on a subject property, such as physical surroundings, shape or size, or topographical conditions, and that due to such special or unique circumstances, compliance would result in extraordinary and unnecessary hardship or practical difficulty or an inability to meet policies and objectives specifically identified in the Comprehensive Plan.

Vegetative Protection: Stabilization of erosive or sediment producing areas by covering the soil with: permanent seeding, producing long-term vegetative covers; short-term seeding producing temporary vegetative cover; or sodding, producing areas covered with a turf or perennial sod forming grass.

Vibration: The periodic displacement of earth caused by an oscillating movement, and measured in inches.

Vibrations, Impact: Vibrations which occur in discrete impulses separated by an interval of at least one (1) minute and numbering not more than eight (8) in any twenty-four (24) hour period.

Vibrations, Steady State: Vibrations that are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute.

Visual Quality: The appropriate design, arrangement, and location of any structure in relation to the built or natural environment to avoid abrupt or severe differences.

Warehouse: Storage of materials, equipment, or products within a building including but not limited to those for manufacturing use or for distribution to wholesalers or retailers.

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

Water Supply Watershed: The area of land upstream of a governmentally owned public drinking water intake.

Water Supply Watershed Protection Plan: A land use plan prepared and adopted by local government for the protection of the quality of drinking water obtained from the watershed.

Wetland Protection District: All wetlands within Forsyth County which are indicated on the official Forsyth County overlay district map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

Wetlands: Those areas that are inundated or saturated by surface or groundwater 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, and that meets the definition of natural conditions. Wetlands shall include any area delineated as a wetland by the U.S. Army Corps of Engineers under their jurisdiction pursuant to Section 404 of the Federal Clean Water Act, as amended; or any area shown on a 1:24,000 scale, U.S. Fish and Wildlife Service National Wetland Inventory Map as being a wetland; or any area shown on a 1:24,000 scale, Georgia Department of Natural Resources landcover database map as being a wetland; or any area shown on an official Forsyth County overlay district map as a wetland.

Wetlands, Freshwater: A wetland, as defined in this Code, that does not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

Wholesale Trade Establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Withdrawal With Prejudice: To withdraw an application after the deadline for withdrawal without prejudice constitutes withdrawal with prejudice and is subject to the limitations posed by this Code for applying again for a conditional use, rezoning, or variance that was denied.

Withdrawal Without Prejudice: To withdraw an application and have no judgement passed on the merits of the application. Such withdrawal entitles the applicant to reapply without being subject to limitations posed by this Code for reapplication.

Yard: A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from ground to sky except where expressly permitted. It is conventional to use the term “setback” instead of “yard,” and the two are considered interchangeable for purposes of this Code.

Yard, Front: An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street right-of-way line and a line running through the nearest point of the building to the street and projected to the side lines of the lot, intersecting the side lines at points equidistant from the street line. The front yard requirements of this Code establish principal building setbacks.

Yard, Rear: An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the rear line of the lot and a line running through the closest point of the building to the rear line of the lot and projected to the sidelines of the lot; intersecting the side lines at points equidistant from the rear lot line. The rear yard requirements of this Code establish principal building setbacks.

Yard, Side: An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. The side yard requirements of this Code establish principal building setbacks.

ZBA: Zoning Board of Appeals

Zoning Deadline: The day each month identified in the annual schedule for public hearings adopted by the Planning Commission in which all applications for rezoning, conditional use permit, sketch plat and home occupation permit must be received by the Planning and Community Development Department. Any application received after the applicable Zoning Deadline for the month shall be considered received for the Zoning Deadline for the following month and processed in conformity with Section 8-2.1.