

ARTICLE IV DEFINITIONS

SECTION 400: GENERAL INTERPRETATION

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied." The word "map" means the "Official Land Development Districts Map for Oglethorpe County, Georgia.

SECTION 401: SPECIFIC DEFINITIONS

When used in this Regulation, the following words and phrases shall have the meaning given in this Section:

1. **ACCESSORY USES/STRUCTURE** - A related use or structure on the same lot with, and of a size and/or nature customarily incidental and subordinate to, the principal or primary building and/or use on the property. A "detached" accessory building shall be one that does not have a common wall with the main building on the same lot. Examples of some types of accessory structures are, but are not limited to, the following:
 - Detached garage and/or carport
 - Storage buildings and/or barns
 - Freestanding workshops or greenhouses
 - Gazebos
 - Guest House for the non-commercial, short-term, temporary use of the owner's personal guests. Except as otherwise provided in this Ordinance, a guest house shall not be rented or leased (short- or long-term), or used as a separate dwelling unit.
 - Swimming pools and pool houses
 - Tennis courts
 - Radio and/or TV antenna/satellite dish structures not attached to the principal structure
 - Paved areas other than driveways and walkways
 - Property identification signs not associated with or attached to a mailbox
 - Perimeter fencing and/or walls (may be located on the property line)
2. **ADJACENT** – Sharing at least one common property line, or portion thereof, or located on the opposite side of a public right-of-way or private access drive or easement. Same as **adjoining or abutting**. When used in the phrase "adjacent residence" in the A-1 Intensive Agriculture or A-2 General Agriculture Districts, it shall not be interpreted to include the residences of the owner/operator or caretakers/employees located on the same tract as the agricultural operation.
3. **ALLEY** - A platted service way providing a secondary means of access to abutting properties and is not intended for general traffic circulation.
4. **ALTERNATIVE TOWER STRUCTURE** – (See Telecommunications Tower, Alternative Structure)
5. **ANTENNA** – (See Telecommunications Antenna)
6. **ANIMAL FEEDING/CONTAINMENT OPERATION** – An agricultural facility (other than an aquatic animal production facility) where animals are stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and the animal confinement areas do not sustain crops, vegetative, forage growth, or post-harvest residues in the normal growing season. Structures used for the storage of animal waste from animals in the operation also are part of the animal feeding

operation. Two or more animal containment facilities for livestock or poultry production under common ownership shall be considered to be a single operation if they adjoin each other or if they share a common system for the disposal/management of wastes.

7. **ANIMAL UNIT** – A unit of comparative measurement for any animal feeding operation as defined by the U.S. Department of Agriculture, U.S. Environmental Protection Agency, and the Environmental Protection Division of the Georgia Department of Natural Resources, based on 1000 pounds of live weight as the standard and where the equivalent number of any type of livestock is considered one animal unit. To calculate the total number of animal units, multiply the number of animals, by type, by the equivalent animal unit as shown below. If a single site or location has more than one type of animal, the total animal units equals the respective computed animal units added together. Producers should use the highest number of animals most likely to be present for 45 days in a 12-month period to determine the animal units on their operation.
 - Slaughter and Feeder Cattle - 1.0
 - Mature Dairy Cattle - 1.4
 - Swine weighing over 55 pounds - 0.4
 - Swine weighing between 15 to 55 pounds - 0.1
 - Sheep or Lamb - 0.1
 - Horses - 2.0
 - Hens or Broilers (continuous overflow watering-solid manure) – 0.01
 - Hens or Broilers with liquid manure system – 0.0333
 - Turkeys – 0.018
8. **APARTMENT** - A suite of two (2) or more rooms and a bath which is designed according to the Southern Building Code regulations, and is also designed or intended for occupancy by one (1) family doing its cooking therein, or by one (1) person doing his or her cooking therein. For zoning purposes, an apartment shall be regarded as a dwelling unit. A structure containing three (3) or more such apartments shall be regarded as a multi-family dwelling.
9. **APARTMENT, GARAGE** - A dwelling unit for one (1) family, erected above a private garage and detached from the main dwelling.
10. **APARTMENT, STUDIO/EFFICIENCY** - One room which is designed or intended for occupancy by, or which is occupied by one family doing its cooking therein, or by one person doing his own cooking therein. For zoning purposes, a studio or efficiency apartment shall be the same as an apartment and shall be regarded as a dwelling unit. A structure containing three (3) or more such apartments shall be regarded as a multiple dwelling.
11. **AUTOMOBILE GARAGE** – Any area of land, including structures thereon, used for the retail service or major repairs, minor repairs, and painting of automobiles, including the incidental services of lubrication and cleaning.
12. **AUTOMOBILE SERVICE STATION** – Any area of land including structures thereon, used for the retail sale of gasoline, oil, automobile accessories and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, automatic washing, or automobile sales or rental.

13. **BEST MANAGEMENT PRACTICES** - An engineering technique, or a management strategy, that has been determined and accepted to be an effective and practical means of preventing or reducing soil erosion or nonpoint source pollution in a local area.
14. **BLOCK** – A parcel of land entirely surrounded by public highways or streets, railroads, rivers, streams, or U.S. Government property, regardless of size or shape of such land or the number of lots thereon.
15. **BOARD OF COMMISSIONERS** – The Board of Commissioners of Oglethorpe County, Georgia. The governing body or governing authority of Oglethorpe County, Georgia.
16. **BOARDING HOUSE** - A building other than a hotel where, for compensation and/or by prearrangement, meals and lodging or just lodging are provided for more than four (4) but fewer than twenty (20) persons; provided cooking is done in a central kitchen and not in individual rooms or suites. For purposes of zoning, a boarding or rooming house shall be considered a multi-family dwelling.
17. **BUFFER/SCREENING** - The establishment or retention of an opaque fence, wall, dense natural or landscaped plant material, landscaped earthen berm, or combination thereof, for the purpose of minimizing the effects of incompatible or objectionable uses, sights, noise, or odors on surrounding properties.
18. **BUILDING** - Any structure, either permanent or temporary, above or below ground, having a roof or other covering and designed, built or used as a shelter or enclosure for persons, animals or property of any kind, and including tents or awnings used for the purposes of a building..
19. **BUILDING, HEIGHT** - The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the gables of a pitch or hip roof.
20. **BUILDING, PRINCIPAL** - A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the lot on which it is situated.
21. **BUILDABLE AREA** - The portion of a lot remaining and available for construction of a building or related facility after required yards, open space, and buffers have been provided.
22. **BUILDING SETBACK LINE** – A line, set back a specified distance from and parallel to the front property line or street right-of-way line beyond which the foundation wall and any roofed porch, vestibule, or other such portion of a building shall not project.
23. **BUSINESS ENTITY** - Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
24. **CAMPAIGN CONTRIBUTION** - A contribution as defined in paragraph (6) of O.C.G.A. §21-5-3.
25. **CARPORT** - A partially enclosed structure usually attached to a principal structure and used for the housing of motor vehicles, the property of, and for use only by, the occupants of the lot upon which said structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure, and not as an accessory structure.
26. **CLINIC** - An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.
27. **CLUB/LODGE** - Building and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

28. **CO-LOCATION** - The placement of antennas of two or more service providers on a single tower or alternative tower structure.
29. **COMMERCIAL RECREATIONAL ENTERPRISES** - Commercial uses, as opposed to private or publicly owned and operated uses, which by their nature are recreational, such as bowling alleys, skating rinks, miniature golf courses, driving ranges, go-cart tracks, tennis and racquetball courts, swimming pools, video arcades, pool halls, etc.
30. **COMPREHENSIVE PLAN** - Any part or element of a Comprehensive Plan for Oglethorpe County, Georgia, and the Cities of Arnoldsville, Crawford, Lexington, and Maxeys, as adopted September 5, 1995, by the Mayor and Town Council, and as may be amended.
31. **COMPREHENSIVE NUTRIENT MANAGEMENT PLAN** – A plan which identifies actions or priorities that will be followed to meet clearly defined nutrient management goals at an agricultural operation. Defining nutrient management goals and identifying measures and schedules for attaining the goals is critical to reducing threats to water quality and public health from animal feeding/containment operations. Comprehensive Nutrient Management Plans should address, at a minimum, feed management, manure handling and storage, land application of manure, land management, record keeping, management of other utilization options, and emergency response plans, primarily based on the Field Office Technical Guide of the Natural Resources Conservation Service of the U. S. Department of Agriculture and the National Handbook of Conservation Practices.
32. **CONDITIONAL USE** - A use which is not automatically permitted inherently, but which may be permitted within a zoning district subject to meeting specific conditions contained in this ordinance or required by the approving body.
33. **CONDITIONAL ZONING** – The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in the zoning ordinance. The rezoning conditions must promote the general welfare and not merely private interest, the rezoning does not otherwise constitute illegal spot zoning, the conditions imposed are reasonable and not otherwise illegal and there is no express agreement bargaining away the county's authority to make subsequent zoning changes to the property.
34. **CONDOMINIUM** - A type of ownership of attached or detached dwelling units, offices, or other space within a structure as defined by the Official Code of Georgia Annotated (O.C.G.A. §§ 44-3-70 et seq.) in which each unit is independently owned and financed by the occupant, but in which all common areas of the buildings and grounds are jointly owned.
35. **CUL-DE-SAC** - A local street with only one (1) outlet, closed and terminated by a vehicular turnaround.
36. **DAY-CARE CENTER** - Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay, for group care, for fewer than twenty-four (24) hours per day, without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed or commissioned by the Georgia Department of Human Resources. For the purposes of this ordinance, such a facility shall not be classified as a Home Occupation.
37. **DAY-CARE HOME, FAMILY** – (See Family Day-Care Home.)
38. **DAY-CARE HOME, GROUP** – (See Group Day-Care Home.)
39. **DEED RESTRICTIONS/PRIVATE COVENANTS** - Private stipulations which govern lot size, minimum floor area, uses permitted, dedicated open space, and in some instances architectural design. These may be stricter than provisions included in this Zoning Ordinance.

40. **DWELLING, MULTI-FAMILY** – A residential structure designed for or occupied by three (3) or more families living independently of each other in individual dwelling units or three (3) or more boarders or roomers.
41. **DWELLING, SINGLE-FAMILY** – A detached residential structure designed for and occupied exclusively by one family.
42. **DWELLING, SINGLE-FAMILY ATTACHED** – A residential structure divided by a coincidental property line and common wall which separates the structure into individual single-family dwelling units, each occupying its own lot.
43. **DWELLING, TWO-FAMILY** - A detached residential structure designed primarily for single-family use, which also includes one additional but secondary dwelling unit, such as a separate apartment, contained within the attic, the basement, or otherwise within the principal building, or located within a garage or other permitted accessory building.
44. **DWELLING, TWO-FAMILY DUPLEX** - A residential structure designed for and occupied exclusively by two (2) families living independently of each other:
45. **DWELLING, TENANT** - A residential structure located on a farm, said structure being owned by the farm owner/operator and occupied by a non-transient farm worker who is employed by the owner/operator of the farm. At least one of the occupants must be an employee of the farm operation or their presence must be necessary and essential for the orderly operation of the farm.
46. **DWELLING UNIT** - A building or portion thereof which is designed or used for non-transient residential purposes, constituting a separate, independent housekeeping establishment containing independent cooking, sleeping and toilet facilities, and which is physically separated from any other dwelling units or uses which may be in the same structure.
47. **EASEMENT** - A grant, made by a property owner, to the general public, or a corporation, or certain individual(s), for the use of land for a specific purpose or purposes.
48. **FALL-OUT/STORM SHELTER** - A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raid, storms or other emergencies.
49. **FAMILY** - One or more persons occupying a single dwelling unit on a non-transient basis, where all members are related by blood, marriage, adoption, or foster care, provided that a related family may also have up to two additional unrelated individuals living with them. The term "family" shall also include a group of no more than four (4) unrelated persons occupying a single dwelling unit on a non-transient basis. The term "family" does not include any organization or institutional group, or persons occupying a boarding house, rooming house, or hotel, as herein defined.
50. **FAMILY DAY-CARE HOME** - A private residence operated by a person who receives therein for pay for supervision and care fewer than twenty-four (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under eighteen (18) year of age who are not related to such persons and whose parents or guardians are not residents of the same private residence and which is registered with the Georgia Department of Human Resources.
51. **FAMILY MEMBER, IMMEDIATE** – The spouse, child/step-child, grandchild, parent, or sibling of the property owner.
52. **FINANCIAL INTEREST** - All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10) percent or more.

53. **FLOOR AREA** - The floor area is the sum of the gross horizontal areas of the total number of floors of a structure, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) or more attached buildings. Floor space shall be exclusive of attic space providing headroom of less than seven (7) feet, unusable basement or cellar space, uncovered steps for fire escape, open porches, patios, carports, interior parking spaces, accessory off-street parking spaces, accessory off-street loading berths, and accessory water or cooling towers.
54. **FRATERNAL ORGANIZATION** – “A non-profit/professional membership organization based primarily on social affinity or formed to pursue common interests, typically under the recognition or sanction of an established parent group or organization, and which has regular meetings, rituals, and formal membership requirements.
55. **FRONTAGE**– The distance for which the front boundary line of the lot and the street line are coincident. In the case of corner lots or through lots, all sides of a lot adjacent to streets shall be considered frontage.
56. **GARAGE, PRIVATE** - An accessory building or a portion of a main building for the private use of the owner or occupant of the principal building or use for parking or storage of vehicles with no facilities for mechanical service or repair of a commercial or public nature.
57. **GARAGE, PUBLIC/COMMERCIAL** - A building or portion thereof designed or used for commercial or public storage, rental, servicing, washing, or adjusting of vehicles, but not including major automotive repairs.
58. **GARAGE, REPAIR** - Any area of land, including structures or portions of structures thereon, designed or used for major service and repair, bodywork, painting, and equipping of motor vehicles. The sale of motor vehicles or the outside storage of wrecked vehicles, dismantled parts or supplies shall be prohibited unless such areas are completely screened from view from adjoining properties or public streets.
59. **GROUP DAY-CARE HOME** – Any place operated by any person(s), partnership, association or corporation wherein are received for pay for group care not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed or commissioned by the Georgia Department of Human Resources.
60. **GROUP HOME/REHABILITATION HOME** - A facility which provides a temporary living environment for no more than seven (7) unrelated persons undergoing physical or emotional trauma, or for those persons required by law to reside apart from their immediate family to undergo counseling or rehabilitation; which facility operates as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. All group homes/Rehabilitation Homes must have a permit from the Georgia Department of Human Resources. A group home shall not include intermediate care homes, nursing or convalescent homes, alcohol or drug treatment centers, residential treatment facilities, emergency shelters, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. A Group Home/Rehabilitation Home shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals.
61. **HEALTH DEPARTMENT** - The Oglethorpe County Health Department including the Oglethorpe County Environmental Health Specialist (formerly designated Oglethorpe County Sanitarian)
62. **HORTICULTURE** – The cultivation of row crops, orchard, vineyard, or garden.
63. **HOTEL/MOTEL** - A facility offering transient lodging accommodations to the general public at a daily rate, for a period of time not to exceed thirty (30) days, and which may also provide additional services such as restaurants, meeting rooms, or recreational facilities.

64. **IMPERVIOUS SURFACE** – Man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, conventional paved roads, driveways, parking lots, and patios (unless such paving consists of approved porous/pervious concrete or other such porous materials), and swimming pools.
65. **INTERMEDIATE CARE FACILITY** - A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.
66. **JUNK/SALVAGE YARD** - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof. Such facilities may or may not include auto crushing and scrap metal processing.
67. **KENNELS** - Any location where four (4) or more adult dogs, cats, or other domestic animals are kept for the purpose of boarding, care, grooming, breeding, training, raising, or sale, and which is carried on for commercial purposes. The personal care and sale of litters of domestic animals under the age of six (6) months, by private individuals, shall be excluded.
68. **KINDERGARTEN** - A school or class either public or private for children ranging in age from four (4) to six (6) years old, the intent of which is to provide beginning social and educational training.
69. **LAUNDROMAT** - A business that provides home-type washing, drying, and/or ironing machines.
70. **LAUNDRY AND DRY CLEANING PICK-UP** - A business that provides only for the convenience of taking and picking up of laundry and dry cleaning. Such establishments do not having any equipment for processing of the laundry or dry cleaning.
71. **LOADING SPACE, OFF-STREET** - Space logically and conveniently located within the main building or on the same lot, providing for the standing, loading, or unloading of trucks or other carriers, scaled to the delivery vehicles expected to be accommodated.
72. **LOT** - A parcel of land which is designated as a single unit of property.
73. **LOT, CORNER** - A lot abutting two (2) or more public streets at their intersection.
74. **LOT, DOUBLE FRONTAGE** - A lot having frontage on two public streets that do not intersect at a point abutting the property, as distinguished from a corner lot. Also referred to as a through lot.
75. **LOT, INTERIOR** - A lot with frontage on a single street, as opposed to a corner lot or double frontage lot.
76. **LOT COVERAGE** - The area of a lot occupied by all buildings, areas of operation, and accessory structures/uses, including parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, and other accessory uses, expressed as a percentage of the gross area of the lot. Driveways should not be included in the percent coverage.
77. **LOT DEPTH** - The mean horizontal distance between front and rear lot lines, measured in the direction of the side lines of the lot.
78. **LOT FRONTAGE** – That portion of a lot adjacent to a public street or right-of-way.
79. **LOT LINE** - A boundary of a lot. Lot line is synonymous with property line.
80. **LOT OF RECORD** - An individual lot or a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Oglethorpe County, Georgia; or a lot or parcel

of land, the deed of which, or whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Superior Court of Oglethorpe County.

81. **LOT WIDTH** - The least horizontal distance between side lot lines, as measured at the minimum required front building setback line.
82. **MANUFACTURED HOUSING** – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site. Such units typically arrive at a site from the factory or dealer, as a complete dwelling unit or in two sections, with fixtures and major appliances included, and plumbing and electrical connections provided for attachment to outside systems. Units originally constructed with wheels for movement shall not change classification if the wheels are removed. Travel trailers and recreational vehicles shall not be included in this definition. For the purposes of this Ordinance, manufactured housing shall be classified as follows:
- a. **“Class A” Manufactured Housing** – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall). In addition, “Class A” Manufactured Housing shall be that which **DOES comply** with both the maximum age restrictions specified in the *Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements*, and the minimum standards for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in *Subsection 901.2, Minimum Compatibility Standards*, in this Ordinance.
 - b. **“Class B” Manufactured Housing/Mobile Home** - A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended June 15, 1976, 42 U.S.C. 5401, et seq., bearing an insignia or sticker of approval issued by the U.S. Department of Housing and Urban Development (HUD) that is usually found on a red label at the rear of the home near the tail light (the HUD standards are administered in Georgia by the Office of the State Fire Marshall); and which **DOES comply** with the maximum age restrictions specified in the *Oglethorpe County Rules and Regulations for Manufactured Housing and Mobile Homes, Minimum, Standards for Installation Requirements*, but which **DOES NOT comply** with the minimum standards for compatibility with typical “stick-built” single-family dwellings constructed on site as specified in *Subsection 901.2, Minimum Compatibility Standards*, in this Ordinance.
 - c. **“Class C” Manufactured Housing** – A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, which **DOES NOT satisfy** the maximum age restrictions, construction, fire, or safety standards specified for either “Class A” or “Class B” Manufactured Housing. Any Manufactured Housing that does not meet the minimum requirements for “Class B” Manufactured Housing shall be prohibited from being moved into Oglethorpe County. Any existing “Class C” Manufactured Housing already located in Oglethorpe County prior to the adoption of this Ordinance may be relocated within Oglethorpe County subject to the conditions specified in paragraph #3 of *Subsection 901.3, Manufactured Housing as Single-Family Dwellings*, in this Ordinance.
 - d. **Modular/Industrialized Housing** - A factory-fabricated, transportable building consisting of units mass produced in factories and designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes. The building shall be manufactured in accordance with the Georgia Industrialized Building Act, and each unit must bear a seal of approval issued by the Commissioner of the Department of Community Affairs (DCA seal). The DCA sticker of approval is normally placed on the inside of the electrical panel or on the inside of kitchen cabinet doors.

83. **MANUFACTURED HOUSING PARK** - A tract of land under single ownership that is planned, used, or designated to accommodate two (2) or more manufactured housing units, where either the spaces for such and/or the manufactured housing units are held out for rent, on a non-transient basis. Manufactured housing located in a Manufactured Housing Park may be used only to provide living and sleeping accommodations. A Manufactured Housing Park shall not include a manufactured housing sales lot on which unoccupied manufactured housing is parked for inspection or sale.
84. **MINING** - Any operation involving but not limited to Surface Mining or Quarrying, or Stone Crushing, or Dimension Stone Mining or Quarrying, whether strip, surface, or subsurface, in which the extraction of sand, rock, minerals, or elements is removed from the earth
85. **MODULAR/INDUSTRIALIZED HOUSING** – [See Manufactured Housing.]
86. **NATURAL RESOURCE CONSERVATION SERVICE** – A Division of the United States Department of Agriculture, which has responsibility for conservation planning policy and procedures.
87. **NON-CONFORMING USE OR STRUCTURE** - Any building, structure, or use of land existing and lawful at the time of passage or amendment of this Ordinance, which, after the passage or amendment of this Ordinance, does not conform with the regulations of the district in which it is located.
88. **NURSERY SCHOOL** - a preschool, usually privately operated, providing educational care for children not yet of age to attend elementary school.
89. **NURSING HOME** - A facility for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three (3) or more unrelated persons, not operating as the functional equivalent of a family, are provided with food, shelter, and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured and not including personal care homes. Nursing homes usually have comprehensive medical staff including RNs and LPNs or other state licensed health care providers.
90. **OPEN SPACE** - An area free of buildings, parking, paved areas, and other accessory structures or uses, the purpose of which is to provide a balanced relationship between buildable area and lot size. Such areas can be utilized for active or passive recreational pursuits or for the enhancement of lot aesthetics.
91. **ORDER** – Classification of streams using Strahler's stream-ordering system. A first-order stream has no tributaries, a second-order stream has first-order tributaries, and a third-order stream has first- and second-order tributaries.
92. **PERENNIAL STREAM** – A stream that flows throughout the whole year, as indicated by a solid blue line on a USGS 7 ½ minute topographical series map.
93. **PERMITTED USE** - That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.
94. **PERSONAL CARE HOME** – A profit or non-profit facility, home, or structure for the protective care and watchful oversight for residents. Such home shall not provide chronic or convalescent medical or nursing care. Personal care includes responsibility for the safety of the residents while inside the building. Personal care may include daily awareness by management of the residents' functioning and whereabouts, the reminding of residents of their appointments, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care. The residents and staff shall live together as a single housekeeping unit and in a long-term, family-like environment. Personal Care Homes are distinguished from Nursing Homes in that Personal Care Homes do not have a comprehensive or full-time medical staff.

Personal care homes shall not provide services to any person who would constitute a direct threat to the health and safety of other individuals. The term Personal Care Home shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. All Personal Care Homes must have a permit from the Georgia Department of Human Resources. Personal care facilities are exempt from the definition of a family and shall be classified in one of the following ways:

- **Family** – Two (2) to six (6) clients, plus manager.
- **Group** – Seven (7) to fifteen (15) clients, plus manager.
- **Congregate** – Sixteen (16) or more clients, plus manager.

95. **PERVIOUS SURFACE** – A surface that allows water and air to travel through it, reducing stormwater run-off (one of the leading contributors to pollution of fragile waterways), facilitating groundwater recharge, and allowing trees to feed naturally, unlike impervious surfaces like asphalt or conventional concrete. Pervious surfaces also tend to have a more natural look in the landscape. Pervious surfaces can be particularly useful for parking areas, driveways, sidewalks or trails, boat ramps, cart paths in sensitive natural and historic areas, or where run-off or drainage problems might result from large-scale paved areas or where paving must be placed within tree drip lines.

Types of pervious surfaces include materials such gravel, crushed stone, open paving blocks, pervious paving blocks, and pervious concrete. Pervious concrete is a cement based concrete with approximately 20% void space. The voids (between 1/8 to 1/4 inch in diameter) are produced through the elimination of the fine aggregate generally found in typical concrete mixes. It is placed with standard paving equipment and compacted with rollers. The final product looks like a loose granular base, but it is held together by the cement.

96. **PHYSICAL FITNESS CENTER** – Recreational facilities used by the public, who, as members, seek exercise and fitness through active pursuit of aerobics, weight-training, court sports, or related organized fitness programs.

97. **PLANNING AND ZONING OFFICIAL(S)** - Any designated person or persons authorized by the Oglethorpe County Board of Commissioners to enforce the provisions of this Ordinance.

98. **PLANNING COMMISSION** - The Planning Commission of Oglethorpe County, Georgia.

99. **PLAT** –A sketch, map, or survey of a lot, tract, or parcel of land, including lot lines, street rights-of-way, and easements, with the dimensions of those features inscribed thereon.

100. **PLAYSCHOOL** - A school for pre-kindergarten children ranging in age from three (3) to four (4) years and which operates for less than four (4) hours per day.

101. **PRINCIPAL USE/BUILDING** - The primary purpose for which land or a building is used. The primary building or structure in which the principal use is accommodated.

102. **PRIVATE ACCESS DRIVE/EASEMENT** - A private drive or easement, serving as the exclusive access for a landlocked parcel or parcels of land, and which is not owned or maintained or intended to be owned or maintained by the County. A private access drive/easement that serves no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of way or easement width of thirty (30') feet. A private access drive/easement that serves two or more lots, or that serves a single lot containing a total area of three (3) or more acres, shall have a minimum right-of-way or easement width of fifty (50') feet.

103. **PROFESSIONAL** - When used in connection with "use" and "office" a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors.
104. **PUBLIC USE** – A use which is owned, operated, or conducted by Oglethorpe County or other unit of government.
105. **PROPERTY INTEREST** - The direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
106. **REAL PROPERTY** - Any tract or parcel of land and if developed any buildings or structures located on the land.
107. **RECREATIONAL VEHICLE PARK** - A parcel of land which is used solely for the rental or lease of spaces for transient campers, recreational vehicles, or travel trailers for a period not to exceed thirty (30) days.
108. **RESTAURANT** - An establishment that prepares and serves food to customers, primarily inside an enclosed building.
109. **RESTAURANT, FAST FOOD** - A restaurant serving food from an ordering counter and vehicle drive-in/through. Food can either be consumed on or off the premises.
110. **RIGHT-OF-WAY** - Access over or across a particularly described property for a specific purpose or purposes.
111. **RIGHT-OF-WAY, PUBLIC** – That area which is owned by or under the control of Oglethorpe County or other unit of government, whether established by usage, recorded easement, deed, dedication, or by an official right-of-way map of Oglethorpe County, for the present or future use of roads, streets, highways, or other public ways or thoroughfares, together with drainage facilities and other supporting uses and structures.
112. **RIGHT-OF-WAY LINE** – The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.
113. **ROOMING HOUSE** - A building other than a hotel where lodging for three (3) but not more than twenty (20) persons is provided with no meals served.
114. **SCRAPMETAL PROCESSOR** - One who, from a fixed location, utilizes machinery and equipment for dismantling, compacting, and processing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes. Includes auto crushing facilities.
115. **SETBACK LINE** - The minimum required distance from a street right-of-way line or other property line beyond which a building or use is not permitted to extend under the provisions of this Ordinance.
116. **SHOPPING CENTER** - A property, under single ownership, planned and developed as a unit, and providing leased space for multiple commercial establishments, with common off-street parking provided on the property.
117. **SIGN** – Any outdoor advertising device, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, inflatable sign, sign painted on a wall, window, marquee, awning, canopy or roof, any announcement declaration, demonstration, display, ribbon, banner, illustration or insignia,

or any words, lettering, or numerals, used to advertise or promote the interests of any person, business, institution, corporation or entity where the same is placed in view of the general public traveling along a public street or right-of-way. This definition shall not include address identification numbers attached to the wall of a building or to name/address conventionally applied to a mailbox. This definition shall include signs painted or placed on vehicles, trailers or other conveyances when such are placed or parked in such a manner as to be viewed or intended to be viewed from public rights-of-way by the traveling public. However, this definition shall not apply to such signs on conveyances when the vehicles are actively being used to transport persons, goods, or services in the normal course of business or when such vehicles are parked in an inconspicuous location.

118. **STORY** - That portion of a building included between the surface of the floor and the surface of the ceiling or the floor next above it, but excluding any room, suite, story, cellar, or basement with more than one-half of its height below grade, which shall not be considered a story for the purposes of height regulations.
119. **STREET** - A public or private thoroughfare which affords the principal means of access to abutting property and is classified as follows:
- a. **Arterial** - Thoroughfares, including federal and state highways, which are used primarily for fast and heavy traffic flow; are of considerable continuity; and serve primarily as a major traffic artery for travel through or between large areas of the county.
 - b. **Major Collector** - Thoroughfares primarily serving as important intra-county travel corridors, carrying traffic from minor collector streets, towns and rural communities not served by arterial streets/highways, industrial, commercial, and residential areas and other traffic generating developments or activity centers to other major collector or arterial streets/highways.
 - c. **Minor Collector** - Streets and roads covering a shorter distance, with more moderate speeds and traffic flow, which evenly collect traffic from local streets and rural local roads, connecting them with streets of a higher order. Minor Collectors include Residential Collector Streets which serve as the principal entrance streets to subdivisions or neighborhoods or as the main streets for circulation within a subdivision which serve a network of four or more local streets. Residential collector streets are designed so that traffic circulation in the subdivision would cause such a street to be used as a link between local streets and minor collector or major collector streets.
 - d. **Local** - A street or rural road with light traffic flow which serves primarily to provide access to adjacent properties or rural areas as opposed to the collection and dispersion of through traffic.
 - e. **Private Access Drive/Easement** - A private drive or easement, serving as the exclusive access for a landlocked parcel or parcels of land, and which is not owned or maintained or intended to be owned or maintained by the County. A private access drive/easement that serves no more than one (1) lot containing a total area of less than three (3) acres shall have a minimum right-of way or easement width of thirty (30') feet. A private access drive/easement that serves two or more lots, or that serves a single lot containing a total area of three (3) or more acres, shall have a minimum right-of-way or easement width of fifty (50') feet.
120. **STREET, MARGINAL ACCESS** - A street that is parallel to and adjacent to an arterial street and which provides access to abutting properties and protection from through traffic.
121. **STREET, PRIVATE** - A street within a gated or otherwise restricted access development, which serves the occupants of that development, but which is not open to the general public and is neither owned or maintained nor intended to be owned or maintained by the County.
122. **STREET, PUBLIC** - A street which is owned and/or maintained by Oglethorpe County or other unit of government.

123. **STREET FRONTAGE** - All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
124. **STRUCTURE** - Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to, buildings, manufactured housing, signs, parking lots, pools, canopies, decks, gasoline pumps, walls/fences, telecommunication/transmission towers/antennas.
125. **SUBDIVIDER** - Any person, firm, corporation, syndicate, or other legal entity who undertakes the subdivision of land within the confines of Oglethorpe County, Georgia.
126. **SUBDIVISION** - Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided. The combination or recombination of portions of previously platted lots, where the total number of lots is not increased and the resultant lots meet the standards of the County Subdivision Regulations is excluded.
127. **SUBTITLE "D" LANDFILL** - Any municipal solid waste landfill unit that meets the minimum requirements of (part II) 40 CFR parts 257 and 258, as amended, for Solid Waste Disposal Facility Criteria, Final Rule, and that has not received waste prior to October 9, 1993.
128. **TELECOMMUNICATIONS ANTENNA** - Any exterior apparatus designed for sending or receiving wireless telecommunication, radio, or television communications.
129. **TELECOMMUNICATIONS FACILITIES, WIRELESS** - All buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to the conventional ground-wired communications system (including, but not limited to, telephone lines, video, and microwave transmission) through a series of short range, contiguous cells that are part of an evolving grid.
130. **TELECOMMUNICATIONS TOWER** - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, radio and television transmission towers, alternative tower structures, and other similar structures.
131. **TELECOMMUNICATIONS TOWER, ALTERNATIVE STRUCTURE** - Manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of telecommunication antennas or towers (such alternative design structures are also known as "stealth design"). The dimensions of such structures should fall within a reasonable range of the dimensions for related non-tower/antenna structures or objects normally found in the area.
132. **TELECOMMUNICATIONS TOWER, MONOPOLE** - A telecommunications tower consisting of a single pole, constructed without latticework and without guy wires or ground anchors.
133. **TELECOMMUNICATIONS TOWER, TEMPORARY** - Mobile wireless telecommunications towers mounted upon trailers and operated temporarily. Also known as "cellulars on wheels."
134. **TOWNHOUSE** - A building which is one or more stories in height, designed to contain single-family dwelling units, in a contiguous group of at least three (3), but not more than ten (10) such units, each with individual

front and rear entrances, and separated from each other by a fire rated common walls extending from the foundation to the roof decking. A townhouse shall be considered a multi-family structure.

135. **TOWNHOUSE, FEE SIMPLE** – A townhouse as defined above, where the common wall separating individual single-family dwelling units is situated on the coincident property line and where each unit and lot is independently owned and financed by the occupant.
136. **TRAVEL TRAILER** – A vehicular portable structure whose measurements do not exceed eight feet in width and thirty-five feet in length (8' x 35'), and designed as a temporary dwelling for travel, recreational, and vacation uses.
137. **TWENTY-FIVE YEAR TWENTY-FOUR HOUR STORM EVENT** – The number of inches of rainfall in a 24hour period that has the probability of occurring once in every 25 years as defined by the National Weather Service.
138. **VARIANCE** - A variance is a minimal relaxation or modification of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be granted for variations of the spatial requirements, only, and shall not be granted for variations pertaining to land uses. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
139. **VETERINARY CLINIC** - Facility for the treatment boarding and treatment of domestic animals, operated under the supervision of a licensed veterinarian and conducted inside a fully enclosed building.
140. **WAREHOUSE** - A building for the bulk storage of goods and merchandise or materials for later pick-up by or shipment to retail or wholesale distributors.
141. **WAREHOUSE, MINI SELF-STORAGE** – A facility with multiple storage compartments, where each compartment, which is usually not more than two hundred (200) square feet in size, has an individual separate door accessed directly from the exterior vehicular use area and where the person(s) leasing the individual spaces keep the key in their possession.
142. **WATERS OF THE STATE** - All rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
143. **YARD** - A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
144. **YARD, FRONT** - An open space on the same lot with the principal building, extending the full width of the lot and situated between the front lot line and the front line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the front yard shall be measured as the least horizontal distance between the principal building line and the front lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On double frontage lots and multiple frontage lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, excepting that where necessary to promote continuity of design and where in compliance with all other requirements of this Ordinance, the Planning Commission may allow such lots to be oriented in the same manner as adjacent developed lots along the same street within the same district. In all cases, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.

145. **YARD, REAR** - An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building or use and extending the full width of the lot, situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot. For the purposes of this Ordinance, the depth of the rear yard shall be measured as the least horizontal distance between the rear line of the principal building and the rear lot line, or right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required rear yard. On all lots, including corner lots, the rear yard shall be at the opposite end of the lot from the front yard, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.
146. **YARD, SIDE** - An open space on the same lot with a principal building, situated between the side line of the principal building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot, or right-of-way line. For the purposes of this Ordinance, the width of the required side yard shall be measured horizontally from the side line of the principal building to the nearest point of the side lot line, or right-of-way line. Covered porches, whether enclosed or open shall be considered as part of the main building and shall not project into a required side yard. On corner lots, double lots, and multiple frontage lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension, however, the minimum front setback required for the zoning district shall be met on both (or all) sides of the lot with street frontage.