

ORDINANCE

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF RINCON REPEALING THE CODE OF THE CITY OF RINCON, GEORGIA AT CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), ARTICLE I (INTRODUCTION), SECTIONS 90-1 THROUGH 90-20 REGARDING ENACTMENT, PURPOSE AND APPLICABILITY, ARTICLE III (GENERAL PROVISIONS), SECTION 90-61 (NONCONFORMING USES), SECTION 90-63 (PREEXISTING SUBSTANDARD LOTS), SECTION 90-64 (BUILDINGS TO BE MOVED), SECTION 90-68 (LAND SALE OR OTHER TRANSFER OR CONVEYANCE BY REFERENCE TO PLAT OR MAP REGULATED), SECTION 90-95 (SCENIC EASEMENTS PERMITTED AND ENCOURAGED) AND ARTICLE XIV (DEFINITIONS), SECTION 90-361 (DEFINTIONS); TO BE REPLACED WITH CHAPTER 90 (ZONING AND GROWTH MANAGEMENT), SECTIONS 90-1 (ENACTMENT) THROUGH 90-26 (DEFINITIONS); TO PROVIDE FOR NOTICE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Rincon, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, the Mayor and Council have authority to amend the City's ordinances from time to time and where necessary to maintain adequate regulations, and;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF RINCON HEREBY ORDAINS, in a regular meeting assembled and pursuant to lawful authority thereof, as follows:

Sec. 90-1. - Enactment.

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the Georgia General Assembly and Ratified by General Election, the City Council of Rincon, Georgia, hereby ordain and enact into law the City of Rincon Unified Development Ordinance. As part of this chapter so enacted into law is "The Official Zoning Map of Rincon, Georgia."

Sec. 90-2. - Title.

This chapter shall be known as the "Unified Development Ordinance (UDO)of the City of Rincon, Georgia." The map herein referred to, which is identified by the title, shall be known as the "The Official Zoning Map of the City of Rincon, Georgia."

Sec. 90-3. - Purpose.

The UDO regulations and zoning districts as herein set forth have been made for the purpose of:

- (1) Promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Rincon, Georgia; and
- (2) Coordinating all the local and other government policies and regulations for the protection and conservation of woodlands, grasslands, streams, wetlands and similar classes of natural resources, and the enhancement of natural areas.

The regulations and arrangements of districts are designed to lessen congestion in the streets, to secure safety from fire, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewer, schools, parks and other public requirements and to direct the most appropriate use of land throughout the city.

Sec. 90-4. - Scope.

This chapter of the City of Rincon, Georgia:

- (A) Regulates the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population.
- (B) Regulates the uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities, and roads/streets.
- (C) Regulates the preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes.
- (D) Establish a system by which all land within the territorial limits of the City is divided into Zoning Districts, by which each district is named, and by which each district may permit land uses different than those permitted in other districts.
- (E) Defines certain terms used herein.
- (F) Provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.
- (G) Provide an official List of Allowable or Prohibited Uses, to show which land uses have been determined to be most compatible with others in the same district and in adjacent districts, and which are prohibited in each respective district.
- (H) Provide a forum for all citizens to actively engage in all public meetings pertaining to growth and planning.
- (I) Define and establish public service impact fee and or capital cost recovery fee policies.
- (J) Establishes fair and uniform standards governing all land use, land development and land subdivision activities that will prevent overcrowding of land by uses or buildings, prevent excessive concentrations of human population and help protect the safety of occupants and residents of all land developments.
- (K) Establish fair and concise public policies which clearly state appropriate application submittal procedures to guide development within the City.
- (L) Encourage the use of new, improved and advanced technologies, planning, design and engineering methods which are intended to produce sustainable, attractive, and economical residential, commercial, industrial and public land developments, when such advances are not contrary to the public purposes of this chapter.
- (M) Require specific plans and designs for all land developments, to assure deliberate distribution of buildings and other development features within each development, and to promote a safe system of community roadways.

- (N) Assure protection of natural soil and natural vegetation from unnecessary, deliberate, systematic, careless or wanton damage or destruction during the course of all land development activities.
- (O) Provide regulations to prevent, control and require repair of soil erosion and sedimentation resulting from land-disturbing activities during development or residential, commercial, industrial or public use projects.
- (P) Acknowledge operational burdens new private or public land development projects may place on public services and facilities and address accordingly through the development review process.
- (Q) Minimize the future public cost burden of all new streets and roads, water supply and sanitary sewer systems, stormwater drainage systems, and other public facilities intended to be dedicated for perpetual public use and maintenance, by requiring recognized engineering design standards and construction methods to be used for their construction.
- (R) Define and establish public policies that require all new residential, commercial, industrial or public land developments to pay a fair and equitable portion of the estimated cost burden on public services and/or facilities each unit of such development may cause.

Sec. 90-5. - Uniform applicability.

No public or private land shall be used, improved, developed, recombined, re-subdivided, or subdivided whether for immediate or future use, and no public or private building or structure, advertising sign, road or street, bridge, water supply system, sanitary sewerage system or stormwater drainage system shall be constructed, reconstructed, remodeled, altered, relocated, dismantled or demolished except in full conformance with all the terms, conditions, rules, standards and requirements of this chapter.

Sec. 90-6. - Appeals from ordinance administration.

- (A) Qualification for appeal: Any qualified applicant or aggrieved person who alleges an official error in the administration of this chapter may file an appeal to the Planning Board;
- (B) Purpose of appeal and official decision: An appeal to the Planning Board may request "administrative relief" from such action in the form of a variance from the application of any term, condition or provision of this chapter specific to the real property described in the administrative relief request, if the request is eligible for a variance;
- (C) Authority of official decision on appeal: Any official decision of the Planning Board on any appeal may reverse or affirm or modify, in whole or in part, any official order, requirement, interpretation, determination or decision by the City Manager or designee that is the subject of the appeal, or may grant a variance from the application of a term, condition or provision of this chapter that is eligible for a variance from the this chapter to the affected real property, and may direct the City Manager or designee to issue the applicable development permit or requested certificate; and
- (D) Establish conditional uses: Any qualified applicant may, in accord with other provisions of this chapter, file a petition to the Planning Board for authorization to establish a conditional use referenced in the Section 90.76, but only if such use complies with all the requirements of this chapter and with all other applicable City, County, State and Federal Requirements.

Sec. 90-7. - Notice of disclaimer of liability.

(A) Ordinance standard and provisions established for public protection: The specific minimum standard and provisions of this chapter are established as legitimate public policies intended for and necessary for the protection of the public health, safety, morality and general welfare of the citizens of the City of Rincon;

(B) No endorsement or warranty construed: Nothing in this chapter shall be construed as an endorsement of, nor as an implied or express warranty for, any particular land use, land development method, construction method, or construction material;

(C) Express waiver of liability to City: Each and every land use, land development or land subdivision created or established under the terms of this chapter shall be conducted under, and shall be deemed to have included, a grant of express waiver of liability to the City of Rincon; and

(D) Officials, employees, contractors and consultants held harmless: The City and all its officials, employees, contractors and consultants shall be held harmless for any inconvenience, hardship, financial loss or failure, and for any direct, indirect, incidental or consequential damage, or for any structural or construction material failure, and for any other adverse circumstance or loss which may result from any land use, land development or land subdivision activities conducted, created or established under the terms and conditions of this chapter.

Sec. 90-8. - Severability and conflict.

(A) If any section, subsection, clause [or] provision of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of these regulations which is not invalid or unconstitutional. Where the provisions of this chapter are in conflict with other ordinances, the most restrictive provisions shall be enforced.

(B) Repeal of previous ordinances: All ordinances or parts of ordinances in conflict with this chapter are hereby repealed to the extent necessary to give this chapter full force and effect.

Secs. 90-9—90-20. - Reserved.

Sec. 90-21. - Nonconforming uses.

(A) *Continuance.* A lawful conforming use existing prior to the effective date of this chapter may be continued, except as hereafter provided, even though such use does not conform with the provisions of this chapter.

(B) *Extension and alteration.* A nonconforming use shall not be extended or structurally altered, but the extension of a lawful nonconforming use throughout all portions of a building or structure existing at the effective date of this chapter shall not be considered as the extension of a nonconforming use.

(C) *Restoration to a safe condition.* Nothing in this chapter shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

(D) *Restoration after damage.* No building which houses a nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 75 percent of its market value—exclusive of the foundation at the time such damage occurred—shall thereafter be made to conform with the provisions of this chapter. If such damage is less than 75 percent of its market value before said damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use as existed before such damage; provided however, that a building permit to initiate restoration be obtained within 12 months of the

occurrence of damage; otherwise all provisions of this chapter will apply. However, the City Council may grant an extension of this six-month provision upon their discretion.

- (E) *Abandonment.* A nonconforming use which has been discontinued for a period of six months shall not be established and any future use shall be in conformity with the provisions of this chapter.
- (F) *Changes in use.* A nonconforming use which is changed to a conforming use or to another nonconforming use of a more restrictive classification shall not be permitted to revert to the original or less restrictive use.
- (G) *Uncompleted structures.* If a permitted construction project remains dormant for a period beyond six months, the building permit and all other permits become null and void. The owner of such uncompleted structure may maintain the structure in its existing condition for up to 12 months while awaiting new permits. If the applicant does not receive the necessary permits within the 12-month period, the owner will be required to remove the uncompleted structure, unless they request from the City Planner a time extension to complete the project.
- (H) *Errors and violations.* The issuance or granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be approval for any violation of any provision in this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid except insofar as the work or such which it authorizes is lawful.

Sec. 90-22. - Preexisting substandard lots.

The purpose of this article is to grant relief to preexisting substandard lots that would create undue hardship to an individual case and allow the issuance of the building permits upon the said substandard lots. In order to qualify for relief under this article, the applicant must demonstrate the following:

- (A) Failure to grant a building permit on this substandard lot would create a real, undue hardship;
- (B) Demonstrate that at the time of the adoption of the UDO, or at any date subsequent to its adoption, including the time which application for relief under this article has been requested, the applicant did not own any contiguous property to said lot;
- (C) The owner intends to construct only one single-family residence or a use of lesser impact.

When applicants have demonstrated all of the above requirements of this article to the satisfaction of the city council, then the Planning and Development Department shall issue a building permit for said substandard lot.

Sec. 90-23. - Buildings to be moved.

Any building or structure which has been wholly or partially erected on any premises located within the City shall not be moved to any other premises in the city until a permit for such removal is secured from the Planning and Development Department. Any such building or structure shall conform to all the provisions of this chapter in the same manner as a new building or structure. No building or structure shall be moved into the city from outside the city until such compliance has been shown and such city permit has been secured. Before a permit may be issued for moving a building or structure, the Planning and Development Department shall inspect the same and shall determine if it is in compliance with all city and state regulations.

Sec. 90-24. - Land sale or other transfer or conveyance by reference to plat or map regulated.

No tract of land or land lot shall be offered for sale, lease, rental or other public or private purpose, nor sold, leased, rented or otherwise transferred or conveyed by reference to any land survey map or land subdivision plat, unless such referenced map or plat has been:

- (A) Legally recorded in public land records of Effingham County, prior to the enactment of this chapter; or
- (B) Officially evaluated as a final subdivision plat; and
- (C) Approved and signed by the Mayor; and
- (D) Legally recorded in the public land records of Effingham County after the enactment of this chapter.

Sec. 90-25. - Scenic easements permitted and encouraged.

The acquisition of "scenic easements" that include a grant of one or more property rights by a property owner to and/or for use by the general public or by another person are specifically permitted and encouraged:

- (A) Scenic easements may be acquired for the purpose of temporarily or permanently protecting, preserving or nurturing woodlands, "legacy" trees, historical landmarks, unique landforms or waterbodies, scenic views or any other natural or artificial object; and
- (B) The acquisition of scenic easements may include temporary or permanent restrictions governing the use or development or encroachment on the natural or artificial object which is the subject of the easement, and may be acquired by any person, by environmental conservation, protection or preservation groups, or by any other public or private organization, for public or private purposes.

Sec. 90-26. - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be as defined in Webster's Dictionary's latest edition. Words not defined herein or within the above-mentioned book shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural the singular, words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for".

ABANDONED/ABANDONMENT: The voluntary relinquishment of the possession of any real or personal property by the owner or a cessation of the use of such property with no intention either of transferring rights to the property to another owner nor resuming the use of the property.

ABUT: To physically touch or border upon or to share a common property line.

ABUTTING LOT: A land lot or land parcel which shares all or part of a common lot line with another lot or parcel of land.

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESSORY STRUCTURE: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

ACCESSORY DWELLING UNIT: An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a detached single-family home. ADUs include garage apartments.

ADAPTIVE REUSE: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION: Has multiple definitions:

- (A) A structure added to the original structure at some time after the completion of the original.
- (B) Any new part, element or feature added to an existing building or structure.
- (C) Any walled and roofed expansion to the perimeter of a building when the addition is connected by a common load bearing wall other than a fire wall. (Any walled and roofed addition which is connected by a fire wall or which is separated by independent perimeter load-bearing walls is new construction.)

ADJACENT LAND: See ADJOINING LOT OR LAND.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See ABUT or CONTIGUOUS.

ADULT CARE FACILITIES: A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment. Includes nursing or rest homes.

ADULT ENTERTAINMENT ESTABLISHMENTS: See ARTICLE VIII, Sec. 18-241 of the Rincon Code of Ordinances.

AGGRIEVED PERSON: Any person who alleges an official error in the administration of the UDO, or who alleges loss of a real property right, or whose legal right in or to any real property has allegedly been invaded, or whose monetary interest has allegedly been otherwise adversely affected by any official order, requirement, interpretation, determination or decision by the Planning and Development Department which is subject of an appeal to the Planning and Zoning Board.

AGRICULTURAL SERVICES: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services.

AMENITY: A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

AMUSEMENT FACILITY: An indoor or outdoor area or structure, open to the public, which may contain arcade games, simulated and miniature golf, bowling, batting cages, and similar entertainment and amusement devices. See RECREATION FACILITY.

AMUSEMENT PARK: An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

ANCHOR TENANT: The major store or stores within a shopping center.

ANNEXATION (OR DEANNEXATION): A change of the territorial boundaries of a municipality by legal action of the governing body, to include (or to exclude) a land area which is located adjacent to those corporate limits.

APARTMENT: A multi-family dwelling providing access from a common hall, although individual entrances may be provided. Dwelling units can be located on top of each other, and communities may opt to permit or prohibit back-to-back types of units.

APPEAL, FLOOD DAMAGE PROTECTION. A request for a review of the floodplain administrator's interpretation of the flood damage protection article.

APPLICANT: A person submitting an application.

APPLICATION: The form and all accompanying documents and exhibits to be submitted for official evaluation.

APPLICATION FOR DEVELOPMENT: The application form and all accompanying documents and exhibits required of an applicant by the Planning and Development Department, the Planning and Zoning Board and/or the Mayor and City Council.

APPROVED PLAN: A plan which has been granted final approval by the City.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, areas of special flood hazard shall be those designated by the local community and referenced in the Floods and Environmental chapter of the UDO.

ATHLETIC CLUB OR GYMNASIUM: An establishment that provides exercise facilities such as running, jogging, aerobics, weightlifting, court sports, classes, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

AUTOMOTIVE REPAIR SERVICES: The repair of automobiles, including paint and body repair shops and tire repair shops.

AWNING: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): The elevation shown on the flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

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

BEDROOM: A private room with a closet planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

BEST MANAGEMENT PRACTICES (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

BLOCK: Has multiple definitions:

(A) A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development;

(B) A group of lots in a subdivision which are encircled by streets;

(C) A serially numbered group of individual lots in a subdivision which are identified by a block identification number on a subdivision plat.

BOARD, ENVIRONMENTAL ARTICLE: The Georgia Department of Natural Resources.

BOARDING HOUSE: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

BUFFER, AQUATIC: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

BUFFER, LANDSCAPE: A continuous edge of land provided along the perimeter of a lot where landscaping is used to screen or transition one use from adjacent uses or public rights-of-way.

BUILDING, ACCESSORY: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

BUILDING COVERAGE: Has dual definitions:

(A) The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

(B) That portion of a land lot which is, or is proposed to be, covered by all primary and accessory buildings constructed on the lot.

BUILDING FRONTAGE: The total linear dimension of the front wall of any structure which faces a public or private roadway.

BUILDING HEIGHT: The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

BUILDING INSPECTOR: City employee that conducts all residential and commercial inspections, and reviews construction plans.

BUILDING LINE: A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located. See **SETBACK LINE**.

BUILDING PERMIT: Written permission issued by the proper City authority for the construction, repair, alteration or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINES: The lines that represent required minimum building location distances from all lot boundaries and that establish the buildable area within which the primary use or building must be constructed or placed.

BUILDING SITE: The ground area of a building or buildings together with all open spaces surrounded by said building or buildings.

BUILT-UP AREA: An area where less than twenty-five percent of the land is vacant.

BULK FUEL STORAGE: The storage of chemicals, petroleum products and other materials in above ground containers for subsequent resale to distributors or retail dealers or outlets.

CAMPER: A motor home, tent, trailer, or other self-contained vehicle designed for recreational purposes.

CAMPGROUND: A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

CAMPSITE: Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

CAPITAL IMPROVEMENT: Has dual definitions:

(A) Any publicly-funded improvement or addition to necessary facilities and services including but not limited to water and sewerage services, paving of existing unpaved streets, roadways and bridges, and stormwater drainage systems;

(B) Includes all related costs for capital improvement planning, engineering design, right-of-way acquisition, facility construction, project engineering, land surveys and emergency repairs.

CEMETERY: Property used for the interring of the dead.

CENTERLINE, HIGHWAY: The line running parallel with the highway right-of-way which is half-way the distance between the extreme edges of the official right-of-way width as shown on maps approved by the County Tax Assessor and/or the Department of Transportation.

CERTIFIED SURVEY: A survey, sketch, plat, map, or other exhibit is said to be certified when a written statement regarding its accuracy or conformity to specified standards is signed by the specified professional engineer, registered surveyor, architect, or other legally recognized person.

CHANGE OF USE: Any use which substantially differs from the previous use of a building or land.

CHARITABLE AND PHILANTHROPIC SERVICES: Has dual definitions:

(A) Any publicly or privately supported religious, benevolent or humanitarian organization that provides service(s) to public or private beneficiaries;

(B) Any public or private nonprofit or not-for-profit organization which operates benevolent or charitable service(s) including, but not limited to, public or private orphanages, childcare centers, and hospices for children or adults.

CHARITABLE USE: Property used by a nonprofit or eleemosynary organization that provides a service beneficial to the general public or to a significant portion of the public for no fee or at a fee recognized as being less than that charged by profit-making organizations.

CHECK CASHING FACILITY: A business that involves cashing checks and other financial services for a fee, often for people without checking accounts.

CHILD CARE CENTER. Commercial facility for the care of more than seven unrelated children.

CHURCH OR PLACE OF WORSHIP: A building where people congregate for religious purposes.

CITY ATTORNEY: Has dual definitions:

(a) Any person licensed by the State as an Attorney-at-Law who has been officially appointed to that Office by the Mayor and Council for an indefinite term or as an employee or independent contractor, and who is the Chief Legal Officer of a City;

(b) Any person who has been delegated all the powers, duties and responsibilities of that office, and who is principally responsible for providing professional legal services to the City.

CITY ENGINEER: Has dual definitions:

(a) Any person licensed by the State as a Registered Engineer who has been officially appointed to that Office by the Mayor and Council for an indefinite term or as an employee or independent contractor, and who is the Chief Engineer of the City;

(b) Any person who has been delegated all the powers, duties and responsibilities of that office and who is principally responsible for providing professional engineering services to the City.

CITY GROWTH MANAGEMENT PLAN: A graphic plan supplemented by written narrative, prepared and recommended by the Planning and Zoning Board, and officially approved by the Mayor and Council, which is intended to guide the growth and development of the City and which may include:

(1) Analyses of physical, economic and social conditions prevalent in, or expected to occur in, the community; and

(2) Proposals and recommendations for:

(a) Establishment or modification of public policies and the regulation of land development and land use;

(b) The classification of roadways for regulatory purposes;

(c) Establishment and periodic modification of official maps which address land development regulatory processes;

(d) Acquisition and development of public lands for specific purposes;

(e) Establishment of, or improvement of, any essential public service;

(f) The desirable future public and private land use arrangement for all land within the territorial limits of the City; and

(g) Any other matter of public benefit.

CITY MANAGER: A professionally qualified person who has been officially employed and appointed to that Office by the Mayor and Council as an employee and who serves as the Chief Administrative and Financial Officer of the City.

CITY PLANNER: Director of the Planning and Development Department, who is responsible for the administration of all development and construction activities, planning activities, and the administration of the UDO.

CIVIC CENTER: A building or complex of buildings that house City offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

CLEARING OR CLEAR-CUTTING: The toppling of trees, shrubs or other standing vegetation on a land parcel by "clearing" or "Clear Cutting" all.

CLUSTER: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CLUSTER DEVELOPMENT OR SUBDIVISION: A development design technique that concentrates buildings in specific areas on the site (with an appropriate reduction in lot area and bulk requirements, but no increase in the "density" or total number of lots or buildings allowable), and which allows the remaining land to be used for recreation, common open space and preservation of natural features.

CLUSTER OR CONSERVATION SUBDIVISION: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

COMMON ELEMENTS: Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

COMMON USE ELEMENTS: Land amenities, parts of buildings, central services and utilities, and any other features and facilities which are designated in a "Master Deed" as common elements, and which are owned and used by all owner-members of an association or condominium.

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY FACILITY: A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

COMPLETE APPLICATION: An application form completed as specified by ordinance and the rules and regulations of the City of Rincon and all accompanying documents required by ordinance for approval of the application.

CONDITIONAL USE: A use that, due to its nature, must follow an administrative procedure prior to the issuance of any land development permit that further evaluates the use at the specific location.

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

CONDOMINIUM ASSOCIATION: The community association which administers and maintains the common property and common elements of a condominium.

CONDOMINIUM, COMMERCIAL: A building (or group of buildings) used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.

CONDOMINIUM, HOTEL: A condominium set up like a hotel in which each room is individually owned and in which some rooms are available to transients for rent.

CONDOMINIUM, INDUSTRIAL: An industrial building (or group of buildings) organized, owned and maintained as a condominium.

CONDOMINIUM, OFFICE: An office building (or group of buildings) organized, owned and maintained as a condominium.

CONSERVATION SUBDIVISION: See CLUSTER CONSERVATION.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous. See ABUT and ADJOINING LOT OR LAND.

CONVENTIONAL HOUSE (SEE SINGLE-FAMILY): Homes fabricated and assembled on-site.

CONVERSION: A change in the use of land or a structure.

CRITICAL AREA: An area with one or more of the following characteristics:

- (1) Slopes in excess of twenty percent;
- (2) Floodplain;
- (3) Soils classified as having a high water table;
- (4) Soils classified as highly erodible, subject to erosion or highly acidic;
- (5) Land incapable of meeting percolation requirements;
- (6) Land formerly used for landfill operations or hazardous industrial use;
- (7) Fault areas;
- (8) Stream corridors;
- (9) Estuaries;
- (10) Mature stands of native vegetation;
- (11) Aquifer recharge and discharge area.

CRITICAL FACILITY. Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (a) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (b) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (c) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(d) Generating plants, and other principal points of utility lines.

CRITICAL ROOT ZONE: The critical root zone increases in size as a tree grows larger. It is defined as the circular area above and extending below the ground around the trunk of the tree with a radius equivalent to the distance to the dripline, or 1.25 feet for every one inch in DBH, whichever is greater. The critical root zone depths are as follows: 30 inches (tree diameter nine inches or less); 36 inches (tree diameter of 10 inches to 14 inches) 42 inches (tree diameter 15 inches to 19 inches); and 48 inches (tree diameter 20 inches or more).

CULTURAL FACILITIES: Establishments such as museums, art galleries, botanical and zoological gardens of an historic, educational or cultural interest which are not operated commercially.

CURRENT PLANNING CAPACITY: A measure of the ability of a region to accommodate the growth and development within the limits defined by existing infrastructure and natural resource capabilities.

CUT OR CUTTING: Has dual definitions:

(A) Any portion of land surface from which earth has been or will be "cut" by manual, mechanical or chemical means.

(B) The measured "cutting" depth below original ground surface to the lowest level of an excavated surface.

DAY CARE CENTER: See CHILD CARE CENTER.

DEDICATION: The act of dedicating a gift or donation of property by the owner to another party.

DEED: A legal document conveying ownership of real property.

DENSITY: The number of dwelling units, or housing structures per acre of land.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

DEVELOPMENT REGULATION: Zoning, subdivision, site plan, official map, flood plain regulation or other governmental regulation of the use and development of land.

DEVELOPMENT UNIT(S): Has multiple definitions directly relating to the land use of the defined "development unit":

(1) Any primary use, such as a "land lot", "Building" or portion of building, which is permitted to be developed on the smallest land lot allowable in a specific land use zoning district;

(2) The smallest building lot allowable in a specific land use zoning district.

(3) An expression of "density" that specifies the maximum number of "primary uses" allowable on a gross acre of land.

(4) The determinant of minimum lot size, which is derived by dividing the area of a gross acre (43,560.0 square feet) by the maximum number of "development units" allowable per gross acre in a specific land use zoning district;

(5) The result of any subdivision or partitioning of the interior area of any primary use building into separate salable or leasable spaces or apartments, each constituting a "development unit" when physically segregated from all others in a building.

Typical types of "development units" are:

- (a) Manufactured House
- (B) One-unit detached "Conventional House";
- (b) Two-unit Attached "Duplex";
- (c) Multi-unit Attached "Townhouse/Rowhouse";
- (d) Multi-unit Attached "Apartment".

DISTRICT: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

DIVISION, ENVIRONMENTAL: The environmental protection division (EPD) of the Department of Natural Resources.

DOMESTIC ANIMAL KENNELS, COMMERCIAL: The boarding, breeding, raising, grooming, or training of two or more dog OR cats, not owned by the owner or occupant of the premises, and/or for commercial gain.

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

DRY CLEANING AND LAUNDRY PROCESSING: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without where the cleaning is performed off-site.

DWELLING, ATTACHED: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING ONE-UNIT, DETACHED: A dwelling which is not attached to any other dwelling by any means.

DWELLING, GROUP: A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes—but is not limited to—the terms rooming house, apartment hotel, fraternity house or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

DWELLING, SINGLE-FAMILY: A structure, not more than one dwelling unit, designed for residential use which meets or exceeds the following standards:

- (1) Minimum width of 24 feet.
- (3) The roof shall have a minimum of 2:12 roof pitch and shall have a surface of asphalt composition, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the building official.
- (4) The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
- (5) Tie downs per instructions or manufacturer's instructions for manufactured housing.

(6) Be constructed according to applicable state and federal standards

DWELLING UNIT: A structure or a portion of any structure designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boardinghouses or like uses.

EAVE: The projecting lower edges of a roof overhanging the wall of a building.

EGRESS: An exit.

ELECTRIC POWER SWITCH GEAR STATION: A public utility station providing electricity.

ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION: A private or nonprivate organization which is not organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

ELEVATED BUILDING: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

ELEVATION:

(1) A vertical distance above or below a fixed reference level;

(2) A plat scale drawing of the front, rear, or side of a building.

EMINENT DOMAIN: The authority of a government to take, or to authorize the taking of, private property for public use.

ENCROACH: To advance beyond proper limits or to trespass upon the property, domain, or rights of another.

ENCROACHMENT: Any unauthorized building, structure, pole, tower, sign or other mobile or immobile object that is constructed or placed on any public way or public right-of-way, or that overhangs, obstructs or restricts access to or from any public right-of-way, or that is located within any designated floodway, but not including the following:

(A) Streetlights, street name signs, traffic control, hazard warning, public directory or public information signs, symbols, barricades or devices constructed or installed by an authorized government unit or agency, or authorized contractor or agent of such unit or agency, and necessary utility service poles installed by public or private utility companies.

(B) Public driveways that provide access from private land abutting a public right-of-way, when such driveway has been authorized by the State, County or Municipal agency possessing proper jurisdiction over the right-of-way.

(C) Any obstruction in a delineated floodway, right-of-way or adjacent land. The act or an instance of encroaching; anything taken by encroaching.

ENGINEER: Any person having an acceptable degree from a recognized institution of higher learning who is capable of determining the correct manner in which to construct roads, street, highways, water and sewage systems, drainage system, structures or other technical related areas.

ENLARGEMENT: An increase in the size of an existing structure.

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

EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Ch. 12-7, that includes, at a minimum, protections at least as stringent as the state general permit, best management practices, and requirements in section 34-64(c) of this article.

ESTABLISHMENT: An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations are performed.

EXCLUSIVE: Has dual definitions:

(A) The list of uses allowable or prohibited in Land Use Zoning Districts in this Code shall be "exclusive".

(B) In any class of uses, only those which are specifically referenced as prohibited shall be excluded from the list.

EXISTING CONSTRUCTION, FLOOD DAMAGE PROTECTION. For the purposes of determining rates, structures for which the start of construction commenced before February 19, 1987, the effective date of the initial FIRM for that community.

EXISTING GRADE: The vertical elevation of an existing ground surface prior to cutting or filling activities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before February 19, 1987, the effective date of the first floodplain management regulations adopted by a community.

EXISTING USE: The lawful use of a lot or structure at the time of the enactment of the UDO.

EX OFFICIO: An automatic appointment to an office by virtue of holding another office, as the City Attorney is the Ex-Officio Hearing Officer for the Planning and Zoning Board.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

EXTENSION: Has dual definitions:

(1) An increase in the amount of existing floor area within an existing building.

(2) An additional time period (specified length of time) to be allowed for compliance with the provisions of the UDO. Said time period to be determined by the Mayor and City Council upon recommendation of the Planning and Zoning Board.

FACILITY: Any non-residential location containing one or more underground storage tanks and integral piping systems that contain pollutants.

FACTORY BUILT HOUSE: A dwelling unit that is constructed and assembled at a factory and transported to the building's site and placed on a prebuilt foundation.

FARM OR FARMLAND: A parcel of land used for agricultural activities.

FEED AND GRAIN, SALES & STORAGE: An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

FEEPAAYER: Any person applying for authorization to establish a connection to the City water and/or sewer system, or other extra service.

FILL OR FILLING: The placement of any organic or inorganic solid material or soil on an undisturbed or disturbed ground surface, or into an excavation, natural ground surface depression or water body.

FINAL APPROVAL: The last official action taken by the Mayor and City Council regarding approval of any matter presented.

FINAL STABILIZATION: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

FINISHED GRADE: The final elevation, contour, slope and dimension of any ground surface, after land-disturbing activities, including cutting or filling have been completed.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of the City issued by the Federal Emergency Management Agency which depicts the boundaries of areas of special flood hazard.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: An official report prepared by the Federal Emergency Management Agency that defines possible and probable flood profiles and the projected height of the base flood.

FLOODPLAIN: Any land area susceptible to flooding.

FLOODPLAIN ADMINISTRATOR: An individual that has been appointed, and operates under the supervision and guidance of the City Manager or designee. Duties include reviewing proposed development, which is also reviewed by the Director of Planning and Development or Designee.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD PRONE AREAS: That land adjacent to a creek, stream, river, channel, canal or other body of water that is designed as a floodplain or flood prone area by a governmental agency.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR: The uppermost surface of any level concrete slab or wood flooring of an enclosed building, including the basement.

FOOD AND BEVERAGE PROCESSING: The preparation, processing, or canning and packaging of food and/or beverage products. This shall not include slaughterhouses.

FOREST: Areas of stands of trees the majority of which are greater than 12 inches caliper measured four feet above grade, covering an area greater than one-quarter acre; or groves of mature trees without regard to minimum area consisting of more than six individual specimens.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or in performing forest services.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FRONTAGE: That site of a lot abutting on a street; the front lot line.

FRONTAGE ROAD: See STREET, MARGINAL ACCESS.

FULL-SERVICE CAR WASH: An automotive care service that includes either an automatic or exterior hand car wash and interior services such as vacuuming, performed either by an attendant or the customer.

FUNERAL HOME: A business that provides burial and funeral services for the dead and their families.

GARAGE, STRUCTURED: A deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles, either public or privately operated and owned.

GARAGE, PRIVATE RESIDENTIAL: A structure which is accessory to a residential building, and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

GARAGE, REPAIR: Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GAS STATION: Has dual definitions:

(1) A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, and/or where battery, tire, and other similar sales and minor repair services are rendered.

(2) A licensed commercial establishment offering retail sale or supply of motor fuels, lubricants and other operating commodities for motor vehicles, and which may include service bays for minor repairs, but not including vehicle body refinishing, painting, or other servicing of motor vehicles.

GENERAL WAREHOUSING AND STORAGE: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment. Includes the storage of personal items for individuals.

GOLF COURSE: A tract of land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters.

GRADING: The process of altering ground surfaces to different finished grades specified on any grading plan required by this Code, and including activities commonly known as stripping, cutting, filling, stockpiling and shaping, and shall include the land in its cut or filled condition.

GREEN AREA: Land shown on a development plan, master plan or official map for preservation, recreation, landscaping or park.

GROSS LEASABLE AREA: The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

GROUND ANCHOR: Any device at the manufactured home stand designated to secure a manufactured home to the ground.

GROUND COVER: Grasses or other plants grown to keep soil from being blown or washed away.

GROUND ELEVATION: The original elevation of the ground surface prior to cutting or filling.

GROUP HOMES: See PERSONAL CARE HOMES.

HEALTH SERVICES: Establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, oxygen and miscellaneous types of medical supplies and services.

HEARING OFFICER: The City Attorney, who shall be automatically appointed as an Ex-Officio member of the Commission and who shall serve as the Hearing Officer for each Appeal heard by the Mayor and City Council.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

HISTORIC STRUCTURE: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior, or

b. Directly by the secretary of the interior in states without approved programs.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HORSE OR LIVESTOCK RANCH: An agricultural operation where horses and domestic farm animals, excluding swine, are kept for use as part of a farm or raised for sale.

HORTICULTURE: The cultivation of a garden or orchard. See **NURSERY**.

HOUSE, BOARDING: A building other than a hotel or motel where lodging and/or meals are provided for three or more persons who are not related by blood, marriage or adoption, by agreement on terms of payment and time period.

HOUSE TRAILER: See **MOBILE HOME**.

HOUSEHOLD: A family living together in a single dwelling unit, with common access to, and common use of, all living and eating area and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMPROVEMENT: Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

INDUSTRIAL BULK STORAGE: Any primary use building or land used for bulk-fuel storage (above or below ground).

INDUSTRIAL PARK: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

INDUSTRIALIZED BUILDING: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the Industrialized Building Act, O.C.G.A. § 8-2-110 et seq.

INDUSTRY: Those fields of economic activity, including communication, construction, electric, forestry, fishing, gas, hunting, mining, manufacturing, transportation, trapping, sanitary services and wholesale trade.

INFRASTRUCTURE: Facilities and services needed to sustain commercial, industry and residential activities.

INGRESS: Access or entry.

INN or BED AND BREAKFAST: A commercial facility for the housing and feeding of transients.

INSTITUTIONAL USE: A nonprofit or quasi-public or institution such as a church, library, public or private school, hospital, City-owned or operated building, structure or land used for public purpose.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored, used in conjunction with dismantling, processing, salvage, storage, baling, disposal, other use or disposition.

JUNK YARD OR SALVAGE YARD: A facility for the dismantling, processing, salvage, storage, baling, disposal, other use or disposition of vehicles.

LAND DEVELOPMENT: Has dual definitions:

- (a) Any public or private land used, improved, developed or subdivided whether for immediate or future use; and
- (b) All manual, mechanical or chemical methods proposed to be used, or used, to construct, reconstruct, remodel, alter, relocate, dismantle or demolish any public or private building or structure, sign, bridge, tower, water supply system, sewerage system or stormwater drainage system, or the surface paving or repaving of any roadway, driveway, parking lot or any other land surface exceeding 1,000 square feet in total area, and the use or reuse of any land.

LAND DEVELOPMENT PERMIT: An official written authorization issued by the Planning and Development Director, or by a governing body or government agency possessing proper jurisdiction, allowing a qualified applicant to conduct land-disturbing activities specified in the permit.

LAND-DISTURBING ACTIVITY: Has multiple definitions:

- (a) Any public or private land used, improved, modified or developed whether for immediate use;
- (b) Any public or private building or structure, sign, road or street, bridge, water supply system, sanitary sewerage system or stormwater drainage system which is, or which is proposed to be, constructed, reconstructed, remodeled, altered, relocated, dismantled or demolished.
- (c) Includes, but is not limited to, any disturbance of any ground surface by manual, mechanical or chemical methods proposed to be used, or used, for clearing, clear-cutting, dredging, excavating, filling, grading, shaping, stockpiling, stripping and transporting of natural soil or other material comprising the ground surface and other modification of any land surface exceeding 1,000 square feet in total area;
- (d) Includes any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices.

Excludes normal property maintenance, including planting or trimming of ornamental plants or trees, (but not including clearing or clear-cutting) and lawn landscaping, resodding or topsoil dressing, and maintenance of utility services and easements; and

- (e) Any disturbance of any ground surface that causes, or may cause, soil erosion due to water, wind or other natural force and the resulting movement of soil sediments into State waters or into public or private lands within the State.

LAND SURVEYOR: Has dual definitions:

- (1) One who is licensed by the State as a Land Surveyor and is qualified to make accurate field measurements and mark, describe and define land boundaries.
- (2) Any person qualified to measure, mark, describe, define and map land boundaries and who is licensed by the State as a Land Surveyor or Registered Engineer.

LAND USE: Has dual definitions:

- (1) A description of how land is occupied or utilized.

(2) The occupation of or development of any land parcel for any residential, commercial, industrial, recreational or other use, or public or private purpose.

LAND USE PLAN: A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of agricultural, commercial, educational, industrial, recreational, residential, other public and private purposes or combination of purposes.

LAND USE ZONING DISTRICT: Any geographic area within the City which has been defined by boundaries depicted on the "Official Zoning and Street Classification Map" and that has been identified with a descriptive name as provided in this Code, and in which District certain land use restrictions and development regulations apply.

LANDSCAPE: Has dual definitions:

- (1) An expanse of natural scenery.
- (2) The addition of lawns, trees, plants and other natural and decorative features to land.

LANE: Synonymous with ALLEY.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

LIBRARY: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale.

LISTED (EQUIPMENT OR MATERIALS): Any equipment or materials included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation who:

- (a) Provides periodic inspection of the production of such listed equipment or materials; and
- (b) States in the listing either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.

LIST OF ALLOWABLE OR PROHIBITED USES: A list of primary, secondary, conditional and prohibited uses applicable to all land use zoning districts in the City.

LIVING UNIT: See DWELLING UNIT.

LOADING SPACE: An off-street space or berth used for the loading or unloading of commercial vehicles.

LOCAL ISSUING AUTHORITY: The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

LOT COVERAGE: That portion of the lot that is covered by buildings and structures, usually expressed in percentage.

LOT DEPTH: The dimension from a front lot line to its corresponding rear lot line.

LOT, DOUBLE FRONTAGE: Any lot that extends between two streets with access to both.

LOT FRONTAGE: Has dual definitions:

- (1) The length of the front lot line measured at the street right-of-way line.
- (2) The dimensions of the front lot line along the abutting street right-of-way line.

LOT, INTERIOR: A lot which has other lots abutting both of its side lot lines.

LOT LINE: Has dual definitions:

- (1) A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- (2) Any land lot boundary line which divides a lot of record from another lot or from a public or private street, or any other public space.

LOT LINE, FRONT: Has dual definitions:

- (1) The lot line separating a lot from a street right-of-way.
- (2) The common boundary line of a lot abutting a street right-of-way.

LOT LINE, REAR: The Boundary line opposite to the front lot line.

LOT LINE, SIDE: Any boundary line that extends between the front and rear lot lines.

LOT, MINIMUM AREA OF: Has dual definitions:

- (1) The smallest area established by the UDO on which a use or structure may be located in a particular district.
- (2) The total area of the smallest lot allowable in a specific land use zoning district.

LOT OF RECORD: Has dual definitions:

- (1) A lot which exists as shown or described on a plat or deed in the records of the local registry of deeds.
- (2) A land lot which exists as depicted on a plat or as described in a deed or other legal instrument that has been lawfully recorded in the public land records of the County.

LOT, REVERSE FRONTAGE: A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

LOT, THROUGH: A lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The distance between side lot lines, measured parallel to the front lot line along a line that intersects both side lot lines at the minimum required building setback distance.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of the UDO.

MACHINE TOOL AND INDUSTRIAL EQUIPMENT REPAIR: An establishment engaged in the repair or servicing of motors, industrial machinery, business machinery, consumer machinery, equipment, tools, or professional instruments, or welding, or similar products or by-products.

MAJOR SUBDIVISION: Refer SUBDIVISION, MAJOR.

MANUFACTURED HOME A factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, built on a permanent chassis but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURED HOME PARK OR SUBDIVISION, NEW means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after February 2, 1987, the effective date of the first floodplain management regulations adopted by a community.

MANUFACTURED HOME STAND: That area of a lot which has been reserved for placement of a manufactured home.

MANUFACTURING AND PROCESSING: Any person or establishment engaged in the mechanical or chemical creation, conversion or blending of raw, semi-finished or finished materials or substances into different products, including but not to:

- (a) Fabrication or assembly of component parts, food and beverage processing, bottling or packaging of animal, vegetable or mineral products;
- (b) Any fabrication, casting, machining, assembly or packaging of any wood, metal, plastic, mineral or other material, whether natural or synthetic, but excluding petroleum and petrochemical processing, and the transport, storage, processing or disposal of any "hazardous materials"; and
- (c) All buildings and all supporting facilities for any use of this class must be fully enclosed or constructed to fully suppress all noise or odors resulting from the on-premises conduct of the use, and to prevent off-premises sound transmission.

MASTER PLAN: Has dual definitions:

- (1) A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.
- (2) A plan for the total final development arrangement or layout of a land parcel, showing the location and extent of significant existing natural features such as watercourses, forests and topography, existing or proposed roadways, bridges, streets, easements, rights-of-way and other land reservations, building lots or buildings and other structures, recreation areas and other features proposed to be modified or added.

MAY: A "verbal auxiliary" showing power to, or ability to, perform a certain act or function; a discretionary power, not an imperative or mandatory equivalent to "shall" or "must" as commonly used in Law.

MAYOR AND COUNCIL: The publicly elected governing body of the City of Rincon who have been authorized by Acts of the State Legislature to exercise specific powers of local government and who have the general responsibility for the proper administration of and enforcement of this Code.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

METER: A metric scale measure equal to 3.28 feet.

METES AND BOUNDS: A method of describing the boundaries of land by directions and distances from a known point of reference.

METROPOLITAN RIVER PROTECTION ACT (MRPA): A state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

MICRO-BREWERY: a manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carryout.

MILE: A linear measure equal to 5,280 feet, 1,760 yards or 1.6 kilometers.

MINI-WAREHOUSE STORAGE: A facility consisting of individual rental units used for the storage of personal property.

MINOR SUBDIVISION: Refer to SUBDIVISION, MINOR.

MIXED USE DEVELOPMENT: An undivided or subdivided land parcel, of minimum contiguous size specified by this Code, that is planned, engineered and developed according to an approved land development plan, and which is used, sold, leased, or rented for one or more uses permitted by the land use zoning district in which the development is located.

MOBILE HOME: See MANUFACTURED HOME.

MOBILE HOME SPACE: A plot of land for placement of a single mobile home within a mobile home park.

MOTEL OR HOTEL: An establishment providing, for a fee, sleeping accommodation and customary lodging services. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

MOTORIZED EQUIPMENT AND MACHINERY: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, recreational vehicles, boats, construction equipment, agricultural machinery, and similar industrial equipment.

MOVIE THEATER: A place where motion pictures are shown to the public for a fee.

MULTIUSE BUILDING: A building containing two or more distinct uses.

MUNICIPAL: In the primary sense, means "pertaining to a town or city or to its local government".

NANO-BREWERY: A producer of alcoholic malt beverages of up to 3,000 barrels per year for the purpose of wholesale distribution and sales to the public either for on-site consumption or carryout.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NATURAL GROUND SURFACE: The ground surface in its original state before any grading, excavation or filling.

NEIGHBORHOOD: An area of a community which possesses characteristics that distinguish it from other community areas, such as distinct ethnic, economic, historical or architectural characteristics, or boundaries defined by physical barriers such as major highways, railroads, major land uses or natural features.

NEW CONSTRUCTION: Buildings, structures or other land uses whose start of construction date was on or after the effective date of this UDO.

NEW CONSTRUCTION, FLOOD DAMAGE PROTECTION: For the purposes of determining insurance rates, structures for which the start of construction commenced after December 19, 2010, the effective date of the initial FIRM, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced after February 2, 1987, the effective date of the first floodplain management ordinance adopted by the community and includes any subsequent improvements to such structures.

NOI: A notice of intent form provided by EPD for coverage under the state general permit.

NOISE SENSITIVE AREA: An area within the property line of a school, medical office, funeral home, nursing home, courthouse, church, government buildings, or public library.

NONCONFORMING: Any existing land lot, existing land use, or the use of any existing structure or building, or the use of any sign, or any other existing use condition which did not conform to the terms, conditions, rules, regulations or provisions of this Code on the day the Code was adopted, shall be defined as substandard and nonconforming:

(a) Nonconformities include, but are not necessarily limited to, nonconforming land lot, nonconforming land use, nonconforming structure, nonconforming building and nonconforming sign.

NONCONFORMING LOT: A lot whose total area, dimensions or other features was lawful prior to the adoption or amendment of this Code, but which now fails to conform to the present requirements of the land use zoning district in which it is located.

NONCONFORMING LAND USE, BUILDING, STRUCTURE OR SIGN: Any land use, building, structure or sign whose total area, dimensions, class of use or other features was lawful prior to the adoption or amendment of this Code, but which now fails to conform to the present requirements of the land use zoning district in which it is located.

NONCONFORMING LOT: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the UDO, but fails by reason of such adoption, revision or amendment to conform to the present requirements of the UDO.

NON-REFERENCED USE: Any use not specifically referenced in the List of Allowable or Prohibited Uses as prohibited, which may be allowed in a particular land use zoning district only after an official determination is made by City Planner, that such use is similar in nature and character to other uses allowable in that district.

NOT: A notice of termination form provided by EPD to terminate coverage under the state general permit.

NORTH AMERICAN VERTICAL DATUM (NAVD): NAVD has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

NURSING HOMES: A home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

NURSERY, COMMERCIAL CROP & TREE FARM: Land or greenhouses used to raise crops, trees, flowers, shrubs and plants for sale. See **HORTICULTURE**.

NURSERY, PLANT and RETAIL: A small-scale establishment to raise and sell trees, plants and flowers.

OCCUPANCY PERMIT: A Permit which shall only be issued by the Planning and Development Department as evidence of compliance with all provisions of this Code and with all other City, County, State and Federal Regulations and which shall only authorize lawful occupancy of a building or lawful use of a structure or land.

OFFICE, BUSINESS AND PROFESSIONAL: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, including medical or dental offices where patients are not lodged overnight.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

OFFICIAL ZONING MAP: A map adopted by the Mayor and City Council which separates the particular zoning districts contained in this chapter into spatial limits.

OFFICIAL ZONING AND ROADWAY CLASSIFICATION MAP: A map depicting all land use zoning districts and all public roadway classes in the City that has been officially approved by the Mayor and Council.

OFF-STREET PARKING SPACE: Has dual definitions:

- (1) A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
- (2) A public or private, paved or surfaced, temporary storage space for a passenger or cargo motor vehicle, which:
 - (a) Is directly accessible to a driveway or access aisle to a public or private roadway;
 - (b) Is not located on a public or private street right-of-way, or paved or unpaved roadway; and
 - (c) Measures not less than 18.0 feet in length and 9.0 feet in width.

ON-STREET PARKING SPACE: Has dual definitions:

- (1) A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

(2) A paved, surfaced or unpaved temporary storage space for a passenger or cargo motor vehicle, which:

- (a) Is located on a public or private street right-of-way, or paved or unpaved roadway; and
- (b) Measures not less than 18.0 feet in length and 9.0 feet in width.

OPEN SPACE: Has multiple definitions:

- (1) Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space;
- (2) A scenic easement to any significant natural feature or historic object;
- (3) Any public or private access to any private or public watercourse or water body; and
- (4) Any land parcel, whether improved by landscaping or unimproved in its natural state, which is legally dedicated, designated or reserved for public or private use or enjoyment, or for the common use and enjoyment of owners and occupants of a particular land development or neighborhood that includes the open space.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

OPEN SPACE, GREEN: An open space area not occupied by any structures or impervious surfaces.

OPEN SPACE, PUBLIC: See Public Park and Open Space.

OPEN SPACE RATIO: Total area of open space divided by the total site area in which the open space is located.

OPERATOR: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions; or any person operating an underground storage tank facility whether by use, or by lease, contract, or other form of agreement.

OUTBUILDING: A separate accessory building or structure not physically connected to the principal building.

OUTFALL: The location where stormwater in a discernible, confined and discrete conveyance leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

OVERHANG: Has dual definitions:

- (1) The part of a roof or wall which extends beyond the façade of a lower wall;
- (2) The portion of a vehicle extending beyond the wheel stops or curb.

PAD: A paved space in a mobile home park for the parking of a mobile home and usually containing utility connections.

PARCEL: A lot or tract of land.

PARKING ACCESS: The area of the parking lot that allows motor vehicles ingress and egress from the street.

PARKING AREA or LOT: Any public or private land area designated and used for parking motor vehicles including parking lots, garages, private driveways and legally designed areas of public streets. See **GARAGE**.

PARKING BAY: Has dual definitions:

(1) The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces.

(2) A module or group of motor vehicle parking spaces consisting of one or two rows of spaces and the aisle from which vehicles enter and leave the spaces.

PAWN SHOP. A business that loans money on the security of personal property where unredeemed items are put up for sale

PERMIT: The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

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

PERSONAL CARE HOMES: A facility intended to provide living quarters and limited services for individuals who require social, medical, and/or mental health services in a community-based residential setting. Homes must be operated under a program authorized or directed by the State of Georgia department regulating personal care homes.

(A) Personal care home, family. A group home serving six or fewer residents (including any live-in or overnight staff) and located in a building that closely resembles a single-family dwelling.

(B) Personal care home, group. A group home serving fewer than 15 residents (including any live-in or overnight staff) and located in a building that may resemble a multi-family dwelling structure.

PETITION: Has multiple meanings:

(a) A request for an amendment to any text, table, list of standards, or numerical standard requirement of this Code; or

(b) A request for an amendment to the Official Land Use Zoning and Roadway Classification Map of this Code; or

(c) A request for an amendment to the List of Uses Allowable or Prohibited in Land Use Zoning Districts of this Code; or

(d) A request for authorization to establish a special use referenced by this Code.

PETITIONER: Refer to **QUALIFIED APPLICANT OR PETITIONER**.

PHASE OR PHASED: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PHRASE: Describes any two or more words that form a "sense unit" in the text of this UDO.

PLAINLY AUDIBLE: Any sound that can be detected by a person using his or her unaided hearing faculties. Example: If the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

PLANNING AND DEVELOPMENT DEPARTMENT: The responsibilities of this department include the staff review and approval of all development and construction documents. The department is also responsible for inspections and the issuance of all permits related to development.

PLANNED DEVELOPMENT: An area of a minimum contiguous size, as specified by ordinance, developed according to plan as a single entity and containing one or more structures with appurtenant common areas.

PLANNING AND ZONING BOARD: A combined advisory and administrative agency of the City, appointed by the Mayor and Council, which shall be responsible for:

- (a) Preparing and recommending to the Mayor and Council public policies, procedures and plans to guide the growth and development of the City;
- (b) Interpreting and administering this Code;
- (c) Reviewing and approving or disapproving each land development plan and major subdivision plat presented to it by a qualified applicant;
- (d) Rendering administrative decisions on each appeal presented to the board by a "qualified applicant"; and
- (e) Conducting all public meetings required by this Code, or by the State or Federal Law or regulation, for the proper transaction of all official business and all other public matters within the jurisdiction of the Board.

PLOT: Has dual definition:

- (1) A single unit parcel of land.
- (2) A parcel of land that can be identified and referenced to a recorded plat or map.

PORCH: A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

PORNOGRAPHIC BOOK, MOVIE OR VIDEO STORE: Includes any public or private establishment offering for sale or for rent, any illustrated or un-illustrated printed matter, device, appliance, film or electronic video reproduction which depicts erotic behavior, and which is intended to cause sexual excitement.

PORNOGRAPHIC MOVIE THEATER: Includes any public or private establishment which sells viewing privileges to customers and which exhibits any periodic or continuous filmed or electronic video reproduction of erotic behavior intended to cause sexual excitement.

PRIMARY USE: Has dual definitions:

(A) Any use that may be established as a "matter of right", if all the features of such use comply with all the requirements of this Code and all other applicable municipal, county, state and federal requirements;

(B) Any category of use shown in the List of Allowable or Prohibited Uses in this Code which is accompanied by the symbol [P].

PRINCIPAL BUILDING: See BUILDING, PRINCIPAL.

PRINCIPAL USE: Synonymous to "PRIMARY USE".

PRIVATE CLUB: A building and related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership and pay dues.

PROCESSING: A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROCESSING AND WAREHOUSING: The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for transshipment or storage purposes where the original material is not chemically or physically changed.

PROHIBITED USE: Has multiple definitions:

- (1) A use that is not permitted in a zoning district.
- (2) Any use that is not allowed to be established in a particular land use zoning district.
- (3) Any category of use shown in the List of Allowable or Prohibited Uses in this Code which is accompanied by the symbol "X".

PROJECT: The entire proposed development project regardless of the size of the area of land to be disturbed.

PROJECT DEVELOPMENT AREA: The entire area of any land lot or parcel that is proposed to be, or which is, physically altered by the construction of any building or structure, or to which any land-disturbing activities are applied during the course of any development of that lot or parcel.

PROJECTION: Has multiple definitions:

- (1) A prediction of a future state based on an analysis of what has happened in the past.
- (2) Part of a building or structure which is exempt from the bulk requirements of the zoning district.
- (3) Any part of a primary building or structure which extends beyond the main walls or perimeter of that building or structure.

PROPERLY DESIGNED: Designed in accordance with the design requirements and specifications contained in the UDO as well as the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

PUBLIC COST BURDEN: Any capital, operating, administrative, maintenance or other cost burden placed on any tax-supported government agency which is attributable to, or the results of, any public or private land development project.

PUBLIC DRIVEWAY: Any vehicular driveway or ramp that provides access from private land abutting a public a public right-of-way, which must be authorized by the State, County or City agency possessing proper jurisdiction over the right-of-way.

PUBLIC HEARING: A meeting, publicly advertised as required by law, which is conducted by any government body, official or agency for the express purpose of presenting some matter(s) of public concern or effect upon which official action(s) will be taken after hearing comments and criticisms from attending members of the general public.

PUBLIC MEETING: A meeting announced, advertised in advance, and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE: Has dual definitions:

(1) The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place and nature of the public hearing.

(2) A paid advertisement giving timely and lawful notice of a public meeting or hearing scheduled to be conducted by any government body, official or agency, which is placed in a newspaper of general circulation within the affected territory or jurisdiction and which must be supplemented by notification(s) given to other news media, and which may be supplemented by posted notices and signs, all of which must indicate the time, place and purpose of that public meeting or hearing.

PUBLIC PARK OR OPEN SPACE: An area designed principally to offer recreation, passive or active, to the public.

PUBLIC ROADWAY CLASSES: A system of classifying all public roadways within the territorial limits of the City by function, design or daily traffic volumes, as a basis for establishing building setback and other land use and land development requirements:

Class 1 - Federal Interstate Highway

Class 2 - Numbered Federal and State Highway

Class 3 - Number State Regional Highway

Class 4 - Numbered County Regional Road

Class 5 - "Cross-Town" Connector Road

Class 6 - Neighborhood Connecting Street

Class 7 - Neighborhood Service Street

PUBLIC USE: All buildings, structures, facilities, or other uses of land, or services, that are owned, operated, administered or maintained by a government body, official or agency, to which the general public has right of access, or from which facilities or services the general public is benefited.

PUBLIC WAY: Any roadway, right-of-way, driveway, ramp or walkway which is dedicated to, or unrestricted to, use by the general public up to any point at which it terminates at any private property boundary.

QUALIFIED APPLICANT OR PETITIONER: Has dual definitions:

- (1) Any person who is legally qualified to submit any required application or voluntary petition referenced in this Code.
- (2) Any person listed as owner(s) of record, or as owner(s) on any land deed(s), or as principal lessor(s) on any lease(s), or who possess notarized letter(s) of authorization or agency from the owner(s) of record, principal lessor(s), trustee(s), or other authorized person(s) stating the applicant is authorized to submit the application.

QUORUM: Has dual definitions:

- (1) A majority of the full authorized membership of the Planning and Zoning Board or the City Council.
- (2) A simple majority of the membership of any lawfully constituted government body, unit or agency, necessary for the official conduct of business.

REAL PROPERTY BOUNDARY: A line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by a person from real property that is owned, rented or leased by another person, excluding intrabuilding real property division.

RECREATION VEHICLE: A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARK: See CAMPGROUND.

REHABILITATION: The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

RENT: A periodic payment, made by a tenant, to his/her landlord for the use of land, buildings, structures, or other property, or portions thereof.

RESIDENCE: A home, abode or place where an individual is actually living at a specific point in time.

RESIDENTIAL CLUSTER: An area to be developed as a simple entity according to a plan and containing residential housing units which have common or public open space area as an appurtenance. See CLUSTER.

RESIDENTIAL DENSITY: The number of dwelling units per acre of residential land.

RESTAURANT: Any fixed place or facility at or in which food and/or drink is offered and/or prepared for retail sale or for service for consumption on the premises. Prepared food may be consumed off the premises for take-out restaurants.

RESTORATION: The replication or reconstruction of a building's original architectural feature.

RETAIL AND PERSONAL SERVICES: Includes sale of a general range of consumer durable goods, such as:

Furniture and major appliances, and

Clothing

Household furnishings and wares

Food and beverages

Hardware, paint and tools

Flowers and gifts

Pharmacies

Bookstores

Other general merchandise of similar nature; and

General personal services, such as:

Hair styling and barber shops

Photography and art studios

Watch repair

Optical services

Nail Salons

Therapeutic Massage

Other general personal services of similar nature

RETROFIT: Modification of an underground storage tank system to meet the requirements of this Code.

REZONE: To change the zoning classification of particular lots or parcels of land.

REZONING: A common term used to describe a change of land use zoning district classification affecting any specified land lot or parcel.

RIGHT-OF-WAY (R.O.W.): Has dual definitions:

(1) Any land acquired by purchase, lease, reservation, dedication, prescription, power of eminent domain or other means for the purpose of establishing a public or private roadway, driveway, ramp or walkway, railroad, electric transmission line, pipeline or similar use.

(2) In the public sense, the right of one person, or the community at large, to pass over the land of another.

ROADWAY DRAINAGE STRUCTURE: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

ROD: A linear measure equal to 16.5 feet or 5.5 yards.

ROOMING HOUSE: See BOARDING HOUSE.

SANITARY LAND FILL: A site for solid waste disposal.

SCENIC EASEMENT: Has multiple definitions:

- (1) An easement granted by a landowner to another person which entitles its holder to limited or unlimited use or enjoyment of the land and/or improvements on the land;
- (2) The right to access, and the right to maintain and to nurture trees or plants considered to be of botanical, scenic or historical significance;
- (3) The right to access, and the right to maintain buildings or other land improvements considered to be of architectural, scenic or historical significance;
- (4) The right to visual access and enjoyment of a natural object or vista;
- (5) A self-imposed restriction by a landowner and/or land improvement owner to avoid or refrain from impairing, modifying or destroying the subject, object or purpose of an easement, in perpetuity or only during the entire term of the grant.

SCHOOL, PUBLIC OR PRIVATE: Any building or part thereof which is designed, constructed or used for educational or instructional purposes.

SCREENING: Has dual definitions:

- (1) A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing walls, berms or densely planted vegetation;
- (2) The removal of relatively coarse floating and/or suspended solids by straining through racks or screens.

SEDIMENT: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

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

SELF-SERVICE LAUNDRY: An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

SERVICE BUILDINGS: A building, housing facilities such as: laundry, maintenance, office and recreational structures necessary to the successful development and management of a mobile or manufactured home park and a recreational vehicle park.

SHALL: Has dual definitions:

- (1) Used in the imperative sense to express a command.
- (2) Identifies a mandatory requirement to refrain from, or to perform, a certain act or function.

SIGHT TRIANGLE: A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGNS. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, or identifying an establishment, product or service, that is projected onto any surface and is affixed or attached to Premises.

SIGN, AWNING OR CANOPY: Any sign painted on or applied to the surface of an awning or canopy.

SIGN, BILLBOARD: Any sign painted on or applied to the surface of an outdoor advertising poster panel.

SIGN DISPLAY AREA: Any part of a sign that contains letters, numbers, pictures or symbols to communicate information.

SIGN, FREESTANDING: Any sign supported by a structure other than a building or wall. Includes monument, directional, and neighborhood identity signs.

SIGN, HANGING OR PROJECTING: Any sign that extends outward from a building or structure.

SIGN, MANSARD: Any sign or portion of a sign painted or mounted on a fence, wall or roof edge.

SIGN, MARQUE: Any sign or portion of a sign that has blank face(s) and tracks for changeable letters.

SIGN, MOBILE: Any permanent or temporary painted sign or marquee sign mounted on a trailer or on portable supports.

SIGN, OUT OF SERVICE. An establishment relating to the sign was terminated, relocated, or discontinued.

SIGN PRIMARY: The primary sign for an establishment.

SIGN(AGE) SYSTEM: A system of multiple signs for a project development area designed and intended to establish a unique project identity through the use of primary and supplemental directional or information signs that feature a standardized or uniform logotype, design, scale, material and color.

SITE: Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the Planning and Zoning Board and/or the Mayor and City Council.

SITE PLAN REVIEW: Has dual definitions:

(a) The written documentation and graphics, drawings and plans which depict the final natural conditions on, and the "as-built" locations of all improvements and features constructed and installed on, any project development area referenced in a related land development permit, including but not limited to:

Natural vegetation

Open spaces

Landscaping and buffer yards

Signs

Public and private roadways and names

Topography

Stormwater drainage

Floodplains, marshes and waterways

Buildings and structures

Utility service easements and types

All other relevant information; and

(b) A plan which depicts or accompanies all certified "as-built" final plans, "record drawings" and other documentation required to be officially accepted prior to final City approval of the development project referenced by the plan, and which is required before issuance of any City occupancy permit.

SKETCH PLAN: The written documentation and graphics, drawings and plans accompanying an application for a land development permit which depict the planning, design, engineering and development proposals for an undivided land parcel or lot, and which show all relevant natural or artificial features and all existing and proposed conditions including, but not limited to:

Natural vegetation

Open spaces

Landscaping and buffer yards

Signs

Public and private roadways and names

Topography

Stormwater drainage

Floodplains, marshes and waterways

Buildings and structures

Utility service easements and types

All other relevant information

SKIRTING/UNDERPINNING: Installation of acceptable material from the exterior base of the mobile home to the ground which may or may not provide support to the home. Acceptable materials include masonry, stone and may include metal or other materials compatible with the siding of a particular mobile home unit.

SOIL AND WATER CONSERVATION DISTRICT: The Ogeechee River Soil and Water Conservation District.

SOIL AND WATER CONSERVATION DISTRICT APPROVED PLAN: An erosion, sedimentation and pollution control plan approved in writing by the Ogeechee River Soil and Water Conservation District.

SOIL SEDIMENT: Any granular or particulate matter, whether mineral or organic and whether the product of soil erosion or avulsion, which is in a state of undissolved physical suspension or

precipitate in water or ice, and which is being transported or has been transported from its site of origin by wind, water, ice, gravity or other means.

SOIL STABILIZATION: The process of establishing an enduring soil cover of vegetation, mulch or other ground cover, supplemented by temporary or permanent structures to prevent or reduce soil erosion.

SPECIAL USE: Permitted uses that, due to their nature, require additional requirements in order to be allowed.

SPOT ZONING: Has dual definitions:

- (1) Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.
- (2) A local legislative act or ordinance which changes the land use zoning district classification of a lot or parcel of land to another classification, and which is clearly:
 - (a) Contrary to the public interest and solely for the economic benefit of the landowner(s); or
 - (b) Incompatible with existing adjacent uses and the character of the neighborhood or vicinity; or
 - (c) Contrary to the desirable future use of the subject land which is depicted on any City land use plan; or
 - (d) An arbitrary, capricious or prejudicial action.

START OF CONSTRUCTION: Includes substantial improvement and means the date any building permit was issued, and the actual start date of all construction, repair, reconstruction or improvement activities conducted within 180 days of the permit issue date:

- (a) The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, including:
 - Pouring of concrete slabs or footings;
 - Installation of piles or columns, or any work beyond the excavation stage for a conventional structure; and
 - Placement of a manufactured home on a foundation.
- (b) Permanent construction excludes:
 - Land preparation;
 - Clearing, grading and filling;
 - The installation of streets and/or walkways;
 - Excavation for a basement, footings, piers or foundations or the erection of temporary forms; and
 - The placement of accessory buildings such as garages or sheds not occupied as dwelling units, or not part of the main structure.

- (c) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STABILIZATION: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

STATE GENERAL PERMIT: The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O.C.G.A § 12-5-30(f).

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.

STREET, ARTERIAL: Multi-lane roadways that connect to the highway system.

STREET, COLLECTOR: Major and minor roads that connect local roads and streets with arterials.

STREET, LOCAL: Roads that are the primary access to residences and businesses, with the lowest posted speed of the street types.

STREET WIDTH: Shall mean the shortest distance between the lines delineating the right-of-way of a street.

STRUCTURE: Anything constructed or erected with fixed location on or in the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, the following: site-built buildings, industrialized buildings, manufactured homes, mobile homes, billboards, fences, swimming pools, signs, satellite dishes, a gas or liquid storage tank and fallout shelters.

STRUCTURAL ALTERATION: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURAL PRACTICES: Mechanical or physical soil and water conservation measures, other than vegetative practices, that are applied during the course of land-disturbing activities to change the textural surface of land or to store, regulate, or dispose of run-off, or to prevent excessive soil sediment loss, such as:

Concrete or fabric mesh riprap

Dikes

Waterways or outlets

Grade Stabilization structures

Special land grading techniques

Sediment basins

Level spreaders

Diversions

Sediment traps

And similar measures

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

STUDIO: A building or portion of a building used as a place of work by an artist, photographer or artisan or used for radio or television broadcasting.

SUBDIVISION: All divisions 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.

SUBDIVISION, MAJOR: The subdivision of a parcel into three or more smaller parts or individual and separate lots which is referenced on an application for a land development permit, or which requires a new street, a major or complex water or sewer service extension, a major or complex stormwater drainage system, or which has other development features that distinguish it from a minor subdivision.

SUBDIVISION, MINOR: The subdivision of a parcel into two or more smaller parts or individual and separate lots which is not referenced on any application for a land development permit, or which does not require a new street or a major or complex water or sewer service extension, or a major or complex stormwater drainage system, and which has not previously been a part of, or which does not contain any former part of, any abutting minor subdivision which was created and officially approved within the preceding three years.

SUBDIVISION PLAT: Any certified land survey of a subdivision which is depicted on a plat or map that is proposed to be, or that has been, officially approved by the Director of Planning and Development and the Mayor, and that is proposed to be, or that has been, properly recorded in the public land records of the County.

SUBDIVISION PLAT, FINAL: The final version of a previously approved Preliminary Subdivision Plat for a specific parcel which depicts:

- (a) The location of all significant existing natural features such as watercourses, forests and topography;
- (b) A Certified Land Survey of all existing and revised subdivision boundaries and lot lines, surveyed bearings and dimensions and existing and revised topography;
- (c) The actual location and dimensions of all features constructed, developed, modified or added within the land area described on the Plat, including but not limited to all bridges, roadways and streets, easements, rights-of-way and other land reservations, building lots, buildings and other structures, watercourses, drainage ways and retention or detention ponds, recreation areas and all other similar significant features.

SUBDIVISION PLAT, PRELIMINARY: A preliminary plan for a specific land parcel which depicts:

- (a) The location of all significant existing natural features such as watercourses, forests and topography;
- (b) A certified land survey of all existing subdivision boundaries and lot lines, surveyed bearings and dimensions, bridges, roadways and streets, easements, rights-of-way and other land reservations, building lots, buildings and other structures, recreation areas and other significant features;
- (c) All proposed subdivision boundaries and lot lines, and the location and dimensions of all features proposed to be constructed, developed, modified or added within the land area described on the plat.

SUBDIVISION "REFERENCE MAP": Any plat or map of a parcel that depicts a " Subdivision", but which does not comply with the subdivision plat requirements of this Code.

SUBSTANDARD: Any land use, land lot dimension, building, structure, sign or other object that does not fully comply with the requirements of this Code or the requirements of any other City-adopted Health, Building, Housing, Fire, Electrical, Mechanical or Plumbing Codes, or other applicable County, State or Federal laws regulating similar subject matter.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the start of construction of the improvement. (Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring.) This term includes structures which have incurred substantial damage, regardless of the actual amount of repair work performed.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SURROGATE HEARING OFFICER: An Attorney-at-Law possessing qualifications equivalent to the City Attorney who, with the express consent of the City Manager, may be nominated by the City Attorney to act as a temporary Hearing Officer to hear and decide each appeal before the City Planning and Zoning Board, and who shall only be temporarily delegated all powers, duties and responsibilities of the incumbent Hearing Officer.

SURVEYOR: A person who determines or delineates the form, extent, position, distance or shape of a tract of land by taking linear and angular measurements and by applying the principals of geometry and trigonometry who is licensed as a registered land surveyor by the State of Georgia.

TATTOO SHOP AND/OR BODY PIERCING: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This use shall not include the application of permanent cosmetics.

TECHNICAL REVIEW TEAM: The following persons may be involved in the technical evaluation of all proposed land development plans, land subdivision plats and master plans, petitions for amendment of the UDO (text and/or map), proposals for land annexation, or any other matter of City concern:

Director of Planning and Development

City Engineer

Director of Public Works

Fire Chief

Building Inspector

Other technical experts, elected officials or private citizens as determined by the City Manager or designee

TEMPORARY USE(S): Has dual definitions:

- (1) A use established for a period of time set by the Planning and Zoning Board with the intent to discontinue such use upon the expiration of the time period.
- (2) Temporary customary uses or buildings established as operations, sales or service centers for construction projects or real estate developments.

TERMINAL: Has dual definitions:

- (1) A place where transfer between modes of transportation takes place;
- (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

THEATER: A building or part of a building devoted to showing motion pictures or dramatic or musical or live performances.

THEATER, DRIVE-IN: An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seating in automobiles.

TITLE PAWN SHOP. A business that loans money on the security of a personal vehicle title.

TOWNHOUSE: A residential development unit located in a row of three or more such units in which each has its own front and rear access to the outside, no unit is located over another unit (as in an "apartment" unit), and each unit is separated from all the other units by one or more common fire-resistant walls.

TRACT: An area, parcel, site, piece of land or property which is the subject of a development application.

TRACT HOUSE: A dwelling in a residential development containing houses similar in size and appearance.

TRAILER: A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

TRAILER COURT: See MOBILE HOME PARK.

TRAVEL TRAILER: A recreation vehicle that is towed by a car or a truck. See RECREATIONAL VEHICLE.

TREE ORDINANCE: The officially adopted ordinance that regulates the protection, removal and replacement of trees within the City of Rincon.

TREE SURVEY: A plot plan indicating location, size and common name of those trees required by the officially adopted Tree Ordinance for the City of Rincon.

TROUT STREAMS: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for water quality control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

TRACTOR TRAILER: A heavy commercial vehicle that carries materials, goods, or objects typically in a container.

TRUCK AND TRACTOR TRAILER REPAIR: An establishment engaged primarily in the fueling, servicing, or repair of tractor trucks or similar heavy commercial vehicles.

TWO-UNIT ATTACHED HOUSING (duplex): A structure containing two dwelling units, each of which has direct access to the outside.

UNDISTURBED GROUND SURFACE: The ground surface of a referenced land parcel in its original, natural, undisturbed state.

UNIFIED DEVELOPMENT ORDINANCE: The officially adopted ordinance that regulates the manner, type, size and use to which a piece of property may be put.

VARIANCE: Has multiple definitions:

(1) A grant of "administrative relief" by the Planning and Zoning Board from specific terms and conditions of this Code—except use restrictions—after a public hearing and official decision upon an appeal filed by any aggrieved person;

(2) Official "exception" from the strict application of this Code to the development of a particular land parcel, when:

(a) Uncommon circumstances of the property such as size, shape, topography or other features effectively prevent full compliance with the Code; and

(b) Compliance with all Code requirements would impose special and unnecessary hardships upon the property owner;

(3) A grant of "administrative relief" from any terms and conditions of this Code—except use restrictions—when such grant will not constitute a special privilege inconsistent with the limitations imposed upon other lands in the vicinity and in the same land use zoning district.

VEGETATIVE EROSION AND SEDIMENTATION CONTROL MEASURES: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (b) Temporary seeding, producing short-term vegetative cover; or
- (c) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

VEGETATIVE PRACTICES: Measures proposed or installed to stabilize erosive or sediment producing soils by covering the soil, including:

- (a) Permanent seeding, sprigging, or planting that produces long-term vegetative cover;
- (b) Short-term seeding to produce temporary vegetative cover;
- (c) Sodding to cover areas with a turf of perennial sod-forming grass.

VEHICLE SALES: Any business establishment that sells or leases new or used automobiles, trucks, vans, motorcycles or other similar motorized transportation vehicles.

VESTED USE: The continuance of a nonconforming use in a zoning district in which such use is not permitted under the provisions of the UDO, such use having been established prior to the adoption of the UDO. See **NONCONFORMING USE**.

VETERINARIAN: A licensed professional person skilled in the science and art of prevention, cure or alleviation of disease and injury in animals, especially domestic animals.

VETERINARY CLINIC OR HOSPITAL: A licensed commercial establishment where animals are provided medical or surgical treatment by a licensed veterinarian, and where the boarding or keeping of animals is typically limited to recuperative care related to the medical or surgical treatment services; not a "kennel".

VIOLATION, FLOOD DAMAGE PROTECTION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

VISION OBSTRUCTION TRIANGLE: Has dual definitions:

- (1) A triangular area located at intersecting roadway right-of-way lines within which the following encroachments are prohibited to obstruct the sight distance of motorists entering the intersection:
 - (a) Private use building and structures;
 - (b) Private use signs, poles, trees, plants or other objects higher than 3.5 linear feet;

(c) Public or private utility service poles and towers, traffic light standards, signposts or other objects exceeding 15.0 inches in diameter, whether located on the public right-of-way or on abutting private property.

(2) A triangular area defined by establishing two points on intersecting right-of-way lines, each point located 25.0 linear feet outward from the intersect, and further defined by extending the longest side (hypotenuse) of the created triangle to corresponding points intersecting with the nearest edge of the paving of both intersecting roadways.

WAREHOUSING: Terminal facilities for handling freight with or without maintenance facilities.

WATER AND SEWER SYSTEMS: The entire municipal water supply, treatment and distribution, and sanitary sewage collection, treatment and disposal system.

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

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

(1) Swamp or marshes, especially as areas preserved for wildlife and natural watershed/drainage.

(2) Tidal marshes, swamps or permanently flooded natural estuarine lowlands, whether publicly or privately owned and whether or not ownership is claimed by the State or Federal government.

WHOLESALE TRADE: Has dual definitions:

(1) Establishments or places of business primarily engaged in selling merchandise to retailers, industrial, commercial, institutional or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

(2) Any land, building or structure primarily devoted to storage of merchandise for resale to retailers or industrial, commercial, institutional, or professional business users, or to other wholesalers; or persons who act as purchasing or selling agents or brokers for other individuals or companies.

WIND-POWERED ADVERTISING DEVICES: Banners, pennants, spinners, streamers, balloons or similar devices.

WORKING DAY: Any regular business day or any period occurring between 7:00 a.m. and 6:00 p.m., Monday through Friday.

YARD DEPTH: The shortest distance between a lot line and a yard line.

YARD LINE: A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

YARD, REQUIRED: The open space between a lot line and the buildable area within which no structure shall be located except as provided in the UDO.

ZERO LOT LINE: Has dual definitions:

(1) The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(2) A special land subdivision design that arranges each building on a lot with one or more of the building's sides directly abutting a side or rear lot line.

ZONE: A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

ZONING: The dividing of a City into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

ZONING MAP: The map or maps which are a part of the UDO and delineate the boundaries of zone districts. See OFFICIAL ZONING MAP.

ZONING OFFICIAL: See CITY PLANNER.

Severability. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council.

Repeal. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED this 8 day of July, 2024.

CITY OF RINCON