

Article 13. Interpretation and Glossary

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Article 13. Interpretation and Glossary

This Article describes how figures, words and phrases used in this Development Code are to be interpreted and provides a glossary of all definitions specifically used in the text of this Development Code.

Sec. 1301. Interpretation

1301.01 Responsibility for Interpretation.

- (a) The Community Development Director shall be responsible for the interpretation of the requirements, standards, definitions, or any other provision of this Development Code.
- (b) Interpretations of the Community Development Director may be appealed under the provisions of this Development Code relating to Appeals.

1301.02 Use of Figures and Examples for Illustration.

Figures or examples associated with defined terms or regulatory paragraphs in this Development Code are provided only for illustration and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

1301.03 Use of Words and Phrases.

Except as specifically defined herein, all words used in this Development Code have their customary dictionary definitions.

For the purpose of this Development Code, certain terms or words used herein shall be interpreted as follows:

- (a) Words used in the present tense includes the future tense.
- (b) Words used in the singular include the plural, and words used in the plural include the singular.
- (c) The words "shall," "will," "is to," and "must" are always mandatory and never discretionary.
- (d) The words "may" and "should" -are discretionary.
- (e) The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, while the word "or" indicates that at least 1 condition, requirement or factor so connected must be met.
- (f) The term "such as" is intended to introduce 1 or more examples in illustration of a requirement or point, and is intended to mean "including, but not limited, to the following."
- (g) The terms "include" or "including," when used to introduce a list of items, is not intended to be exclusive only to the items on the list, but is intended to mean "including, but not limited to, the following."
- (h) The word "person" includes the "individuals," "firms," "associations," "organizations," "partnerships," "trusts," "companies," "proprietorships," "corporations," "governmental bodies," and all other legal entities.
- (i) The word "lot" includes "plot" or "parcel."
- (j) The word "structure" includes "building;" a "building" is a type of structure.

- (k) The word "erected" includes "constructed," "moved," "located," or "relocated."
- (l) The words "road," "street," "highway," and "thoroughfare" have the same meaning with regard to the requirements and restrictions of this Code.
- (m) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Development Code.
- (n) The nouns "zone," "zoning district," and "district" have the same meaning and refer to the zoning districts established under this Development Code.
- (o) The words "zoning map" or "zoning atlas" means the Official Zoning Map of Harris County, Georgia.
- (p) The word "day" means a calendar day unless otherwise specified as a "work" day or "business" day, which means Monday through Friday exclusive of County-recognized holidays.
- (q) The words "used or occupied" include "intended, designed or arranged exclusively to be used or occupied by a particular use or function."
- (r) References to the "County" and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Development Code shall always mean Harris County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
 - (1) The Planning Commission, created as such and appointed as such by the Harris County Board of Commissioners.
 - (2) The Board of Zoning Adjustments, created as such and appointed as such by the Harris County Board of Commissioners.
 - (3) The County Manager, appointed as such by the Harris County Board of Commissioners, or the County Manager's designee.
 - (4) The County Attorney, appointed as such by the Harris County Board of Commissioners, or the County Attorney's designee.
 - (5) The Community Development Director, the County official appointed as such, or the Community Development Director's designee.
 - (6) The Public Works Director, the County official appointed as such, or the Public Works Director's designee.
 - (7) The Water Works Director, or the County official appointed as such, or the Water Works Director's designee
 - (8) The Health Department.
 - (9) Other County officials or employees, such as a "building inspector" shall mean the County official or employee appointed as such by their respective department director.
 - (10) Other appointed bodies such as the Development Authority of Harris County and the Harris County Public Improvement Authority.

- (s) References to an administrative department or committee of Harris County shall always mean the department or committee created by the Board of Commissioners as such. These include:
 - (1) Department of Community Development: References to action by the "Community Development Department" shall mean action by the Community Development Director or by that administrative official to whom responsibility for that action has been assigned by the Community Development Director.
 - (2) Public Works Department: A reference to action by the "Public Works Department" shall mean action by the Public Works Director or by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.
 - (3) Water Works Department: A reference to action by the "Water Works Department" shall mean action by the Water Works Director or by that administrative official to whom responsibility for that action has been assigned by the Water Works Director.
- (t) References to other public officials, departments, or appointed bodies, unless otherwise specified, shall always mean such persons or bodies having jurisdiction over or relative to Harris County, Georgia. These include:
 - (1) The Clerk of the Superior Court of Harris County.
 - (2) The Harris County Health Department, and its Environmental Services Division.
 - (3) The River Valley Regional Commission
 - (4) The Georgia Soil and Water Conservation Commission.
 - (5) The Georgia Departments of Community Affairs (DCA), Transportation (GDOT), Human Resources (DHR), Natural Resources (DNR), and DNR's Environmental Protection Division (EPD).
 - (6) The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Environmental Protection Agency (EPA).

1301.04 Meaning of Words and Phrases.

- (a) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section, and Article in which they occur.
- (b) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce, 2017 Edition. See also the Interpretation of Uses Section of the Use of Land and Structures Article of this Development Code.
- (c) Other words and phrases specifically defined in this Development Code shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this

Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in the New Oxford American Dictionary, Third Edition or later.

- (d) Definitions are clearly identified as such and in some cases are located in the Articles or Sections to which they most readily refer. All definitions, regardless of location within a particular Article of this Code, apply equally to the use of such terms throughout the Code. A Glossary of all defined terms is included in this Article for convenience. However, if differences in wording occur between definitions of a term in a particular Article and in the Glossary of Definitions in this Article, the definition contained within a particular Article of this Code shall control.

Sec. 1302. Glossary of Definitions

1302.01 A

"A" frame sign: See under "Signs."

Abandoned sign: Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Accessory building: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

Accessory structure: A structure that is subordinate to the principal building or use, which is used for non-habitable purposes, including, but not limited to, walls, fences, decks, patios, driveways, swimming pools and signs.

Accessory use: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot therewith.

Addition: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "new construction".

Adult Day Care Center: A day care facility serving for compensation 3 or more persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities that perform the normal activities of daily living and impede independent living. Services that are provided include basic social and recreational activities for aging adults and, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Services shall not include day habilitation and treatment services exclusively for individuals with developmental disabilities. This term shall not include a respite care services program.

Agritourism: The activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education and/or active involvement in the farm operation. These activities link agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating supplemental income for the farm or ranch owner.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, for public utility purposes.

Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animated sign: See under "Signs."

Antenna: Any equipment designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves or beams of visible or invisible light and radio signals used in the provision of all types of telecommunication services, including standalone equipment and equipment affixed to or proposed to be affixed to existing telecommunication support structures and/or authorized alternative telecommunication support structures.

Appeal: A request for relief from a decision made by the Community Development Director's or his designee, other department directors, the Board of Zoning Adjustment, and/or the Board of Commissioners.

Area, building: The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

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 Article 8.

Assisted Living Facility: A personal care home serving 25 residents or more that is licensed by the Georgia Department of Community Health to provide assisted living care. "Assisted living care" means the specialized care and services provided by an assisted living community which includes the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Audible sign: See under "Signs."

Automobile wrecking: The dismantling, storage, sale, or dumping of used motor vehicles, not in running condition, or parts thereof.

1302.02 B

Banner: See under "Signs."

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 1% 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.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with 1 or more beams that rotate or move.

Bed and breakfast inn: An owner-occupied dwelling unit that contains no more than 6 guest rooms where short-term lodging, with or without meals, is provided for compensation.

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 Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Billboard: See under "Signs."

Boarding or rooming house: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals are provided for 3 or more but not exceeding 12 persons on a weekly or monthly basis.

Brewpub: Any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. As used in this paragraph, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A. § 3-5-36, or to the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of O.C.G.A. § 3-5-36, shall not be used.

Buffer: An area of natural vegetation or manmade construction, which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (a) **Construction buffer:** A type of buffer which is temporary and remains in effect during the construction of a project.
- (b) **Natural buffer:** A visual screen of natural vegetation 6 feet in height or any combination of existing and replanted vegetation which can reasonably be expected to be at least 6 feet in height within 2 growing seasons with such density so as to present an opaque visual separation when viewed from 1 side to the other throughout the year.
- (c) **Stream buffer:** The area of land immediately adjacent to the banks of state waters or protected river in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (d) **Structural buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, supplemented with vegetation, so as to present an opaque visual separation when viewed from 1 side to the other throughout the year.
- (e) **Watershed buffer:** A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
- (f) **Zoning buffer:** Land area used to visibly separate one use from another through screening and distance to shield or block noise, light, glare, or visual or other conditions, to block physical to non-similar areas, or to reduce air pollution, dust, dirt, and litter. A natural buffer may be considered a zoning buffer.

Buildable Area of a Lot: The area of lot within the setback lines as defined by this Code.

Building: See definition for "Structure."

Building height: The vertical distance measured from the average ground elevation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. A line formed by the outer face of the exterior wall of a building or portion thereof and the surface of the ground.

Building sign: See under "Signs."

1302.03 C

Changeable copy sign: See under "Signs."

City: Each city within Harris County that has adopted this ordinance.

Clinic: See "Medical facility."

Code enforcement officer: The term code enforcement officer shall mean and shall be either The Director of Community Development or the Harris County Code Enforcement Officer.

Comprehensive Plan: Any part or element of the overall plan for development adopted by the planning commission as provided by the General Planning Enabling Act of 1957, No. 358, as amended.

Coverage: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

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.

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

1302.04 D

Day Care Facility: The use of a building or premises for the care and supervision of children (who do not reside on the property), for periods of less than 24 hours. Establishments are licensed or commissioned by the Georgia Department of Human Resources to care for infants and preschool children. Some offer prekindergarten education programs or provide care services for older children. Child day care facilities are classified as follows:

- (a) **Family Day Care:** An accessory use to a private residence (i.e., home occupation) that operates as a daycare facility for up to six children who are not residents of the premises. Care and supervision shall be provided by a State of Georgia registered resident adult for less than 24 hours per day on a regular basis for compensation.
- (b) **Child and Group Day Care Facilities:** A daycare facility for 18 or fewer children.

(c) **Day Care Center:** A daycare facility for 19 or more children.

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 Plans. The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the Preliminary Plat or Site Plan (as applicable), Grading Plan, Tree Preservation/Replacement Plan, Erosion and Sediment Control Plan, Buffer and Landscape Plan, and construction drawings for streets, storm water drainage facilities, sanitary sewers, water supply facilities, and other site improvements.

Diameter breast height (DBH): The diameter of an existing tree trunk measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, the trunk is measured at its most narrow point beneath the split.

Dilapidated signs: A sign that is in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building or electrical codes of the county.

Distillery: An establishment that engages in distilling, rectifying and blending distilled spirits.

Distilled Spirit: Any alcoholic beverage obtained by distillation or containing more than 21% alcohol by volume, including but not limited to all fortified wines.

District: Any section or sections of the county or city for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

District (conservation): The Pine Mountain Soil and Water Conservation District.

Double-faced sign: See under "Signs."

Double- or reverse frontage lots: A lot, other than a corner lot, that abuts more than one public street that are parallel or within 45 degrees of being parallel to each other.

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

Drive-in commercial uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by one (1) family, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities.

Dwelling: See "Residence."

1302.05 E

Easement: A grant by the property owner for use of a strip of land by the public, a corporation, or person(s) for specified reasons.

Easement road: A private thoroughfare which affords the principal means of access to abutting property.

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.

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

Erosion and Sedimentation Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. 12-7, that includes, as a minimum protection, at least as stringent as the state general permit, best management practices, and requirements in Article 10, Erosion Control and Stormwater Management.

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before December 5, 1990, [the effective date of the initial FIRM].

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 August 19, 1986 [the effective date of the first floodplain management regulations adopted by a community].

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.

1302.06 F

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Family: 1 or more persons related by blood, marriage, or adoption, consisting of spouse, children, grandchildren, parents, or grandparents, or who requires medical attention, guardianship, or assistance due to disability, occupying the premises and living as a single nonprofit housekeeping unit, as distinguished from a group of persons occupying a boarding or lodging house, hotel, club, or similar dwelling for group use.

Family qualified group residence: See under "Group residence for adults" and "Group residence for children."

Farm dinner: A meal held on a working sustainable farm and comprised of agricultural products (fruits, produce and meat products) predominately raised on said farm, open to the general public.

Farm tour, educational: A tour on a working sustainable farm for the purpose of providing learning experiences about life on a farm. Examples include but are not limited to a walking tour, a self-driving tour, or a riding tour on a wagon or hayride.

Farmers' market: A place of business located on a working sustainable farm in which at least 50% of the agricultural products (fruits, produce, meat products, and dairy products) are grown on the working farm, with the remainder being from other, preferably local, locations, are made available for purchase by consumers.

Farm Winery: A farm winery located on agriculturally zoned property which makes at least 40% of its annual production from agricultural produce grown in the State of Georgia and (1) is located on the premises, a substantial portion of which is used for agricultural purposes including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or (2) is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Feather banner: See under "Signs."

Festival, agricultural/educational: An event which centers on and celebrates some unique aspect of the community such as strawberry, blueberry or butterfly festival, but does not include carnivals.

Festoons: See under "Signs."

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final plat: Shall mean a plat of a tract of land which meets the requirements of these regulations and the Georgia Standard Plat Act and is in form for recording in the office of the clerk of superior court.

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 landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas) or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

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

Flag: Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flag Lot: An irregularly shaped lot that has a very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.

Flashing sign: See under "Signs."

Floating zone: A zoning technique under which the county adopts a zoning district in the text of the Development Code but is not placed on the official zoning map. The county reserves the mapping decision until a developer makes an application to have the floating zone applied to his property. Each floating zone will have density and site development standards.

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 a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as zone A.

Flood insurance rate map (FIRM): An official map of a community, issued by the Federal Emergency Management Agency (FEMA), delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

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.

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 area: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Food Truck: A mobile vehicle whose owner/operator has been issued a valid food service permit to service permit to serve food. It is a mobile, fully self-contained unit with valid State of Georgia registration that utilizes no outside cooking area. Operations must meet applicable standards provided in Article 3.

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.

Freestanding sign: See under "Signs"

Frontage: All the property on 1 side of a street between 2 intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on 1 side between an intersecting street and the dead end of the street.

Functions, wetlands: The beneficial roles that wetlands serve, including:

- (a) Storage, conveyance, and attenuation of floodwater and stormwater;
- (b) Protection of water quality and reduction of erosion;
- (c) Habitat for wildlife, including rare, threatened and endangered species;
- (d) Food chain support for a wide variety of wildlife and fisheries;
- (e) Educational, historical, and archeological value protection; and
- (f) Scenic, aesthetic, and recreational amenities.

1302.07 G

Garage apartment: A dwelling unit for 1 family erected above a private garage.

Garage, private: An accessory building or a part of a main building used for storage purpose only.

Garage, repair: A building in which are provided facilities for the care, servicing, repair, or equipping of motor vehicles.

Garbage: Discarded animal and vegetable refuse and trash.

Gasoline service station: Any area of land, including structures thereon, that is used for the retail sale of vehicle fuel, but not butane or propane fuels or automobile accessories. A gas station may be part of a parcel containing a combination of convenience store and/or fast food restaurant located inside one structure on the parcel. A gas station may also include incidental services, such as facilities for lubricating, handwashing and cleaning, or otherwise servicing automobiles, but excluding painting.

Generating facility, major: Facilities (including buildings, equipment, generators, etc.) which are designed and operated by public, private, or wholesale utilities which provide service (whether consumer based or wholesale) with a total output exceeding 20 megawatts of power.

Generating facility, minor: Facilities (including buildings, equipment, generators, etc.) which are designed and operated by public or private utilities to provide service to their immediate customer base, and not exceeding a total output of (20 megawatts of electrical power.

Board of Commissioners Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Green belt: A green belt is a 5-foot strip of land which surrounds a commercial or manufacturing plant on 3 sides and is planted with shrubs and trees. Green belt requirement may be waived by the Planning Commission.

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

Group residence for adults: A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of 5 or more adults over the age of 18 with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Bedroom suites shall not include kitchen facilities. This use does not include Rooming Houses and uses licensed by the state as Child Caring Institutions, Personal Care Homes, or Assisted Living Facilities.

Group residence for children: A facility licensed by the Georgia Department of Human Resources as a "child caring institution" in which full time care is provided for 6 or more children through the age of 18 years of age outside their own homes. Full-time care is referred to as room, board and watchful oversight.

1302.08 H

Hardship: The existing of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Development Code.

Hazardous material: Any substance defined as "hazardous material" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et. seq.

Hazardous waste: Includes those solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or which pose a substantial threat to human health when improperly handled.

Health clinic: A facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

Health club: Buildings and facilities owned and operated for physical body conditioning purposes and operated primarily for profit or to render a service which is carried over as a business.

Height, building: The vertical distance measured from the finished grade along all walls of a structure to the highest point of the coping or parapet of a flat roof or to the average height between eaves and ridge for gable, hip and gambrel roofs.

Height, telecommunications: When referring to a tower or other structure, the distance measured from ground level at the base of the structure to the highest point on the tower or other structure, even if said highest point is an antenna.

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

Historic structure: Any structure that is:

- (a) 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:
- (b) 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:
- (c) 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
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Home occupation, residential: An occupation conducted in a dwelling unit, which is clearly subordinate to use of a dwelling unit for residential purposes.

Home occupation, rural: An occupation conducted in a dwelling unit on a lot five acres or greater, which is clearly subordinate to the principal use of the parcel for dwelling and agricultural purposes, and does not change the residential and agricultural character of the area.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

Hotel: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than 12 sleeping rooms usually occupied singly and no provision made for cooking in any individual room or apartment. A motel may include additional facilities and services, such as restaurant, meeting spaces, and recreational facilities.

Hydric soils: Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the USDA Department of Natural Resources Conservation Service.

Hydrophytic vegetation: Macrophytic plants tolerant of or dependent on saturated soil conditions.

1302.09 I

Illuminated sign, external: See under "Signs."

Illuminated sign, internal: See under "Signs."

Incidental sign: See under "Signs."

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, and bearing the approved insignia of the Commissioner of Community Affairs, Georgia Department of Community Affairs (DCA).

1302.10 J

Junk: The term "junk" is defined to mean and shall include all scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used bottles, old cotton or used machinery, automobile wrecking, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, discarded building materials, used automotive or airplane tires, and other manufactured goods

that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled.

Junkyard: A lot, land or structure, or part thereof, used for the collecting, storage and/or sale of wastepaper, rags, scrap metal, discarded building materials or discarded machinery or vehicles not in running condition, or for the sale of parts thereof.

Jurisdictional determination: An official, written statement or map signed by the U.S. Army Corps of Engineers, or in the case of coastal marshlands, the Georgia Department of Natural Resources.

Jurisdictional wetland: A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

1302.11 K

Kennel (commercial), Boarding Facility, Grooming Shelter: Any building, lot, or premises where dogs, cats, or similar pets are housed or accepted for boarding, grooming, breeding, keeping for sale, selling, trading, training or renting or leasing of dogs for guarding purposes, for which remuneration is received. Veterinary hospitals or clinics are excluded.

1302.12 L

Land-disturbing activity: Any operation that involves excavation or filling of land; clearing or vegetation; and construction, rebuilding, or alteration of an existing structure; and any activity which may result in soil erosion from water or wind and the movement of sediment into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land. Land-disturbing activity does not include ordinary maintenance and landscaping activities; yard and grounds maintenance; individual home gardens; repairs or minor modifications to a single-family residence; the cutting of firewood for personal use; or agricultural practices as described in Article 10, Erosion Control and Stormwater Management.

Landfill, inert: A disposal site accepting only wastes that will not or are not likely to cause productions of leachate of environmental concern. Such wastes are limited to dirt and dirtlike products, concrete, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and construction demolition wastes as defined by State Codes applicable at the date of adoption of this Development Code or as amended from time to time by law.

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 marking, indicating that construction activities may occur on a specific plot.

Live-work unit: Buildings, or spaces within buildings, that are used jointly for commercial and low-density residential purposes, where the two are physically connected in one unit and the residential area of the space is accessory/secondary to the primary use as a place of work. This use is distinguished from a home occupation for which the work space is smaller and the floor space for live-work is specifically designed for both living and working areas.

Loading space: A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

Local issuing authority: The Harris County Board of Commissioners or its assigned or designated representative, which shall be responsible for administering this Development Code and has been certified pursuant to subsection (A) O.C.G.A. 12-7-8.

Lot: A basic lawful unit of land of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning and development standards and recorded in the deed records of Harris County as a single parcel. Lot, tract and parcel are synonymous.

- (a) **Corner lot:** A lot of which at least 2 adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of 2 such sides is less than 135 degrees.
- (b) **Flag lot:** An irregularly shaped lot or parcel that has very limited amount of street or road frontage. The portion of the lot nearest the street, the "flagpole," is substantially narrower than the rest of the lot. The wider part of the lot, the "flag," is back further from the road frontage.
- (c) **Interior lot:** A lot having frontage on only one street.

Lot area: The total horizontal area included within lot lines.

Lot coverage: The computed ground area occupied by all impervious surface within a lot.

Lot depth: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot lines: The lines bounding a lot as defined herein.

- (a) **Front Lot lines:** In the case of an interior lot, the lines separating said lot from the street. In the case of a corner or double-frontage lot, the line separating said lot from the street in the request for building permit.
- (b) **Rear Lot lines:** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.
- (c) **Side Lot lines:** A side lot line is any lot boundary line not a front lot line or rear lot line.
- (d) **"Exterior Side" or "Street Side" Lot line:** In the case of a corner lot, where at least two adjoining lot lines separate the lot from the street, the lot line(s) that is not designated the front lot line.

Lot width: The width of a lot at the building setback line measured at right angles to its depth.

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 this article.

1302.13 M

Major street plan: Shall mean the major street plan as adopted by the planning commission as an element of the county's comprehensive plan.

Manufactured Home: A building, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained herein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as

amended. This definition excludes travel trailers, recreational vehicles, and mobile homes as defined herein.

Manufactured home park: Any area, tract, site or plot of land whereupon a minimum of 4 manufactured housing unit spaces as herein defined where manufactured housing units are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Manufactured home park or subdivision, new: 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 August 19, 1986 [the effective date of the first floodplain management regulations adopted by a community].

Manufactured home, pre-owned: Any manufactured housing unit that has been previously used as a residential dwelling and has been titled. See also under "Mobile Home."

Manufacturing, light: The manufacture of items and goods for wholesale, or on-premises sales.

Manufacturing, heavy: The manufacture of items and goods for wholesale which has more than 10 employees or the operation of a sexually oriented establishment as defined in this ordinance and the ordinance to regulate sexually oriented establishments in Harris County, Georgia.

Marquee: Any permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

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.

Medical clinic: A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions.

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-cell: An antenna facility that meets the following conditions:

- (a) Mounted on structures 50 feet or less in height, including their antennas; or
 - (b) Mounted on structures no more than 10% taller than other adjacent structures; or
 - (c) Does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater;
- AND
- (d) Each antenna, excluding associated equipment, is not more than 3 cubic feet in volume; and
 - (e) All wireless equipment associated with the structure, including any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

Mobile home: A new or used structure, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained herein and manufactured prior to June 15, 1976. A mobile home is not a manufactured home or modular home and does not include recreational vehicles.

Modular home: A factory fabricated, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. A modular home shall be designed and constructed in compliance with Georgia State Minimum Standard One-and-Two Family Dwelling Code and shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) to meet the same requirements as an on site-built home within Harris County. Any such structure shall not contain a permanent metal chassis and shall be affixed to permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Monument sign: See under "Signs." See also, "Freestanding sign."

Motel: A building or group of buildings used for the temporary residence of motorists or travelers. A motel may include additional facilities and services, such as restaurant, meeting spaces, and recreational facilities.

Motorized vehicle: Any device in, upon, or by which any person or property may be transported or drawn on- or off-road, and that derives power from any source other than muscle or wind, excepting devices used exclusively upon stationary rails or tracks.

Moving sign: See under "Signs."

Multi-tenant: 1 or more buildings, located on a single premises or development, containing 2 or more separate and distinct individual establishments, which occupy separate portions of the building(s) and which are physically separated from each other by walls.

1302.14 N

National Geodetic Vertical Datum (NGVD): A vertical control used as a reference for establishing varying elevations within the floodplain [as corrected in 1929].

Natural disaster: Flood, tornado, fire, earthquake, etc.

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

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after December 5, 1990 [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 August 19, 1986 [the effective date of the FIRST floodplain management ordinance adopted by the county] and includes any subsequent improvements to such structures.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

Non-conforming sign: Any sign that is legal at the time of erection that does not conform to the requirements of this amendment.

Nonconforming use: A land-use activity, building, or structure legally established prior to adoption of this article, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this article.

North American Vertical Datum (NAVD): Replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA flood modernization maps.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Nursing home: A state-licensed facility which admits 5 or more patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a

physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

1302.15 O

Obscene signs: Any sign meeting the standards of obscenity as defined by O.C.G.A § 16-12-80(b).

Off-premises sign: See under "Signs."

One-Hundred-Year Flood Plain: A land area subject to a 1% or greater statistical occurrence probability of flooding in any given year.

Outfall: The location where storm water 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.

Overlay district: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

1302.16 P

Park: Include camping sites, camping grounds, primitive camping, boat launching sites.

Parking lot: An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than 6 automobiles.

Parking space: An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of passageways and driveways appurtenant thereto and giving access.

Permanent sign: See under "Signs."

Permit, Land Disturbance: The authorization necessary to conduct a land-disturbing activity under the provisions of this Development Code.

Personal care home: A state-licensed dwelling or facility which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 5 to 24 adults. "Personal Services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

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.

Portable sign: See under "Signs"

Preexisting towers and antennas: The meaning set forth in Section 3 (D) of this Development Code.

Preliminary plat: Shall mean a tentative plan of a proposed subdivision submitted to the planning commission for its consideration.

Principal building: The building in which the principal use of the lot is conducted. Nonresidential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Principal freestanding sign: See under "Signs."

Principal use: The primary purpose for which land or a building is used.

Produce stand: A seasonal structure not exceeding 500 square feet in which fruits and vegetables are made available for purchase by consumers.

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

Project entrance sign: See under "Signs."

Properly designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (manual) published by the Georgia Soil and Water Conservation Commission (GSWCC) 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.

Protected river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.

Public sign: See under "Signs"

Public/institutional use: A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital or government-owned or government-operated structure, public park or other land or structure used for public purposes.

1302.17 Q

Reserved.

1302.18 R

Recreational vehicle: a vehicle, which is:

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

Residence, single-family: A detached building designed for 1 dwelling unit to be occupied exclusively by one family.

Residence, two-family: A detached building designed to be occupied by 2 families living independently of each other.

Residence, three or more families: A building designed for 3 or more dwelling units to be occupied by a number of families not exceeding the number of dwelling units provided.

Rights-of-way: A portion of land over which a local or state government has designated right of use.

Right-of-way, county: The shoulder, front slope, ditch, drain, back slope, facility or any appurtenance of any county road as defined herein; provided, however, that, for purposes of this article only, "County right(s)-of-way" shall not include the area within 20 feet on either side of the mailbox of any residence or commercial establishment.

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

River corridor: All land, inclusive of islands, in areas of a protected river, which serves to confine the water to the natural channel during the normal course of flow. Because stream channels move due to natural processes, the river corridor may shift with time. For the purpose of these standards, the river corridor shall be considered to be fixed at its position at the time of adoption of the River Corridor Protection Plan. Any shift in the location after that time will require a revision of the boundaries of the river corridor at the time of comprehensive plan review by the Georgia Department of Community Affairs (DCA).

River Corridor Protection Plan: That part of the local Comprehensive Plan which deals with the river corridor protection requirements specified herein.

Roadway, County: any county owned or maintained highway, road, street, avenue, drive, detour or other way open to the public and intended or used for the passage of motor vehicles.

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

Roof sign: See under "Signs"

1302.19 S

Scenic Corridor: A roadway and its accompanying right-of-way that offers motorists the unobstructed opportunity to view scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape within and alongside it. A corridor may include adjacent private property, depending on the context.

School, public: A tax-supported institution of learning, including colleges and universities.

School, semi-public: An institution of learning, including colleges and universities.

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: A laundry providing home-type washing, drying, and/or ironing machines for hire to be used primarily by the customers on the premises.

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

- (a) Habitat, including nesting sites, occupied by rare or endangered species;
- (b) Rare or exemplary natural communities;
- (c) Significant landforms, hydroforms, or geological features; or
- (d) Other areas so designated by the Georgia Department of Natural Resources; and which are sensitive or vulnerable to physical or biological alteration.

Setback: The distance between a street line or lot line and the building line of a principal building or structure.

Setback measurement (river corridor): The measurement for buffer area which shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in the slope.

Setback, Minimum: The shortest distance allowed between a street line or lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

- (a) **Front Building Setback:** The minimum allowable distance between a street line or lot line and the front building line of a principal building or structure, projected to the side lines of the lot and including driveways and parking areas, except where otherwise prohibited by this Code.
- (b) **Rear Building Setback:** The minimum allowable distance between a rear lot line and the building line. The rear building setback extends along and is parallel to the full length of the rear lot line.
- (c) **Side Building Setback:** The minimum allowable distance between a side lot line and the building line. The side building setback extends along and is parallel to the side lot line between the front building setback and a rear building setback (if any).
- (d) **"Exterior Side" or "Street Side" Building Setback:** The minimum allowable distance between a street line or lot line (that is not the designated front lot line) and a side of the building line that faces the street. An exterior side building setback is typically found on a corner lot where at least 2 adjoining sides of the lot face a street, as illustrated in Article 4 of this Development Code.

Sexually oriented establishments: An adult arcade; adult bookstore, adult novelty store or adult video store; adult cabaret; adult motel; adult motion picture theater; adult theater; escort agency; massage parlor; nude model studio; or sexual encounter center, as each such classification of establishments so listed above is defined in this Development Code to regulate sexually oriented establishments in Harris County, Georgia.

Shooting range: A place where shooting is practiced. Any range shall be of sufficient size and configuration to contain the flight of any projectile within its boundaries.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size, and type of shops to the trade area which the unit serves.

Short Term Vacation Rental: The renting or leasing of a house, apartment, condominium, room, or similar dwelling unit or portion thereof, where the term of occupancy, possession, or tenancy is on a short term (up to 30 days) basis for the purpose of overnight lodging. In contrast, see "Bed and Breakfast Inns" and "Rooming or Boarding House."

Sign: Any structure, display, or device that is used or intended to be used to advertise, identify, direct, or attract attention of or to convey information to the public, and that is placed in such a way, whether outdoors, inside or near a window, as to be in the view of the general public from the exterior of any building on the property.

- (a) **"A" frame sign:** A portable sign which has 2 display areas, hinged at the top and an interior angle not to exceed 60 degrees. It shall be located in front of and in connection with a nonresidential location. Such signs are constructed in such a manner that they stand on their own but are not permanently installed. Also referred to as "sandwich board signs" or "sidewalk signs."
- (b) **Animated sign:** Any sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or

any other type of video display, even if the message is stationary.. For changeable copy signs, see definition below.

- (c) **Audible sign:** Any sign which emits a sound, which is audible, or emits a signal, which can be converted into audible sounds, whether by radio or other means.
- (d) **Banner:** A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, fabric, vinyl or canvas that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. See also feather banners.
- (e) **Billboard:** A freestanding sign that exceeds the sign area limitations established by this section.
- (f) **Building sign:** Any sign attached to any part of a building in contrast to a freestanding sign. The following are included in this definition:
 - 1. *Awning/canopy sign:* Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.
 - 2. *Flat roof sign:* A sign located on the roof of a building if there is no space between the sign and the roof.
 - 3. *Marquee sign:* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee or canopy.
 - 4. *Mansard:* An inclined decorative roof-like projection that is attached to an exterior building facade.
 - 5. *Parapet:* The extension of a building facade above the line of the structural roof.
 - 6. *Projecting sign:* A sign that is suspended or projected from the wall, eave, or soffit of the building.
 - 7. *Under-canopy sign:* A display attached to the underside of a marquee or canopy.
 - 8. *Wall sign:* A sign mounted parallel to and on the exterior surface of a building.
 - 9. *Window sign:* A sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.
- (g) **Changeable copy sign:** An animated sign which allows words, characters, letters, figures, design characteristics, symbols, logos, numbers or illustrations to be changed without altering the sign. The following are included in this definition:
 - 1. *Automatic changeable copy sign:* A sign on which copy is changed automatically on a lamp bank or through mechanical means, e.g. electrical or electronic units. Such changes may only occur once every 60 seconds and do not otherwise scroll, blink, roll, rotate or otherwise change.
 - 2. *Manual changeable copy sign:* A sign on which copy is changed manually in the field, e.g. reader boards with changeable letters.
- (h) **Double-faced sign:** A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another.
- (i) **Feather banner:** A banner mounted vertically on a pole and designed in such a manner to flutter as a result of wind or a fan.
- (j) **Festoons:** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

- (k) **Flashing sign:** An animated sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.
- (l) **Freestanding sign:** A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:
 - 1. *Ground sign:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign, also referred to as a "monument sign".
 - 2. *Pole sign:* A sign that is mounted on one or two freestanding poles, column(s), or similar support.
- (m) **Illegal sign:** Any sign erected without a permit when a permit for the sign is otherwise required by this section or previously adopted ordinance or code; a permitted sign which has not been properly erected in accordance with the permit application and approved sign permit; or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation or abandonment.
- (n) **Illuminated sign, external:** A sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure. Such source cannot be a device that changes color, flashes or alternates.
- (o) **Illuminated sign, internal:** A sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face. Such source cannot be a device that changes color, flashes, or alternates.
- (p) **Incidental sign:** A small sign, emblem, or decal no larger than 1 square foot in area. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.
- (q) **Inflatable sign:** A sign that is intended to be expanded by air or other gas for its proper display or support.
- (r) **LED sign:** Any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. An LED sign is considered to be a form of electronic changeable copy sign.
- (s) **Monument sign:** See freestanding sign.
- (t) **Moving sign:** A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through movement of parts.
- (u) **Off-premises sign:** Any outdoor sign, notice or advertising devise used to advertise, announce, or promote a business, professional, commercial or industrial enterprise or undertaking which is located and which is operated at a site other than the premises upon which the sign is located.
- (v) **Permanent sign:** Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected. Permanent sign excludes signs that were manufactured or designed to be movable or temporary but were later installed in such a manner as to be immovable

- (w) **Portable sign:** A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign. Such sign shall not exceed 32 square feet if double faced or 16 square feet in sign area per side.
- (x) **Principal freestanding sign:** The main, most prominent or largest freestanding sign on a property. Such signs are of permanent construction and not placed as temporary signage.
- (y) **Project entrance sign:** A freestanding sign located at the entrance of the development on properties housing multiple buildings and/or uses,.
- (z) **Public sign:** A sign erected or caused to be erected by a governmental entity.
- (aa) **Roof sign:** A sign mounted on, and supported by, the main portion of a building or above the uppermost edge of a parapet wall or a building, and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves and architectural projections, such as canopies or marquees, shall not be considered to be roof signs but are considered building signs.
- (bb) **Standard yard sign:** A temporary non-illuminated sign with an area not greater than 4½ square feet with a sign face for short-term use, containing no reflective elements, flags or projections.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of 2 or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separate from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign structure: A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this chapter. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall, or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

Single-family dwelling: A dwelling structure that is designated for the use of one family.

Small Cell Infrastructure: See "Micro-Cell."

Snack shop: The selling of prepackaged sealed foods, which require no further warming, heating, refrigeration, or preparation and/or the selling of prepackaged sealed nonalcoholic beverages, which require no further warming, heating, or preparation.

Solar collection system: A panel or other solar energy device, the primary purpose of which is to provide the collection, inversion, storage, and distribution of solar energy for the generation of electricity, space heating, space cooling or water heating.

Solar energy equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers solar energy from the solar energy system to the intended on-site structure.

Special events facility: A structure or space kept, used, maintained, advertised, and held out to the public as a place which serves as a location for special events including, but not limited to, weddings and receptions, anniversary receptions, bar/bat mitzvah receptions, birthday parties, and other such parties, receptions or events. A special events facility shall meet applicable requirements in Article 3 (Restrictions on Particular Uses).

Special exception: A special exception is a use which is compatible with the primary district use but, because of its nature, should be considered by the Board of Commissioners through application for issuance of a special use permit.

Special use permit: A permit required as a precondition to a certain land use under this Development Code which is identified as a special exception. The grant of a special use permit is identified as a zoning decision of the Harris County Board of Commissioners, therefore, requiring a public notice and hearing.

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.

Start of construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: Accessory structures are NOT exempt from any Code requirements.) 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.

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

Story, building: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and ceiling next above it.

Street: A public or private thoroughfare, whether designated as an avenue, road, boulevard, highway, expressway, land, alley, or other way, which provides a way for vehicular traffic and affords the principal means of access to abutting property.

For the purposes of this resolution "streets" are divided into the following categories:

- (a) **Major or arterial streets:** Those streets designated as such on the Major Thoroughfares Plan of Harris County, which serve primarily as major traffic ways for travel through and within the county.
- (b) **Secondary or collector street:** A street used to carry traffic from the "minor streets" to the "major streets" and includes, but is not limited to, the principal entrance and circulation streets of a subdivision.

- (c) **Minor or local street:** A street used primarily for access to the abutting properties.
- (d) **Alley:** A minor way used for the service access to the back or side of properties otherwise abutting on a street.
- (e) **Cul-de-sac:** A "minor street" having one end open to traffic and the other end permanently terminated with a paved turnaround.
- (f) **Dead end:** A stub street in a subdivision which will at a later time be continued into another portion of the subdivision.

Street line: The legal line between street right-of-way and abutting property.

Structure: A combination of materials to form a construction that is safe and stable, which includes, but is not limited to walled or roofed buildings, decks or patios, platforms, communication towers, sheds, storage bins, fences, display signs, and similar structures.

Subdivider: the person, firm, corporation, syndicate or other entity having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this resolution or the authorized agent of such person, firm or corporation for the purpose of undertaking activities covered by these regulations.

Subdivision: The division of a single lot into two or more lots for the purpose of sale or development.

Substantial improvement: As it relates to flood damage, any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure prior to the "start of construction" of the improvement. The market value of the structure means:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement, or
- (b) In the case of damage, the value of the structure prior to the damage occurring.
- (c) 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.
- (d) The term does not, however, include the following:
 - (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: As it relates to flood damage Existing manufactured home parks or subdivisions where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50%of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

1302.20 T

Telecommunication facility: Towers or antennas, either individually or together.

Telecommunication Support Structure: Any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication equipment; this term shall include self-supporting, guyed, and monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, alternative telecommunication support structures, and other similar structures. In the public rights-of-way, only telecommunication support structures erected for the installation of "small cells" shall be permitted.

Temporary building: A temporary building may be a mobile home, metal or wood building which may be used on site before and during construction. A temporary building must comply with applicable duration provisions in Article 3 (Restrictions on Particular Uses).

Temporary Signs:

- (a) **Temporary pole sign:** A temporary non-illuminated sign with an area not greater than 4½ square feet with a sign face for short-term use, containing no reflective elements, flags or projections, mounted on a pole on a nonresidential lot.
- (b) **Temporary window sign:** A temporary non-illuminated sign with an area not greater than 3 square feet, containing no reflective elements, flags or projections and mounted in the window of a nonresidential structure.

Tiny House: A site-built or modular (industrialized building) detached single-family dwelling that does not exceed 400 square feet in total area of habitable floor space, excluding loft spaces, and that is affixed to a permanent load-bearing foundation and does not contain a permanent metal chassis. Habitable spaces are for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. This definition excludes travel trailers, recreational vehicles, manufactured homes and mobile homes as defined herein.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Trailer, travel or camping: A portable or mobile living unit used for recreative occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, a unit eight feet wide or less not inspected by the State Fire Commissioner's Office or U.S. Department of Housing and Urban Development (HUD).

1302.21 U

Use: The specific purpose for which land or building is designed, arranged, or intended, and for which it is or may be lawfully occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads.

- (a) **Utility, private:** An establishment whose primary business is to provide essential services directly to a specified group of the general public who are not provided such services by a public utility (i.e. private community water or sewage systems that serve a homeowners' association or other limited group of individuals)."

- (b) **Utility, public:** An establishment whose primary business is to provide essential services directly to the general public such as electricity, water, gas, sewage, telephone, etc. Rates charged by such utilities are regulated by state public service commission.
- (c) **Utility, wholesale:** An establishment whose primary business is to provide services and/or products to public utilities. Rates charged by such utilities are not regulated by the state public service commission.

1302.22 V

Variance: A request for relief from the standards of this Development Code, which permits construction in a manner otherwise prohibited by this article.

Vegetated area, natural: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

- (a) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.
- (b) Outdoor recreational activities including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting, education, scientific research, and nature trails.
- (c) Maintenance or repair of lawfully located roads, structures, and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.
- (d) Limited excavating, filling, and land-disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

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

Visible: Capable of being read from public right-of-way or adjacent property, without visual aid by a person with normal vision.

1302.23 W

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

Wetland delineation: The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland district: All wetlands within the jurisdiction of Harris County.

Wetland: 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, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

1302.24 Y

Yard: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Development Code. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

- (a) **Front yard:** An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
- (b) **Rear yard:** An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
- (c) **Side yard, interior:** A yard between the building and attached structures, and adjacent side property line of the lot adjoining another lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.
- (d) **Side yard, exterior:** A yard between the building and attached structures, and the adjacent street right-of-way line along the lot extending from front yard to rear yard. Also referred to as a "street side yard."

1302.25 Z

Zero lot line. The location of a building on a lot in such a manner that 1 or more of the building's sides rest directly on a lot line, such as patio homes or fee simple townhouse condominiums.

Zoning condition: Any stipulation made by the Board of Commissioners as a part of a zoning decision affecting property which imposes a requirement on the use or development of property which is different from the use or development regulations set forth in the zoning district to which the property is being rezoned. By way of example, but not as a limitation, such zoning conditions may relate to the use, density, construction materials, architectural style and design, location of structures, and buffer area.

Zoning decision or zoning change: Final action by the Board of Commissioners which results in:

- (a) The adoption of a Development Code;
- (b) The adoption of an amendment to a Development Code which changes the text of the Development Code (text amendment);
- (c) The adoption of an amendment to the Development Code which rezones property from one zoning district to another (rezoning); or
- (d) The approval of a special use permit.