

RESOLUTION AMENDING THE ZONING ORDINANCE MADISON COUNTY GEORGIA

WHEREAS, the Madison County Board of Commissioners (herein "Board") deems it proper and necessary for the health, welfare, and safety of the citizens of Madison County to amend certain provisions of its Zoning Ordinance (the "Ordinance"); and

WHEREAS, all procedural and substantive requirements of state law and local ordinance pertaining to amendments to the have been met;

NOW, THEREFORE, this Resolution (herein "Resolution") is adopted as follows:
(The words in red are new additions to the definitions).

ARTICLE III: DEFINITION OF TERMS

Section 3.1 Definitions Amended 8/5/2013 Amended

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied". The word "used" shall be deemed also to include "designed", "intended", or "arranged to be used". The term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved". The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous". The word "map" means the "Official Zoning Districts Map for Madison County, Georgia".

When used in this ordinance, the following words and phrases shall have the meaning given in this Section.

ACCESSORY BUILDING or USE: A subordinate building or use customarily incidental to the principal use of the land and located on the same lot with the principal use.

ACCESSORY DWELLING UNIT: A second single-family home that is allowed in A-1, A-2, and RR with the required acreage, and with the owner of the property living in the principle dwelling.

ACTIVE RECREATION: Includes, but not limited to, golf courses, playing fields, playgrounds, courts and other recreational activity requiring the use of impervious surfaces.

ADULT DOG: A dog that is one year of age.

AGRICULTURE or AGRICULTURAL: A parcel used primarily for soil-dependent cultivation of agricultural crop production, the raising of livestock or poultry, growth of a field, or forestry.

AGRICULTURAL STRUCTURES: Structures intended primarily or exclusively for support of an agricultural function, and exemplified by , but not restricted to, barns, silos, water towers, sheds, grain bins, greenhouses or like structures.

AIRCRAFT: Any machine or device capable of atmospheric flight. For the purpose of this ordinance, aircraft does not include: ultra-lights, hot-air balloons, powered parachutes, or hang-gliders.

ALLEY: A platted service way providing a secondary means of access to abutting properties.

ALTERATION OF A BUILDING: Any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or movement of a building from one location to another, or any increase in the amount or volume of space used for any activity.

ANIMAL HOSPITAL: Facility that is operated by a licensed veterinarian for the treatment and short term boarding of domestic animals; such as dogs and cats.

ANIMAL SHELTER: A public or private facility exclusively for the temporary housing of stray or unwanted domestic animals.

ANIMAL UNITS: The number of all such animals or fowl allowed on a lot shall be limited to the square footage of the lot, less the lot square footage devoted to yard setbacks and the house, divided by the total minimum area required per animal or fowl. Total minimum area required per animal or fowl shall be as follows: horses – 43,560 sq. ft. (one (1) acre); cow – 43,560 sq. ft.; sheep or goat – 20,000 sq. ft.; fowl – twenty (20) per 43,560 sq. ft. (Area requirements are based on minimum acreage averages for grazing such animals in the State of Georgia.) Total minimum area required per animal or fowl shall be a yearly average. Fluctuations in herd or flock size associated with general farming practices shall be permissible under this provision.

APARTMENT: A suite of two (2) or more rooms with a bathroom, and kitchen. This maybe a single standalone structure, or two or more apartments in one building. An apartment is leased or rented by a tenant. This is designed or intended for occupancy by one (1) person or one (1) family. For zoning purposes, each apartment is regarded as a dwelling unit. A structure containing two (2) apartments is a duplex. A structure containing three (3) or more apartments is a multi-family dwelling.

APARTMENT BUILDING: A multi-family dwelling unit located on a parcel of land under a single ownership and consisting of three (3) or more single-family dwelling units separated by fire resistant walls as required by the Building Code of Madison County, Georgia.

APPLICANT: Any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

APPLICATION: A petition for approval of a zoning change, variance, building permit, or timber harvesting.

ART STUDIO: A work space for artists, including individuals practicing in one of the fine arts such as painting and pottery.

ASSISTED LIVING: Assisted living residences or assisted living facilities are housing facilities for people with disabilities. These facilities provide supervision or assistance with activities of daily living coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being. Assistance may include the administration or supervision of medication, or personal care services provided by a trained staff person.

ATTACHED RESIDENTIAL: A single family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally as a linear arrangement, such as rowhouses, townhouses, and brownstones. There would be no association fee due.

AUDITORIUM: A structure designed for the public as an audience for events such as plays and concerts.

AUTOMOBILE AND RV SALES LOT: A premise designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles, **this includes pull behind RV's (campers)**. Motorized vehicles **and RV campers** for sale will typically be stored outside. All other activities must be in an enclosed building.

AUTOMOBILE SERVICE STATION: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

AUTO WRECKING YARDS: Where automobiles are kept until claimed by owner or their insurance company.

BAKERY: A place for baking or selling baked goods.

BAR: An establishment in which alcoholic drinks are served. For the purpose of this ordinance, this use is only allowed in restaurants.

BARN: A farm building used to store farm products or livestock.

BASIC UTILITIES: Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, water, or sewer.

BED AND BREAKFAST: A dwelling unit, other than a hotel, motel or boarding house, or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the Bed and Breakfast must live on the premises.

BEDROOM: Any room other than a living room, family room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this title, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas which may be used as bedrooms shall be counted as bedrooms for the purposes of this title.

BEST MANAGEMENT PRACTICES (BMP): Erosion sedimentation control. A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control and are designed in accordance with the specifications contained in the Manual for Erosion and Sediment Control in Georgia.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, but excluding alleys.

BOARD OF COMMISSIONERS: The Madison County Board of Commissioners.

BOARDING HOUSE: A building other than a hotel where lodging and meals are provided for compensation or by pre-arrangement. The dwelling shall contain no more than five (5) guestrooms. The number of persons receiving lodging and meals shall not exceed twenty (20) persons at any one time. A building other than a hotel shall not be considered a boarding house by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

BOTTLING PLANT: A manufacturing facility for the bottling of liquids such as water, soft drinks, wine, beer, etc.

BREEZEWAY: A roofed passageway for the purpose of connecting the principal structure to another building or structure.

BROADCASTING OR PRODUCTION STUDIOS: A structure designed for making and transmitting programs for radio or television for the production/editing of films, videos, commercials, etc.

BUFFER AREA: A landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development. This area shall be in addition to any required area, yard, and height requirements for the zoning district as specified in Article VIII.

BUFFER, OPAQUE FENCE: An opaque fence shall be a wall or fence, solid in appearance of either wood, stone, brick, stucco, or vinyl. This also includes a chain-link fence with metal slats through the fence. The fence or wall must have a minimum height of six feet. The owner shall be responsible for all maintenance of the fence or wall.

BUFFER, UNDISTURBED: A natural vegetated area located adjacent to a reservoir or perennial stream.

BUILDABLE AREA: The portion of a lot remaining and available for construction of a structure or related facilities after required setbacks, yards, and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as a floodplain areas, riparian buffer areas, except as otherwise provided in this title.

BUILDING: Any structure, either permanent or temporary, or above or below ground, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

BUILDING CODE: The technical codes approved for enforcement or otherwise adopted by the county under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures. Madison County Board of Commissioners have adopted the International Code Council.

BUILDING, HEIGHT OF: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the grade.

BUILDING OFFICIAL: The official appointed by the Madison County Chairman with the responsibility of handling inspections of permits and certificate of occupancy issuance.

BUILDING PERMIT: A written permit from the Madison County Building and Zoning Department.

BUILDING SETBACK: A line, parallel to the street line, beyond which the foundation wall, any roofed porch, vestibule, or other such portion of a building shall not project.

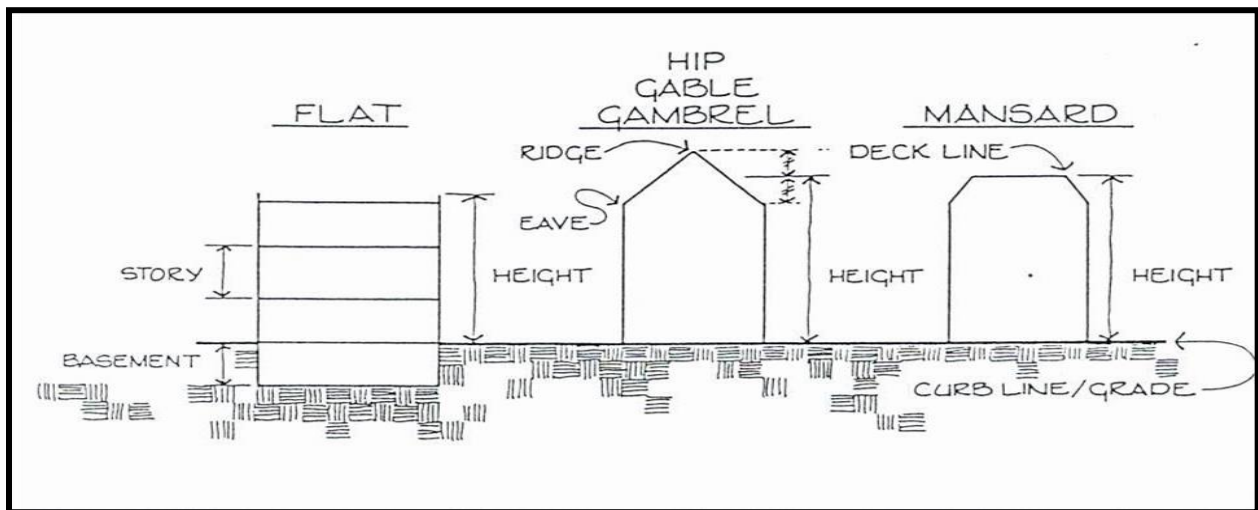


Figure 1. Building Height

BUILDING INSPECTOR: The Madison County Building Inspector.

BUILDING LINE: A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

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

BUSINESS ENTITY: Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

BUSINESS OR TRADE SCHOOL: A secondary school offering instruction in a professional vocational or technical field.

BUSINESS SIGN: An identification sign containing the name of the business or other accessory information located on the same premises.

CAMPER / TRAVEL TRAILER/ TINY HOUSE: A prefab structure without permanent foundation, that can be towed, or hauled, used for accommodation for recreational and camping use. Pulled with a vehicle, or ride on the back of trucks. These structures are tagged through the state. Also see "RV".

CATERING SERVICE: A service housed in a permanent structure providing meals or refreshments off premises for public or private entertainment for a fee.

CAMPAIGN CONTRIBUTION: A contribution as defined in paragraph (6) of *O.C.G.A.* §21-5-3.

CARETAKER DWELLING OR EMPLOYEE RESIDENCE: An accessory single-family dwelling placed on an occupied tract for use by a farm worker or other tract owned by the same owner of the agricultural activity and that is a part of the same farming operation.

CARGO CONTAINER: Made of metal and used for shipping by trains, ships and trucking companies. These cannot be used to live in but can be used for storage.

CARPORT: A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located.

CEMETERY, RELIGIOUS INSTITUTION: A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

CEMETERY, PRIVATE: Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

CEMETERY, PUBLIC: A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

CERTIFICATE OF OCCUPANCY: A permit issued by the County Building Inspection allowing the building to be occupied, it has met all the requirements stated in this ordinance and the build code adopted by Madison County.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 USC 1251 et seq.) and any subsequent amendments thereto.

CHURCH: See "Religious Institution."

CLINIC: A building where human patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB OR LODGE: A building where organized fraternal, recreational, social or educational meetings are conducted on a regular non-profit basis. Fraternal organizations must provide proof to the Board of Commissioners that they have received recognition and sanction from a parent group organization. A private club must provide proof to the Board of Commissioners that its membership is limited by either: (a) the use and operation of an amateur athletic facility including, but not limited to, golf courses, tennis courts, shooting ranges or swimming pools; or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

CLUSTERING: A subdivision design method, which concentrates development in specific areas on the proposed site, while preserving the rest as permanent open space.

CODE ENFORCEMENT OFFICER: The officer authorized by Madison County Board of Commissioners to enforce and administer this and the county's code ordinance.

COMMERCIAL DRIVEWAY: Any driveway providing access to land, which is used, for commercial or industrial purposes. Driveways serving farms, farm based businesses and home occupations are excluded from this definition.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMUNITY GARDEN: A principal use of a parcel of land involving the cultivation and harvesting of food crops and fruits /or non-food ornamental crops, such as flowers, by a an organized neighborhood or non-profit group for personal use, consumption, donation or occasional sale.

COMMUNITY SERVICE: A structure or group of structures for a community's governmental, social, education, and/or recreational activities. Community service facilities include federal, state, county, and local government activities.

COMMUNITY WATER SYSTEM: A water system with fifteen (15) or more service connections or that regularly serves twenty-five (25) or more persons for at least sixty (60) days per year.

COMPREHENSIVE PLAN: A 20-year plan providing county and city officials, staff and residents of Madison County a set of goals and policies to help manage future growth and development prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Department of Community Affairs in accordance with O.C.G.A. 50-8-7.1 (b) and 50-8-7.2.

CONDITION OF ZONING APPROVAL: A requirement adopted by the board of commissioners at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the request.

CONDITIONAL USE: A use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the Board of Commissioners.

CONDITIONAL USE PERMIT: The permit issued as a precondition to allowing any conditional use in a zoning district.

CONDITIONAL ZONING: The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design, or timing of a development stipulated by the Madison County Board of Commissioners that are not otherwise illegal in order to promote the general welfare and to mitigate adverse impacts that could be expected without the imposition of such conditions. The imposed conditions must be reasonable, not be to the benefit of a private landowner rather than the general welfare, not constitute illegal spot zoning and not limit the County's authority to impose subsequent zoning changes to the property zoning district.

CONDOMINIUM: An estate in real property consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a dwelling unit located on the common grounds.

CONFINEMENT LIVESTOCK: Poultry, swine, dairy, feedlot, or other similar operations where the animals, involved are, or are expected to be, maintained in a high density manner, within areas or structures, likely to produce nuisance noises, dust, or odors.

CONSERVATION AREAS: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include groundwater recharge areas, watersheds, wetlands and river corridors.

CONSERVATION EASEMENT: A voluntary, legal agreement between a landowner and an easement holder that permanently limits uses of the land to protect agricultural uses, environmentally significant areas or historically significant areas. Each easement is tailored to fit the owner's personal management objectives and goals for the property.

CONSERVATION SUBDIVISION: A residential development where fifty percent or more of the gross parcel area is designated as open space, thereby permanently protecting agriculturally, environmentally, or historically significant areas within the development. The remaining developable land may be subdivided into residential lots.

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

CONSTRUCTION MATERIALS SALES: A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

CONTAMINANT: Any "regulated substance," as defined by the federal Resource Conservation and Recovery Act, as in effect on the date of passage of this ordinance and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils, and other fuels as well as their hazardous constituents.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, **groceries and may also sell gasoline**, and other goods commonly associated with the same and having a gross floor area of less than two thousand four hundred (2,400) sq. ft. **This does not include automotive service stations or vehicle repair shops.**

CONVENTIONAL SUBDIVISION: A form of subdivision where all land areas within the development are divided into building lots and rights-of-way and where there is little or no open space land set aside, outside of said building lots and rights-of-way, for the preservation of the land in its natural or undeveloped state.

CORRIDOR: All land within the buffer areas established adjacent to reservoirs or perennial stream or river.

COUNTRY CLUB: A social and recreational facility that is usually private or semi-private. This could have a golf course, restaurant, swimming pool and tennis courts.

COUNTY: Madison County, Georgia.

COUNTY CLERK: The County Clerk for Madison County, Georgia.

COUNTY OFFICIAL: Any member of the Board of Commissioners or the Madison County Planning and Zoning Commission.

DAYCARE, HOME: See “Family Day-Care Home”.

DAY-CARE CENTER: A building operated by a person, society, agency, corporation, institution, or group, that receives for group care fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age.

DCA: Department of Community Affairs.

DEED RESTRICTIONS / COVENANTS: Private stipulations usually pertaining to residential subdivisions set forth by the developer or the Homeowners Association. Madison County Government does not enforce these restrictions or covenants.

DENSE EVERGREEN FOLIAGE: A large quantity of vegetation per unit of area which retains its leaves throughout the year and of such opacity as to block one’s vision through it.

DENSITY: The number of dwellings units permitted per net acre of land. (Net acres = gross acres less street area.)

DENSITY NEUTRAL: The overall number of dwellings allowed in conservation subdivisions is the same as would be allowed in the underlying zoning district.

DETACHED RESIDENTIAL: A site built home that meets local building codes, that contains one dwelling unit per lot and designed for residential use.

DETENTION: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

DENTENTION POND: A basin or structure used for the temporary storage of stormwater runoff for the purpose of controlling the peak discharge and which is designed to completely drain after a specified period of time.

DEVELOPER: A person who undertakes land development activities.

DEVELOPMENT: A planned construction project on a single parcel.

DEVELOPMENT PERMIT: Approval from the Planning and Zoning Department of all zoning requirements, preliminary and final plat approval, and building permit from Building Inspection.

DISTRICT: A section of Madison County, Georgia where the zoning regulations are uniform.

DNR: The Georgia Department of Natural Resources.

DRIVEWAY: An access way serving a single dwelling unit or parcel of land.

DRIVEWAY ANGLE: The angle between the driveway centerline and the edge of the roadway.

DRIVEWAY WIDTH: The narrowest distance on the driveway measured parallel to the roadway surface.

DRY CLEANERS: A business that provides laundry cleaning, excluding self-service, and contains on the premises, equipment necessary for laundry processing.

DWELLING: A building that is built to code and is used for permanent living quarters for one or more persons living as a single housekeeping unit using the same cooking facilities, and /or sleeping quarters for persons.

DWELLING, MANUFACTURED HOME: A structure transportable in one or more section that is built on a permanent chassis and designed to be used as a dwelling unit with or without permeant foundation when connected to the required utilities and has , plumbing, heating, and an electrical system.

DWELLING, MODULAR: A modular home is a factory-fabricated, transportable structure consisting of units designated to be incorporated at a structure site on a permanent foundation into a structure to be used for residential purposes. These homes have a DCA number are considered site built homes.

DWELLING, MULTI-FAMILY: A building containing at least three (3) dwelling units designed for residential use by three (3) or more families living independently of each other. This includes apartments but not group homes, row houses, condominiums, or townhouses.

1. Townhouse: A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another.

2. **Apartments:** A multi-family dwelling in which a dwelling unit may be located above another.
3. **Duplex:** A structure containing two (2) dwelling units designed and arranged for residential use by two (2) families living independently of each other.
4. **Tri-plex:** A structure containing three (3) dwelling units designed and arranged for residential use by three (3) families living independently of each other.
5. **Quad:** A structure containing four (4) dwelling units designed and arranged for residential use by four (4) families living independently of each other.

DWELLING, SINGLE-FAMILY: A structure including site-built, modular, manufactured homes, and mobile homes that contain one (1) dwelling unit designed for residential use that is surrounded by open space on the same lot. "Dwelling, Single-family" does not include "Dwelling, Single-Family, Detached."

DWELLING, SINGLE-FAMILY, ATTACHED: A building or portion thereof used exclusively for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels and boarding or lodging houses.

DWELLING, SINGLE-FAMILY, DETACHED: A structure including site-built, modular and manufactured homes that contains one (1) dwelling unit designed for residential use that is surrounded by open space on the same lot, which meets or exceeds the following standards:

1. Minimum width in excess of sixteen (16) feet.
2. Minimum square footage required by the zone in which located.
3. The roof shall have a minimum 2:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials, or other materials approved by the Board of Commissioners. The roof overhang must be at least one (1) ft. when measured from the vertical side.
4. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
5. Be attached to a permanent foundation that meets all building code requirements.
6. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted for site-built homes, or the National Manufactured Housing Construction and Safety Standards Act for manufactured homes, or the State of Georgia Industrialized Buildings Act for residential industrialized buildings. Each of these codes shall be applicable to the specific structure to which it applies.

DWELLING, TWO-FAMILY (DUPLEX): A structure containing two (2) dwelling units designed and arranged for residential use by two (2) families living independently of each other.

DWELLING UNIT: A building or a portion of any building designed and arranged to be lived in by one (1) family, and having a bathroom, cooking facility, bedroom, and sitting area. This does not include units in hotels, motels, boarding houses or like uses, except as otherwise specified. A dwelling unit includes single-family home, manufactured home, modular home, and ½ of a duplex, and a single apartment.

EASEMENT: A grant of one (1) or more property rights by the landowner for use by the public, another person or persons, or a corporation or other entity. An easement must be recorded in the office of the Superior Court of Madison County, Georgia, in order to provide ingress and egress access to lots or parcels that do not adjoin a public road or public road right-of-way. Up to four (4) lots or parcels that do not adjoin a public road or public road right-of-way may use the same easement to access a public road.

EQUESTRIAN FACILITIES: A structure or area for horseback riding activities including boarding, training, lessons, and shows.

ENGINEER: A registered, professional engineer licensed by the state of Georgia.

ENVIRONMENTAL PROTECTION DIVISION: The Georgia Department of Natural Resources, Environmental Protection Division. Also referred to as EPD.

ENVIRONMENTALLY SIGNIFICANT AREA: Any portion of a tract of land (i.e. the OSD sub-division) is defined as environmentally significant if it contains one or more of the following sensitive areas: critical wildlife habitats, highly erodible land, flood hazard areas, stream corridors, wetlands or woodlands, or a scenic natural area.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

EVENT HALL: A privately owned indoor establishment which: (a) provides a gathering space for rental purposes; (b) charges a rental fee for use of the event hall for special events; (c) may allow live musical entertainment in compliance with all noise ordinances; and (d) does not allow sexually related adult entertainment to be performed in the event hall. The Primary activity on the premises of the indoor event hall shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and / or sexually related entertainment activities, and similar uses are specifically excluded from this definition of event halls.

FABRICATING: The process of assembling using standardized parts.

FAMILY: One (1) or more individuals permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or hotel, as defined in this ordinance.

FAMILY DAY-CARE HOME: A private dwelling operated by any person who receives pay for supervision and care, fewer than twenty-four (24) hours per day, without transfer of legal custody, three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

FAMILY MEMBER: The spouse, mother, father, brother, sister, son, step-son, daughter, step-daughter, grandchild of the property owner or the property owner's spouse if the lot is not jointly owned by both husband and wife.

FAST FOOD RESTAURANT: A drive-through restaurant serving food from an ordering counter.

FARM: A track of land, including any structures, where the active production of agricultural crops, livestock, or forestry is ongoing. A farm is to be considered as active if Federal Farm Tax returns are being filed in the current operating year.

FARM-BASED BUSINESS: A business conducted entirely within a building that is secondary or incidental to the primary agricultural use of the parcel, which does not change the character thereof, and provides supplemental employment for persons residing on the parcel. The business shall be conducted only on a parcel that is actively farmed and shall employ no more than the equivalent of two (2) non-resident full-time employees.

FARM SUPPLY STORE: An establishment engaged in the retail sale of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other such farm supplies.

FCC: Federal Communications Commission.

FEEDLOT: Any tract of land or structure, pen, or corral, where cattle, horses, sheep, goats, and swine are maintained in close quarters (average density of five (5) or more livestock animals per acre for a period exceeding six (6) months per year) for the purpose of fattening such livestock for final shipment to market.

FILL: A portion of land surface to which soil or another solid material has been added; the depth above the original ground.

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

FINANCIAL INTEREST: All direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten percent (10%) or more.

FLEA MARKET: The use of land, structures or buildings for the sale of goods which are principally used or second hand goods.

FLOOD HAZARD BOUNDARY MAP: (FHBM) The official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as zone A.

FLOODPLAIN: Any land area susceptible to inundation by water.

FLOOR AREA: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom for less than six (6) ft. six (6) inches; unusable basement or cellar space not used for retailing; uncovered steps or fire escape; open porches; accessory water or cooling towers; accessory off-street parking spaces; or accessory off-street loading berths.

FOOD PROCESSING FACILITIES: Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals.

FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

FRONTAGE STREET: The street coincident to the front boundary line of the parcel.

FUNERAL, HOME AND CHAPEL: A building where a deceased person is prepared for viewing and burial.

FUTURE LAND USE MAP: The official 10 year map approved by the Madison County Board of Commissioners showing the designated areas to where the county would like to see certain kinds of growth. Zoning request must comply with the land use map. If the request is for a more intense use than is shown on the map. There must be a request for a change to map, if the request is for a more intense use than is shown on the map.

GAME BIRDS: These are birds mostly used for hunting, such as Quails, Snipes, Waterfowl, Duck, Goose, Dove, Wild turkey, geese, and Pheasant.

GAS STATION: A place which sells gasoline to pump directly into a car or into a container.

GARAGE APARTMENT: A dwelling unit for one family erected above a private garage detached from the main dwelling.

GARAGE, PARKING: A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which general automotive servicing may be performed as distinguished from automotive repairs.

GARAGE, PRIVATE: An accessory building or a portion of a principal use used for parking or storage of automobiles of the principal building's occupants. A carport is considered a private garage.

GARAGE, REPAIR: A building and premises designed or used for the purpose of service or commercial repair of motor vehicles. All bodywork and painting shall be conducted within fully enclosed buildings. The storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business. The storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.

GARAGE SALE: A temporary activity conducted on the premises of a private residence for the purpose of disposal of goods or belongings of the residents of the dwelling. Such activity shall have a duration of not more than three days, nor shall it occur more than four times within one year. This cannot be used as commercial activity.

BUSINESS USE: Commercial uses providing a wide range of retail goods and services to meet the needs of a large segment of the community.

GOVERNING BODY: The Board of Commissioners of Madison County.

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.

GRANDFATHERED: Any non-conforming building or structure, lot, and use of the property that was in place when zoning started on January 1, 1994.

GREEN SPACE: Permanently protected areas of the site that are preserved in a natural state.

GROCERY STORE: A retail store that sells fresh, frozen and canned food, beverages, and other household supplies.

GROUND COVERAGE: The area of a lot occupied by all structures and parking that are of solid surface.

GROUNDWATER: Any stratum (rock layer) or zone of rock beneath the surface of the Earth capable of containing or producing water from a well.

GROUNDWATER RECHARGE AREA: An area of the Earth's surface where water infiltrates the ground thereby replenishing the groundwater supplies within a groundwater recharge area.

GROUP HOME: A residence under the ownership and supervision of a public, educational, or governmental institution occupied or intended for occupancy by several unrelated persons or families but in which separate cooking facilities are not provided for such resident persons or families.

GUN CLUB: Any group of individuals which is organized for the purpose of providing a firing range for individuals to discharge firearms or to practice marksmanship or other skills involving the discharging of guns, shotguns, pistols, rifles, and other firearms, in a location which is outdoors or within a firing range indoors.

HAZARDOUS MATERIAL: Any “contaminant” as defined by this ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

HAZARDOUS WASTE: Any solid waste which has been defined as a Hazardous Waste in regulation promulgated by the administrator of the U.S. EPA according to federal act(s) which is (are) in force and effect on February 1, 1988, codified as 40 CFR 261.3.

HEALTH DEPARTMENT: The Madison County Health Department.

HIGHWAY: A multilane street under the jurisdiction of the Georgia Department of Transportation, whether divided or undivided, that is (1) is a major artery of the county circulation network; (2) serves a high volume of traffic for both long and short trips and (3) is designed with access to abutting properties under some degree of control and safe standards of design.

HISTORIC STRUCTURE: Any structure that is;

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district:
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior, or b) directly by the Secretary of the Interior in states without approved programs.

HISTORICALLY SIGNIFICANT AREA: Any portion of a tract of land (i.e. the OSD sub-division) that contains an archaeological or historical resource that is on, or eligible for local, county, state or national historic registers.

HOG PARLOR: Where three or more pigs or hogs are keep on one parcel.

HOME OCCUPATION, RESIDENTIAL: An occupation or profession conducted entirely within a dwelling unit and for financial gain, which is clearly subordinate to the use of the dwelling and which does not change the character thereof.

HOME OCCUPATION, RURAL: An occupation or profession conducted entirely within a dwelling unit or accessory building and for financial gain, which is clearly subordinate to the principal use of the parcel and which does not change the character thereof.

HOME OFFICE: An office use conducted entirely within a dwelling unit, which is carried on solely by the unit's occupant and is incidental and secondary to the principal use of the dwelling. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. "Home Office" shall not include any business that involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors.

HOMEOWNERS' ASSOCIATION: A homeowners' association is an organization formed of the property owners of a development to enforce rules and regulations that have adopted by the owners of the properties within the development.

HOTEL: A building offering transient lodging accommodations for more than twenty (20) persons on a daily rate to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS SURFACES: Constructed surfaces- rooftops, sidewalks, roads, and parking lots-covered by impenetrable materials such as asphalt, concrete, brick, and stone.

INDOOR RECREATION: Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, indoor swimming pools, video arcades, pool halls, etc.

INDUSTRIAL PARK: A tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a park setting for industrial establishments.

INDUSTRIAL USE: An activity related to the manufacture, production or storage of products to be transported elsewhere for resale.

INDUSTRIALIZED. Any building meeting the requirements the Official Code of Georgia OCGA 8-2-111, as amended.

INDUSTRIALIZED BUILDING: Any structure or component thereof which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Ga. L. 1982, pp. 1637-1643 (O.C.G.A. §8-2-110 and 8-2-111, et seq.), and the rules of the commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the state building and construction codes and bear an insignia number of approval issued by the commissioner. If the building is removed

from the original delivery site (not the sale site) it loses its certification. This also includes industrialized/manufactured mobile classroom / office units”. Examples; Modular homes, Office units, and Classroom units. This does not include manufactured housing, ie. mobile home or trailer.. “See Modular Building”.

INDUSTRIALIZED MOBILE CLASSROOM/ OFFICE UNIT/ NON-RESIDENTIAL: A manufactured/industrialized mobile unit intended as a class room or temporary office space. They are built in a controlled environment and given a DCA number. They lose their DCA certification if they are moved. They are normally transported on axels and wheels. See definition for Industrialized Building. These units are not built to use as homes. Example below:



INDUSTRIALIZED/MODULAR HOME-RESIDENTIAL: A factory fabricated transportable building consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes and bearing a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act, as amended. For the purposes of this title, a modular home is permitted anywhere a single-family structure is permitted. These homes are considered site built homes, they are not manufactured/mobile housing. They have planes and a current DCA number.



INDUSTRIALIZED OFFICE UNIT/NON-RESIDENTIAL: A prefab unit that can be brought in as a whole unit on a truck, or is brought in on a truck in sections a put together as a unit. These office units generally are used within a commercial building, but can be placed outside. These units have a DCA number. Example below.



INERT LANDFILL: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate or environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

INTERMEDIATE CARE FACILITIES: A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.

INSTITUTIONAL USE: A non-profit corporation or a non-profit establishment, such as a religious institution, private school, hospital, medical center, nursing home, cemetery, as well as the ancillary uses directly.

IMPLAMENT SHED: A three sided shed used on a farm to put machinery under.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or waste; junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and old scrap ferrous or nonferrous metal.

~~JUNK YARD: A lot, land or building, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.~~

JUNK / SALVAGE YARD: Any property involving the abandonment, parking, storage or disassembly of junked or inoperable vehicles or junked machinery, or the abandonment, storage, sale or resale of used auto part, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

JUNKED VEHICLE: Any wrecked or inoperable automobile, truck or other vehicle, which does not bear a current license plate.

KENNELS: Any location where, for commercial purposes, four (4) or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, training or sale. Litters of animals of not more than six (6) months old are excluded from this definition.

KINDERGARTEN: A school for pre-elementary school children ranging in age from four (4) through six (6) years, which operates for less than four (4) hours per day.

LAKE: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

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

LAND DISTURBING PERMIT: If disturbing more than 1 area, a permit must be obtained from the EPD office in Athens, GA.

LANDFILL: A public area of land on which, or an excavation in which, solid waste is placed for permanent disposal. This does not include a land application unit, surface impoundment, injection well, or compost pile, and as that term is defined in *O.C.G.A.* §12-8-22, as amended.

LANDFILL C & D: Where construction and demolition debris are received. This may include roadwork material, excavated material, demolition waste, construction/renovation waste, and site clearance waste. Hazardous waste and industrial solid waste are not allowed

LANDFILL, INERT WASTE: A landfill accepting only wastes that will not or are not likely to caused production of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

LANDFILL, INDUSTRIAL WASTE: Used to dispose of industrial solid waste, hazardous or non-hazardous waste, as defined in Title 40 of the Code of Federal Regulations or CFR in section 257.2, commercial solid wastes, or conditionally exempt small-quantity generator wastes.

LANDFILL, SANITARY: A system of trash and garbage disposal in which the waste is buried between layers of earth.

LAND USES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE: Any land use or land-disturbing activity, including all human endeavors directly associated with such use or activity, which falls within one of the following categories prior to the effective date of this ordinance:

- a. is completed;
- b. is under construction;
- c. is fully approved by Madison County;
- d. all materials have been submitted for approval by Madison County; or
- e. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.

LAND USE INTENSITY DISTRICT: A-1 Agricultural District (Intensive Farming) or A-2 Agricultural District (General Farming).

LAND USE PLAN: The Future Development Map adopted by the Madison County Board of Commissioners.

LANDSCAPING: A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures, and street right-of-way.

LAUNDROMAT: A business that provides home-type washing, drying, ironing machines or coin operated dry cleaning machines for hire and use by customers on the premises.

LAUNDRY AND DRY CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing of the laundry.

LEASURE ANIMAL: Horses are looked at more now as a leisure animal, they are not used on the farms as they once were. They are viewed as a pet.

LIMITED DAY CARE: The temporary care of not more than twelve children at a time – including the caregiver’s own pre-school children – under eighteen years of age, fewer than twenty-four hours per day, without transfer of legal custody.

LIGHT SOURCE: The point of origin from which illumination emanates.

LIVESTOCK: All animals of the equine, bovine, or swine class, including but not limited to goats, sheep, mules, hogs, cattle, and other grazing animals, and all large birds, but not limited to ostriches, emus, and rheas, and not-traditional livestock including, but not limited to, bison, deer, buffalo, llamas, and alpacas.

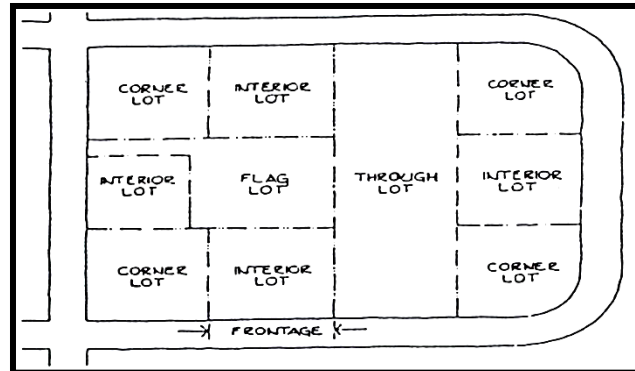
LODGING HOUSE: See “Boarding House”.

LOADING SPACE: A space within the principal use or on the same lot that provides for standing, loading or unloading of trucks and other carriers.

LOT: A portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended for transfer of ownership or for building development and having a separate tax parcel reference number designated in the office of the Madison County Tax Commissioner or the Madison County Tax Assessor.

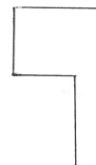
LOT, CORNER: A lot abutting two (2) or more public streets or county maintained roads at their intersection.

LOT DEPTH: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line except on flag lots, where the depth shall be measured at the midpoint of the main body of the lot and does not include the pole or access portion.



LOT, DOUBLE FRONTAGE or THROUGH LOT: A lot with frontage on two (2) public streets and/or county maintained roads that do not intersect at a point abutting the property.

LOT, FLAG: Any lot having standard legal access to a county road with the drive being parallel to the lot line with the lot being at the end of the drive.



LOT, INTERIOR: A lot other than a corner lot.

LOT LINE. Any line bounding a lot as defined herein.

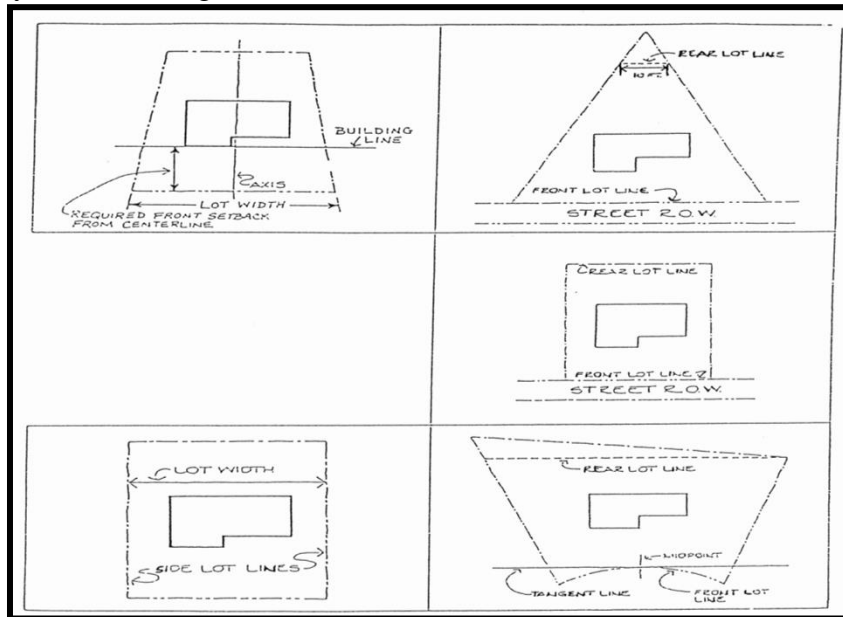


Figure 3. Setback, Lot Width, and Lot Line

LOT LINE, REAR: The rear lot line is generally opposite the front lot line. If the rear lot line is less than ten (10) ft. in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten (10) ft. long, and lying wholly within the lot and farthest from the front lot line.

LOT OF RECORD: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the Clerk of the Superior Court of Madison County.

LOT DEPTH: The distance measured along a line extending from the lot's frontage through the mid-point of the lot's width, to the mid-point of the lot line that is most opposite and parallel to the lot width line.

LOT WIDTH: The horizontal distance between one side lot line and the other side lot line measured at the minimum front setback line.

LUNCH COUNTER: A retail establishment where the preparation and serving of food is not the principal business of the retail establishment, defined as not generating the largest percentage of gross sales or occupying the largest percentage of the retail floor area. Food served in the establishment shall be unpacked, in individual servings, and in a ready-to-consume state. Customers shall be served while seated at tables or counters located within the building.

MAJOR SUBDIVISION

- a. Any subdivision that requires the construction of new streets, roads, central water system, or the extension of a municipal water or sewer system.
- b. Any subdivision of a parent parcel where five or more lots (initial lot plus four new lots) are created within a three year period.

MANUFACTURED HOME /MOBILE HOME /TRAILER: A transportable, single-family structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. §5401, et seq. The definition at the date of adoption of this part is as follows:

"Manufactured Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight (8) body ft. or more in width or forty (40) body ft. or more in length, or, when erected on site, is three hundred twenty (320) or more sq. ft., and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; 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 and complies with the standards established under this title.

This includes single wide, double wide, triple wide, quad wide. Each section will have a title to it. A manufactured home can only be used as a home; this means it cannot be used for a office, business, or for storage. Travel trailers and recreational vehicles are not manufactured / mobile homes.

MANUFACTURED HOME PARK: A Parcel with three or more interior lots, with parking space and access to utilities for a mobile home set up. The lots generally are for rent or for leased for a period of time.

MANUFACTURED HOME REGULATIONS: The Manufactured Home Regulations for Madison County, as adopted by the Board of Commissioners effective April 1, 1990, and as may be amended.

MANUFACTURED HOME SPACE: Land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.

MANUFACTURED HOME SUBDIVISION: A residential subdivision designed and approved in accordance with the subdivision regulations, in which the lots are owned by individuals for the placement of a manufactured home for a dwelling.

MANUFACTURING, PROCESSING AND ASSEMBLING: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

MECHANICAL EQUIPMENT: Equipment or devices installed for a use appurtenant to the primary use.

MEDICAL CENTER: A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

MEMBER OF THE FAMILY: The spouse, mother, father, brother, sister, son, or daughter of a county official. This definition applies to Article XV only.

MINE: A cavity in the earth or above ground from which minerals or ores are extracted

MINING: The extraction of minerals or earth products, including solids, such as granite and ores. The terms mining includes quarrying; ground-water diversion; soil removal or dredging; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

MINI-WAREHOUSE: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

MINIMUM SQUARE FOOTAGE: The smallest allowed for a structure. There is no minimum square footage of a structure within Madison County.

MINOR SUBDIVISION: Any subdivision where less than five lots, including the initial lot, are created from a parent parcel that does not require the construction of new streets, roads, central water system (s), of the extension of a municipal water or sewer system.

MOBILE HOME: ~~A transportable, factory built structure designed to be used as a year round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 15, 1976.~~

MODULAR BUILDING . Any building which is of closed construction and which is made or assembled in manufacturing facilities, off the building site, for installation on the building site, and is designed for assembly only on a permanent foundation. "Modular building" includes single-family and multi-family housing, but does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974. **These structures will have a DCA number.**

MODULAR HOME: A factory fabricated transportable building consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes and bearing a seal of compliance with the regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act, as amended. **For the purposes of this title, a modular home is permitted anywhere a single-family structure is permitted. These homes are considered site built homes, they are not manufactured/mobile housing. Must also have set of planes with a current DCA number.**

MOTEL: A building or a group of buildings designed and used primarily for offering transient lodging accommodations and having a parking place adjacent to each sleeping room and having separate outside entrances for each guest room. To be used primarily for automobile transients and including such terms as "auto court" and "motor lodge" but not "boarding house" as defined in this section.

MOTOR VEHICLE: Every vehicle, which is self-propelled and required to be registered under the laws of the State of Georgia, except airplanes, motorboats, or go-carts.

MOVED IN HOUSE: This would be an existing site build house that was located at one address and is being moved to a new address.

NATURAL VEGATATED AREA: Where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention.

NATURAL VEGETATIVE BUFFER or BUFFER AREA: A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

NON-CONFORMING BUILDING OR STRUCTURE: Any lawfully existing building or structure which does not conform to these regulations governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of this ordinance but which is in full compliance with all applicable federal, state and local laws, rules and regulations, and for which all required federal, state and local permits have been issued.

NON-CONFORMING LOT: A lot, the area, width, or other characteristics of which fails to comply with applicable regulations and which was of-record and in full compliance with all applicable federal, state and local laws, rules and regulations prior to the enactment of these or other regulations, but which does not comply with the requirements of these regulations.

NON-CONFORMING USE: A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

NON-OPERATING VEHICLE: Any motorized vehicle that does not have a current license tag.

NURSING HOME: A facility for three (3) or more unrelated ill or aged persons not operating as the functional equivalent of a family, that provides food, shelter, and medical care for compensation in addition to meeting the physical, emotional, and social needs of the unrelated aged or ill persons.

OFF-STREET PARKING: An area exclusive of a public or private thoroughfare where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking.

OFFICE: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

OFFICIAL MAP: A map officially adopted by the Madison County Board of Commissioners.

OFFICIAL ZONING MAP: A map officially adopted by the Madison County Board of Commissioners that illustrates the various zoning districts of Madison County.

OPAQUE: Impenetrable to view, or so obscuring to view that features, outdoor storage, where uses become visually indistinguishable.

OPEN SPACE: Land used for recreation, resource protection, amenity, or buffers. In no event must any area of a lot constituting the minimum lot area nor any part of an existing or future road, right-of-way, off-street parking, loading space, or area immediately underneath electrical transmission lines be counted as open space. For the purpose of conservation subdivisions, open space shall mean an area of land, within the subdivision boundary, which shall remain in a permanent undeveloped condition.

OPEN SPACE, CONSERVATION SUBDIVISION: As required in conservation subdivision development, open space is defined as the portion of the conservation subdivision that has been set aside for permanent protection for the common use of the residents of the development through a land trust.

OPPONENT: Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

OPPOSE: To appear before, discuss with, or contact, either orally or in writing, a Madison County official and argue against a rezoning action.

OUTDOOR STORAGE: The storage of especially large quantities of materials or products associated with an industry or business. Such storage is to be screened from the public view.

OUTDOOR STORAGE YARD: The keeping within a unroofed and unenclosed area of any goods, material, merchandise or vehicles, not for sale at retail, in the same area for more than 24 hours.

~~OVERLAY DISTRICT: A set of zoning requirements that is superimposed upon a base district. Development of land subject to overlay zoning requires compliance with the regulations of both the base and the overlay district.~~

OWNER: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in land or other real estate to commence and maintain proceedings for approval of zoning change, permit or other approval under this ordinance.

PARCEL: For the purpose of this ordinance this term is considered synonymous with lot and tract.

PARENT PARCEL: A lot of record existing at the time of adoption of this amendment or a lot created by subdivision or recombination subsequent to the adoption of this amendment on October 21, 2003.

PARKS AND PLAYGROUNDS: Neighborhood space, that is primarily unpaved, that may include playground with play equipment for children. There could also be picnic area, trails, and pond with fishing.

PASSIVE RECREATION SPACE: A common area designated on the preliminary and final plats of a development permanently set aside for the use by the residents of the development. This would accommodate activities such as walking, jogging, biking, sitting, picnicking, and any activity that does not require improved structures or formal recreation fields.

PERENNIAL RIVER: A river or section of a river that flows continuously throughout the year.

PERENNIAL STREAM: A creek, branch, or spring that flows continuously throughout the year.

PERMITTED USE: Any use by right, which is specifically authorized in a particular zoning district.

PERSON: Any individual, group of individuals, association, firm, partnership, corporation, trust, estate, organization, or legal entity of any kind, including municipal corporations, government agencies, or subdivisions thereof.

PERSONAL CARE HOME: Any dwelling, whether operated for profit or not, 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 two (2) or more adults who are not related to the owner or administrator of the home by blood or marriage. Personal services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

PET GROOMING: Pet bathing, grooming, clipping, dipping and other care of domestic animals that does not include overnight boarding.

PIG PARLER: Where three or more hogs are located on one property.

PLANNED DEVELOPMENT: A development on land under unified control according to comprehensive plans and a single development plan for uses and structures related to the character of the district with a program for operation and maintenance of common areas.

PLANNING DEPARTMENT: The Madison County ~~Department of Planning~~ **Building** and Zoning.

PLANNING AND ZONING COMMISSION: The Madison County Planning and Zoning Commission.

PLANNED UNIT DEVELOPMENT (PUD): A planned development, which provides for innovative concepts in large scale residential, and commercial, to co-exist together.

PLAT: A sketch, map or survey of a lot, tract or parcel of land including lot lines with meter and bounds description, street right-of-way and easements, with the dimensions of these features inscribed thereon.

PLAT, FINAL: A plat of a subdivision of property that is intended to be recorded with the clerk of the superior court and the state of Georgia.

PLAT, PRELIMINARY: A plat showing the layout of a proposed subdivision, submitted for approval prior to submission of the final plat.

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

POROUS PAVING MATERIAL: Any commonly recognized surface treatment, which allows storm water to pass through, including modular grid pavements, permeable interlocking concrete pavement, porous concrete and asphalt, pavers, or cobbles.

POLE BARN: Built of poles and a roof, may or may not have a floor, can have up to three sides.

POND: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

POULTRY: Chicken and Turkey.

PRE-EXISTING: Something that was in place January 1, 1994.

PRESCHOOL: A facility providing day care with educational services for children not yet attending elementary school.

PRINCIPAL STRUCTURE: A structure in which is considered the main or principal use of the lot upon which such structure is situated.

PRINTING / PUBLISHING: An establishment where printed material is produced, reproduced and or copied by either a printing press, photographic preproduction techniques, or other similar techniques.

PRIMARY CONSERVATION AREAS: Environmentally or historically significant areas, which are unbuildable and may include wetlands, water bodies, flood plains, steep slopes and endangered or threatened species habitat.

PRINCIPAL STRUCTURE: A structure that is the main or principal use of the lot upon which such structure is situated.

PRINCIPAL USE: The primary purpose for which land or a building is used.

PRIVATE AIRSTRIP: A facility or location where aircraft take off and land, and where such use is of an incidental or occasional nature, and where such facility or location meets each of the criteria defined in Section 9.18.

PRIVATE ACCESS DRIVE: A privately owned and maintained right-of-way that provides vehicular access to residential lots not fronting on a federal, state, or county maintained road and

serving as the exclusive access for not more than four (4) land-locked lots which is not owned or maintained, nor intended to be owned or maintained, by Madison County

PRIVATE ACCESS EASEMENT: A grant by a property owner to the use of land for vehicular access to residential lots not fronting on a federal, state or county maintained road. A private access easement allows the creation of residential lots each with vehicular access on the easement as the exclusive access for not more than four (4) land-locked lots which is not owned or maintained, nor intended to be owned or maintained, by Madison County.

PROFESSIONAL SERVICES AND OFFICES: When used in connection with “use” and “occupancy”, a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building nor any use, which would create any loud noise or noxious odors within Madison County.

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

PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership less than total ownership.

PROPERTY LINE, COMMON: A line dividing one lot from another when lots are not of one ownership.

PROPERTY OWNER: The person or persons who legally owns the property being considered under these regulations.

PROTECTED RIVER: Any perennial river or watercourse with an average annual flow of at least four hundred (400) cubic feet per second as determined by appropriate U.S. Geological Survey documents. In Madison County, protected rivers are the Hudson River below Nails Creek and the Broad River.

PUBLIC ROAD: A federal, state or county maintained roadway, which affords principal means of access to abutting property

PUBLIC USE: Any building, structure or use owned and or operated by the federal government, State of Georgia, Madison County or other county, or any municipality, or any authority, agency, board of commission of the above governments, which is necessary to serve the public purpose.

PUBLIC UTILITY: Entities engaged in regularly supplying the public with some commodity or service which is of public consequence or need, regulated and controlled by a state or federal regulatory commission and which may often have the power of eminent domain.

QUARRY: A mine where rock, ore, stone, and similar materials are excavated for sale or for off site use. Quarry included rock crushing, asphalt plants, the production of dimension stone, and similar activities.

QUICK VEHICLE SERVICING: A business providing service to the motoring public. Such uses can include gasoline sales, light repair, tune-ups, oil changes, and tire change. Auto parts and ties are to be stored within the building. No outside storage allowed.

RADIUS: That radius corresponding to a circular design pattern, which will allow for vehicle clearance when entering or leaving a driveway.

REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the land.

RECREATIONAL FACILITY: Serves the public for recreational purposes, may include pool, playground, motocross, tennis, and ball fields. Included can be a clubhouse or refreshment stand with bathroom and bath house.

RECREATIONAL VEHICLE/CAMPER: A vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home and custom van conversions. “See Camper and Tiny House”.

RECREATIONAL VEHICLE PARK: Any parcel where two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles or tents, as temporary living quarters by the general public for recreation or vacation purposes.

RECREATIONAL VEHICLE SITE: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis. Sites shall be rented by the day or week only, and the occupant of the space shall not remain in the same recreational vehicle park for more than thirty (30) days in a sixty (60) day period.

RELIGIOUS INSTITUTION: A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Madison County Tax Assessor.

RELIGIOUS RETREAT: Lodging facilities operated by religious or nonsecular organizations for their members and not open to the general public. Includes convents and monasteries.

RESTAURANT: An establishment where food and beverages are sold for consumption on the premises, generally in an enclosed building. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

RESTAURANT, CUSTOM SERVICE: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

RESTAURANT, DRIVE-IN: An eating or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

RETAIL: A store that sells goods to the public for consumer or household use.

REZONING ACTION: An action by the Board of Commissioners adopting an amendment to the zoning ordinance and map that has the effect of rezoning real property from one zoning classification to another.

RIGHT-OF-WAY: That area, distinguished from an easement, which is owned in fee-simple by Madison County or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

RIGHT-OF-WAY LINE: The outside boundary of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by an official right-of-way map of Madison County, Georgia. **Example would be the right –of-way down the side of a county road. This would be the determined feet from the centerline to each side.**

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

RIVER CORRIDOR: All land, including islands, not regulated under the Metropolitan River Protection Act, *O.C.G.A.* §12-5-440 et seq., or the Coastal Marshland Protection Act, *O.C.G.A.* §12-5-280 through 12-293, in areas of a protected river and being within one hundred (100) feet horizontally on both sides of the river as measured from the river banks.

The one hundred (100) ft. buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured one hundred (100) ft. wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor.

Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this ordinance, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the Georgia Department of Community Affairs. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Georgia Department of Community Affairs.

RIVER CORRIDOR PROTECTION PLAN: That part of the Madison County Comprehensive Plan that deals with river corridor protection as required by the Georgia Planning Act of 1989.

RIVER, PERENNIAL: A river or part of a river that flows continuously throughout the year.

RIVER, PROTECTED: Any perennial river or water course with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. This would be the Broad River, South Broad River, and the Hudson River.

RIVER SETBACK: The building distance from the river bank to a building line. This would be 100' from the river bank. See Section 7.12.7

ROADWAY: The portion of a highway, including shoulders, for vehicle use.

ROOMING HOUSE: A building other than a hotel where lodging for three (3) but not more than twenty (20) persons is provided but no meals are served.

SALES OF PRODUCTS GROWN ON SITE: Sale of agricultural or horticultural products raised substantially on the premises.

SALVAGE YARDS: See "junk yard".

SAND PIT: A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

SCRAP METAL PROCESSOR: One who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale or remelting purposes.

SCREENING: The establishment of an opaque fence or barrier for the purpose of obstructing from sight.

SCENIC NATURAL AREAS: Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, mature tree stands, and/or any other feature as identified in the Comprehensive Plan.

SCHOOL: A public or private facility that provides a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

SCREENING: A method where a view of one site is shielded, concealed, or hidden from another site. Screening techniques include fences, walls, berms, densely planted vegetation, natural vegetation or other features. Screening must provide a visual and acoustical barrier which is of such nature and density that it provides year-round maximum shielding, concealment or hiding from the ground to a height of at least eight (8) ft. or from view from the normal level of a first story window on an abutting lot.

SECONDARY CONSERVATION AREAS: Open and wooded space, other than the primary conservation areas, that contain significant natural features worthy of conservation.

SELF-STORAGE FACILITY: See "mini-warehouses."

SENSITIVE NATURAL AREA: Any area, as identified now or hereafter by the 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 Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

SETBACK: The minimum horizontal distance between the lot or property right-of-way line and the nearest front, side or rear line of the building, including terraces or any covered projections but excluding steps.

SHARED COMMERCIAL DRIVEWAY: Any private entrance or exit used as a vehicular passageway to two or more commercial or industrial uses.

SHOPPING CENTER: A group of retail business and service uses on a single site with common parking facilities.

SIDE YARD: The space from the end of the building to the side property line.

SIGN: Any device designed to inform or attract the attention of the public. (See Section 10)

SINGLE-FAMILY DWELLING: A dwelling structure that is designed for use by one family.

SILVICULTURE: The management and cultivation of forests trees; forest management.

SITE-BUILT: A building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.

SITE DISTANCE: The length of roadway ahead visible to the driver. The minimum sight distance available on a roadway should be sufficient to enable a vehicle traveling at or near the posted speed limit to stop before reaching a stationary object in its path.

SITE PLAN: A scale drawing representing the intended layout of a planned project.

SITE PLAN, PRELIMINARY: A plan showing the layout of lots of a proposed residential or nonresidential development.

SKETCH PLAN. Hand drawn not-to-scale renderings drawn on plats, plain paper or other suitable writing material and includes the same relevant information as site plans.

SLAUGHTERHOUSE: An establishment where animals are butchered for market or for other commercial reasons.

SOLID FENCE: An artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

SOLID WALL: A wall constructed in such a manner to prohibit viewing of land, materials, buildings, etc., located behind the wall, from an individual standing outside and parallel to the wall.

SOLID WASTE LANDFILL: A publicly owned disposal facility where any amount of municipal solid waste, as defined in *O.C.G.A.* §12-8-22, as amended, occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, is disposed of by means of placing an approved cover thereon.

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

STOCKYARD/COW BARN: An enclosure with pens, sheds or buildings for the temporary keeping or shelter of cattle, sheep, horses or other animals intended for market to be sold.

STORAGE BUILD: Can be built on site or can be a built off site such as a “Handy House” with the intention of use for storage. A storage building is used to store personal items. Mobile homes cannot be used for storage.



STORAGE TRAILER: A prefabricated portable storage building commonly attached to a cab or chassis for transportation. The first example is the bed of a box truck, the second example is a cargo container.



STORM SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

STORM WATER MANAGEMENT: See the storm water ordinance.

STORMWATER RUNOFF: Overflow from rainfall not absorbed by soil.

STORY: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

STREET: A public or private thoroughfare which affords the principal means of ingress and egress to abutting property and is classified as follows. See section 6.5 for street classifications.

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

STRUCTURE: Anything constructed or erected that requires location on the ground or attached to something on the ground, including but not necessarily limited to residential dwellings, commercial buildings, signs, patios, garages, pools, and decks, but not including fences and walls used as fences and wells.

STRUCTURAL ALTERATION: A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

SUBDIVISION: See "Major Subdivision".

SUBDIVISION, CONSERVATION: A subdivision design which concentrates lot, and streets, on more suitable, and less environmentally sensitive areas of the site, thereby preserving the steep slopes, wetlands, unsuitable soils, stream corridors and otherwise environmentally sensitive areas in a natural or undisturbed state. In this type of development 50 % of the land has to be set aside in a land trust as undeveloped.

SUBDIVISION CONSTRUCTION PLANS: A set of plans, details and technical specifications for the construction of roads, drainage systems, utilities, embankments, signage, traffic control devices, soil erosion control devices, soil erosion control measures and all other improvements required for the subdivision of land.

SUBDIVISION OF PROPERTY: The division of a tract, lot or parcel into two (2) or more lots, building sites, or other divisions for the immediate or future purpose of sale, lease, offer or development.

SUBDIVISION REGULATIONS: The Madison County Subdivision Regulations dated May, 1978, revised January, 1991, and as may be amended.

SURFACE MINING: Any activity constituting all or part of a process for the removal of minerals, ores, and dimension stone, and other solid matter for sale or for processing or for consumption in the regular operation of a business.

SURVEYOR: A person licensed by the State of Georgia to survey land.

SWIMMING POOL PRIVATE: A swimming pool where access is restricted to the owner of the property and their guest, or is privately owned and has memberships.

SWIMMING POOL, PUBLIC: A swimming pool the public has access too.

TEMPORARY BUILDING: A temporary portable unit for office or residential sales use that is designed to be transported, after fabrication, on its own wheels or on a flatbed or other trailer, or have detachable wheels. **This does not allow storage building to be used as such use.**

1. A temporary construction buildings, used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of construction.
2. A temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk of Superior Court. Said office shall be removed after 90 percent of the lots in the subdivision have sold.

TEMPORARY HUNTING USE: A short-term, seasonal use. Such use shall be approved by permitting staff. Temporary uses are granted for 90 days.

TINY HOUSE: These are prefab structures that look like small houses on wheels. They are self-contained with sitting, sleeping, cooking, and bathing areas. These campers can be used for recreational use for camping. The state of Georgia looks at these units as campers and must be tagged as so. Example Below:



TOWNHOUSE: A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door, which opens to the outdoors, and the units shall have a minimum of two (2) floors, but no access between adjoining units.

TRANSFER STATION: A facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation. A transfer station must comply with the "Rules of the Georgia Department of Natural Resources, Environmental Protection Division, §391-3-4, *Solid Waste Management*," effective June 27, 1993, and as amended.

TRANSMISSION TOWER: The structure on which transmitting and/or receiving antennas are located. An AM radio tower is its own transmitting antenna.

TRAVELED WAY: The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

TREE HARVESTING: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without planting.

TRUCK STOP: An area principally devoted to the service, refueling, temporary storage or parking of trucks, including accessory buildings, structures and use such as restaurants, laundry, and showers.

TRUCK TERMINAL: An area where cargo is stored for routing or reshipment and where trucks load and unload cargo on a regular basis, or an area in which semi-trailers and /or trucks are parked and stored.

UNBUILDABLE AREA: Flood plain and open space.

USE: The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which such land or structure is occupied, maintained, or leased.

UTILITY: Public or private could be water and sewer system, power lines, pipelines, gas lines, telephone lines, cable lines, railroads, roads, bridges, or storm water systems.

VARIANCE, AREA: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of said property, compliance would result in a particular upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

VARIANCE, USE: A minimal relaxation or modification to the permitted or conditional uses if not contrary to the public interest, where literal enforcement of the provisions of the regulations will result in great practical difficulties or unnecessary hardship, so that the spirit of the regulations is observed and substantial justice done, and where the neighboring property use is not substantially and permanently injured.

VEHICLE REPAIR/GARAGE: A business providing vehicle repair and body work to the motoring public. Overnight outside storage of automobiles and materials, such as tires, auto parts, etc., is allowed if kept to the rear of the building within a enclosed area or screened from the public view.

VENDING MACHINE: A coin operated machine that dispenses a product.

VETERINARY CLINIC OR HOSPITAL: Facility for the treatment of animals, operated by a licensed veterinarian, with short term care and boarding.

WAREHOUSE: Storage for wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WETLAND: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, and similar areas.

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.

WHOLESALE ESTABLISHMENT WITH OR WITHOUT A WAREHOUSE: A business primarily selling and or distributing merchandise to retailers, to industrial, commercial, institutional, or to other wholesalers **in large quantities**.

WHOLESALE NURSERIES: An area where plants are grown for transplanting, for use as stocks for budding and grafting, may also bedding plants. Intended purpose is for sale in large quantities for resale.

WHOLESALE STORAGE AND DISTRIBUTION: The storage and distribution of goods and merchandise produced or manufactured off-premises for later shipment to retail or wholesale distributors.

YARD: An open space on the same lot with a principal use, unoccupied and unobstructed by buildings or structures from ground to sky except where projections and accessory buildings are expressly permitted in these regulations.

YARD, FRONT: An open, unoccupied space on the same lot with the principal use, extending the full width of the lot and situated between the right-of-way line and the building line projected to the side lines of the lot. Covered porches, whether enclosed or unenclosed, are considered part of the principal use and shall not project into a required front yard. On corner lots, the front yard is considered parallel to the street upon which the lot has its largest dimension.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either, such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to sidelines of the lot.

ZONING: The power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

ZONING ACTION: A request for any action under the Zoning Ordinance, including, but not limited to, rezoning, variance, conditional use permits, and sign regulation.

ZONING ADMINISTRATOR: The Zoning Administrator or other officer so designated by the Board of Commissioners to enforce this ordinance.

ZONING DISTRICT: Any lot or zone as shown on the County's zoning map for which there are uniform regulations governing the use, placement, spacing and size of land and buildings. The words "zone," "zoned lot," "zoning district" and "district" have the same meaning.

ZONING ORDINANCE: The Madison County Zoning Ordinance approved by the Board of Commissioners, December 14, 1993, effective January 1, 1994, and as may be amended.