

ARTICLE 3 DEFINITIONS

Section 301. Generally.
Section 302. Definitions.

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Except as specifically defined herein, all words used in this ordinance have their customary dictionary definition. Words used in the present tense include the future; words in the singular include the plural number and words in the plural include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory. The word "may" is permissive.

Section 302. Definitions.

Administrative Officer: The Zoning Administrator of the City of Bainbridge, or his or her authorized representative.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Appeal: A request for a review an administrative official's interpretation of any provision of this ordinance, or an action taken by an administrative official in the application or enforcement of this ordinance.

Appropriate City Department Head: The acting city employee, or his authorized representative, who manages the overall provision of a particular city service.

Block: A piece or parcel of land entirely surrounded by public streets or approved private streets.

City: The City of Bainbridge, Georgia.

City Attorney: The Attorney of the City of Bainbridge.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Cul-de-sac: A street having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Cul-de-sac, Temporary: A non-permanent vehicular turn-around located at the termination of a street.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting street.

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

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

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

Development: Any man-made change of improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

Escrow account: A type of subdivision improvement guarantee where the subdivider deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City Manager, upon consultation with the Appropriate City Department Head, to cover the costs of required improvements.

Governing Body: The Mayor and City Council of Bainbridge, Georgia.

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

Land disturbing activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; any other alteration of land which causes land and stream bank erosion, siltation or water pollution; and any construction, rebuilding or alteration of a structure.

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

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public street or an approved private street. In determining the area and dimension of a lot, no part of the right-of-way may be included.

Lot of record: A parcel of land within the city limits which was properly platted and recorded in the Clerk of Superior Court of Decatur County's Plat and Deed records as of November 4, 1996, or which has been lawfully subdivided in accordance with the City

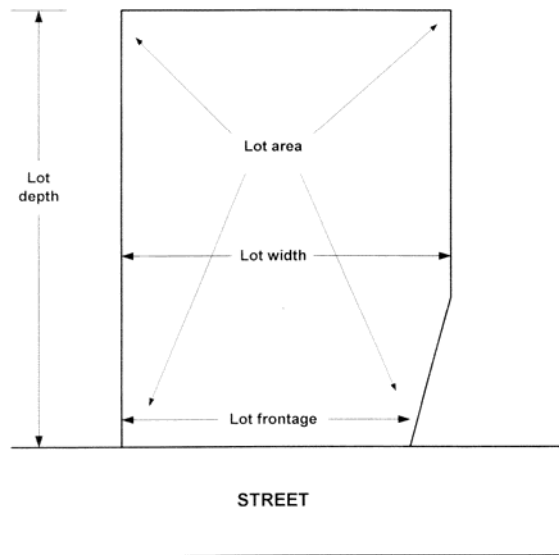
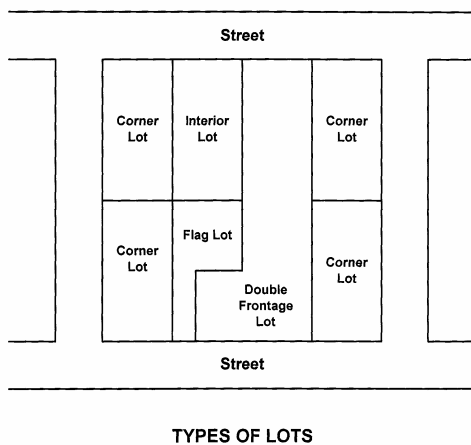
Zoning Ordinance and Subdivision Regulations since November 4, 1996, or which was lawfully subdivided prior to annexation into the City limits.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of a public or approved private street right-of-ways.

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

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

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



Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width for construction of a building or structure on that lot.

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

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

Metes and bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Manager, upon consultation with the Appropriate City Department Head, to cover the costs of required improvements, and payable to the City. The City may call in the performance bond in the event the subdivider defaults on required improvements.

Plat, Final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information, certification, and all other elements and requirements set forth in this ordinance, prepared for filing for record with the Clerk of the Decatur County Superior Court.

Plat, Preliminary: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its general design.

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

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

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

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

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the Governing Body 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.

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

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

Street: A public or private thoroughfare which may or may not be open to the general public and which affords the principal means of access to abutting property.

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

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

Street, half: A portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.

Street, private: A road or street that has not been accepted for maintenance by the City and that is not owned and maintained by a state, county, city, or another public entity. Private streets may or may not be open to the general public.

Street, public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership, where all lots comply with the dimensional requirements of the City Zoning Ordinance

Subdivision, minor: The subdivision of a tract of land into not more than five (5) lots in which there are no street, drainage, or other requirements, and where each lot has minimum required frontage on a public street or approved private street, and where there is adequate provision for potable water supply and waste water management for each lot, and where all lots comply with the dimensional requirements of the City Zoning Ordinance.

Variance: A minimal relaxation or modification of the strict terms of these Regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.