

## CHAPTER 2. ZONING REGULATIONS

### ARTICLE A. DEFINITIONS

#### Sec. 10-2001. SCOPE

Words not defined herein shall be construed to have the meaning given by Merriam Webster's Collegiate Dictionary, eleventh edition or later edition.

#### Sec. 10-2002. USE AND INTERPRETATION

The following shall apply to the use of all words in this Ordinance:

- a. Words used in the present tense shall include the future tense.
- b. Words used in the singular shall include the plural and vice versa.
- c. The word **shall** is mandatory.
- d. The word **may** is permissive.
- e. The nouns **zone**, **zoning district** and **district** have the same meaning and refer to the Zoning Districts established by this Resolution.
- f. The phrase **used for** shall include the phrases **arranged for**, **designed for**, **intended for**, **maintained for** and **occupied for**.

#### Sec. 10-2003. DEFINITIONS

##### A

**Accessory Site Feature.** Mechanical, electrical and ancillary equipment, cooling towers, mechanical penthouses, heating and air conditioning units and/or pads, exterior ladders, storage tanks, processing equipment, service yards, storage yards, exterior work areas, loading docks, maintenance areas, dumpsters, recycling bins, and any other equipment, structure or storage area located on a roof, ground or building.

**Adjoin.** To have a common border with. Adjoin may also mean coterminous, contiguous, abutting and adjacent.

**Administrative Minor Variance.** A variance to the minimum district yard requirements of not more than 1 foot, granted administratively by the Director of the Department of Planning and Community Development or his or her appointee.

**Administrative Modification.** A change to an approved condition of zoning that constitutes only a technical change and does not involve significant public interest as determined by the Director of the Department of Planning and Community Development.

**Administrative Variance.** A request for relief from: 1) the standards contained in Chapter 3, Subdivision Regulations, 2) a request to reduce the 10 foot improvement setback adjacent to buffers or 3) a request for 10% reduction of parking spaces as required in Chapter 2 Article E.

**Adult Bookstore.** See Part 11 Chapter 6 of the East Point Code of Ordinances.

**Adult Day Center.** A facility serving aging adults that provides adult day care or adult day health services for compensation to three or more persons. Adult day centers may operate in more than one location if classified and approved by the Georgia Department of Community Health as a mobile adult day center. This term shall not include a respite care services program. Aging adults are persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

**Adult Entertainment.** See Part 11 Chapter 6 of the East Point Code of Ordinances.

**Adult Entertainment Establishment.** See Part 11 Chapter 6 of the East Point Code of Ordinances.

**Alternative Antenna Support Structure.** Clock towers, campaniles, free standing steeples, light structures and other alternative designed support structures that camouflage or conceal antennas as an architectural or natural feature.

**Amateur Radio Antenna.** Radio communication facility that is an accessory structure to a single family residential dwelling operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. The term antenna shall include both the electronic system and any structures it is affixed to for primary support.

**Amusement /Indoor commercial.** A use, not otherwise specifically identified, where recreational activity such as movie theaters, arcades, billiards, game rooms, sporting activities and other recreational amusements are conducted within a building. This use specifically does not include adult entertainment uses.

**Amusement/Outdoor commercial.** A use, not otherwise specifically identified, where recreational activities such as skating rinks, batting cages, miniature golf, drive-in theaters and other recreational activities or amusements that are conducted outside a building.

**Antenna.** Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**Apartment.** A building which contains three or more dwelling units either attached to the side, above or below another unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multi-Family)

**Appeal.** A request for relief from a decision made by the Director of the Department of Planning and Community Development, other department directors, the Planning and Zoning Commission, and/or the City Council.

Artisans Workshop. A building or portion thereof less than 2000 square feet for the creation of artistic products such as but not limited to metal work, jewelry making, sculpture, glasswork, ceramics and pottery or woodworking.

Assisted living communities. Personal care homes which choose to serve 25 residents or more and which provide assisted living care which consists of the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. Personal services include but are not limited to individual assistance with and supervision of self-administered medications and essential activities or daily living such as eating, bathing, grooming, dressing and toileting.

Attic. An unheated storage area located immediately below the roof.

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks, equipment and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicles is prohibited as part of this use.

## **B**

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Bar. An establishment having a minimum capacity of 25 persons and a maximum capacity of 100 persons per the City of East Point Fire Code that does not meet the definition of a restaurant, nightclub, lounge, hotel, brewpub, open air cafe or sidewalk cafe, that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption. The bar must make food available to its patrons.

Basement. A level below a floor of a building with a minimum of one-half (1/2) of the total wall area below grade. A basement is not a story. The term basement is synonymous with cellar.

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

Bed and Breakfast Inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest rooms are made available for visitors for fewer than 14 consecutive days. Breakfast is the only meal served and is included in the charge for the room. Use allowed in non-residential districts and permitted in AG-1 with a Use Permit.

Berm. A planted earthen mound.

**Big-box retail establishment.** A singular retail or wholesale user, who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales are included but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

**Biomedical Waste.** Any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other waste from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated.

**Billboard.** A sign which may be supported by a pole structure, with an area of more than seventy-two (72) square feet but not more than six hundred seventy-two (672) square feet.

**Boarding House.** A residential use other than a hotel or motel in which lodging may be provided to non-household members and which includes the provision of meals.

**Brewpub.** An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed pursuant to a state license for consumption on the premises and solely in draft form.

**Buffer, State Waters.** See Chapter 12 Stream Buffer Protection.

**Buffer, Zoning.** A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director of the Department of Planning and Community Development or his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the Director of the Public Works or his/her designated agent(s).

**Buildable area.** The portion of a parcel of land where a building may be located and which shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.

**Building.** Any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

**Building Line.** Is an imaginary line which is no closer to a property line than the minimum yard (setback) requirements.

**Business.** A usually commercial, mercantile or industrial enterprise activity engaged in as a

means of livelihood.

## C

Canopy. A roof-like cover, excluding carports, that either projects from the wall of a building or is freestanding.

Car Wash, Principal. A primary or main use which provides space for cleaning vehicles.

Car Wash, Accessory. A customarily incidental use of an attached or detached bay for cleaning vehicles.

Cellar. See basement.

Cemetery, Human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.

Cemetery, Pet. The use of property as a burial place for the remains of pets. Such a property may contain a mausoleum.

Check casher. An individual, partnership, association, or corporation engaged in cashing checks, money orders, or other drafts for a fee. Such fee may be payable in cash, in the form of exchange of value in excess of regular retail value, in the form of mandatory purchase of goods or services by patrons on a regular basis, which shall mean the check casher conducts such services more than ten times in any calendar month, or in the form of the purchase catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items.

Check cashing establishment. Any establishment licensed by the State of Georgia pursuant to O.C.G.A. sections 7-1-700 et seq.

Child Care Learning Center. A program operated by a person, society, agency, corporation, institution or group that receives pay for group care. It provides child care for 19 or more children less than 18 years of age for less than 24 hours per day. Child Care Learning Centers are licensed by the State Department of Early Care and Learning pursuant to Rules and Regulations of the State of Georgia 591-1-1.02.

Church, Temple or Place of Worship. A facility in which persons regularly assemble for religious ceremonies. This shall include, on the same lot, accessory structures and uses such as minister's and caretaker's residences, and other uses identified under the provisions for Administrative and Use Permits.

Clear Cutting. The removal of all vegetation from a property, whether by cutting or other means, excluding stream buffer requirements.

Clinic. A use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

**Club.** A social, educational, or recreational use normally involving community centers, public swimming pools and/or courts, civic clubhouses, lodge halls, fraternal organizations, country clubs or similar facilities. Club, as defined herein, does not include nightclubs, health clubs, warehouse clubs, neighborhood clubs or stand alone recreational fields.

**Commercial Amusement /Indoor.** A use where recreational activity such as movie theaters, arcades, billiards, game rooms, sporting activities and other recreational amusements are conducted within a building.

**Commercial Amusement/Outdoor.** A use where recreational activities such as skating rinks, batting cages, miniature golf, drive-in theaters and other recreational activities or amusements that are conducted outside a building.

**Community Living Arrangement.** A residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases.

**Composting.** A processing operation for the treatment of vegetative matter into humus-like material that can be recycled as a soil fertilizer amendment such as trees, leaves and plant material. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included.

**Condominium.** A form of ownership as defined by State law in which common elements are jointly owned. A condominium is not a building type.

**Conservation Subdivision.** See Part 10 Chapter 4 Subdivision Regulations.

**Construction material.** Building materials and rubble resulting from construction, remodeling, repair, and/or demolition operations on pavements, houses, commercial buildings and other structures. Such materials include, but are not limited to, asbestos containing waste (waste only), 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/Demolition Waste.** Any waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste 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.

**Convalescent Center.** A state licensed use in which domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family. This use shall not include hospitals, clinics, or similar institutions

devoted primarily to the diagnosis and treatment of the sick or injured. The term shall include nursing home, hospice, and personal care home.

Convenience Store. A use offering a limited variety of groceries, household goods, and personal care items, occasionally in association with the dispensing of motor fuels as an accessory use, but in all cases excluding vehicle service, maintenance and repair and which occupies a maximum of 7,499 square feet of gross floor area.

Convenient location and time. Suitable time and easily accessible place for applicants to meet with interested parties to discuss rezoning and/or use permit petitions.

Country Inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than 30 consecutive days. A Country Inn is distinguished from a Bed and Breakfast category in that it serves both breakfast and lunch or dinner.

Courtyard. An open air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting and landscaping are appropriate for courtyards. Vehicular access allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed.

Cul-de-sac. A street having only one connection to another street, and is terminated by a vehicular turn-around.

Curb cut. A connection between a roadway and a property for vehicular access. Curb cut applies to access regardless of the existence of curbing.

Cutoff. A luminaire light distribution where the emission does not exceed 2.5 percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed 10 percent at a vertical angle of 80 degrees above nadir.

Cutoff Luminaries. A luminaire light distribution where the candela per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at or above a vertical angle of 90 degrees above nadir, and 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

## **D**

Day Care Facility. See Child Day Care Center

Day-Night Average Sound Level (DNL). The day-night average sound level (DNL) is the 24-hour average sound level, in decibels, obtained from the accumulation of all events with the addition of 10 decibels to sound levels in the night from 10 P.M. to 7 A.M. The weighing of nighttime events accounts for the usual increased interfering effects of noise during the night, when ambient levels are lower and people are trying to sleep. DNL is a weighted average

measured in decibels (db).

Deck. A structure abutting a dwelling with no roof or walls except for visual partitions and railings not to exceed 42" above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department. Department of Planning and Community Development.

Development, Duplex. A development of two-family houses.

Development, Multifamily. An apartment building designed, arranged or used for occupancy by 3 or more families living independently of each other.

Development of Regional Impact (DRI) Study. A review by the Atlanta Regional Commission and the Georgia Regional Transportation Authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located.

Development, Single Family. A development of single family dwelling units, with each dwelling unit including accessory structures, on a separate lot of record.

Development Standards. Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.

Development, Townhouse. A development of usually single-family houses of two or sometimes three stories that is usually connected to a similar house by a common sidewall.

Director. Director of the Department of Planning and Community Development.

Distribution Line - A pipeline other than a gathering or transmission line.

District, Nonresidential. A term used to identify C-1, C-2, CL, CR, I-1, I-2, BP, POP, and O-I-T

District, Residential. A term which applies to R-1, R-1A, RL, RT, R-2, R-3, R-4, and R-5, and residential portions of a MIX, CUP and AG-1.

Drainage Facility. A facility which provides for the collection, removal and detention of surface water or groundwater from land by drains, water course or other means.

Drive-in/up/thru Restaurant. A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles.

Driveway. A vehicular access way.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes for periods of more than 30 consecutive days.

Dwelling Unit. One or more rooms constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters.

## **E**

Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the Executive Order 12898 regarding Environmental Justice.

Environmentally Stressed Community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

## **F**

Family. Family means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to 4 unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel.

Family Day Care Home. A program operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family Day Care Home providers are licensed by the State Department of Early Care and Learning pursuant to State of Georgia Rules and Regulations 290-2-3.03 to care for 3, but not more than 6 children for a fee.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis, such as ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber.

Fast Food Restaurant. See Restaurant, Fast Food.

Financial institutions as used herein include banks, trust companies, building and loan associations, credit unions, savings and loan companies, mortgage brokers and lenders licensed by the Georgia Department of Banking and Finance and industrial loan companies licensed by the Georgia Insurance Commissioner. The definition however specifically excludes check cashing establishments licensed by the State of Georgia Insurance Commissioner pursuant to O.C.G.A. § 7-1-700 et seq. and does not include pawnshops or title pawn establishments.

Fixed Seat or Seating. Chairs, benches or other forms of seating permanently affixed to the floor of a structure. 18 inches of bench length shall be treated as one fixed seat.

Flag Lot. A lot where frontage to a public street is provided via a narrow strip of land forming a

pole or stem to the buildable portion of the lot. *Prohibited Citywide*

Flood Lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting. *Prohibited Citywide*

Flood Light. A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

Flood Plain Management Terms. The following definitions apply to Sections of the Zoning Ordinance on Flood Plain Management.

1. As-built drawings. Plans which show the actual locations, elevations, and dimensions of the improvements as certified by a professional engineer or a licensed surveyor in the State of Georgia.
2. Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year - the 100-year flood.
3. Base Flood Elevation (B.F.E.). The highest water surface elevation anticipated at any given point during the base flood.
4. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, such as mining, dredging, filling, grading, paving, excavation or drilling operations.
5. Federal Emergency Management Agency (FEMA). The Federal Agency which administers the National Flood Insurance Program. This agency prepares, revises and distributes the maps and studies adopted under Chapter 2, Article B Flood Management.
6. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
7. Flood Elevation Study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
8. Flood Boundary and Floodway Map. An official map of East Point on which FEMA has delineated the various flood boundaries, the floodway fringe, and the floodways.
9. Flood Fringe. That area contained by the flood boundaries exclusive of the regulatory floodway.
10. Flood Insurance Rate Map (FIRM). The official map of East Point on which

FEMA has delineated the risk premium zones.

11. Flood Insurance Study (FIS). A compilation of flood related data obtained from the flood studies for East Point, Georgia, prepared by FEMA.
12. Flood Plain. Lands subject to flooding, which have a one percent probability of flooding occurrence in any calendar year; the 100-year flood plain is shown on the Flood Boundary and Floodway Map. Also referred to as Area of Moderate Flood Hazard.
13. Flood Prone Area. Areas shown on the Flood Insurance Rate Map as "Zone B" (zone where the contributing drainage area is less than one square mile) and which are determined by the Department of Public Works to be a hazard to adjacent properties or development in the event of the base flood.
14. Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway. See Regulatory Floodway.
16. Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.
17. Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.
18. I.R.F. Elevation. See "Base Flood Elevation".
19. Lowest Floor. The lowest minimum floor including basement and attached garage.
20. Map. The Flood Boundary and Floodway Map or the Flood Insurance Rate Map.
21. Mean Sea Level. For purposes of Flood Plain Management, the National Geodetic Vertical Datum (NGVD) of 1929.
22. Mobile Home. See Mobile Home under "M" headings in main text of Definitions.
23. Mobile Home Park/Mobile Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and construction of streets) was completed on or after April 5, 1972.

24. NGVD. National Geodetic Vertical Datum.
25. New Structure. Any proposed structure which does (did) not have a valid building permit prior to the effective date of this (amendment) resolution. Note: This resolution was adopted on March 11, 1955. Records suggest that flood plain management provisions were first adopted on April 5, 1972.
26. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
27. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, or brook.
28. Special Flood Hazard Area. Those lands subject to periodic flooding and shown on the "Flood Insurance Rate Map" as a numbered or unnumbered "A" zone.
29. Start of Construction. The first placement of permanent construction of a structure, excluding a mobile home, on a site, such as the pouring of slabs or footing or any work beyond excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways. Excavation for a basement, footings, piers or foundations, and the erection of temporary forms are not permanent forms of construction. The installation of accessory buildings, such as garages and sheds, apart from the main structure also fail to qualify as permanent construction. For any structure, except mobile home, which has no basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its park or mobile home subdivision. **For a mobile home**, "start" means the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of pads, and installation of utilities) is completed.
30. State Coordinating Agency. The Flood Plain Management Division of the Georgia Department of Natural Resources.
31. Structure. All walled and roofed buildings, storage tanks and other structural improvements located principally above ground.
32. Water Surface Elevation. The relationship between the projected heights and the NGVD reached by floods of various magnitudes and frequencies in the flood plains.

Floor Area, Heated. The sum of all heated area of a dwelling or dwelling unit, as appropriate,

measured to the inside surfaces of exterior walls, excluding porches, balconies, attics, basements (unfinished), garages, patios and decks.

Food store. A retail establishment wherein any of the following are offered for sale, or sold by retail: fresh fruits; fresh vegetables; bakery, meat, poultry, or fish products; frozen foods; along with processed, prepackaged and perishable food, but also may sell other convenience and household goods, and which occupies a minimum of 7,500 square feet but not more than 74,999 square feet of gross floor area.

Foot-candle. A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area.

Footprint. The outline of the total area on the ground of a site or lot that is encompassed within the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. The footprint includes conditioned and unconditioned area but not parking lots, landscapes and, nonbuilding facilities.

Fuel Oil - a liquid petroleum product that is burned in a furnace for the generation of heat or used in an engine for the generation of power. The oil may be a distilled fraction of petroleum, a residuum from refinery operations, a crude petroleum, or a blend of two or more of these.

Full Cut-off. A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

## G

Gas Station Minimart. A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages, and pastries may be included in the food items offered for sale, but food items that are prepared or individually apportioned on the premises shall be prohibited.

Garden Center. A business whose primary operation is the sale of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component.

Glare. The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility.

**Golf Course.** A use of land for playing the game of golf. The term shall not include miniature golf, but may include a Country Club and a driving range as an accessory use.

**Governmental Facility.** A building or institution provided by the government to care for a specified need, such as a courthouse or county jail.

**Grade.** The average elevation of the finished surface of the ground adjacent to all sides of any structure.

**Green space.** Green space means permanently protected land and water, including agricultural and forestry land that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archaeological and historic resources;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph.

**Group Day Care Home.** Operated by a person, society, agency, corporation, institution or group that receives pay for group care. It provides child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed by the State Department of Early Care and Learning pursuant to State of Georgia Rules and Regulations 290-2-1.03\_for 7 – 18 children.

## **H**

**Hardship.** The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Zoning Ordinance.

**Hazardous Waste.** Any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

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

Height, Sign. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign.

Historic period lighting. Commercial lighting with an architectural design from the late 19th and early 20th centuries.

Home Occupation. An accessory use of a dwelling unit for business, operated by members of the resident family only. Hospice. A public agency or private organization or unit or either that provides care to persons terminally ill and to their families, regardless of ability to pay, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care team primarily in the patient's home but also on an outpatient and short-term inpatient basis and which is classified as a hospice by the Georgia Department of Community Health. In addition, such public agency or private organization or unit or either may also provide palliative care to persons with advanced and progressive diseases and to their families, directed and coordinated by the hospice care team.

Hospital. The provision of in-patient health care for people, including general medical and surgical services, psychiatric care and specialty medical facilities. Out-patient facilities are normally included.

Hotel/Motel. A building in which lodging and/or boarding is provided for fewer than 30 days. The term may include a restaurant in conjunction therewith and may also mean an inn.

Hotel, Apartment. A use which provides individual units which include cooking facilities, and which are used for temporary lodging to persons not related to the owner for fewer than 30 days.

## I

Identification Monument. See Chapter 7, Signs.

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illuminance. The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles. Horizontal illuminance applies to a horizontal surface, vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the entire area.

Illuminance Levels. Illuminance levels and foot candles noted in this ordinance mean the maintained illuminance levels; the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal

illuminance levels.

**Illumination.** Direct illumination is illumination which is projected from within a sign, building, etc. Indirect illumination is illumination which is projected onto a sign, building, etc.

**Improvement Setback.** An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted without the approval of the Director of the Planning and Community Development.

**Inert Waste Landfill.** A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves.

**Institutional Use.** Includes schools, colleges, vocational schools, hospitals, places of worship, asylums, museums, and other similar uses or facilities.

## **J**

**Junk Facility.** See Salvage/Storage/Junk Facility.

## **K**

**Kennel.** A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use shall be certified by the Fulton County Animal Control Office.

## **L**

**Lamp.** The component of an outdoor luminaire that produces light.

**Land Disturbance Permit.** A permit issued by the Department of Public Works that authorizes the commencement of alteration or development of a given tract of land or the commencement of any land disturbing activity.

**Land Disturbing Activity.** Any alteration of land which may result in soil erosion from water or wind and the movement of sediment into water or onto lands, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling.

**Landfill, Inert Waste Disposal.** A disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trash, stumps, limbs and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above. (Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definition).

**Landfill, Solid Waste Disposal.** Any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, facilities disposing of inert, construction and demolition, and municipal solid waste as defined and regulated by the Georgia Solid Waste Management rules and regulations, Chapter 391-3-4.

**Landscape Strip.** An area required by this resolution or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials.

**Landscaping Business.** A business whose primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component.

**Large Scale Retail/Service Commercial Structure.** An individual retail/service commercial structure that is 75,000 square feet or greater. This size threshold refers to an individual establishment and its associated outdoor areas used for display and storage.

**Large Scale Retail/Service Commercial Development.** A retail/service commercial development with at least one large scale retail structure but no more than four such structures whether freestanding or combined.

**Lawful Use.** Any use of lots or structure which is not in violation of any existing federal, state or local law, statute, regulation or ordinance.

**Library.** A place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public.

**Licensee.** Means a licensed cashier of checks, drafts, or money orders.

**Light, Direct.** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of luminaire.

**Light, Indirect.** Direct light that has been reflected or has scattered off of other surfaces.

**Loading Space.** An area within the main building or on the same lot, which provides for the loading, or unloading of goods and equipment from delivery vehicles.

**Lodge and/or Retreat/Campground.** A facility allowed with a Use Permit which provides space, food and/or lodging facilities for social, educational or recreational purposes.

**Lot.** The basic lawful unit of land, identifiable by a single deed. A group of two or more contiguous lots owned by the same entity and used for a single use shall be considered a single lot. Lot, tract and parcel are synonymous.

Lot, Corner. A Multiple Frontage Lot adjoining two streets at their intersection.

Lot Frontage. The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this property line. In situations where a multiple frontage lot has equal distance on street frontages, the Director of Public Works shall determine the legal lot frontage.

Lot line, front. A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot abuts the street which adjoins the lot for the shortest distance.

Lot line, rear. Generally, the rear lot line is the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and the most distant from the front lot line, not less than twenty feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one front lot line do not have rear lot lines. The Director of the Department of Planning and Community Development or his/her designee shall make the final determination of rear lot lines when in dispute or undefined by this definition.

Lot line, side. A lot line which is not a rear or front lot line.

Lot Line/Property Line. A line established through recordation of an approved plat, or a deed in the absence of a platting requirement, which separates a lot from other lots, or a lot from rights-of-way.

Lot, Multiple Frontage. Lots adjoining more than one street.

Lot, Nonconforming. See "Nonconforming Lot, Use or Structure".

Lot-of-Record. A lot, whether lawful or unlawful, which appears on a deed and/or plat recorded in the official records of the Clerk of Superior Court.

Lot, Unlawful. Any lot-of-record which, at the time of recordation in the official records of the Clerk of Superior Court, was not in compliance with zoning and subdivision laws in effect at that time.

Lot Width, Minimum. The least dimension required along the building line specified for each district, parallel to the lot frontage and measured between side lot lines.

Luminaire. This is a complete lighting system and includes a lamp or lamps and a fixture.

## **M**

Maintenance, Normal. The upkeep of a sign for the purpose of maintaining safety and

appearance which may include painting, bulb replacement, panel replacement, letter replacement, repair of electrical components, and structural reinforcements to its original condition.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building used for advertising or identification.

Massing. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Medical Related Lodging. A use which provides temporary lodging for family members of a hospitalized patient.

Mineral Extraction. Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity. Mineral extraction is prohibited City wide.

Mini-warehouse. A structure or group of structures containing separate spaces/stalls which are leased or rented on an individual basis for the storage of goods.

Minor Variance. An application requesting deviation from the minimum yard requirements, not to exceed ten percent of the dimensional requirements.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, mobile home includes travel trailers and similar vehicles placed on a site for 180 consecutive days or more. For all other purposes including insurance purposes under FEMA sponsored programs, mobile home does not include travel trailers and similar vehicles. A mobile home is not a modular home.

Mobile Home Park. Use of property for two or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. Does not include mobile home sales lot.

Model Home. A dwelling unit used for conducting business related to the sale of a development.

Modification. An application requesting change to an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

Modular Home. A factory-fabricated, single family dwelling built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis. A modular home is not a mobile home.

Motel. See Hotel/Motel.

Multi-tenant. Two or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business.

Municipal Solid Waste. Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

## N

NADIR. The point directly below the luminaire defined as 0 degrees vertical angle.

Nightclub. An establishment having a capacity of at least 100 persons, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertainment, and the serving of alcoholic beverages shall be incidental thereto.

Nonconforming (Grandfathered) Lot, Use or Structure. A use, lot or structure that was nonconforming at the time of the adoption of the East Point Zoning Ordinance on September 6, 1994 and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot or structure which has been made nonconforming by some City or State action. Any change or addition to a use, lot or structure must comply with current provisions of the Zoning Ordinance.

Nursing home. A facility, licensed by the Georgia Department of \_Community Health pursuant to State of Georgia Rules and Regulations 111-8-62\_, which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home.

## O

Off-Premise. A location outside of the subject lot for a designated use.

Off-Site/Premise. The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way.

On-Premise. The individual lot-of-record on which the use is located.

**On-Site/Premise.** The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition.

**Office, business.** An office for such activities as real estate agencies, insurance agencies, travel agencies and ticket sales, chambers of commerce, credit bureaus, abstract and title agencies or insurance companies, stockbrokers, and the like.

**Office, professional.** Professional or government offices including: accounting, auditing and bookkeeping services; advertising agencies; architectural, engineering, planning, and surveying services; attorneys; counseling services; court reporting services; detective agencies and similar services; educational, scientific, and research organizations; employment, stenographic, secretarial, and word processing services; government offices including agency and administrative office facilities; management, public relations, and consulting services; photography and commercial art studios; writers and artists offices outside of the home. Includes offices for doctors, dentists, and similar uses.

**Office, Temporary.** A mobile, manufactured or other structure which is used as an office for real estate sales, on-site construction management and related functions.

**Open space.** A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include wooded areas other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. Detention facilities and platted residential lots shall not be included in open space calculations.

**Outdoor Event.** An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, road races or similar sporting activities exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bike-a-thons, parades, etc. are subject to the approval of the East Point Police Department. A private party or event held at a location on residential property occupied by the host shall not be deemed a special event.

**Outdoor event, large.** A special event as defined above wherein 2000 or more attendees are anticipated. Such events may be permitted only upon the approval of a Use Permit application by the East Point City Council as per the procedures and standards set forth in Article D of the City of East Point Zoning Ordinance, Sections 10-2081 *et seq.*

**Outdoor event, small.** A special event as defined above wherein less than 2000 attendees are anticipated. Such events may be permitted only upon the approval of an Administrative Permit

application by the Director of Planning and Community Development per the procedures and standards set forth in Article D of the City of East Point Zoning Ordinance, Sections 10-2081 *et seq.*

Outparcel (spin-site). A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a Site Plan approved for the larger parcel.

## **P**

Parade. Any march, ceremony, show, exhibition, pageant or procession of any kind, or similar display in or upon any street, park or other public place in the city conducted by any person, any government or civic organization or other nonprofit organization. This definition specifically does not include funeral processions, students going to and from school or participating in educational activities under the direct supervision of school personnel.

Parcel. See lot.

Parking Lot. An area which is used for the parking of vehicle.

Parking space. An area designated for the parking of one vehicle on an all weather surface. No more than two carport or garage spaces may offset the minimum parking requirements in a single-family residential district. (SPECIFICATIONS INCLUDED IN ARTICLE E)

Path. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

Pawnshop/Title Pawn. A business that lends money at interest on personal property deposited with the lender until redeemed.

Permit Standards. Requirements established for each administrative and use permit such as setbacks, access, landscape and buffer areas, hours of operation etc.

Personal Care Home, means 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 or more adults who are not related to the owner or administrator by blood or marriage. Personal Care Homes are licensed by the Georgia Department of Community Health pursuant to Georgia Rules and Regulations 111-8-62.

Plan Review. The act of reviewing plans and specifications to insure that proposed undertakings comply with various governing laws, ordinances and resolutions. Compliance is subsequently utilized to determine that work and materials are in accordance with approved plans and specifications.

Plant Nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical

fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component.

Plat, Final. A finished drawing of a subdivision which provides a complete and accurate depiction of all legal and engineering information required by the Subdivision Regulations. Certification is necessary for recording.

Plat, Preliminary. A drawing which shows the proposed layout of a subdivision in sufficient detail to clearly indicate its feasibility, but is not in final form for recordation pursuant to the Subdivision Regulations.

Pipeline - any conduit through which natural gas, petroleum, oxygen, or other flammable or combustible products, or any of their derivative products, are conveyed or intended to be conveyed.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least seventy percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

Primary Variance. An application requesting relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

Prison/Correctional Facility. A public or state-licensed privately owned building(s), and all accessory uses and structures, used for long-term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A prison is distinguished from a jail, in that a prison is considered to be larger and for longer terms, and is normally operated under the authority or jurisdiction of the State or Federal government. (See Article D, Private Correctional Facility)

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one lot, or of accumulations of one or more lots, or parts thereof.

Protected Zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the East Point Zoning Ordinance, conditions of zoning, use permit or variance approval, and/or the Tree Preservation and Landscape Ordinance.

## Q

## R

Recreational Court, Private. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves a single family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including such

improved areas which are owned and/or controlled by a neighborhood or similar organization. A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court.

Recreational Court, Public. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under Recreational Court, Private.

Recreational Facilities. Includes parks, recreation areas, golf courses, playgrounds, recreation courts (indoor & outdoor), playing fields, and other similar uses or facilities.

Recreation Fields - An outside area designed and equipped for the conduct of sports and leisure-time activities including but not limited to softball, soccer, football, and field hockey.

Recreational Vehicle. A vehicle used for leisure time activities and as a dwelling unit while traveling. Examples include a camper, a motor home and a travel trailer. As distinguished from a mobile home, dimensions shall not exceed a width of eight and one-half (8.5) feet and a length of forty five (45) feet.

Recycling. Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recycling Center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials.

Recycling Center, processing. Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials whenever such use is permitted by Use Permit only in I-2 Zoning Districts. A recycling processing center is not to be considered a collection center.

Rehabilitation Center. Shall include rehabilitation centers for persons with alcohol, drug abuse or other dependency problems or mentally or physically handicapped persons.

Relocated Residential Structure. A dwelling which has been removed from one location for relocation to another lot.

Repair Garage, Automobile. A use which may provide a full-range of automotive repairs and services including major overhauls. May include paint and body shops.

Repair Garage, Truck and Heavy Equipment. A use which may provide a full-range of repairs and services including major overhauls on trucks and heavy equipment. Includes paint and body shops.

Residential Use\Dwelling. Any building or portion thereof where one actually lives or has his

home; a place of human habitation.

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered to be a restaurant. The restaurant seating area must be at least 40% of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating the seating space.

Restaurant, Casual Dining. A food service establishment that serves moderately-priced food in a casual atmosphere that typically provides table service. Casual dining restaurants usually have a full bar with separate bar staff, a larger beer menu and a limited wine menu.

Restaurant, Fast Casual. A food service establishment that does not offer table service, but may offer non-disposable plates and cutlery. The quality of food and prices tend to be higher than those of a conventional fast food restaurant but may be lower than casual dining.

Restaurant, Fast Food. A food service establishment which sells food from a counter or window for consumption on-premises or off-premises. Tables may be provided, and food may be served at a table, but may not be ordered from a table.

Restaurant, Fine Dining. A food service establishment that is full service with specific dedicated meal courses.

Retail Use. A business whose primary purpose is the sale of merchandise to consumers.

Retail sales establishment, bulk merchandise. A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs.

Retail sales establishment, general merchandise. Establishments that are retail operations that carry an assortment of merchandise from all other categories. Such stores may include but are not limited to department store, discount store, and similar establishments.

Retail sales establishment, household. Establishments that sell goods for furnishing or improving housing units. These establishments may include but are not limited to furniture store, home improvement center, electronic store, appliance store, and similar establishments.

Retail sales, specialty. Retail operations that specialize in one type or line of merchandise. Such stores may include but are not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

Retreat. See Lodge.

Right-of-Way. A portion of land over which a local or state government has designated a right of

use.

Roadside Produce Stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited.

Roadside Vending. The sale of merchandise such as clothing, crafts, household item, firewood, etc., from a temporary table or cart.

Rooming House. A residential use other than a hotel or motel in which lodging may be provided to non-household members for periods of 30 days or longer, and which does not include the provision of meals.

## S

Salvage/Storage/Junk Facility. Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage and/or salvage facilities whether or not all or part of such operations are conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste.

Scale. Scale refers to the relationship of the size of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings.

Schools, Colleges & Universities. Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district; private schools which have students regularly attending classes and which teach subjects commonly taught in these schools of this state; any educational facility operated by a private organization or local county, or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees.

School, Private. An educational use having a curriculum at least equal to a public school, but not operated by the Fulton County Board of Education.

School, Special. An educational use devoted to special education including the training of gifted, learning disabled, mentally and/or physically handicapped persons, but not operated by the

Fulton County Board of Education.

Screen. A fence, wall, hedge, landscaping, earthen berm, buffer area or any combination of these that is designed to provide a visual and/or physical barrier.

Seasonal Business Use. A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside.

Secondary Variance. An appeal of a decision and/or action of the Director of Planning and Community Development authorized to hear a variance request or interpretation of the Zoning Ordinance.

Self-Storage/Mini. A single-level structure or group of structures containing separate spaces/stalls and which are leased or rented to individuals for the storage of goods.

Self-Storage/Multi. A multi-level structure containing separate storage rooms/stalls under a single roof that are leased or rented.

Senior housing. A single family or multi-family development intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services. Senior housing does not include convalescent centers, nursing homes, or hospices.

Service Commercial Use. A business whose primary purpose is to provide a service.

Service Line - a distribution line that transports natural gas from a common source of supply to: (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. The customer meter is the meter that measures the transfer of gas from one operator to a customer.

Service Station. A use which provides for the sale of motor vehicle fuels and automotive accessories, and which may provide minor repair and maintenance services. A service station shall be limited to 4 or fewer bays excluding no more than one attached or detached bay for washing cars.

Setback. A space between a property line and a building or specified structure.

Setback, Minimum. The minimum yards as specified in the various use districts. A minimum required space between a property line and a structure. An area identified by a building line.

Sidewalk. A paved area designated for pedestrians which is constructed in accordance with East Point standards as outlined in the City of East Point Subdivision Regulations.

Sign. Any name, identification, description, display, illustration, writing, emblem, pictorial

representation or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

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

Sign Animated. Any sign, or part of a sign, that uses movement or change of lighting or color to depict action or create a special effect or scene.

Sign Area. The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which such sign is placed.

Sign, Canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy (Electronic). Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Changeable Copy (Manual). Any sign that has a reader board format serving as background for letters/messages that are manually changeable.

Sign, Directional. Real estate signs for the purpose of marketing and providing directions to residential developments.

Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, but not including monument type signs.

Sign Height. See Height, Chapter 7 Signs.

Sign, Identification Monument. A sign not erected on one or more poles or similar supports but erected to rest on the ground or to rest on a monument base designed as an architectural unit with the sign. A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure.

Sign, Illumination of. See Illumination.

Sign, Kiosk. A sign consisting of a list of names of businesses located on a property or in a

building.

Sign, Portable. Any sign not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Sign, Projecting. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Temporary. Any sign that is used only temporarily and is not permanently mounted.

Sign, Temporary event. A sign that is erected on private property informing citizens of upcoming events sponsored by local governments, religious organizations, civic and community organizations.

Sign, Vehicle. A vehicle with sign(s) permanently painted, attached or magnetically designed to be affixed to a vehicle for the purpose of providing advertisements of products, services or events or directing people to a business or activity. Trailers or non-motorized vehicles are not to be classified as vehicles with signs.

Sign, Wall. Any sign attached parallel to, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

Sign, Wall (Entry). Any single faced sign attached to or erected and confined within the limits of an exterior wall generally located along the perimeter of a development.

Sign, Window. Any temporarily affixed sign of pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is displayed within one foot of a window, attached inside a window or placed upon a window (including windows on doors) and is visible from the exterior of the window.

Site Plan. A detailed plan, drawn to scale, based on a certified boundary survey, and reflecting conditions of zoning approval, various requirements of State law, and City Ordinances.

Site Plan, Preliminary. A detailed plan, normally associated with rezoning and Use Permit requests, which is drawn to scale and reflects the various requirements of State law and of City Ordinances. A Preliminary Site Plan must be drawn to scale and shall contain information listed for such a plan in the Development Review Guide.

Skywalk. An elevated, grade separated pedestrian walkway or bridge located over a public right-

of-way.

**Solid Waste.** Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

**Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Spill Light.** The light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.

**Stadium.** A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators.

**Story.** A portion of a building between the surface of any floor and the floor or space above it, excluding basements and attics.

**Street.** A roadway/right-of-way located and intended for vehicular traffic. Streets may be public or they may be private if specifically approved by the Department of Planning and Community Development as part of a subdivision plat.

Public streets are rights-of-way used for access owned and maintained by the federal, state, or local government.

Private streets are roadways constructed to East Point Standards but owned and maintained by a private entity. Necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities shall be provided. Should East Point ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable East Point standards subject to the approval of the Director of Public Works.

Stub streets are rights-of-way that dead ends into an interior property line.

Freeway - Any multi-lane roadway having full access control and separation of

directional traffic. A freeway accommodates large volumes of high speed traffic and provides efficient movement of vehicular traffic for interstate and major through travel.

Principal Arterial - Any roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis is placed on mobility rather than access to adjacent land.

Minor Arterial - Any roadway that has partial or no access control and is primarily used for interconnectivity of major arterials and places more emphasis on access to adjacent land over mobility than principal arterials.

Collector Road - Any roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system to their destination points and allow access to the local roads.

Local Road - Any roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged.

Full Access Control - Preference is given to through traffic by providing access connections only with selected public roads and by prohibiting crossing at grade and direct private connections.

Partial Access Control - Preference is given to through traffic to a degree that in addition to connection with selected public roads, there may be some crossing at grade and some private connections.

No Access Control - Preference is generally given to access to adjacent land rather than mobility.

Structure. Anything built or constructed which occupies a location on, or is attached, to the ground. Driveways, surface parking lots, patios, and similar paved surfaces are not considered structures.

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and located on the same lot. Examples of accessory structures in single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, detached garages and detached carports, etc. Fences and retaining walls are not considered accessory structures. Driveways, surface parking lots, patios, and similar paved surfaces are not considered accessory structures.

Structure, Principal. A structure in which the principal use or purpose on a property occurs, and to which all other structures on the property are subordinate. Principal shall be synonymous with main and primary.

Subdivision. The division of land into two or more lots. A development consisting of subdivided

lots.

Surface, All-weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Swimming Pool, Private. A recreation facility designed and intended for water contact activities which serves a single family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

Swimming Pool, Public. A recreation facility designed and intended water contact activities which is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

## T

Tasting room. An outlet operated for the distribution and sale of wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off premises with the required state and local licenses for same. Samples of wine can be given free of charge or for a fee.

Tenant Panels. An on-premise sign panel(s) that list the name of tenants within a shopping center or development which the primary sign identifies.

Theatrical community center. A building or portion thereof that has as its purpose the promotion, instruction, study, and production of the theater (including dance) as an art form. This definition does not include any “adult entertainment facility” or “adult nightclub” as defined in Chapter 6, Part 11 of the City of East Point Code of Ordinances.

Thoroughfare, Major. Any street which is classified in the Transportation Element of the Comprehensive Plan as either a freeway, an arterial or a major collector.

Thoroughfare, Minor. Any street which is classified in the Transportation Element of the Comprehensive Plan as a minor collector or local street.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not Alternative Antenna Support Structures. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like excluding amateur radio antenna.

Transfer station. A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

Transmission Line - a pipeline other than a gathering line that (1) transports fuel oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a distribution center or storage facility (tank farm) and/or (2) transports fuel oil/liquid petroleum product within a storage field.

Trespass Light. The offsite spill light that illuminates beyond the property boundaries in which the light fixture is installed, where it is neither wanted nor needed.

Truck Terminal. A primary use of property where trucks/trailers are either temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal. (Permitted I-2 Heavy Industrial District).

## U

Use. The purpose or function arranged or intended for a structure or property.

Use, Accessory. A subordinate use which is customarily incidental to the principal use of a lot, and which is located on the same lot as a principal use.

Use, Principal. The primary or main purpose or function of a lot or structure. Synonymous with Main and Primary.

Use Permit. A permit approved by the City Council, pursuant to a public hearing, which authorizes a use which must meet certain standards which exceed the requirements of the district as a whole.

## V

Variance, Primary. An application requesting relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

Variance, Secondary. An appeal of a decision and/or action of a director or assistant director authorized to hear a variance request or interpretation of the Zoning Ordinance.

Vegetative Screen. An evergreen planting which, within three years of planting, provides a 100 percent visual barrier between a lot and adjacent lots and uses with a minimum height of 6 feet. A vegetative screen is composed of plant materials.

Vehicle, Junk or Salvage. Any automobile, truck or other vehicle which is missing one of the following: 1) current registration, 2) license plate with current decal, 3) proof of liability insurance, 4) drive train component for more than 30 days.

Veterinary Clinic/Hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

## W

Waste. Materials that are discarded, disposed of or no longer usable.

Waste Disposal Boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices).

Waste, Hazardous. See Georgia Department of Natural Resources definition. Waste, Solid. See Georgia Department of Natural Resources definition.

## **X**

## **Y**

Yard. A land area extending between a structure and a lot line.

Yard, Front. A yard abutting any street except the side street on a corner lot. Front yards extend the entire length of an abutting street from intersecting lot line to intersecting lot line. The front yard of corner lots shall be applied to the street which abuts the lot for the shortest distance.

Yard, Minimum. The minimum distance between a building or specified structure and a lot line as specified in the district regulations.

Yard, Rear. The rear yard is the minimum required distance between the rear lot line and a structure. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Director of the Department of Planning and Community Development or his/her designee shall make the final determination of rear yards when in dispute or undefined by this definition.

Yard, Side. A yard which is not a front or rear yard.

## **Z**

Zoning Conditions. Requirements placed on property by the City Council at the time of approval of a rezoning and/or use permit.

Zoning Modification. An application to change approved zoning conditions on rezoning and use permits where it has been determined by the Director of the Planning and Community Development Department that the requested change involves a matter of significant public interest.