

ARTICLE III. DEFINITIONS

(Amended 05/26/11) (Amended 07/28/11)

Sec. 3-1. Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The word “shall” is always mandatory while the word “may” is merely discretionary. The following specific definitions shall apply:

Accessory. A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acquisition of Property for a Public Purpose. The acquisition of property by an entity with the power of eminent domain.

Acre, gross. A measure of land equal to 43,560 square feet.

Acre, net. A gross acre less: street rights-of-way, both public and private; all land located within the 100 year floodplain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

Adult Day Care Facility. Adult day care facilities shall include any building, or portion thereof, used to house four (4) or more adults requiring care, maintenance, and supervision for part of a day.

Agriculture. The raising of soil crops, including forestry and landscape planting materials, and/or livestock in a customary manner on lots of land at least five (5) acres in size, including all associated activities.

Aircraft. Any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in the air.

Aircraft Landing Area. Areas designed for safe landing and departures, including runways and heliports.

Airplane. A fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Aircraft Hangar. A fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Alteration. Any construction or renovation to an existing structure, other than repair.

Amphitheater. An open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

Animal. For the purpose of this ordinance, the word animal shall mean either a domestic dog (*canis familiaris*) or domestic cat (*felis catus*.) It shall not include livestock (see *Livestock*.) The number of animals kept shall be limited to three (3.)

Animal, Wild. This shall include any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per OCGA Title 27, Chapter 5 as presently stated and as hereafter amended.)

Antenna. A device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

Apiary. A place where honeybees and beehives are kept.

Aquaculture. The hatching, raising, and breeding of fish and/or aquatic plants for food or fiber.

Automobile Service Station. A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Banquet Hall. A facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, weddings and/or wedding receptions, anniversaries, and other similar celebrations.

Basement. That portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.

Bed and Breakfast. (see *Hotel*)

Beehive. A structure intended for the housing of bees.

Breezeway. A roofed, open-sided or screened passageway connecting two (2) structures, such as a house and a garage.

Buffer. A portion of a lot which is set aside to provide a separation of uses from abutting lots.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, livestock, process, equipment, goods or property of any kind.

Building Height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. Architectural features, which are not utilized for habitable space, shall not be included in the calculation of building height (see *Tower Height*.)

Building Line, Front. A line running parallel to the street which touches the nearest point of the principal structure to the street.

Building, Principal. A building in which the principal use of the lot is conducted.

Cabana. An open or partially enclosed structure used in conjunction with a pool or lake/pond commonly containing a changing area, and/or seating area, and/or a restroom.

Campground Facilities. Any lot where two (2) or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Care Home. A convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

Carport, attached. A roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

Carport, detached. A roofed, open-sided motor vehicle shelter.

Cemetery. A burial ground.

Cemetery or Burial Ground, Legal Nonconforming. An existing cemetery or burial ground established before the effective date of November 13, 1980, or subsequent amendments which fails to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

Church or other Place of Worship. A building used for public worship, including, but not limited to: temple, synagogue, pagoda, shrine, cathedral, tabernacle, and mosque/masjid.

Child Care, In-Home. A custodial care business, conducted as a home occupation in a residential dwelling, where not more than three (3) children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable state requirements and/or certifications. The children of the owner are not included in the count.

Clinic. An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or Lodge, Private. All incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common Area. Any part of a development that is not part of a building lot and is designated for the common usage of the development (see *Open Space*.)

Convenience Store. A small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

County Engineer. The official to whom the responsibilities normally associated with this title has been delegated.

Covered Patio or Covered Deck, detached. An open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

Cultural Facility. A facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Curb Cut. The point at which vehicular access is provided to a lot from an adjoining street.

Day Care Facility. An agency, organization, or individual providing daytime care for four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult (see also, *Nursery School.*)

Daylight Hours. That period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

Day Spa. An establishment offering massage therapy performed by a licensed massage therapist pursuant OCGA 43-24A-1, et seq, that in addition may also offer beauty care, body treatments, and the retail sales of related products.

Density. The number of dwelling units per net acre.

Density, High. High density is defined as more than four (4) dwelling units per net acre.

Density, Low. Low density is one (1) dwelling unit or fewer per two (2) net acres.

Density, Medium. Medium density is one (1) to three (3) dwelling units per net acre.

Dog Pen/Run. For the purposes of Article V., Accessory Structures and Uses, a dog pen/run is an outside open air enclosure, consisting of 400 square feet or less, used for the purpose of containing dogs.

Drive-In. A retail or service enterprise wherein service is provided to customers who remain in their vehicles.

Drive-Thru. An opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Dwelling. A building or portion of a building, designed for, or occupied for residential purposes constituting a residence.

Dwelling, Multi-Family. A dwelling designed for three (3) or more families living independently of each other.

Dwelling, Single-Family. A detached dwelling designed for a single family.

Dwelling, Townhouse. One (1) of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, Two-Family. A building containing two (2) single-family dwelling units totally separated from each other by an un-pierced wall extending from ground to roof.

Dwelling Unit. One (1) or more rooms within a structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping, sanitation, and which is physically set apart from any other rooms or dwelling units in the same building.

Educational/Instructional Facility. A specialized training establishment.

FAA. The Federal Aviation Administration.

Family. One (1) or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four (4), living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

Farm. A lot devoted to the raising of agricultural products and/or livestock.

FCC. The Federal Communications Commission.

Fence. Structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

Financial Institution. Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association, which is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

Floor Area, Accessory Structure. The sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Principal Structure. The area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Front Door. The main entrance to a residence or building which is normally oriented to a street.

Gazebo. A freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing Authority. The Fayette County Board of Commissioners.

Grocery Store. A retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

Habitable Space. A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Helicopter. A rotary winged aircraft that depends principally upon the lift generated by one (1) or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport. An area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Home Occupation. An occupation conducted within a dwelling by residents of the dwelling.

Horse Quarters. A structure used to house horses in the residential zoning districts.

Horse Stable. A structure used to house and/or board horses in an A-R Zoning District.

Hospital. Any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under Georgia law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium, with an approved Certificate of Need (CON) from the State Health Planning Agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel. A building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "motel" and "bed and breakfast".

Industrialized Building. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a non-residential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/Auto Grave Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked Automobile. See *Vehicle, Abandoned.*

Kennel. Any location where any combination of animals are kept in excess of three (3) shall be deemed to be a kennel. This definition does not include a location where one (1) litter of dogs or cats of not more than six (6) months of age are kept.

Kindergarten. See *School, Private.*

Landscape Areas. A maintained area of grass and/or ornamental planting materials.

Lot of Record. An area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with the Fayette County Subdivision Regulations (see County Code), or in a legally recorded deed.

Manufactured Housing. Manufactured housing means a structure, transportable in one (1) or more sections, which, in the traveling mode, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured Home Park. Any lot where two (2) or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured Home Space. A plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Massage Therapy. Massage therapy performed by a licensed massage therapist pursuant to OCGA 43-24A-1, et seq.

Mini-storage Facility. Storage facilities which are leased to the public.

Motel. See *Hotel*.

Museum. A permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates, and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study, and enjoyment.

Non-Emergency Medical Transport Service. A service licensed by the State of Georgia under OCGA 31-11-1 through 31-11-82 as applicable and as administered by the Department of Human Resources providing prearranged non-emergency medical transport.

Nonconformance, Illegal. A lot, use, building, or structure established after the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein.

Nonconformance, Legal. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance.

Nursery School. An agency, organization, or individual providing daytime care of four (4) or more children not related by blood or marriage or not the legal wards of the attendant adult (see *Day Care Facility*.)

Open Space. Land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate (see *Common Area*.)

Overlay Zone. A zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Parking Garage/Lot. A structure, lot or any portion thereof which is open to the public in which one (1) or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Parking Space. An area for off-street motor vehicle parking.

Pavilion. A freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Planning Commission. The commission to which the responsibilities associated with the Planning Commission has been delegated.

Playhouse. A small house-like structure designed for children to play in.

Public Utility Facility. A location of or for public utilities, such as an electric substation or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission.

Pole Barn. A large structure consisting of a roof supported by poles for the storage of farm products, feed, or the housing of farm animals or farm equipment, in agricultural zoning districts.

Porte Cochere. An extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles. Also called a carriage porch.

Public Water Facilities. Mains and service lines owned and operated by the Fayette County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Recycling Facility. A facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Runway Safety Area. A cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, Garage/Yard. Garage/yard sales shall include all sales entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "moving sale", or "estate sale".

School, Private. An elementary (kindergarten thru sixth grade and can include Pre-K), middle or high school, supported with private funds, providing a curriculum that meets State Board of Education requirements, including schools serving school age children with special needs.

School, Trade/Vocational. See *Educational/Institutional Facility*.

Service Area. A designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Setback. The area as designated by this ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

Sewer System, Central Sanitary. Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release.

Shooting Range, Indoor. An indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting Range, Outdoor. An outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Solar Farm. Any lot where more than three (3) ground mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground mounted solar panels are located.

Solar Panel. A device consisting of an array of connected solar cells or photovoltaic cells that convert solar energy (light from the sun) into heat or electricity.

Special Event. A temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split Zoning. A lot divided by more than one (1) zoning district.

Stadium, Athletic. An open-air facility, primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

Story. The portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Street. A public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be: 1) owned and operated/maintained by Fayette County (i.e., those within a public right-of-way); 2) privately owned but open for public use and maintained by Fayette County (i.e., those within a prescriptive easement); or 3) privately owned and maintained (i.e., a private road.) Public streets are designated by type on the Fayette County Thoroughfare Plan.

Street, Access. A street that provides for access to lots.

Street, Private. A street used for access that is not owned or maintained by a governmental agency such as the County, a municipality, the State or Federal Government.

Street, Public. A street that is used for travel by the general public, that is owned or maintained by a governmental agency such as the County, a municipality, the State or Federal Government.

Structure. A combination of materials assembled for use or occupancy, whether installed on, above, or below the surface of land or water. For the purposes of this ordinance, structures include, but not limited to: buildings, manufactured homes, towers, recreational courts, and swimming pools, but do not include driveways, signs, septic systems, walls, or fences.

Subdivision. All divisions of a lot or land into a minimum of two (2) or more lots.

Swimming Pool Screened Enclosure. A structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

Taxi Service. A service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include Charter Motor Coach Service.

Thoroughfare, Major Arterial. A street designated on the Thoroughfare Plan as a Georgia State Route which provides traffic movement through the region, as well as, traffic movement within and through the County.

Thoroughfare, Minor Arterial. A street designated on the Thoroughfare Plan which provides traffic movement within and through the County.

Thoroughfare, Collector. A street designated on the Thoroughfare Plan which collects/ carries traffic from local and other collector streets and provides a connection to arterial streets.

Thoroughfare, Major. A street designated on the Thoroughfare Plan as a major thoroughfare and being classified as either arterial or collector.

Thoroughfare, Minor. A street designated on the Thoroughfare Plan as a County Local or Internal Local primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Tot lot. An improved and equipped play area which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches for small children, usually up to elementary school age.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower Facility. The area containing tower antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *Building Height*.)

Tower, Planned. Any tower that is in the public hearing procedure, site application process, or has been approved, but not yet constructed (see Article V.)

Tower structure, Alternative. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free-standing clock towers, and bell towers, light poles, flag poles, internal antenna towers (a/k/a “slick stick”) including cylindrical unicells and/or similar alternative design tower structures.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to December 10, 1998.

Townhouse. See *Dwelling, Townhouse*.

Trailer, Temporary. A vehicle designed for towing, not intended for use as a dwelling, and restricted to such uses as a construction office/storage facility, real estate sales office, and operations office or classrooms pending construction of a permanent facility.

Training Center. A facility used for business or professional conferences, seminars, and training programs.

Tutoring. The provision of instruction.

Uses, Conditional. Those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, Permitted. Those uses that are allowed in a particular zoning district as a matter of right.

Uses, Principal. The main purpose for which a lot is intended and for which it may be used.

Variance. A modification of the terms of this ordinance granted by the Zoning Board of Appeals in accordance with criteria as set forth herein.

Vehicle, Abandoned. A vehicle which does not bear a license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building or unless it is stored on a permitted auto sales lot and is in satisfactory operating condition.

Vehicle/Boat Sales. A business establishment primarily involved in the sale of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, boats, recreational vehicles or trailers, or other vehicles, excluding manufactured homes.

Vehicle, Business. Any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

Vehicle, Passenger. A wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a charter motor coach.

Vehicle, Recreation. A self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes. Recreation vehicles shall include camping trailers and travel trailers in addition to self-propelled vehicles and shall not exceed eight and one-half (8.5) feet in width and 45 feet in length.

Walkway. A passage to provide walking access, such as walks, paths, and steps.

Wall. Structures made of masonry or concrete, commonly used as an enclosure for a lot.

Warehouse. A building devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water Distribution System, Central. Mains and service lines owned and operated by the Fayette County Water System, or when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water Impoundment. A body of water confined by a dam, dike, floodgate, or other barrier.

Weight, Curb. The total weight of a vehicle with standard equipment, all necessary operating consumables (e.g. motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind Farm. Any lot where more than one (1) wind turbine for the purpose of generating electricity is located.

Wind Turbine. A freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

Yard. A required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, Front. The area between a property line adjacent to a thoroughfare and the building line, extending the full width of the lot.

Yard, Rear. The area between the rear property line and the rear building line, extending the full width of the lot.

Yard, Side. The area between the side property line and the side building line, extending from the front yard to the rear yard.

Zoning Administrator. The person who has been designated by the Board of Commissioners to administer the enforcement of this Ordinance.

Zoning Board of Appeals. The board to which the responsibilities associated with the Zoning Board of Appeals has been delegated.