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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** July 27, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** TA10-005 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance

**MEETING DATE:** For Submission onto the August 3, 2010, City Council Work Session Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Article 3 Mark-up

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**APPROVAL BY CITY MANAGER:**  APPROVED

\_\_\_\_\_  
NOT APPROVED

**PLACED ON AGENDA FOR:** 8/3/10

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:** 

**REMARKS:**

To: Planning Commissioners

From: Nancy J. Leathers, AICP, Director, Department of Community Development 

Date: July 27, 2010 for Submission onto the August 3, 2010 Mayor and City Council Work Session Agenda

Subject: Proposed TA10-005, An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance

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Please find enclosed a proposed text amendment to Article 3, Definitions of the Sandy Springs Zoning Ordinance, with corresponding mark-up.

***Background:***

Staff has had issues regarding the City's Zoning Ordinance. Therefore, it has been determined that the Zoning Ordinance should be reviewed in its entirety to ameliorate these issues and provide clarification of the current text.

***Discussion:***

Staff has determined to revise Article 3, Definitions of the City's Zoning Ordinance as part of the comprehensive overhaul of the ordinance.

***Planning Commission Recommendation:***

The Planning Commission heard the amendment at the June 17, 2010 meeting and recommended approval as presented by staff (4-0, Duncan, Thatcher, Rupnow, and Pond for; Maziar, Rubenstein, and Tart absent).

***Alternatives:***

The City Council could choose to not recommend the changes prepared by staff.

***Tentative Schedule:***

Mayor and City Council – August 17, 2010.

cc: Wendell K. Willard, City Attorney

~~ADOPTED BY MAYOR AND CITY COUNCIL, DECEMBER 27, 2005  
WITH SUBSEQUENT AMENDMENTS~~

ARTICLE III

DEFINITIONS

3.1. SCOPE.

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

3.2. USE AND INTERPRETATION.

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

- ~~A.~~ **A.** Words used in the present tense shall include the future tense.
- ~~B.~~ **B.** Words used in the singular shall include the plural and vice versa.
- ~~C.~~ **C.** The word shall is mandatory.
- ~~D.~~ **D.** The word may is permissive.
- ~~E.~~ **E.** The nouns ~~zone,~~ "zoning district," **"zone," "use district"** and "district" have the same meaning and refer to the ~~Zoning zoning Districts districts~~ established by this ~~Resolution~~ **Ordinance.**
- ~~F.~~ **F.** The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," ~~"maintained for"~~ and "occupied for".
- G. None of the definitions contained herein shall be construed to permit any act that is in violation of any City, county, state or federal law.**

3.3. DEFINITIONS

3.3.1. A

**Accessory Display. An exhibit component separate from a building that is used for identification and display of merchandise which is being offered for sale on-premise.**

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

Adjoin. To have a common border with. ~~Adjoin~~**“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 Community Development.~~

~~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 Community Development.~~

~~Administrative Variance. A request for relief from: 1) the standards contained in Article 34, Development 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 Article 18.2.4.~~

~~Adult Bookstore (amended 08/19/08, RZ08-022, Ord. 2008-08-39, amended 04/21/09, TA09-014, Ord. 2009-04-22).~~ =A commercial establishment or facility in the ~~city~~**City** that maintains **twenty five percent (25%)** ~~percent~~ or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in “floor area” maintained for the display, sale, and/or rental of the items):

- ~~(1)~~**A.** ~~Books~~**books**, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or
- ~~(2)~~**B.** ~~I~~nstruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent “specified anatomical areas” as defined herein.

~~Adult business (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Adult dancing establishment (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Adult Entertainment (amended 04/21/09, TA09-014, Ord. 2009-04-22). Live conduct characterized by the display of specified anatomical areas. None of the definitions contained in this section shall be construed to permit any act that is in violation of any city, county or state law.~~

~~Adult entertainment~~ **Entertainment Establishment** establishment (amended 08/19/08, RZ08-022, Ord. 2008-08-39, amended 04/21/09, TA09-014, Ord. 2009-04-22). Any establishment or facility in ~~Sandy Springs~~ **the City** where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.

~~Adult establishment~~ **Establishment** (added 08/19/08, RZ08-022, Ord. 2008-08-39, amended 04/21/09, TA09-014, Ord. 2009-04-22). Any adult bookstore, adult entertainment establishment, adult motion picture theater, or adult motion picture arcade.

~~Adult hotel or motel (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Adult mini-motion picture theater (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Adult motion picture arcade~~ **Motion picture Arcade** (added 08/19/08, RZ08-022, Ord. 2008-08-39, amended 04/21/09, TA09-014, Ord. 2009-04-22). A commercial establishments to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis upon matter displaying specified sexual activities or specified anatomical areas.

~~Adult motion picture theater~~ **Motion picture Theater** (added 08/19/08, RZ08-022, Ord. 2008-08-39, amended 04/21/09, TA09-014, Ord. 2009-04-22). A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons for any form of consideration.

**Amphitheater. A structure having tiers of seats rising gradually outward from a central open space or arena.**

~~Adult movie house (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~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 (not to include man-made trees).~~

### **ARTICLE III – Page 3**

~~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.~~

Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves. The term “antenna” shall include both the electronic system and any structures it is affixed to for primary support.

**Antenna, Alternative 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 (not to include man made trees).**

**Antenna, Amateur Radio. A radio communication facility that is an accessory structure to a single family dwelling unit operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator.**

Apartment. A building which contains ~~=~~three (3) or more dwelling ~~=~~units either attached to the side, above or below another **dwelling** unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multi-~~F~~family)

Appeal. A request for relief from a decision made **pursuant to this Ordinance** by the Director ~~of Community Development~~, other department directors, the Board of Appeals, and/or the City ~~of~~ Council.

**Appearance. The outward aspect of a structure or landscape design that is visible to the public.**

Applicable Wall Area. The ~~=~~ wall on which a wall sign is attached including all walls and windows that have the same street or pedestrian orientation. All open air spaces shall be excluded from the applicable wall area.

**Appropriate. Fitting to the context of a site, neighborhood or community.**

**Archeologist. Any person who is a member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves.**

**Architectural Concept. The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.**

**Architectural Feature.** A balcony, canopy, column, door, eave, roof, soffit, window, wing wall or similar three-dimensional exterior element of a building or structure that lends to the overall exterior form, context and appearance of a building or structure.

Attic. An unheated **room or space in a building** ~~storage area~~ located immediately below the roof.

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or **servicing** ~~servicing~~ of the power plant or drive-train or major components of automobiles ~~and or other motorized motor vehicles.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. ~~(See Auto Specialty Shop and Service Station)~~

Automotive Specialty Shop. A use which provides one **(1)** or more specialized repair sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only. No use authorized herein shall permit any private or commercial activity which involves auto/truck leasing, painting, repair or alteration of the auto body, nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted. ~~(See Repair 3.3.18 and Service Station 3.3.19)~~

3.3.2.

B

Babysitting. A service in which shelter, care, and supervision are provided for **four (4)** or fewer children below the age of **twelve (12)** on an irregular basis.

Banner. Any sign of lightweight fabric or similar material that is either with frame or without frame and hung or mounted to a pole, ~~=~~building or other background by one or more edges. Flags are not considered banners.

Basement/Cellar. 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 **(1)** or more beams directed into the atmosphere or directed at one **(1)** or more points not on the same lot as the light source; also any light with one **(1)** 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 **thirty (30)** consecutive days. Breakfast is the only meal served **to paying guests** and is included in the charge for the room. ~~Use allowed in non-residential districts and permitted in AG-1 and TR with a Use Permit.~~

Berm. A planted earthen mound.

**Bike Path. A path which serves to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open space, and may parallel existing roadways or paths.**

~~Billboard. A sign which advertises services, merchandise, entertainment or information which is not available at the property on which the sign is located.~~

Boarding House. A residential use other than a hotel or motel in which lodging ~~may be~~ **is** 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 for consumption on the premises and solely in draft form.

~~Buffer.~~ **Zoning Buffer.** 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 **zoning** buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director ~~of Community Development or his/her designated agent(s)~~ when sparsely vegetated. Clearing of undergrowth from a **zoning** buffer is prohibited except when accomplished under the supervision of the Director. ~~of the Department of Community Development or his/her designated agent(s).~~

~~Buildable area~~ **Area.** ~~The~~ **That** portion of a parcel **which is not located in a minimum setback, utility corridor, driveway, slopes to build street, tree save area, landscape strip, specimen tree area, state water buffer, tributary buffer, zoning buffer, wetland, stormwater and sanitary sewer easement, and which contains sufficient square footage to meet the minimum requirements for building area required by the appropriate zoning district.** ~~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, tributary 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, chattels, or property of any kind.

Building Line. A building line is one which is no closer to a property line than the minimum yard ~~(setback)~~ requirements.

**Burial Ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.**

**Burial Object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. “Burial object” also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.**

Business. A ~~use~~ **commercial or industrial enterprise, and those who constitute it**, involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether payment is involved. The term ~~business~~ **“business”** does not include uses which are customarily incidental (accessory) to another use.

3.3.3. C

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

Car Wash, Principal. A **business, place or structure equipped primary** ~~primary~~ **primarily for the purpose of** ~~or main use which provides space for~~ cleaning motor vehicles.

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

~~Cellar. See basement.~~

~~Cemetery/Mausoleum, Human. The use of property as a burial place for human remains. Such a property may contain a mausoleum.~~ **Any land or structure in the City dedicated to and used for interment of human or pet remains. It may be a burial park for earth interments, a**

**mausoleum for vault or crypt interments, a columbarium for storing urns containing human remains, or a combination of one or more thereof.**

**Certificate of Endorsement/COE. A document issued by the Department evidencing support of a material change in the appearance of a property located within an overlay district by the person or board designated within an overlay district.**

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

~~Certificate of Occupancy (amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations.~~ **A document issued by the Director certifying all building and site requirements are in compliance with the Code and other applicable ordinances and laws, and indicating it to be in a condition suitable for occupancy.**

~~Check Cashing Establishment (amended 06/17/08, RZ08-002, Ord. 2008-06-27). 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, or in the form of the purchase of catalog items or coupons or other items indicating the ability to receive goods, services, or catalog items. (O.C.G.A. § 7-7-1)~~

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 others uses identified under the provisions for Administrative and Use Permits.

City. The City of Sandy Springs, **Georgia.**

**City Arborist. The agent(s) of the City having the primary responsibilities of administration and enforcement of the Tree Conservation Ordinance.**

City Council. The City Council of the City ~~of Sandy Springs.~~

City Planning Commission. The Planning Commission for the City ~~of Sandy Springs~~ as nominated by the Mayor and confirmed by the City Council.

Clinic. A use ~~where~~ **in which** medical, **dental and other health care services are** ~~examination and treatment is~~ administered to persons on an outpatient basis. No patient shall be lodged **in a clinic** on an overnight basis.

**Classroom, Temporary. A structure installed on the grounds of a school on a temporary basis to provide additional classroom space.**

Club. A non-profit social, educational or recreational use normally involving community centers, public swimming pools and/or **recreational** courts, civic clubhouses, lodge halls, fraternal organizations, country clubs and similar facilities.

**Club, Country. A social and recreational facility that is usually private or semi-private. A private country club would only be open to members or guests who are accompanied by members. A semi-private country club would allow some access to non-members. In addition to a golf course, a typical country club might also have a restaurant or social club and tennis and swim facilities.**

Club, Neighborhood. Any club operated for recreation and social purposes solely by the residents of a specific neighborhood or community.

**Code. The Code of Ordinances of the City.**

**Cohesiveness. Unity of composition among elements of a structure or among structures, and their landscape development.**

Colleges/Universities ~~(added 08/19/08, RZ08-022, Ord. 2008-08-39).~~ 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.

**Columbarium. A structure or building which is substantially exposed above the ground and which is intended to be used for the inurnment of cremated human remains.**

Commercial Amusement/Indoor. A use ~~where~~ **in which** recreational activity **including, but not limited to, such as** movie theaters, arcades, billiards, game rooms, **and** sporting activities, ~~and other recreational amusements~~ are conducted within a building.

Commercial Amusement/Outdoor. A use ~~where~~ **in which** recreational ~~activity~~ **activities including, but not limited to, amusement parks, bungee jumping parks, skateboard parks, ski slopes, such as** skating rinks, batting cages, miniature golf, **and** drive-in theaters ~~and other recreational activities or amusements, that~~ are conducted outside a building.

Community Improvement District (CID). A self-taxing improvement district identified and adopted by the City Council as permitted under Georgia law for a geographic area as specified by the City for the indicated purposes.

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.

**Comprehensive Plan**. A 20-year plan by the City summarizing and illustrating the adopted goals of the City regarding the future location and character of anticipated land uses, transportation, and other public facilities in the City, as approved by the Georgia Department of Community Affairs. The term “comprehensive plan” includes component or functional plans for the City including, but not limited to, a plan for use (i.e., land use plan) or a plan for transportation facilities, and includes the classification of streets and thoroughfares as shown on the adopted long range road classification map. The comprehensive plan is prepared pursuant to local planning requirements for preparation of comprehensive plans and for implementation of comprehensive plans, established by the Georgia Department of Community Affairs in accordance with O.C.G.A. §§ 50-8-7.1(b) and 50-8-7.2.

Construction material**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, 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/Nursing Home/Hospice. 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.~~

Convenience Store. A use offering a limited variety of groceries household goods, and personal care items, always in association with the dispensing of motor fuels as an accessory use, but in all cases excluding **motor** vehicle service, maintenance and repair.

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 **thirty (30)** consecutive days. A **Country inn** is distinguished from a **Bed-bed** and **Breakfast-breakfast category-inn** 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~~ **Vehicular** access **is** allowed for unloading and loading only. No ~~vehicular~~**vehicular** parking or ~~vehicular~~**vehicular** storage is allowed.

Crematorium. A facility for the reduction of **human or pet** remains to ashes by incineration.

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

Customer Meter. ~~The customer meter is the meter device that~~ **used on utility mains to measures the transfer of gas, water or electricity from ~~one~~an operator to a customer.**

Cutoff. A luminaire light distribution where the emission does not exceed **two and one-half percent (2.5%)**~~percent~~ of the lamp lumens at an angle of **ninety (90)** degrees above nadir and does not exceed **ten (10)** percent at a vertical angle of **eighty (80)** degrees above nadir.

Cutoff, ~~full~~Full. A luminaire light distribution where zero **(0)** emission occurs at all angles of **ninety (=90)** ~~degrees~~ or greater above NADIR, and the emission does not exceed **ten (10)** percent of total lamp lumens at a vertical angle of **eighty (80)** degrees above NADIR.

3.3.4.

D

Day Care Facility. A use in which shelter, care, and supervision for (7) or more ~~persons~~ **children or adults** on a regular basis away from their residence for less than **twenty-four (24)** hours a day. A Day Care Facility may provide basic educational instruction. The term shall include nursery school, kindergarten, early learning center, play school, pre-school, **adult daycare** and Group Day Care Home.

~~Day Care Home, Family. See Family Day Care Home.~~

Day-Night Average Sound Level (DNL). The day-night average sound level (DNL) is the **twenty-four (24)** -hour average sound level, in decibels, obtained from the accumulation of all events with the addition of **ten (10)** decibels to sound levels in the night from **10:00 P.M.** to **7:00 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 **forty-two (42) inches**<sup>22</sup> above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department. Department of Community Development **for the City.**

**Design Review Board or DRB. An advisory board created pursuant to this Ordinance which consists of seven (7) members appointed to consider applications within a specific overlay district.**

**Designation/Designated. A decision by the City Council wherein a property or district is declared an overlay district.**

**Development. All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of land. Such activities include land disturbance activity and the construction of improvements including, but not limited to, streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property. Where appropriate to the context, the term “development” also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.**

Development, Duplex. A development of ~~duplexes~~ **duplex dwelling units.**

Development, Multifamily. ~~—~~A development of multifamily dwelling units on a single lot-of-record.

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 Permit Standards. Requirements established for each administrative and use permit **including, but not limited to, ~~such as~~ setbacks, access, landscape and buffer areas, and** hours of operation~~ete~~.

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

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

Development, Townhouse. A development of townhouse dwelling units.

Director. ~~—Director of the Department of Community Development.~~ **—Director of the Department or his/her designee, except where specifically noted otherwise.**

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

District, Nonresidential. A term used to identify all **zoning** districts except single-family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP **or AG-1.** ~~—Includes AG-1.~~

District, Residential. A term which applies to all single-family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP **or AG-1.** ~~—Excludes 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 Restaurant. A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles.~~

~~Driveway (amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations~~ **A vehicular access way in private ownership, other than a private street, which provides access primarily to only one (1) property, or to no more than three (3) single family dwelling units.**

**Dry Cleaner. A business use which involves the process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:**

- A. Immersion and agitation in a liquid solvent in open vessels.**
- B. Immersion and agitation in a liquid solvent in closed machines.**
- C. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints, and stains not removed by immersion and agitation processes.**

Dwelling/Dwelling Unit. **One (1) or more rooms of Anya building or portion thereof constructed with cooking, sleeping and sanitary facilities and limited to use as living quarters for one (1) family for periods of more than thirty (30) consecutive days.** ~~which is designed for or used for residential purposes~~

Dwelling Unit, Duplex. ~~A structure that contains two dwelling units.~~ **A building containing two (2) single family dwelling units, totally separated from each other by one (1) dividing**

**partition common to each unit, and contained entirely under one (1) roof and designed for or occupied by two (2) single families. Both dwelling units of a duplex dwelling unit are together considered as one (1) building on a single lot.**

Dwelling Unit, Multifamily. =A structure containing three (3) or more dwelling units not including townhouses.

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

Dwelling Unit, Single Family. =One (1) dwelling unit that is not attached to any other dwelling unit by any means.

Dwelling Unit, Townhouse. A dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

3.3.5. E

**Easement. Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.**

~~Encounter center or rap establishment (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

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 **of February 11, 1994** regarding **federal actions to address environmental justice.**~~Environmental Justice.~~

Environmentally Stressed Community. A community exposed to a minimum of two (2) 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.

**Exterior Architectural Features. The architectural style, general design and general arrangement of the exterior of a structure and site including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.**

**External Design Feature.** The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

~~Erotic dance establishment (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Explicit media outlet (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

3.3.6.

F

**F.A.A. The Federal Aviation Administration.**

Family. —Family means one **(1)** or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to **four (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 Home Occupation in which shelter, care, and supervision are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may provide basic educational instruction.~~ **A private residence operated by any person who receives therein for pay for supervision and care fewer than twenty-four (24) hours per day, without transfer of legal custody, at least three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.**

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis; ~~such as but not intended to be~~ **including, but not** =limited to 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.

**Fence/Fencing.** Any artificially constructed, vertical structure of any material or combination of materials, including a gate that is part of the structure, that is designed to enclose land, divide land, mark a boundary, limit access to or direct passage across land, screen structures or land, protect against a potential hazard, or serve a decorative purpose.

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

~~Fast Food Restaurant. See Restaurant, Fast Food.~~

Flag Lot (~~deleted 08/01/06, RZ06-036, Ord. 2006-08-51; added 06/17/08, RZ08-002, Ord. 2008-06-27~~). 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.

Floor Area/**Floor Area, Gross**. The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, including common public areas, such as lobbies, rest-rooms and hallways, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but excluding internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building. Gross floor area is used to determine the building sizes for all but single-family dwellings and to determine required parking when floor area is the designated measure for a use. ~~Commonly referred to as Floor Area.~~

Floor Area, Ground. The heated floor area of the first story of a building above a basement or, if no basement, the lowest story.

Floor Area, Heated. The sum of all heated areas of a dwelling or dwelling unit, as appropriate, measured to the inside surfaces of exterior walls, excluding porches, balconies, attics, basements (finished or unfinished), garages, patios and decks.

Floor Area, Net. The sum of all floors of a structure as measured to the outside surfaces of exterior walls, excluding halls, stairways, elevator shafts, attached and detached garages, porches, balconies, attics with less than **seven (7)** feet of headroom, basements, patios and decks are excluded.

Floor Area, Net Leasable. Gross floor area less the common public areas.

Fuel Oil. ~~—a~~**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 **(2)** or more of these.

**Fulton County Health Department. The Environmental Health Services Division of the Georgia Department of Human Resources for Fulton County, Georgia.**

Garden Center. A business ~~whose in which the~~ primary operation is the sale of seeds and organic and inorganic materials, ~~which include~~ **including** 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 (Article 19.4.27).~~

Gathering Line. ~~a~~ **A** pipeline that transports fuel oil/liquid petroleum product from a current production facility to a transmission line or main.

**Geographic Area. A demarcated area of land in the City. In the context of the overlay district regulations, “geographic area” refers to the land area subject to overlay district regulations.**

~~Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness.~~

Golf Course. A use of land for playing the game of golf. The term shall not include miniature golf, but may include a ~~Country~~ **country Club** ~~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~~ **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~~ **The portions of a property remaining or resulting as vegetated areas comprised largely of natural materials, free of manufactured or man-made materials. “Green space” includes buffers, landscape strips, landscape islands, parks, wooded areas, trails, paths and other similar features. Both naturally passive and manicured areas may be considered green space. While trails, pathways, playgrounds and other areas “paved” with porous material may be counted as green space, the ideal medium would be mulch or some other naturally occurring material. Structures and other impervious features with continuous footprints or impervious shadows of thirty (30) square feet or less may be counted towards the green space total for a site.**

**Group Day Care Home. Any place operated by any person or group wherein are received for pay not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.**

~~(9) Connection of existing or planned areas contributing to the goals set out in this paragraph.~~

~~Group Residence for Children.~~ A dwelling unit or facility in which full time residential care is provided for children under the age of **seventeen (17)** as a single housekeeping unit. A group residence must comply with applicable federal, state and local licensing requirements. A group residence may not serve the purpose of, or as an alternative to, incarceration.

Group Residence/Shelter. A state licensed ~~24-hour~~ **twenty-four (24) hour** residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. ~~—~~For purposes of this Ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of ~~17~~ **seventeen (17)**.

Guest House. A detached accessory dwelling unit located on the same lot with a single- family dwelling unit. A guest house may be only used by relatives, guests or employees that work on the property without payment for rent.

3.3.8.

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.

Height, ~~building~~ **Building** (~~amended 06/17/08, RZ08-002, Ord. 2008-06-27~~). See Sec. 105-19, *State minimum standards adopted*, in the Code of the City of Sandy Springs, which adopts the State building code (O.C.G.A. § 8-2-20, et seq.).

**Height, Fence or Wall. The vertical distance between the finished grade at the base of the fence or wall and the top edge of the fence or wall material.**

~~Height, Sign. The elevation measured from grade level adjoining a sign to the highest point on the sign; except that when measuring a free-standing sign, any part of which is located below the centerline of an adjoining street, said sign shall be measured from the elevation of the centerline of the road to the highest point on the sign, (as shown in Illustration XXXIII-1).~~

Historic ~~period~~ **Period lighting** **Lighting**. Commercial lighting with an architectural design from the late **nineteenth** (19<sup>th</sup>) and early **twentieth** (20<sup>th</sup>) centuries.

**Holiday. The following days of the year: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.**

Home Occupation. An accessory use of a dwelling unit for business, operated by members of the resident family only. (~~See Article Section 4.12~~)

Home Schooling. The practice of teaching one’s own children at home in accordance with **the provisions of O.C.G.A. §§ ~~Sections 20-2-690 and 20-2-690.1~~ of the Georgia Code.**

Hoop Stress. ~~A~~ **a** causation of internal and external pressure loading on ~~the~~ **a** pipe **or** **cylindrically shaped part.**

**Hospice. A public agency or private organization or unit of either providing 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 hospice by the Georgia Department of Community Health. In addition, such public agency or private organization or unit of 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.**

**Hospice Care. Both regularly scheduled care and care available on a twenty-four (24) hour on-call basis, consisting of medical, nursing, social, spiritual, volunteer, and bereavement services substantially all of which are provided to the patient and to the patient’s family regardless of ability to pay under a written care plan established and periodically reviewed by the patient’s attending physician, by the medical director of the hospice program, and by the hospice care team.**

**Hospice Care Team.** An interdisciplinary working unit composed of members of the various helping professions (who may donate their professional services), including but not limited to: a physician licensed or authorized to practice in Georgia, a registered professional nurse, a social worker, a member of the clergy or other counselor, and volunteers who provide hospice care.

**Hospital.** ~~The provision of~~ An institution classified and having a permit as a hospital from the Georgia Department of Community Health pursuant to the O.C.G.A. and the rules and regulations of the Georgia Department of Community Health.

~~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 **thirty (30)** days. The term may include a restaurant in conjunction therewith and may also mean tourist court, motor lodge and inn.

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

3.3.9.

I

~~Identification Monument. See Article 33, Signs.~~

**IESNA.** =Illuminating Engineering Society of North America. ~~T~~The recognized technical authority on illumination, founded in 1906. The IESNA publishes standard practices, which provide guidelines for outdoor lighting.

**Illumination/Direct/Indirect.** **To provide or brighten with light.** Direct illumination is illumination which is projected from within **an object including, but not limited to,** ~~a sign, or a building, etc.~~ Indirect illumination is illumination which is projected onto **an object including, but not limited to,** ~~a sign, or a building, etc.~~

**Impervious Surface.** **Any paved, hardened or structural surface including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, and other structures.**

**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 **in an improvement setback** without the approval of the Director ~~of Community Development.~~

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

**International Building Code.** A model building code developed by the International Code Council and incorporated by the City into Section 105-19 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in O.C.G.A. § 8-2-20, et seq.

**International Property Maintenance Code.** A model property maintenance code developed by the International Code Council and incorporated by the City into Section 105-20 of the Code, pursuant to which the City adopts the minimum standards of the State of Georgia as set forth in O.C.G.A. § 8-2-20, et seq.

3.3.10. J

~~Junk Facility. See Salvage/Storage/Junk Facility.~~

3.3.11. 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 may be certified by the Fulton County Animal Control Office.

3.3.12. L

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

**Land Development Regulations.** The latest revision of the ordinance adopted by the City for the development of lands within the City.

Land Disturbance Permit ~~(amended 12/16/08, RZ08-024, Ord. 2008-12-62).~~ ~~See Article 4 of the Land Development Regulations~~ **Any permit issued by the City that authorizes land disturbing activities on a site or portion of a site.**

Land Disturbing Activity ~~(amended 12/16/08, RZ08-024, Ord. 2008-12-62).~~ ~~See Article 4 of the Land Development Regulations~~ **Any activity which may result in soil erosion from water or wind and movement of sediments into state water or onto lands within the State of Georgia including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in the City's Soil Erosion and Sedimentation Control Ordinance.**

**Land Use Petition.** Rezoning petition, use permit request and/or concurrent variance requests.

Landfill, Inert Waste Disposal. A disposal facility accepting only wastes that will not or ~~is~~**are** not likely to cause production of leachate of environmental concern. ~~by placing an earth cover thereon.~~ Such wastes ~~is~~**are** limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard ~~trash~~**trimmings**, 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 definitions.

Landfill, Solid Waste Disposal. A disposal facility ~~accepting~~**where any amount of** solid waste, **whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.** ~~excluding hazardous waste disposed of by placing an earth cover thereon. Solid waste includes waste from domestic, agricultural, commercial and industrial sources.~~ Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definitions.

**Landscape. Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.**

**Landscape Island. Cutouts in impervious surfaces required by this Ordinance or by conditions of zoning primarily intended to be spaces for landscaping to provide visual relief from large expanses of impervious surface and contribute to the overall appearance, safety, and desirability of the City.**

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

Landscaping Business. A business ~~whose~~**in which the** 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 (Article 19.4.27).~~

~~Laundries~~**Laundry** (added 06/17/08, RZ08-002, Ord. 2008-06-27). **A business in which the primary operation is the** ~~D~~drop off or self-service ~~laundry business~~**of laundry**, but ~~excluding~~ **excludes** dry cleaners.

Lawful Use. Any use of lots or structures 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.

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

Light, Flood or Spot. ~~Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.~~

Light, Fully-~~shielded~~Shielded. ~~Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.~~

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

Light Trespass. ~~The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.~~

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 **motor** 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/Parcel. ~~(amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations~~**The basic lawful unit of land, identifiable by a single deed established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.**

Lot, Corner. ~~(amended 12/16/08, RZ08-024, Ord. 2008-12-62) See Article 4 of the Land Development Regulations~~**A lot abutting upon two (2) or more streets at their intersection.**

Lot, Double/Multiple Frontage ~~(amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations~~**A lot other than a corner lot abutting upon two (2) or more streets that may or may not intersect at that lot.**

**Lot, Minimum.** The smallest permissible lot area established by the Zoning Ordinance or conditions of zoning.

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 Development Services~~ shall determine the legal lot frontage.

Lot ~~line~~Line, ~~front~~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~~Line, ~~rear~~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 (20) feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one (1) front lot line do not have rear lot lines. The Director ~~of the Department of 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~~Line, ~~side~~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, **for commercial property,** =a deed in the absence of a platting requirement, which separates a lot from **another** ~~other~~ lots, -or a lot from **a** rights-of-way.

~~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~~ **or, for commercial property, a deed and/or plat** =recorded in the official records of the Clerk of Superior Court **of Fulton County.**

~~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.

Lumen. A unit of luminous flux. One (1) foot-candle is one (1) =lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire. ~~This is a~~ **A complete lighting system, including and includes** a lamp or lamps and a fixture.

Luminaire Height. —The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

3.3.13.

M

Maintenance or Repair, ~~Normal~~ Ordinary. The upkeep **of any exterior of any structure, parking lot or sign in or on a property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary upkeep and maintenance shall be deemed ordinary maintenance and repair.**~~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. **A building's mass, or shape, is defined by its component parts, including the size of its footprint and number of stories. Individual characteristics of mass include building form, roof shape, and orientation.** ~~Varying~~ **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.

Material Change in Appearance. **A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:**

- A. Erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;**
- B. Relocation of a sign or building;**
- C. Commencement of excavation; or**
- D. Change in the location of advertising visible from the public right-of-way.**

**Mayor.** Mayor means the Mayor of the City.

Medical Related Lodging. —A use which provides temporary lodging for family members of a ~~hospitalized~~ patient **hospitalized in the City.**

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.

~~Mini-warehouse~~ **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/House Trailer/Manufactured 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 **one hundred eighty (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. ~~Mobile home is synonymous with house trailer and manufactured home.~~

Mobile Home Park. Use of property for two **(2)** or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. **A mobile home park** ~~does~~ does not include **a** mobile home sales lot.

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

Modification. ~~An application requesting~~ **A request to** 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.~~

**Modification, Administrative. A modification that constitutes a technical change only and does not involve a matter of significant public interest, as determined by the Director.**

**Modification, Zoning.** A modification that involves a matter of significant public interest, as determined by the Director.

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

~~Motel. See Hotel/Motel.~~**Motor Vehicle/Auto/Car.** Every vehicle which is self-propelled and required to be registered under the laws of Georgia, except trackless trolleys (which are classified as streetcars), airplanes, motorboats, motorcycles, motor driven cycles, or go-carts.

**Motor Vehicle/Auto/Car Broker.** A person who, for a commission or with the intent to make a profit or gain of money or other thing of value, negotiates or attempts to negotiate the sale of a motor vehicle on behalf of another. Such term shall not mean any person engaged in the solicitation, negotiation, or advertising of the sale of used motor vehicles or any owner of real property who allows the display of used motor vehicles on such property if the sale of such vehicles is made by a used car dealer or a financial institution.

~~Multi-tenant~~**Tenant.** Two (2) 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.

3.3.14.

N

NADIR. The point directly below the luminaire defined as **zero (0)** degrees vertical angle.

**Nonconforming Use.** Any building or land lawfully occupied by a use at the time of passage of the Zoning Ordinance or the time of passage of an amendment to this Article, which does not conform after the passage of the Zoning Ordinance or amendment with the regulations of the zoning district in which it is situated.~~Nonconforming (Grandfathered) Lot, Use or Structure. A use, lot or structure that was nonconforming at the time of the adoption of the Fulton County Zoning Ordinance on March 11, 1955, or subsequent amendments thereto, or created by deed between March 11, 1955 and September 21, 1967 (adoption of the Subdivision Regulations) 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 county or state action. Any change or addition to a use, lot or structure must comply with current provisions of this Zoning Ordinance.~~

Nursing Home. **As set forth in the Georgia Administrative Code 290-5-8-.01 (as it may be amended),** ~~Aa use in which domiciliary care is provided to 3 or more chronically ill non-family members who are provided with food, shelter and care. This use shall not include hospitals,~~

~~clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~ **facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which 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.**

**Nursing Home, Skilled. The application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's prescribed therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications, and promotion of emotional well-being, including but not limited to the following:**

**A. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;**

~~**A. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen. Convalescent Center, nursing home and personal care home are further distinguished in Administrative and Use Permit provisions.**~~

**B.**

3.3.15.

O

**O.C.G.A. Official Code of Georgia Annotated.**

~~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. Requires an administrative permit under Temporary Structures.~~

Off-Premise. A location outside of the subject lot for a designated use, **such as parking.**

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.

**Open Space. The portions of a property not occupied by buildings, parking, drive aisles, and other similar elements dedicated to a use that does not allow for pedestrian access or congregation. While open space does include those areas incorporated as green space, open space is intended to account for areas that may be impervious and encourage pedestrian activity and congregation, such as plazas, fountains, courtyards and similar features.**

~~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. Requires an administrative permit under Temporary Structures.~~

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 **as a condition of zoning.**

**Outside Storage. The placement of an item outside a principal structure for a continuous period in excess of twenty-four (24) hours. Outside placement includes, but is not limited to, storage in a structure that is open or not entirely enclosed.**

**Overlay District. A defined geographic area that encompasses one (1) or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.**

**Overlay District Property. An individual site, structure, object or landscape, including the adjacent area necessary for the proper continuity thereof, contained within an overlay district.**

~~Parcel. See lot.~~

~~Park (added 08/19/08, RZ08-022, Ord. 2008-08-39).~~ Any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

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

Parking ~~space~~Space. An area designated for the parking of one (1) vehicle on an all weather surface. No more than two (2) carport or garage spaces may offset the minimum parking requirements in a single- family residential district.

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

**Patio. An outdoor space generally used for dining or recreation that often adjoins a building or structure and is typically paved. Patio may refer to a roofless inner courtyard or a paved area between a building or structure and a garden.**

Pawn Shop (amended 06/17/08, RZ08-002, Ord. 2008-06-27). An individual, partnership, association, or corporation engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph. ~~(O.C.G.A. § 44-12-130)~~

Personal Care Home/Assisted Living. **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 (1) or more personal services for two (2) or more adults who are not related to the owner or administrator by blood or marriage. This term shall not include host homes, as defined in paragraph (18) of subsection (b) of O.C.G.A. § 37-1-20.** ~~A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.~~

**Personal Services.** Includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

**Pervious Surface.** A surface that allows inflow of water into the underlying construction or soil.

**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.

**Plans 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-use Permit~~ **permit** for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component ~~(pursuant to Article 19.4.27).~~

~~Plat, Final (amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations.~~ **A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by this Ordinance. Certification for recording and ratification of the Director's approval by the Mayor and City Council is required.**

~~Plat, Preliminary (amended 12/16/08, RZ08-024, Ord. 2008-12-62)/~~**Conceptual Plan.** —~~See Article 4 of the Land Development Regulations.~~ **A drawing which shows the overall concept (e.g., a conceptual plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multifamily or non-residential project. As it relates to the platting process, a conceptual plan shall include a drawing in sufficient detail to indicate its workability and feasibility, but is not in final form for recording, pursuant to this Ordinance. The conceptual plan is the first stage in securing a land disturbance permit.**

~~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 (70%) 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 private 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 19.4.34, Private Correctional Facility~~)

Property. When used in conjunction with an application for rezoning, an area of land composed of less than one (1) lot, or of accumulations of one or more lots, or parts thereof.

**Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.**

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 ~~Sandy Springs Zoning Ordinance~~, conditions of zoning, use permit or variance approval, and/or the ~~Tree Preservation Ordinance~~ **Tree Conservation Ordinance.**

3.3.17. Q

3.3.18. R

Recreational Court, Private. An improved area designed and intended for the playing of a game or event such as basketball, **volleyball** 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 club or similar organization. **The term “recreational court” shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same.**

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, **volleyball** 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. **The term “recreational court” shall include fences surrounding the recreational court and all surface area inside the fences and overhead lighting fixtures accessory to the same.**

Recreational Facilities. **Equipment and areas prepared for use for recreational and leisure purposes including, but not limited to: playground equipment, including swing sets and climbing structures; recreational courts; recreational fields; community picnic pavilions, including covered facilities with grills and/or fire rings; community buildings for recreational events; and golf courses. Trails and bike paths through open spaces are not typically considered recreational facilities.**~~Includes parks, recreation areas, golf courses, playgrounds, recreation centers (indoor & outdoor), playing fields, and other similar uses or facilities.~~

**Recreational 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.**

~~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~~**designed or primarily used for recreational, camping or travel use, which either has its own motor power, or which is mounted upon or drawn by another vehicle and used or designed to be used as temporary living or sleeping quarters.**

Recycling Center, ~~collecting~~Collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property, except AG-1 zoned properties, unless, the primary use is a permitted non-residential use.

Recycling Center, ~~processing~~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 in M-1 and M-2 =Zoning Districts. A recycling center is not to be considered a landfill.

Regularly ~~(added 04/21/09, TA09-014, Ord. 2009-04-22)~~. The consistent and repeated doing of an act on an ongoing basis.

**Rehabilitative Nursing Care.** The use of nursing skills and techniques to combat deformities and helplessness, to maintain or restore body functions, and to promote independence in self-care. Such techniques will include but not be limited to the following:

- A. Positioning patients in or out of bed to maintain good body alignment (unless contraindicated by physician's orders), the use of range of motion exercises to maintain joint mobility;
- B. Arranging a progression of self-care activities such as transfer and walking, and attention to bowel and bladder schedules together with retraining when indicated.

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

**Remains, Human.** The bodies of deceased human beings in any stage of decomposition, including cremated remains.

**Remains, Pet.** The bodies of deceased pets in any stage of decomposition, including cremated remains.

Repair Garage, Automobile. A use which may provide a full-range of automotive repairs and services including major overhauls. **“Automobile repair garage”** ~~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~~ **“Truck and heavy equipment repair garage”** includes paint and body shops.

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

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 **forty percent (40%)** of the gross square footage of the restaurant facility. Seating space located outside of the main structure **including, but not limited to,** ~~(i.e. patios, and decks, etc.)~~, shall not be included in calculating the seating space.

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

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.

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

~~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 motor vehicle or a temporary structure. The consumption of food on-site is prohibited.

~~The use is permitted in C-1, C-2, M-1, M-2 and AG-1 Districts.~~

Roadside Vending. The sale of merchandise including but not limited to ~~such as~~ clothing, crafts, household items, and 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 thirty (30) days or longer, and which does not include the provision of meals.

3.3.19.

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~~ **The** relationship of the size **of parts to another and to humans, such as the relationship** 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.

School ~~(added 08/19/08, RZ08-022, Ord. 2008-08-39).~~ 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 or private facility which has students regularly attending classes and which teach subjects commonly taught in these schools of this state.

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 (amended 06/17/08, RZ08-002, Ord. 2008-06-27). A primary use involving the sale of items related to holidays which may be conducted outside of the building, but within the confines of a parcel zoned CUP or MIX (commercial components), C-1, C-2, M-1A, M-1, or M-2. A Seasonal Business Use is permitted in AG-1 and residential districts if occupied by either a church, school, or lodge/retreat existing as a conforming use. See the appropriate Administrative Permit.~~

~~Secondary Variance. An appeal of a decision and/or action of a department director or deputy department director 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 **or group of structures** containing separate storage ~~rooms~~ **spaces**/stalls under a single roof that are leased or rented **to individuals for the storage of goods.**

Senior Housing ~~(added 06/17/08, RZ08-007, Ord. 2008-06-28).~~ A single family or multi-family development intended for, operated for and designed for older persons in accordance with the Fair Housing Amendments Act. Senior housing communities are designed for seniors to live on

their own, but with the security and conveniences of community living. Senior housing communities may provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services.

**Septic Tank/Drain Field.** A subsurface system that recycles human wastewaters and complies with applicable standards of City, state and federal government.

**Service.** An intangible product that is not classified as goods including, but not limited to, accounting, banking, cleaning, consulting, education, insurance, medical treatment, transportation and personal care. No transfer of possession or ownership takes place when a service is sold.

Service Commercial Use. A ~~business~~ **business use the** ~~whose~~ primary purpose **of which** is to provide a service.

Service Line. A ~~—~~ distribution line that transports natural gas from a common source of supply to:

~~(1)~~ **A.** -a customer meter or the connection to a customer's piping, whichever is ~~farther~~ **further** downstream, or

~~(2)~~ **B.** -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 **four** (4) or fewer bays excluding no more than one **(1)** 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 district~~ **zoning districts**. A minimum required space between a property line and a structure. An area identified by a building line.

~~Sexual conduct (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

~~Sexually explicit nudity (deleted 04/21/09, TA09-014, Ord. 2009-04-22).~~

Shopping Center ~~(added 06/17/08, RZ08-002, Ord. 2008-06-27)~~. A group of four (4) or more stores, shops, restaurants, and other businesses within a single architectural plan supplying many basic shopping needs and having a common parking lot.

Sidewalk. A paved area designated for pedestrians which is constructed in accordance with Sandy Springs standards.

Sign ~~(amended 03/20/07, RZ07-002, Ord. 2007-03-24)~~. See Article 33, *Signs*, for all definitions regarding signage.

**Site Feature. All existing and proposed features located on a particular property including, but not limited to, buildings, structures, overhead and underground utilities, vehicular use areas, service structures, fences, mounds, storm water detention areas and drainage facilities.**

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

Site Plan, Preliminary. ~~—~~A detailed plan, normally associated with rezoning and ~~Use-use Permit~~ **permit** requests, which is drawn to scale and reflects the various requirements of ~~State-state~~ law and of City ~~Ordinances~~ **ordinances** and ~~Resolutions~~ **resolutions**. A ~~Preliminary-preliminary~~ **Site-site Plan-plan** must be drawn to scale and shall contain information listed for such a plan in the development guidelines.

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

**Soil Erosion and Sedimentation Ordinance. The latest revision of the ordinance adopted by the City that regulates soil erosion and its transportation to the City's lakes, rivers and streams.**

Specified Anatomical Areas ~~(amended 04/21/09, TA09-014, Ord. 2009-04-22)~~. **Includes the following:**

- (A) ~~(1) Human~~ **human** genitals or pubic region, buttock, or female breast below a point immediately above the top of the areola; or
- ~~(A)(B) (2) Human~~ **human** male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified ~~sexual~~ **Sexual** activities **Activities**. ~~(added 08/19/08, RZ08-022, Ord. 2008-08-39) (amended 04/21/09, TA09-014, Ord. 2009-04-22) shall~~ **Includes** any of the following ~~:-~~:

- ~~(1)~~A. ~~—~~Sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, masturbation, or excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;
- ~~(2)~~B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- ~~(3)~~C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- ~~(4)~~D. Masochism, erotic or sexually oriented torture, beating or the inflicting of pain;
- ~~(5)~~E. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- ~~(6)~~F. Human excretion, urination, menstruation, vaginal or anal irrigation.

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.

Story, Half. —A heated and finished area below a roof, one **(1)** or more of the vertical walls of which are less than normal ceiling height for the building.

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** ~~Department of Community Development~~ as part of a subdivision plat.

**Arterial, Principal means a roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis of a principal arterial is placed on mobility rather than access to adjacent land.**

**Arterial, Minor means a 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.**

**Control, Full Access** means that 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.

**Control, No Access** means that preference is generally given to access to adjacent land rather than mobility.

**Control, Partial Access** means that 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.

**Freeway** means a 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.

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

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

**Road, State** means a right-of-way used for access owned and maintained by the state government.

~~Public~~**Street, Private** means a roadway constructed to City 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 the City ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Director of Public Works.

~~Street, Public~~**are** means a right-of-way used for access owned and maintained by the federal, state, or local government.

~~Private streets are roadways constructed to Fulton County or City 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 the City of Sandy Springs ever be petitioned to assume ownership and maintenance of the private streets prior to dedication of the streets, they must be brought to acceptable City standards subject to the approval of the Director of Public Works.~~

**Street, Stub streets** means a ~~are~~ rights-of-way that ~~dead ends~~**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~~

**Street Hardware.** Objects other than buildings that are part of the streetscape. “Street hardware” includes, but is not limited to, street light fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers and fire hydrants.

**Streetscape.** The design of a street, including the roadbed, sidewalks, landscape planting, furnishings along the street, and the character of the adjacent building facade.

~~Structure (amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations~~  
**Anything temporarily or permanently erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, and/or anything constructed or erected with a fixed location on or in the ground.**

**Structure, Accessory.** A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in single-family dwelling districts ~~include~~**include, but are not limited to,** a well house, a fence, a tool shed, a guest house and a detached garage.

**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 (amended 12/16/08, RZ08-024, Ord. 2008-12-62). See Article 4 of the Land Development Regulations~~  
**Any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two (2) or more lots, tracts or parcels. The term “subdivision” shall mean the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots shall be considered a separate and distinct subdivision with a separate name. Where appropriate to the context, the term “subdivision” also may be used in reference to the aggregate of all lots held in common ownership at the time of division.**

**Subdivision Regulations.** The latest revision of the ordinance adopted by the City that regulates the subdivision of property within the City.

~~Surface, All-weather~~**Weather.** =Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion ~~= and 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 recreational facility designed and intended for water contact activities which serves ~~a~~ single family dwelling **units(s)**, duplex dwelling **units** and/or multi-family dwelling **units**, or combinations of dwelling **unit** types, including pools which are owned and/or controlled by a neighborhood club or similar organization.

Swimming Pool, Public. —A recreational facility designed and intended for 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.

3.3.20.

T

~~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.~~

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 (1) or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not ~~Alternative alternative Antenna antenna s~~ Support Structures structures. The term “tower” includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, and cellular telephone towers, but excludes and the like excluding amateur radio antenna.

**Trail. A path or narrow transportation-oriented corridor for the primary purpose of biking, running, walking or other non-motorized use. It may be of impervious surface or may be left in its natural state, or may be composed of wood chips, cinders or other types of natural material.**

Transfer station**Station.** A facility used to transfer solid waste from one (1) transportation motor vehicle to another for transportation to a disposal facility or processing operation.

Transmission Line. A pipeline other than a gathering line that:

- A. ~~(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
- B. ~~(2)~~ transports fuel oil/liquid petroleum product within a storage field.

**Tree Conservation Ordinance. The latest revision of the ordinance adopted by the City that regulates the preservation, planting, protection and maintenance of trees within the City.**

**Truck.** A motor vehicle designed, used, or maintained primarily for the transportation of property.

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

3.3.21.

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/Main/Primary. 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 **zoning** district as ~~a~~ **whole**.

3.3.22.

V

**Variance, Administrative.** A request for:

- A. relief from the standards contained in Article 34 of the Development Regulations;**
- B. reduction of the ten (10) foot improvement setback adjacent to zoning buffers; or**
- C. ten percent (10%) reduction of parking spaces as required in Section 18.2.4 of this Ordinance.**

**Variance, Administrative Minor.** A variance to the minimum district yard requirements of not more than one (1) foot, granted administratively by the Director.

**Variance, Concurrent.** A variance request that is filed simultaneously with a land use petition.

**Variance, Minor.** A request for deviation from the minimum yard requirements, not to exceed ten percent (10%) of the dimensional requirements.

~~A.~~

**Variance, Primary.** A request for relief from the standards of the Zoning Ordinance, except relief from use, minimum lot area, or minimum lot frontage.

~~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 department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Ordinance.

Vegetative Screen. An evergreen planting which, within three (3) years of planting, provides a **one hundred percent (100%)** ~~percent~~ visual barrier between a lot and adjacent lots and uses with a minimum height of **six (6)** feet. A vegetative screen is composed of plant materials.

**Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.**

Vehicle, Junk or Salvage. —Any automobile, truck or other **motor** vehicle which is missing one of the following:

- A. ~~1)~~current registration~~;~~;
- B. ~~2)~~license plate with current decal;
- C. ~~3)~~proof of liability insurance;
- ~~A.D.~~ ~~4)~~drive train component for more than **thirty (30)** days.

Veterinary Clinic/Hospital. —A ~~place~~ **business which involves the** ~~where animals are given~~ medical care and ~~the~~ boarding of animals, ~~is~~ limited to short-term care incidental to the hospital use.

3.3.23.

W

**Wall. A solid, opaque fence constructed of stone, masonry, or stucco, or combination thereof. This definition is not intended to define a wall which constitutes a part of a building.**

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~~ **Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on January 1, 2006, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste.**

Waste, Solid. ~~See Georgia Department of Natural Resources definition~~ **Solid waste as defined by regulations promulgated by the administrator of the United States Environmental**

Protection Agency, as may be amended from time to time, pursuant to the federal act which are in force and effect on February 1, 1996, codified as 40 C.F.R. Sections 261.1, 261.2(a)-(d), and 261.4(a).

**Wholesale Use.** A business in which the primary purpose is the sale of goods in large bulk or quantity for resale to a retail use rather than directly to consumers.

3.3.24. X

3.3.25. 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 **zoning** 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 (1) front lot line do not have rear yards. The Director ~~of the Department of 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.

**Yard Ornament.** Decorative objects placed in a yard including, but not limited to, bird baths, bird houses, garden gnomes, lawn jockeys, yard globes, animal forms, and spinners.

3.3.26. Z

**Zoning Condition/Condition of Zonings.** ~~=A r~~Requirements placed on property by the City Council at the time of approval of a rezoning and/or use permit.

**Zoning District/Zone, Use District/Use.** In order to regulate the location of structures, the height and bulk of structures, the use and intensity of use of lots and structures, and to regulate open spaces and aesthetics, the City is divided into zoning districts which are individually described in this Ordinance. Those districts are set forth in Section 4.30 of this Ordinance from lowest to highest intensity.

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

Zoning Ordinance/**This Ordinance**. The 2005 Zoning Ordinance of the City of Sandy Springs, and as it may be amended from time to time by that body.

**Zoning Petition/Rezoning Petition. An application for the reclassification of a zoning district, a conditional use, or a variance.**