

## Article 13 – Interpretation and Definitions

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Sec. 13-1 . - Purpose and Intent.....	13-2
Sec. 13-2 . - Interpretation.....	13-2
Sec. 13-3 . - Use of Figures and Examples for Illustration.....	13-2
Sec. 13-4 . - Use of Words and Phrases. ....	13-2
Sec. 13-5 . - Meanings of Words and Phrases.....	13-5
Sec. 13-6 . - Definitions. ....	13-1
A .....	13-1
B.....	13-5
C.....	13-6
D .....	13-11
E.....	13-13
F.....	13-14
G .....	13-17
H .....	13-18
I.....	13-21
J .....	13-23
K.....	13-23
L.....	13-24
M .....	13-28
N.....	13-29
O .....	13-31
P.....	13-32
R.....	13-35
S.....	13-38
T.....	13-43
S.....	13-47
V .....	13-47
W .....	13-47
Y.....	13-49
Z.....	13-51

**Sec. 13-1. - Purpose and Intent.**

This Article describes how figures, words and phrases used in this Zoning Ordinance are to be interpreted, and provides a glossary of all definitions specifically used in the text of this Ordinance.

**Sec. 13-2. - Interpretation.**

- (a) Responsibility for Interpretation
- (b) The Planning and Zoning Director shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Zoning Ordinance. The Building Official, City Engineer and the City's Landscape Architect may be consulted or relied upon for interpretations relative to their areas of responsibility, and shall assist the Planning and Zoning Director in the appeal of any such interpretation.
- (c) Interpretations of the Planning and Zoning Director may be appealed under the provisions of this Zoning Ordinance relating to Appeals.

**Sec. 13-3. - Use of Figures and Examples for Illustration.**

- (a) Figures associated with defined terms or regulatory paragraphs in this Zoning Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.
- (b) When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is clearly marked as such and is separate from the regulatory paragraphs in this Zoning Ordinance. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Ordinance as written.

**Sec. 13-4. - Use of Words and Phrases.**

Except as specifically defined herein, all words used in this Zoning Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular include the plural, and words used in the plural include the singular.
- (c) The words "shall," "will," "is to" and "must" are always mandatory and never discretionary.
- (d) The words "may" and "should" are discretionary.

- (e) The word "person" includes the words "firm", "association", "organization", "partnership", "trust", company", "corporation", "individual", "governmental body" and all other legal entities.
- (f) The word "lot" includes the words "plot" or "parcel."
- (g) The word "structure" includes the word "building;" a "building" is a type of structure.
- (h) The word "building" shall be interpreted as if followed by the words "or part thereof." (For the purposes of this Zoning Ordinance, each portion of a building separated from other portions by a firewall shall be considered as a separate building).
- (i) The word "used" or "occupied" include the words "intended, arranged or designed exclusively to be used or occupied by a particular use or function."
- (j) The word "zoning map" means the Official Zoning Map of the City of Newnan, Georgia.
- (k) The word "erected" includes the words "constructed," "moved," "located" or "relocated."
- (l) The words "road," "street," "highway" and "thoroughfare" have the same meaning with regard to the requirements and restrictions of this Ordinance.
- (m) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.
- (n) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following."
- (o) The terms "include" or "including" when used to introduce a list of items is not intended to be exclusive only to the items on the list, but is intended to mean "including but not limited to the following."
- (p) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
- (q) The nouns "zone," "zoning district" and "district" have the same meaning and refer to the zoning districts established under this Ordinance.
- (r) The word "day" means a calendar day unless otherwise specified as a "work" day or "business" day, which mean Monday through Friday exclusive of City-recognized holidays.
- (s) References to the "City" and to the City Council and any public officials or appointed bodies of the City not otherwise named by political jurisdiction or defined in this Ordinance shall always mean the City of Newnan, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
  - (1) The Planning Commission, created as such and appointed as such by the Newnan City Council.

- (2) The Board of Zoning Appeals, created as such as appointed as such by the Newnan City Council.
  - (3) Newnan Utilities, created as such and appointed as such by the Newnan City Council.
  - (4) The City Manager, appointed as such by the Newnan City Council, or the City Manager's designee.
  - (5) The City Attorney, appointed as such by the Newnan City Council, or the City Attorney's designee.
  - (6) The Planning and Zoning Director, the City official appointed as such, or the Planning and Zoning Director's designee.
  - (7) The Building Official, the City official appointed as such, or the Building Official's designee.
  - (8) The City Engineer, the City official appointed as such, or the City Engineer's designee.
  - (9) The City's Landscape Architect, the City official appointed as such, or the Landscape Architect's designee.
  - (10) Other City officials or employees, such as a "building inspector," shall mean the City official or employee appointed as such by their respective department director.
- (t) References to an administrative department or committee of the City of Newnan shall always mean the department or committee created by the City Council as such. These include:
- (1) Planning and Zoning Department: References to action by the "Planning and Zoning Department" shall mean action by the Planning and Zoning Director or by that administrative official to whom responsibility for that action has been assigned by the Planning and Zoning Director.
  - (2) Building Department: A reference to action by the "Building Department" shall mean action by the Building Official or by that administrative official to whom responsibility for that action has been assigned by the Building Official.
  - (3) Beautification Department: A reference to action by the "Beautification Department" shall mean action by the City's Landscape Architect or by that administrative official to whom responsibility for that action has been assigned by the Landscape Architect.
  - (4) City Engineer: A reference to action by the "City Engineer" shall mean action by that administrative official to whom responsibility for that action has been assigned by the Public Works Director.

- (u) References to other public officials, departments, or appointed bodies, unless otherwise specified, shall always mean such persons or bodies having jurisdiction over or relative to the City of Newnan, Georgia. These include:
  - (1) The Clerk of the Superior Court of Coweta County, Georgia.
  - (2) The Coweta County Health Department, and its Environmental Services Division.
  - (3) The Three Rivers Regional Commission (TRRC).
  - (4) The Georgia Soil and Water Conservation Commission.
  - (5) The Georgia Departments of Community Affairs (DCA), Transportation (GDOT), Human Resources (DHR), Natural Resources (DNR), and DNR's Environmental Protection Division (EPD).
  - (6) The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA), the Federal Communications Commission (FCC), and the Environmental Protection Agency (EPA).

**Sec. 13-5. - Meanings of Words and Phrases.**

- (a) All words and phrases in this Zoning Ordinance are to be interpreted within the context of the sentence, paragraph, subsection, section, chapter, and article in which they occur.
- (b) Words and phrases specifically defined in this Zoning Ordinance shall be interpreted as defined herein without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise.
- (c) Words and phrases not defined in this Zoning Ordinance shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in the American Heritage Dictionary, Second College Edition or comparable dictionary. If the term cannot be found or if there is no logical nexus between the term in this Ordinance and a dictionary, the Planning and Zoning Director shall seek to provide a suitable definition.
- (d) A glossary of all defined terms is included in this Article for convenience. However, if differences in wording occur between definitions of a term that is presented in a particular Article and in the glossary of terms below, the definition contained within the particular Article of this Ordinance shall control.

**Sec. 13-6. - Definitions.**

**A**

**ABANDONED STRUCTURE.** Means and includes: residential structures; commercial structures; and industrial structures. Abandoned residential structures mean any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least 30 consecutive days. Abandoned commercial and industrial structures mean any building which has become abandoned or vacant, in for a period of 60 consecutive days. Abandoned multi-tenant structures, residential, commercial or industrial shall mean any building which is more than 50% unoccupied for a period of 60 consecutive days. In addition, abandoned structures must also meet at least one of the following conditions:

- a. Is open to casual entry or trespass;
- b. Is damaged by fire, flood, weather or vandalism to an extent which prohibits safe human occupancy;
- c. Is the site of loitering and vagrancy;
- d. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the City's property maintenance ordinances or construction codes;
- e. Is under notice for being in violation of City ordinances;
- f. Has been secured or boarded up for at least 30 days;
- g. Has taxes in arrears to the City or a period of time 365 days;
- h. Has utilities disconnected or not in use;
- i. Is under a condemnation notice or legal order to vacate;
- j. Is structurally unsound; or
- k. Is a potential hazard or danger to persons.

**ABANDONMENT.** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**ABUTTING.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESSORY APARTMENT.** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling

is an accessory use to the main dwelling. This includes, but is not limited to, mother-in-law suites and residences for domestic help.

**ACCESSORY BUILDING OR STRUCTURE.** A subordinate building or structure located on the same lot as the principal structure, the use of which is incidental and accessory or subordinate to that of the principal structure.

**ACCESSORY RETAIL SALES.** Retail sales of goods and services which are secondary in nature to the primary industrial use of the property in so much that the goods for sale have been produced on-site or are in storage at the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of a permitted industrial use and shall not be a free standing business.

**ACCESSORY USE.** A use that is allowed on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

**ADDITION.** Any walled and roofed expansion to the perimeter of a building to which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition that is connected to a firewall or is separated by independent perimeter load-bearing walls shall be considered new construction.

**ADJACENT LAND, LOT, OR PARCEL.** To be adjacent and joined to.

**ADJOINING LAND, LOT, OR PARCEL.** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADULT ENTERTAINMENT USE.** Shall be defined for the purpose of this ordinance as defined in Article II of Chapter 6 of the Code of Ordinances of the City of Newnan, Georgia.

**ADVERSE INFLUENCE OR IMPACT.** A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.

**AESTHETIC.** The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

**AGRIBUSINESS, NEIGHBORHOOD.** The business collectively associated with the production, processing and distribution of agricultural products grown or produced on site and related tourism and educational activities as allowed.

**AGRICULTURE.** The production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to society, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; including grapes, nuts, and berries; vegetables; nursery, floral ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

- AIR RIGHTS.** The ownership or control of all land, property, and that area of space at and above a horizontal plane over the ground surface of land used for railroad, expressway, or other public or quasi-public purpose or purposes. The horizontal plane shall be at a height that is reasonably necessary or legally required for the full and free use of the ground surface.
- ALLEY.** A public or private way permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.
- ALTERATION.** Any change, addition, or modification in construction or occupancy of an existing structure.
- ALTERATION, STRUCTURAL.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
- AMENITIES.** A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.
- AMUSEMENT PARK.** Facilities including water parks and other privately owned outdoor amusement facilities.
- ANIMAL HOSPITAL (Clinic).** Establishments of licensed practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery, for animal specialties. Animal specialties include horses, fur-bearing animals, rabbits, dogs, cats, and other pets and birds except poultry.
- ANTENNA.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
- APARTMENT.** See **Dwelling, Multifamily.**
- AQUACULTURE.** Land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use. A controlled discharge of pollutants to enhance growth of harvestable freshwater or marine life plants or animal species.
- AQUIFER.** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.
- ARCADE.** A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.
- ARCHITECTURAL FEATURES, EXTERIOR.** Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

AREA PLAN. Either an individual component of a master plan relating to a specific geographic sub-area of the City, or an independently developed plan relating to a geographic sub-area of the City. Also **Specific Plan**.

AS-OF-RIGHT. The ability to build a building, establish a use, or perform some other activity as provided by this ordinance without additional legislative or Planning Commission approval. Also referred to as by-right.

ASSISTED LIVING FACILITY. A residential facility for three or more persons, primarily over the age of 60 who require oversight or assistance. Such residents are no longer able to live independently, but do not need 24 hour medical care offered by a Nursing Home.

ASSISTED LIVING FACILITY FOR THE DEVELOPMENTALLY DISABLED. A residential facility providing for 24-hour non-medical care for adults who are unable to independently provide for their own daily needs. For the purpose of this facility, residents may include the physically disabled or handicapped, the mentally handicapped and the developmentally disabled.

ATTIC. That part of a building that is immediately below and wholly or partly within the roof framing.

AUTOMOBILE REPAIR AND MAINTENANCE, LIGHT. A businesses establishment that provides routine and repair services to non-commercial vehicles, limited to such activities as the following: the repair and replacement of parts commonly regarded as relatively frequent maintenance items such as spark plugs, belts, hoses, filters, fluids, windshield wiper blades, light bulbs or headlights, fuses, emission control devices, shock absorbers, tires, and the installation of small accessory items such as radios, mirrors, antennas, and trailer hitches.

AUTOMOBILE REPAIR AND MAINTENANCE, HEAVY. A business establishment that provides services to non-commercial motor vehicles that produce relatively high levels of noise, vibration and fumes and, more specifically, include the following types of services: the repair or replacement of parts requiring disassembly or removal of any item not covered under Automobile Repair and Maintenance, Light including repair or replacement of mufflers and brake system components, auto painting or body repair (such as painting, repair, or replacement of body panels or frame parts; glass; bumpers; interior or exterior trim; seats; carpeting; upholstery; or convertible tops).

AUTOMOBILE SERVICE STATION. Any building, land area, or other premises, or any portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing or repair of vehicles; and including as an accessory use, the sale and installation of lubricants, tires, batteries, and similar vehicle accessories for cars, vans, and light trucks only.

AUTOMOBILE SALVAGE, STORAGE, WRECKING & JUNK YARD. The presence on any lot or parcel of land of motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**AWNING.** A roof-like cover that is temporary, portable, or easily moveable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements including those which are stationary or can be periodically retracted into the face of the building.

## B

**BAR AND/OR COCKTAIL LOUNGE.** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts. Also **Tavern, Pub or Public House**, and **Saloon**.

**BASEMENT.** See **Story**. Also **Cellar**.

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

**BED AND BREAKFAST INN.** An owner-occupied single-family primary residence which offers lodging for paying guests while away from their normal places of residence and serves only a breakfast meal in which the price of the food is included in the price of the overnight accommodation. A bed and breakfast inn does not include commercial uses, including but not limited to: a public restaurant, special events center, conference center, banquet facility, entertainment venue, or retail uses. In contrast, see **Hotel or Motel** and **Rooming or Boarding House**.

**BLOCK.** A piece, parcel, or tract of land entirely surrounded by public streets, other than alleys, and other major physical barriers such as public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.

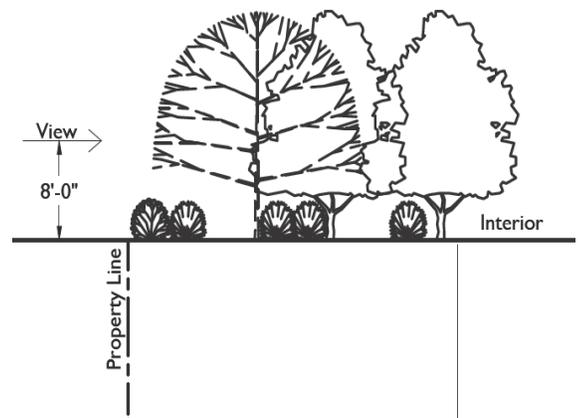
**BOARDING HOUSE.** See **Rooming or Boarding House**.

**BOUNDARY.** A line or other thing marking a limit; bound; border.

**BREW PUB.** See **Restaurant**.

**BUFFER.**

- a. **NATURAL BUFFER.** A natural or enhanced vegetated area with no or limited minor disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
- b. **PLANTED BUFFER.** Land area that contain deciduous or perennial vegetation, including evergreen shrubs and trees suitable to local growing



Illustrative Example of a Planted Buffer

conditions that provide an opaque visual screen during all seasons of the year.

- c. **ZONING BUFFER.** Land area used to visibly separate one use from another through screening and distance to shield or block noise, light, glare, visual, or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

**BUILDABLE AREA.** The area of a lot or parcel remaining after the dimensional, open space, and buffer requirements of this Ordinance have been met less any land unsuitable for development such as steep slopes, wetlands, flood plains, groundwater recharge areas, and the like.

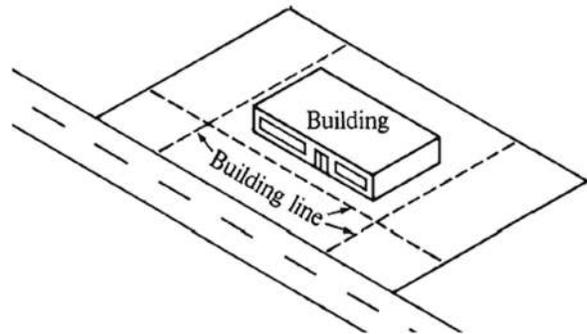
**BUILDING.** Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals, or chattel including a structure which has no enclosing walls.

**BUILDING CODE.** The currently adopted Building Code, with Georgia amendments.

**BUILDING, COMMERCIAL.** Any type of building other than residential.

**BUILDING COVERAGE.** Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches, slabs and foundations, and accessory buildings, by the gross area of that lot.

**BUILDING LINE.** A line established at the minimum allowable distance between the nearest portion of any building (excluding the outermost 3 feet of any uncovered porches, steps, gutters, and similar fixtures) and the centerline of the street or the right-of-way line, as required by this Ordinance.



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

**BUILDING, RESIDENTIAL.** Any building or unit of a building intended for occupancy as a dwelling but shall not include a hotel, motel, or similar short-term occupancy use.

**BULK REQUIREMENTS.** Refers to standards that control the floor area, lot coverage, height, density, intensity, and location of structures.

## C

**CAMPGROUND.** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

**CARPORT.** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than 3 sides.

**CAR WASH.** An area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of motor vehicles.

**CARRY-OUT RESTAURANT.** See **Restaurant**.

**CELLAR.** A space with less than ½ of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet. Also **Basement.** A basement of a building shall not count as a story when determining allowable building height, if the upper surface of the first floor above such basement complies with the following conditions:

- a. It is less than 7 feet above grade;
- b. It is less than 7 feet above finished ground level for more than 50% of the perimeter of the building; and
- c. It is less than 12 feet above finished ground level around the entire building perimeter, provided however, that basements such as classrooms or assembly rooms shall be counted as a story.

**CEMETERY.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction with and within the boundaries of such cemetery.

**CENTRAL BUSINESS DISTRICT (CBD).** Means either: (a) the area where economic activity in the form of business services and retail functions as well as government functions, civic events, and other compatible uses and activities are located or held; or (b) City of Newnan commercial zoning district.

**CERTIFICATE OF APPROPRIATENESS.** Means a document evidencing approval by the Historic Resource Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

**CERTIFICATE OF OCCUPANCY.** A Certificate of Occupancy or CO is a permit establishing the right to safe occupancy in compliance with all of the requirements for such occupancy of a building, structure, or site within the City of Newnan.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP.** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities connected with religious worship. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination including but not limited to, church, synagogue, temple, chapel, or mosque, are held.

**CLINIC.** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**CLUB.** An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

**COACHHOUSE /CARRIAGE HOUSE.** A freestanding accessory building historically built to house horse-drawn carriages but often converted into garages, sometimes with accessory housing units for domestic help, relatives, or other persons.

**COLDFRAME.** An unheated outdoor structure consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold.

**COMMERCIAL SPEECH.**

- a. The expression of an idea, opinion or message that directs or attracts attention to a place of business, to a particular business organization, to a product, commodity or service for sale, trade, barter, swap or lease, or to any other business interest or activity; or
- b. The solicitation for contributions or financial support for any nonprofit organization, institution, committee, club or association of a social, political, religious or charitable nature, or for any nonprofit organization representing the opinions, viewpoint or interests of a particular group.

**COMMERCIAL USE, GENERAL.** See **Land Use Categories.**

**COMMERCIAL VEHICLE.** Any self-propelled or towed vehicle used on public roads in interstate or local commerce to transport passengers or goods, provide services, or serve any other commercial or non-residential purpose when:

- a. The vehicle has a gross weight rating or gross combination weight of 10,000 or more pounds;
- b. It is used or designed to be used principally for the purpose of conducting business or non-profit organizational use or for carrying passengers for hire;
- c. Has a platform, cabinet, box, rack, compartment, or other facility for the transportation of materials, equipment, or items other than the personal effects of private passengers;
- d. The vehicle is designed to transport more than 15 passengers, including the driver; or
- e. The vehicle is used in the transportation of hazardous or toxic materials in a quantity requiring placarding under regulations issued by the U.S.D.O.T. under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813) as amended.

Exceptions to this definition includes dually designed for pulling camping trailers or other recreational equipment and outfitted with a fifth-wheel type hitch; certified for multi-passengers less than 15; or temporary on-site loading or unloading purposes (i.e. moving a truck).

**COMMON AREA.** Land amenities; certain areas of buildings such as lobbies, corridors, and hallways; central services and utilities; open space; landscaped areas; detention ponds; and any other elements or facilities owned and used by all members of a development such as a condominium or subdivision and designated in the master deed as common area.

**COMMUNITY CENTER.** A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMMUNITY GARDEN.** An area of land managed and maintained by a group of individuals to grow and harvest crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMMUNITY GREEN.** A green area, usually centrally located, can consist of recreation areas that are primarily active in nature and designed for intensive uses, while still containing a significant amount of open space not designed for specific activities. Community greens may also be designed for more passive activities and contain significant natural area. Community greens serve as the primary park within a neighborhood or town area.

**COMPREHENSIVE PLAN.** The adopted City of Newnan Comprehensive Plan, including its maps, data and descriptive materials.

**CONCEPT PLAN.** A generalized map or site plan presenting an image of proposed development which does not include construction or engineering detail, and showing those plan elements as further required by this Ordinance.

**CONCENTRATED FEED LOT.** A relatively small, confined land area for fattening cattle or holding cattle temporarily for shipment.

**CONDOMINIUM.** A type of ownership for attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of Title 44, Chapter 3, Article III, of the Official Code of Georgia Annotated (O.C.G.A. §§ 44-3-70 et. Seq.) in which the air space of each unit is independently owned and financed by the occupant, but in which all lands and buildings are owned in common on a proportional, undivided basis.

**CONSERVATION AREAS.** Environmentally sensitive lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines, sand pine scrub communities, and other areas of significant biological productivity.

**CONSERVATION EASEMENT.** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic,

open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

**CONTIGUOUS.** Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a street, railroad, or public utility right-of-way.

**CONTINUING CARE RETIREMENT COMMUNITY.** See **Retirement Community – Dependent.**

**CONVENIENCE FOOD STORE.** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**CONVENIENCE GOODS.** Those items which are purchased frequently and generally in small amounts. Grocery stores handle a large percentage of this type of sales; also included are drugstore sales, restaurant sales, discount or variety store sales, newsstands, candy store sales, and sales from similar establishments.

**COURTYARD.** A yard which is bounded on 2 or more sides by the walls of a building or structures or the extension of such walls.

**COVENANT.** Private deed restrictions or covenants are imposed on land by private landowners. Covenants bind and restrict the land in the hands of present owners and subsequent purchasers. Covenants are enforced only by the landowners involved and not by any public agency.

**COVERED PORCH.** An integrated part of a principal or accessory structure that includes a roof and is completely attached to the roof or wall of the principal structure with structural supports from the ground. Such a structure shall be considered in calculations of setbacks or square footage.

**COVERED PORCH, MINOR.** An accessory structure attached [primarily] to a residence which is less than 6 square feet in size and has a roof which is completely attached to the roof or wall of the principal structure without supports from the ground. Such a structure shall not be considered in calculations of setbacks or square footage.

**COW AND GOAT DAIRIES.** Any premises where milk is produced for wholesale distribution and where 10 or more cows or goats are in lactation.

**CREEK.** A continuous flowing body of water that is part of a greater system or watershed. Also **Stream** or **River.**

**CREMATORIUM.** A licensed facility in which animal or human remains are reduced to ash through thermal processes.

**CROP PRODUCTION.** A primary use of the land which includes cultivation of open field or greenhouse crops, fruits, vegetables, grain, fibers, flowers, ornamental and nursery plants for wholesale or retail sale and ultimate consumption by others.

## D

**DAY CARE FACILITY, ADULT.** A licensed establishment providing for the paid care, supervision, and protection of 3 or more of the elderly or adults who cannot perform these functions for themselves. Such a facility may be operated by a person or persons, society, agency, corporation, institution, or group for a period fewer than 24 consecutive hours without the transfer of legal custody.

**DAY CARE CENTER, CHILD.** A licensed establishment providing for the paid care, supervision, and protection of 3 or more children under the age of 18 who cannot perform these functions for themselves. Such a facility may be operated by a person or persons, society, agency, corporation, institution, or group for a period fewer than 24 consecutive hours without the transfer of legal custody.

**DAY CARE HOME, CHILD.** As opposed to a **Home Occupation Day Care Service**, the following definition shall apply:

Class I: A family-based home that receives not less than three and not more than six children ages 9 years or younger for care during any part of the day not to exceed 12 consecutive hours during any 24-hour day;

Class II: A family-based home that receives not less than seven and not more than 18 children ages 9 years or younger for care during any part of the day not to exceed 12 consecutive hours during any 24-hour day.

**DECK.** A roofless accessory attached or detached platform without exterior walls except that of a house it may be attached to, generally constructed of wood, which adjoins or is adjacent to a residence within a side or rear yard. Rails or safety features shall not be deemed to be exterior walls. Decks shall not be counted toward building coverage or impervious surface if uncovered or not built on slab foundation or other impervious material.

**DEDICATION.** The transfer of property by the owner to another party.

**DENSITY, GROSS.** The overall density of a site including roads and other infrastructure, dedicated open space, drives, and other common area. Gross density shall be expressed either in residential units per acre or by Floor Area Ratio. See the Lot and Building Standards Article for an explanation of how to calculate gross density.

**DENSITY, NET.** The density remaining after the deduction of roads and other infrastructure, dedicated open space, drives, and other common area. Net density shall be expressed either in residential units per acre or by Floor Area Ratio.

**DESIGN REVIEW.** The submittal to and subsequent review of a site or building design by the City of Newnan.

**DEVELOPER.** Any person or persons, corporation, or other legal entity proposing to develop or build on a piece of land. The developer of a real estate development is the entity whose name shall be on the permit issued by the City of Newnan for that development.

In the event that no name is on the permit, then the owner, by default, becomes the developer for the purpose of this ordinance.

**DEVELOPMENT.** All structures and other modifications of the natural landscape above and below ground or water, on a particular site, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

**DISTANCE.** The measurement in lineal feet from the closest point of one reference such as a lot or building to the closest point of a second or subsequent reference point.

**DISTRICT, OVERLAY.** A zoning district that encompasses one or more underlying conventional zoning districts and which imposes additional requirements or restrictions above that required by the conventional district.

**DISTRICT PERIMETER.** The boundary of a specific development project or zoning district.

**DISTURBANCE.** Means either: (a) Any activity or action which modifies the physical layout or state of a piece of land; or (b) Anything that disturbs or creates a nuisance by sound, vibration, smoke, dust, light, appearance or other factor which can be classified as a nuisance; a departure from normal.

**DOMESTIC ANIMAL.** Any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

**DORMITORY.** A building used as group living quarters for a student body, religious order, or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.

**DRASTIC.** The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. The DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.

**DRIVE-IN FACILITY.** An establishment that, by design of physical facilities or by service or packing procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

**DRIVE-IN RESTAURANT.** See **Restaurant**.

**DRIVEWAY.** A private drive providing access for vehicles to a parking space, garage, dwelling or other structure, or for general access to a piece of land from a public street.

**DRIVEWAY, JOINT-** Straddles a property line and is used in common by both lots.

**DWELLING.** A building or portion thereof which is designed for or used for residential purposes.

DWELLING, APARTMENT ABOVE COMMERCIAL STOREFRONT. A studio or efficiency, one-bedroom, two-bedroom, or three or more bedroom unit located on any floor other than the basement or ground or street level.

DWELLING, ACCESSORY. See **Accessory Apartment**.

DWELLING, MULTIFAMILY. A residential building designed exclusively for occupancy by 3 or more families in separate dwelling units living independently of each other.

- a. APARTMENT. A multifamily dwelling in which a dwelling unit may be located above another.
  1. Loft Apartment - A dwelling unit located above commercial or industrial space and generally undivided except for a mezzanine area.
  2. Studio Apartment - A dwelling unit with no separate bedroom area, generally for 1 individual. Also referred to as an efficiency.
  3. Garden Style Apartment - A ground-floor dwelling unit with access to a garden or other adjacent outdoor space or 2- or 3-story apartment buildings with communal gardens.
- b. TOWNHOUSE. A multifamily dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another.

DWELLING, SINGLE-FAMILY. A building designed for and occupied exclusively by one family. See also **Site-Built Single-Family Dwelling, Modular Home, Manufactured Home** and **Mobile Home**.

DWELLING, TWO-FAMILY (DUPLEX). A building designed for and occupied exclusively by two families living independently of each other in separate dwelling units within the same building.

DWELLING UNIT. An enclosure of one or more interconnected rooms, including separate bathroom and kitchen facilities, designed and constructed as a unit for permanent residential occupancy by one family.

## E

EASEMENT. A grant or reservation by the owner of a piece of land for the use of such land by others for a specific purpose or purposes by the public, the City, a corporation, or other persons, and which must be included in the conveyance of such land affected by the easement.

EGRESS. The area used, primarily by vehicular traffic, to exit or leave a site. Means of egress shall include any continuous and unobstructed way of exit travel from any point in a building or structure to a public way, consisting of three separate and distinct parts:

- a. The way of exit access;
- b. The exit; and

- c. The way of exit discharge.

A means of egress comprises the vertical and horizontal ways of travel and shall involve the intervening room space, doors, corridors, passageways, balconies, stairs, ramps, enclosures, lobbies, horizontal exits, courts, and yards.

**ELEVATION.** Means either: (a) A vertical distance above or below a fixed reference level; or (b) A fully dimensioned drawing of the front, rear, and side of a building showing features such as windows, doors, finish materials, and a relationship of grade to floor level.

**ELEVATION, FINISHED FLOOR.** The proposed elevation of the finished floor of a structure.

**ELEVATION, GROUND.** The original elevation of the ground surface prior to cutting, filling, or grading.

**EMERGENCY SHELTER.** A building, structure or portion(s) thereof, designated for use as temporary housing for one or more individuals during a high wind storm event such as a hurricane or tornado or in response to a disaster. Also referred to as a fallout shelter.

**EXCAVATION.** Any man made cavity or depression in the earth's surface, including sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reason of the excavation. If installed forms or similar structures reduce the depth-to-width ratio, an excavation may become a trench.

**EXEMPTION.** Those activities that are not subject to a specific regulation or provision of this ordinance.

**EXISTING GRADE.** The slope or elevation of existing ground surface prior to cutting or filling.

## F

**FAÇADE.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY.** A single family may consist of not more than one of the following:

- a. Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship occupying a single dwelling unit, provided no such family shall contain more than two non-related persons; or
- b. A group of not more than four non-related persons occupying a single dwelling unit.

For the purpose of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90 day period; or receives mail at the dwelling unit; or lists the dwelling unit as his or her home address on any documents. The term "family" does not include any society, club, fraternity, sorority, association, lodge, institutional group, or like organization.

**FAMILY ENTERTAINMENT.** Entertainment suitable for family viewing or participation and not of an exclusive adult entertainment nature.

**FARM OR FARMLAND.** A parcel of land of not less than 20 acres, in one ownership, that is used primarily for the cultivation of agricultural crop production and/or for the raising of livestock. The term "one ownership" shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land.

**FARM STAND.** An accessory structure located on a farm for the display and sale of farm products grown on the premises to the general public. Also referred to as a produce stand and a curb market.

**FARMER'S MARKET.** Is an outdoor market open to the public, operated by a governmental agency, a non-profit corporation or one or more producers that is a periodic market where agricultural products and food items are sold by vendors in an open-air or semi-enclosed temporary structure. Individual vendors may sell food and/or agricultural products, provided the product is produced, processed, or manufactured in an establishment licensed by the appropriate authority.

**FARROWING HOUSE.** A structure used for the breeding and delivery of animals, in particular swine or pigs.

**FEE.** A set amount of money to be paid to the City, pre-set by Council, in return for a service or product to be provided or a permit or other document to be issued by the City.

**FILL.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground; the height above original ground surface after the material has been or will be added.

**FILLING.** The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

**FINISHED FLOOR LEVEL.** Three feet minimum above the elevation of the 100-year flood plain on lots that contain flood plain area.

**FLAG.** A type of sign made of paper, woven natural or synthetic fabric, thin plastic or similar lightweight pliable material that is normally displayed by flying from a pole as a wind-activated device, but is not otherwise defined in this Ordinance as a banner, pennant or feather banner. (See also the Sign Regulations Article.)

**FLEA MARKET.** An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**FLOODPLAIN.** Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

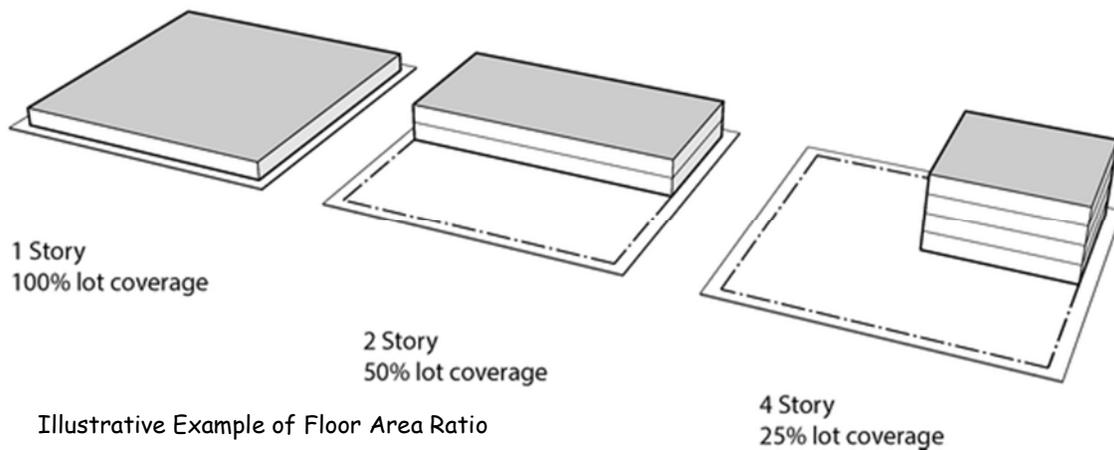
**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FLOODWAY FRINGE.** All that land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

**FLOOR AREA, GROSS.** The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shaft.

**FLOOR AREA, NET.** The total of all floor areas of a building, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking and loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FLOOR AREA RATIO (FAR).** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See the Lot and Building Standards Article for an explanation of how to calculate floor area ratio.



**FORESTRY.** Establishments engaged in the operations of timber tracts, tree farms or the gathering of forest products.

**FOSTER HOME.** A single-family dwelling offering care in a family setting necessary to meet physical, emotional, and social needs of children in accordance with regulations of the Georgia Department of Human Resources.

**FREE-FLOWING.** A river, stream, or creek, or other such body of water that flows freely and uninterrupted, except for periods of drought, for a minimum of 9 months of the year and is not dry for more than 3 months of the year. Free flowing shall also apply to such bodies of water that originate from a spring or other groundwater point of origin.

**FREESTANDING.** Resting on its own support, without attachment or added support.

**FRONTAGE, LOT.** The length of any one property line of a lot or parcel, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Ordinance.

**FUNERAL HOME.** A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

## **G**

**GARAGE, PRIVATE.** An accessory building or a portion of a principal building used for the parking or storage of motor vehicles of the occupants of the principal building with no facilities for mechanical service or repair of a commercial or public nature. A carport would be considered as a private garage.

**GARAGE, PUBLIC.** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

**GLARE.** A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

**GRADE.** The pitch of a slope and it is used to express the steepness of slope on where zero indicates level (with respect to gravity) and increasing numbers correlate to more vertical inclinations. It is usually presented as: (a) The datum or reference elevation of the land around a building; or (b) the percent of rise or descent per 100 feet of a sloping surface pertaining to a street or other public way.

**GRADE, EXISTING.** The vertical location of the existing ground surface prior to cutting or filling.

**GRADE, FINISHED.** The final grade or elevation of the ground surface after cutting or filling and conforming to a proposed and approved design.

**GRADING.** Altering the shape of ground surfaces to specified elevations, dimensions, and/or slopes; this shall include stripping, cutting, filling, stockpiling and shaping or a combination thereof, and shall include the land in its cut or filled condition.

**GREENHOUSE.** A building made of glass, plastic, or fiberglass in which plants are cultivated and is incidental to that of the main building or to land used for the cultivation, protection, culture or storage of trees, seedlings, shrubs and tender or tropical plants.

## H

**GREENWAY.** A linear open space, either privately or publicly owned, which contains a trail for walking, bicycling, horseback riding, or other active or passive recreation activities consistent and complementary to a path system, but not used for motor vehicles for any purpose other than maintenance of the greenway facility.

**GROCERY STORE.** A retail establishment primarily selling fresh or pre-packaged foods including meat, produce, and dairy products as well as other convenience and household goods. Note that grocery stores vary from small neighborhood markets of 8,000 square feet or less to large superstores in excess of 100,000 square feet.

**GROSS LAND AREA.** A term referring to the gross size of a parcel or tract of land prior to subtracting land area for infrastructure, wetlands, steep slopes, and other environmental or codified constraints on the development of such land.

**GROSS LEASABLE AREA (GLA).** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**GROUP HOME FOR THE DEVELOPMENTALLY DISABLED.** A residential dwelling shared by not more than 18 developmentally disabled, mentally disabled, and physically handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

**GROWLER.** A bottle, container or vessel, designed for and especially intended to be filled with beer from a keg as prescribed in Chapter 3 - Alcoholic Beverages of the Code of Ordinances of the City of Newnan.

## H

**HALFWAY HOUSE.** A licensed home for two or more inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the Georgia State Department of Corrections.

**HANDICAPPED.** Shall mean as such term is defined in the Fair Housing Act, 42 V.S.C. §3602 (h), and shall mean:

- a. A physical or mental impairment which substantially limits one or more of such person's major life activities; or
- b. A record of having such impairment; or

- c. Being regarded as having such an impairment, but such term does not include the current, illegal use or addiction to a controlled substance or the current addiction to alcohol.

**HAZARDOUS SUBSTANCES OR MATERIALS.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

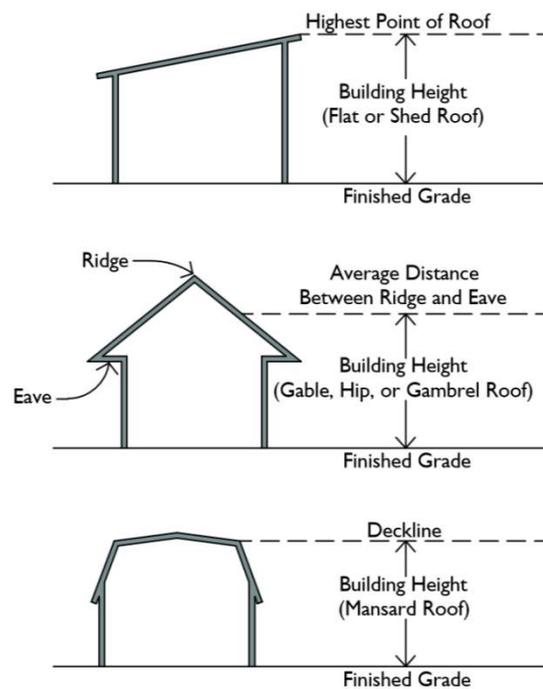
**HAZARDOUS WASTE.** Means either: (a) Solid, liquid, or gaseous material resulting from the manufacture or use of hazardous or potentially hazardous materials such as pesticides or drugs, pathological wastes, highly flammable or explosive wastes, toxic wastes, sewage sludge, and other waste material that may pose a hazard to the public health, safety, or environment; or (b) as used in the Environmental Protection Article of this Ordinance, any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, that may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency has developed a list of hazardous wastes based upon corrosivity, reactivity and toxicity.

**HEALTH/RECREATION FACILITY.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

**HEALTH CLUB.** Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**HEAVY VEHICLE.** Any vehicle or motorized conveyance used for commercial purposes, or with a gross weight in excess of 10,000 pounds gross vehicle weight or 24 feet in length, or trailer in excess of 24 feet in length.

**HEIGHT.** Means either: (a) When referring to telecommunications towers or antennae, the distance measured from the ground level to the highest point on the tower or telecommunications structure, even if said highest point is an antenna; or (b) when referring to the height of a building, the vertical distance to the highest point of the roof for flat roofs; to the deck line of the mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.



Illustrative Example of Building Height

**HELIPORT or VERTIPORT.** Any landing area used for the landing and taking off of helicopters or tiltrotors, including all necessary passenger and cargo facilities, fueling, and emergency service facilities. The area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

**HELISTOP.** Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

**HISTORIC DISTRICT.** Means either: (a) a geographically defined area possessing a significant concentration, linkage, or continuity of sites, buildings, landmarks, improvements, or landscape features united by historic events or by plan or physical development, and which area has been designated as an historic landmark district; said district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district. A Historic District shall further mean an area designated by the City Council as a Historic District pursuant to the criteria established in this Ordinance; or (b) an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

**HISTORIC PROPERTY.** Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Newnan City Council as an historic property pursuant to the criteria established in this Ordinance.

**HOME OCCUPATION.** Means either: (a) an occupation, profession, activity, or use carried on by a member or members of a family residing in a residence that is clearly a customary, incidental, and secondary use of the residential dwelling unit and which does not alter the exterior of the property or affect the resident character of the neighborhood; or (b) an accessory use of a dwelling unit for gainful employment which: i) is clearly incidental and subordinate to the use of the dwelling unit as a residence; ii) is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling; iii) is located in a residential district; and iv) is created and operated as a sole proprietorship.

**HOME OCCUPATION DAY CARE SERVICE.** A private residence operated by any person who receives therein pay for the supervision and care for fewer than 24 hours per day, without transfer of legal custody, of not more than 6 children simultaneously who are under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

**HOMES FOR VICTIMS OF DOMESTIC VIOLENCE.** See **Personal Care Group Home.**

**HOMEOWNERS ASSOCIATION.** Means either: (a) a formally constituted non-profit community association or corporation made up of the property owners of a fixed area;

it may take permanent responsibility for costs and upkeep of common area or facilities; or (b) a private, nonprofit corporation of homeowners for the purpose of owning, operating, and maintaining various common properties.

**HOOPHOUSE.** A structure of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape.

**HORTICULTURE.** The cultivation of a garden, orchard, or nursery and/or the cultivation of flowers, fruits, vegetables, or ornamental plants.

**HOSPICE CARE FACILITY.** A facility dedicated to providing hospice care on an outpatient basis.

**HOSPITAL.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice. This may include, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices, accessory retail uses, and staff residences.

**HOTEL OR MOTEL.** A business establishment offering transient lodging accommodations on a daily rate to the general public and often providing accessory uses such as restaurants, meeting rooms, and recreational facilities. In contrast, see **Bed and Breakfast Inn** and **Rooming or Boarding House**.

**HYDROPONICS.** The cultivation of plants in water containing dissolved in-organic nutrients, rather than soil.

## I

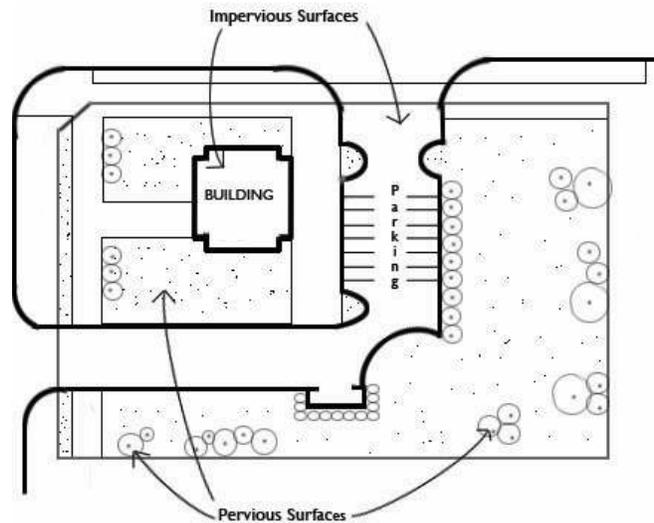
**ICE CREAM TRUCK.**

- a. A motor vehicle in which pre-packaged ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sales on the streets of the city in accordance with Georgia Department of Agriculture and City of Newnan regulations.
- b. A motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sales on the streets of the city and are prepared, dipped or poured on-site in accordance with Coweta County Health Department and City of Newnan Regulations.
- c. A motor vehicle in which pre-packaged frozen desserts (ice cream, popsicles, ice sherbets or other) or prepared, dipped or poured frozen desserts are carried for the purpose of retail sales on the streets of the city in accordance with Coweta County Health Department and City of Newnan Regulations.

**IMPACT STUDY OR ASSESSMENT.** A study to determine the potential direct or indirect effects of a proposed development, rezoning, or change in the future land use map on

activities, utilities, circulation, surrounding land uses, community facilities, the environment, and other factors.

**IMPERVIOUS SURFACE.** Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas, impacted soil, buildings, paved area, and any other feature that prevents such infiltration. See the Lot and Building Standards Article for an explanation of how to calculate impervious surface.



**IMPROVEMENT.** Anything built, installed, or established by a developer, owner, or designated contractor, whether upon, above, or beneath the ground, which may facilitate the sale of lots and serves those uses proposed for such lots.

**IMPROVEMENT, PUBLIC.** Any street, sidewalk, pedestrian way, drainage structure, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

**INCIDENTAL.** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

**INDEPENDENT LIVING FACILITY.** A facility containing units which is part of a life care community and includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the life care community.

**INDUSTRIAL PARK.** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**INDUSTRIALIZED BUILDING.** A building manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

**INFRASTRUCTURE.** Facilities needed to sustain residential, commercial, industrial and other land uses and activities and shall include water, sewer, natural gas, electric power, streets and roads, communications, and other public facilities.

**INGRESS.** Access or entry to a site or structure.

**INSTITUTIONAL USES.** See **Land Use Categories**.

**INTERNAL.** Pertaining exclusively to a specific parcel, lot, or tract of land either developed or suitable for development and not to any area outside such parcel, lot, or tract.

## J

**JUNK VEHICLE.** Any vehicle, as defined in this Article, which does not have a current license and registration or that is inoperable on its own capacity. The term "junk vehicle" shall not be deemed to include vehicles having a genuine historic or antique value when such vehicles are stored in an enclosed structure.

**JURISDICTION.** A territorial range of authority, the geographic and legal area where authority of the incorporated municipality of the City of Newnan applies.

**JUVENILE DETENTION HOME.** Three to six children who live under the care of child care workers and human service professionals on a 24-hour basis for the purpose of confinement for a criminal sentence. Such establishment shall be licensed to operate by the State of Georgia.

## K

**KENNEL.** An establishment licensed by the Georgia Department of Agriculture to operate a facility in or at which dogs, cats, or other household pets are kept, trained, boarded, or handled for a fee, except for the primary purpose of grooming, in numbers greater than the following:

- a. Three animals or more upon any lot which is equal to or less than 2 acres, or
- b. Five animals or more upon any lot which is greater than 2 acres.

The word "kept" as used in this definition shall mean any enclosure or structure used to house, helter, restrain, or exercise dogs and other pets but shall not mean a dwelling or a fence constructed to demarcate a property line.

**KENNEL, PRIVATE.** Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

**KIOSK.** A freestanding structure owned and sponsored by or approved by the City upon which temporary information and/or posters, notices, and announcements are posted.

## L

**LAND DISTURBANCE ACTIVITY.** Any activity which may result in soil erosion from water or wind and the movement of sediments into State and local waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, or filling of land but not including agricultural practices such as a family vegetable plot.

**LAND DISTURBANCE PERMIT.** Any permit other than a building permit issued by the City that authorizes clearing, grubbing, excavating, filling, or grading activities on a site or portion of a site. Said permit may be Clearing, Clearing and Grubbing, or Development permit as defined and authorized under the Development Regulations of the City of Newnan.

**LANDFILL.** A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**LAND LOT, DISTRICT, SECTION, MAP, BLOCK, PARCEL.** A description of the property using tax map designations. More applicable to the city would be MAP NUMBER, BLOCK, and PARCEL (e.g. N-21, 0002, 006).

**LAND PREPARATION.** The selective and careful removal of trees, shrubs, and other natural site elements and subsequent tree protection, grubbing, and grading of a development site.

**LANDSCAPE STRIP.** Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are allowed.

**LANDSCAPING.** Means either: (a) An expanse of natural scenery; or (b) any combination of natural and man-planted and maintained features including lawns, trees, shrubs, other plants, decorative or natural ground cover, exposed rock, mulch, wood chips, water features, sculpture, paths, etc.

**LAND USE CATEGORIES.**

- a. **AGRICULTURAL.** A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose.
- b. **SINGLE- AND TWO-FAMILY RESIDENTIAL.** A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose.
- c. **MULTIFAMILY RESIDENTIAL.** A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a vacant property zoned or offered for sale or lease for such purposes.

- d. **COMMERCIAL.** A property occupied by one or more business establishments that primarily provide retail or service uses which benefit from close proximity to other such uses including retailing, finance, professional and general offices, and the like; or, a vacant property zoned or offered for sale or lease for such purposes.
1. Neighborhood Commercial - Commonly found low scale and low intensity retail and service uses meeting the needs of immediately surrounding or adjacent neighborhoods.
  2. General Office - Structure or space wherein services are performed involving predominantly managerial, administrative, and clerical operations.
  3. Professional Office - Structure or space wherein professional services are performed involving operations such as law, medicine, optician (including the sale of glasses and contact lenses as accessory to professional eye examinations and the prescription of lenses), audiologist, architect or landscape architect, professional consultant, engineer, professional counselor, dentist, investigative services, photographer, contractor, land surveyor, and other comparable professional services.
  4. Business & Professional Office - Structure or space wherein business services are performed involving predominantly managerial, administrative, or clerical operations such as accounting, tax preparation, real estate, stock brokerage, financial consulting, manufacturers' representatives, insurance, employment services, advertising and public relations, polling and public opinion services, business and other research firms, and national, regional, state and local office headquarters for commercial, manufacturing, charitable or other corporations or organizations, or other business functions included under NAICS major categories 51 through 56 and categories 7113, 7114, 8132, 8134, 8139 and others as may be determined by the Planning and Zoning Director.
- e. **INDUSTRIAL.** A property occupied by one or more business establishments that are primarily engaged in the fabrication, manufacture or production of durable or non-durable goods, or a vacant property zoned or offered for sale or lease for such purpose.
1. Heavy Industrial - Industrial establishments including manufacturing facilities, other than those classified as light or medium industrial establishments, including also those involved in the conversion of raw materials into useable finished products, provided that such establishments that generate hazardous wastes shall comply with local,

state, and federal regulations for the safe use and disposal of such materials.

2. Light Industrial - A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packing, storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial uses may include such manufacture or may include warehousing, bulk storage, truck repair or parking, truck terminals, or other similar uses.
  3. Medium Industrial - Those uses which do not involve primary processing of raw materials and do not produce significant amounts of waste materials but provides a product or service that engages in a process that is more intensive and potentially nuisance creating than light industrial uses.
- f. INSTITUTIONAL. A property occupied by a non-profit religious, recreational or philanthropic organization, club or institution; or, by a public use, such as a church, library, school, hospital, or government-operated facility.

**LAND USE MAP, FUTURE.** A map, part of an adopted Comprehensive Plan, showing land use recommendations for the City projected over a 20-year horizon. Also referred to as a Future Development Map.

**LENGTH/WIDTH RATIO.** The mathematical ratio between the length of a parcel of land and its width, expressed as: length: width. See the Lot and Building Standards Article for an explanation of how to calculate a length: width ratio.

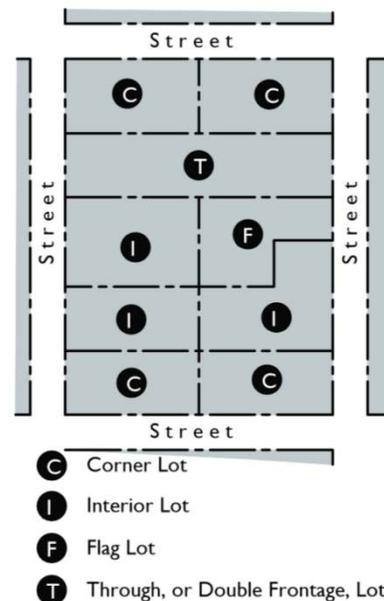
**LIFE CARE FACILITY.** A condominium/cooperative that has nursing home services as a part of the facility or has nursing home services at a separate location that is a part of an independent retirement community. See **Retirement Community - Independent**.

**LIVE ENTERTAINMENT.** Music, comedy, readings, dancing, or acting or other entertainment, excluding adult entertainment as defined in this Article, performed on the site. This classification shall not include dancing by patrons or recorded music.

**LIVING SPACE, PRINCIPAL.** That space in a residential structure used as the primary residence on the lot. Living space shall not include garages or other space that is not heated.

**LIVESTOCK.** Any animal that has hooves.

**LOT.** A platted portion of a subdivision or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the public right-of-way of a road or walkway may be included. An



easement may be counted when determining the area and dimensions of a lot if the nature of the easement will not eliminate an adequate building site; also, a portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use together with the customary accessories and open spaces belonging to the same.

**LOT AREA.** The total area within the defining and bounding lines of the lot, excluding street right-of-way.

**LOT, CORNER.** A lot abutting on and at the intersection of two or more streets, the interior angle of such intersection not exceeding 135 degrees.

**LOT COVERAGE.** The percentage of a lot which may be covered with permitted primary or accessory buildings or structures, excluding walks, drives, or other similar uses, and recreational facilities which are accessory to a permitted use.

**LOT, CUL-DE-SAC.** A lot or parcel of land fronting on the "bulb" or turn-around of a cul-de-sac street.

**LOT, DEPTH OF.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, abutting on two or more streets.

**LOT, FLAG.** A lot with access provided to the bulk of the lot by means of a narrow corridor. Also referred to as pipestem or pork chop lot.

**LOT FRONTAGE.** The length of the front lot line measured at the street right-of-way line.

**LOT, INDIVIDUAL.** A legal lot used or intended to be used as the site for institution or one office or residential building and not used or intended to be used as the site for an apartment complex, other residential complex, shopping center, office complex, or other multi-use or multi-owner development.

**LOT, INFILL.** An undeveloped or vacant lot or parcel situated adjacent to two or more developed lots or parcels where the developed parcels adjacent and nearby are not part of a currently developing project or subdivision but that have been completed for at least 5 years.

**LOT, INTERIOR.** An interior lot is a lot other than a corner lot.

**LOT LINE.** A line dividing one lot from another lot or from a street or alley.

**LOT LINE, (Front).** On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

**LOT LINE, (Rear).** The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, (Side). Any lot line not a front or rear line.

LOT OF RECORD. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

LOT SIZE. See **Lot Area**.

## **M**

MANUFACTURED HOME. A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act of 1974 42 U.S.C. 5401-5445 (the HUD Code, which became effective on June 15, 1976).

MANUFACTURING. The process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semi-finished materials.

MARKET GARDENS. An area of land managed by an individual or group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, to be sold for profit.

MARQUEE. A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway or building entrance from the elements.

MASONRY. Brickwork, stonework, stucco on block or lathe, or any combination of these materials. This definition shall not include brick face or artificial stucco except as trim elements.

MASTER PLAN. A comprehensive development plan for a parcel or group of parcels of singularly controlled land.

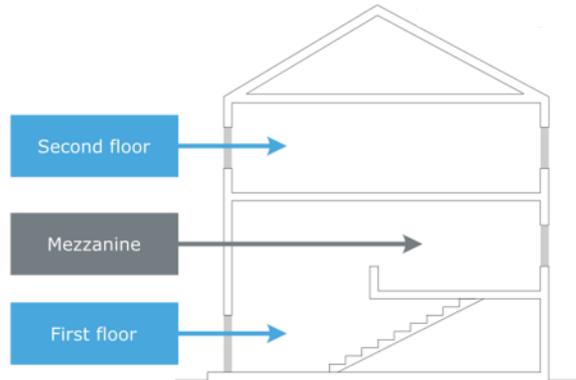
MATERIAL CHANGE IN APPEARANCE. A change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- a. A reconstruction or alteration of the size, shape or façade of an historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- b. Demolition or relocation of a historic structure;
- c. Commencement of excavation for construction purposes;
- d. A change in the location of advertising visible from the public right-of-way; or
- e. The erection, alteration, restoration or removal of any buildings or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

**MEZZANINE.** A low story or floor between two main stories in a building.

**MINI-WAREHOUSES.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies. Also referred to as a self-service storage facility.

**MINOR.** Means either: (a) any person who has not attained the age of 21; or (b) of lessor or secondary importance.



**MIXED USE DEVELOPMENT.** The development of a tract of land, building, or structure with more than one primary use where such uses are functionally complementary and integrated. Mixed-use developments often contain a mix of residential, commercial, office, institutional, and/or industrial uses.

**MOBILE FOOD VENDOR.** A readily movable retail food establishment that reports to and operates from a commissary, has an approved permit from the Coweta County Health Department, and is a motorized wheeled vehicle, a towed vehicle designed and equipped to prepare and serve food, or a pushcart (a non-self-propelled vehicle). For the purpose of this definition a commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored. See also **Ice Cream Truck**.

**MOBILE HOME.** A dwelling unit fabricated in an off-site facility for installation or assembly at the building site and that was manufactured prior to June 15, 1976 or otherwise does not comply with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.*

**MODULAR HOME.** See **Industrialized Building**.

**MORTUARY.** A building or part thereof place for the storage of human bodies prior to their burial or cremation, but shall not include facilities for cremation.

**MOTOR VEHICLE.** Means any motorized form of machinery that traverses the land, sea, or air.

## N

**NAICS.** The North American Industry Classification System (NAICS), developed by the U.S. Department of Commerce, and designed to replace the Standard Industrial Classification (SIC) code in June of 1998.

**NATURAL FEATURES.** Trees or other living vegetation, and rocks.

**NATURAL STATE.** Those areas of a parcel that are left in their natural pre-development or site preparation state including prior to timbering, clearing, grubbing, and grading.

Such areas shall be maintained in forested or wooded area, field, or mature thicket. Natural area shall not include bare soil, abandoned or overgrown lawn, scrubland or urban fields, recently timbered tracts, or other areas that, in the opinion of the Zoning Administrator and Landscape Architect, are not natural area as a result of the development or site preparation process.

**NEIGHBORHOOD.** A distinct area of a community with characteristics that distinguish it from other areas and that may include demographic characteristics, housing types, school districts or zones, boundaries defined by physical barriers such as rivers, highways, railroads, etc., or other defining attributes.

**NEIGHBORHOOD COMMERCIAL USES.** See **Land Use Categories.**

**NONCONFORMING LOT.** A lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Zoning Ordinance, and which, by reason or such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

**NONCONFORMING SIGN.** A sign that was lawfully erected and maintained prior to the adoption or amendment of this Zoning Ordinance, and which by reason of such adoption or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

**NONCONFORMING STRUCTURE.** A structure or building whose size, dimensions, location on a property or other features which were lawful prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

**NONCONFORMING USE.** A use or activity that was lawfully established prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity allowed by right or no longer meets or conforms to the requirements of this Ordinance.

**NONPROFIT ORGANIZATION.** An incorporated organization or group whose charter prohibits profit-making endeavors and which enjoys tax exemption privileges.

**NUISANCE.** Any interference with the use and enjoyment of private property.

**NURSERY.** An area or establishment devoted to the raising and care of trees, shrubs or similar plant materials.

**NURSERY SCHOOL OR PRE-KINDERGARTEN.** A place or institution where one or more children are received and cared for during some portion of the day for compensation and where such children do not have their home and are not related to the owner or operator by blood, marriage, or adoption.

**NURSING HOME.** A facility for aged or ill persons in which persons not of the immediate family of the operator are provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

## O

**OBJECT.** An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**OBNOXIOUS / OFFENSIVE.** Exposed or liable to injury, evil, or harm; very unpleasant, objectionable.

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

**OCCUPANT.** The individual, individuals, or entity in actual possession of a premises.

**OCCUPY.** The residing of an individual or individuals overnight in a dwelling unit or the storage and use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**OFFICE.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OFFICE, BUSINESS & PROFESSIONAL.** See **Land Use Categories**.

**OFFICE, GENERAL.** See **Land Use Categories**.

**OFFICE, PROFESSIONAL.** See **Land Use Categories**.

**OFFICE SERVICE AND SUPPLY ESTABLISHMENT.** Retail commercial establishments that sell, service, and supply small office equipment and supplies. This shall include stores that sell copiers, facsimile machines, typewriters, printer and copier consumables, transcribers and dictation equipment, paper, tape staplers, computer supplies, office furniture, and other general office equipment and supplies.

**OFFICIAL.** Any member of the City Council of the City of Newnan, Georgia.

**OFFICIAL ACT OR ACTION.** Any executive, legislative, administrative, appointive, or discretionary act of the City Council or appointed or designated official taken pursuant to the regular discharge of such individual's or entity's official duties.

**ON-PREMISES.** All enclosed space within the proprietors building and any other areas outside the proprietor's building that are under the direct control of the proprietor.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use, enjoyment as well as the use and enjoyment of owners, occupants, and their guests, of land adjoining or neighboring such open space. See the Lot and Building Standards Article for a more detailed description of open space requirements and for an explanation of how to calculate open space.

**OPEN SPACE, COMMON.** Open space which may or may not be related to a development, which is dedicated or available for public use on a limited or unlimited basis.

**OUTBUILDING.** A separate accessory building or structure not physically connected to the principal building.

**OUTDOOR STORAGE.** The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

**P**

**PARCEL.** A continuous lot or tract of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**PARK.** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARK, PUBLIC.** A tract of land, designated and used by the public for active and/or passive recreation. A public park may include, but not necessarily be limited to, playgrounds, tennis courts, swimming pools, public gardens, nature center, ball fields, public greenways, trails, fountains, lawns, forests, farms, historic buildings or sites, and administrative or maintenance facilities.

**PARKING LOT.** An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

**PARKING, OFF STREET.** A parking space which is designed for the parking or temporary storage of automobiles and related motor vehicles and is located outside of a dedicated street right-of-way.

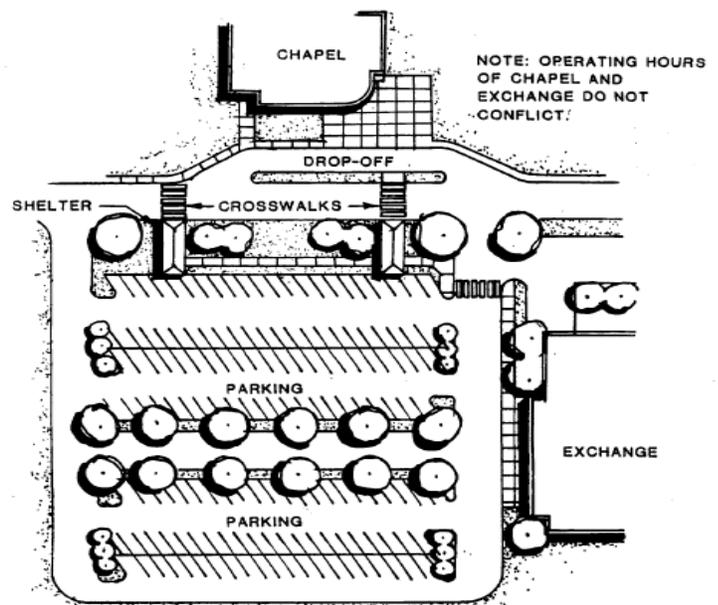
**PARKING, ON STREET.** A parking space designated or available on or along a street right-of-way. Such parking may be parallel or angled at 90°, 75°, 60°, or 50° in relation to the curb.

**PARKING, SHARED.** The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**PARKING STRUCTURE OR DECK.** A building or structure consisting of more than one level and used to park or store motor vehicles.

**PARKING SPACE.** An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

**PATIENTS FAMILY HOME.** A residential facility designed to serve as a temporary residence to relatives and family of critically or terminally



Illustrative example of shared parking

ill patients residing in a nearby hospital or other medical care facility.

PASSIVE. Taking no active part, inactive.

PATH, MULTI-PURPOSE. A multi-purpose path shall be a facility for bicycles, pedestrians, rollerblades, and other non-motorized recreational transport.

PAVED AREA, NON-APPLICABLE. For the purpose of open space calculations, non-applicable paved area refers to that paved area of a lot including parking lots, required sidewalks, curbing, gutters, concrete retention facilities, walkways, and other impervious paved area not eligible as open space under the open space definition.

PATIENTS FAMILY HOME. A facility intended to serve as a temporary residence to relatives and family of critically or terminally ill patients residing in a nearby hospital or other medical care facility. Such a home shall be designed and occupied so as to fit in with the existing character of the neighborhood in which it is located.

PENNANT. Any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

PERFORMANCE STANDARDS. A set of criteria or limits relating to certain characteristics (such as smoke, glare, noise and similar) that a particular use, activity, or process may not exceed.

PERSON. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PERSONAL CARE GROUP HOME. A profit or non-profit facility, home or structure providing the protective care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building and may include daily awareness by the management of the resident's functioning and whereabouts, making and reminding a resident of appointments or other obligations, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care.

PERVIOUS PAVEMENT. Paving material that allows water to penetrate to the ground below.

PET. Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the company of humans and dependent on humans for food and shelter. Livestock and wild animals shall not be deemed pets.

PHASE OR PHASING. Development undertaken in a logical time and geographical sequence. Phasing is the breaking up of a large development into several manageable parts for marketing, financing, labor, supply, and equipment facility.

**PHASE PLAN.** A plan, similar to a preliminary plat, which provides specific detail regarding a portion or phase of a development, and showing those plan elements as further required by this Ordinance.

**PLANNED DEVELOPMENT/PLANNED UNIT DEVELOPMENT (PUD).** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANT NURSERY.** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

**PLAT, FINAL.** A finished drawing of a subdivision showing completely and accurately all legal and engineering information as required by this Ordinance and showing all certification required for recording.

**PLAT, PRELIMINARY.** A drawing which shows the proposed layout of a subdivision of land in sufficient detail to indicate unquestionably its workability and functionality, but is not in final form for recording and the details are not completely computed.

**PLAZA.** An open space that may be improved and landscaped; usually surrounded by streets and/or buildings.

**POLLUTION SUSCEPTIBILITY.** The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

**POLLUTION SUSCEPTIBILITY MAPS.** Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential.

**PORCH.** A covered entrance to a building, usually projecting across the front wall and having a separate roof which is supported by columns.

**PRINCIPAL BUILDING.** The primary or predominant structure or building occupying a lot or parcel and often containing the principal use of the property.

**PRINCIPAL USE.** The specific, primary purpose for which land or a building is used; the main or primary use of land, building, or structures on a specific lot or parcel, as distinguished from a secondary or accessory use.

**PRIVATE CLUB.** An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

**PROJECT.** A development with the necessary site improvements, on a particular parcel of land.

**PROJECT PLAN.** A plan, more specific than a concept plan, which shows the full concept of development for a project and showing those plan elements as further required by this Ordinance.

**PROPERTY.** Means either (a) any piece of land which is legally described using lengths and bearings and also identified on the tax maps of the Coweta County Assessor's Office; or (b) any property, either real or personal, tangible or intangible, and including currency and commercial paper.

**PROPERTY LINE.** A line or recording bounding a lot which divides one lot from another lot, from a public or private street, or any other public space. Also **Lot Line**.

**EXTENDED PROPERTY LINE-** A line extending from the front property corner of a lot to the curb line of the street, perpendicular to said curb line.

**PROPRIETOR.** Any person who, as the owner or lessee, has under such person's control any establishment, place or premises in or at which such machine is provided for use of play.

**PUBLIC SEWER SYSTEM.** Any system, other than an individual septic tank or tile field that is operated by a local government or authority for the collection, treatment, and disposal of wastewater.

**PUBLIC WATER SYSTEM.** A system other than an individual well, of treated and piped water for public consumption and other use, if such a system has a minimum of 15 connections, or regularly serves an average of at least 25 individuals or businesses daily, at least 60 days out of the year.

## R

**RECHARGE AREA.** Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

**RECREATIONAL VEHICLE.** Any vehicle, including motorized homes, campers, travel trailers, camping trailers, motor coaches, pickup campers or coaches, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with wheels to facilitate movement from place to place. This definition also includes other crafts or vehicles for recreational purposes, such as watercraft, boats (with or without trailers), wave runners, four wheelers, all-terrain vehicles and bus recreational vehicles.

**RECREATIONAL VEHICLE (RV) PARK.** Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**RECYCLING FACILITIES, COMMERCIAL.** The reuse of materials obtained from others that would otherwise be discarded. This definition includes all recycling facilities where sorting or separation by machine or by employees of the facility, composting or other processing to accomplish recycling, takes place. Such facilities do not include recycling

bins or storage areas in church, school or shopping center parking lots or the like where bins are periodically emptied or hauled off by a commercial recycler for their contents to be recycled.

**REGIONAL IMPACT DECISIONS.** Final approval or denial of "special exception" requests that would impact areas outside of the corporate limits of the authorizing jurisdiction.

**REGULATED ACTIVITY.** Any activity which will, or which may reasonably be expected to result in the discharge of, dredged or fill material into waters of the U.S., excepting those activities exempted in Section 404 of the Federal Clean Water Act.

**RELIGIOUS INSTITUTION.** See **Church or Place of Religious Worship.**

**REMODELING.** To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved.

**RESEARCH AND DEVELOPMENT LABORATORY.** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESIDE.** The act of living in a dwelling unit at a specific point in time.

**RESIDENTIAL MENTAL HEALTH AND SUBSTANCE ABUSE FACILITIES.** A facilities primarily engaged in providing residential care and treatment for patients with mental health and substance abuse illnesses. These establishments provide room, board, supervision, counseling services, and a range of social services.

**RESIDENTS ASSOCIATION.** See **Homeowners Association.**

**RESPONSIBLE PERSON.** Any legally accountable human being.

**RESTAURANT.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

- a. **BREW PUB.** A restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation and regulations prescribed in Chapter 3-Alcoholic Beverages of the Code of Ordinances of the City of Newnan.
- b. **CARRY-OUT RESTAURANT.** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
- c. **DRIVE-IN RESTAURANT.** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or

not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

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

**RETAIL SALES, OUTDOOR.** The display and sale of products and services primarily outside of a building or structure, including vehicles, garden supplies, gas, storage buildings, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

**RETAIL SALES, SEASONAL.** The temporary establishment of a retail use during a period for which the commodity sold is only available or appropriate to a specific season or period.

**RETENTION STRUCTURE.** A permanent structure that provides for the storage of runoff by means of a pool of water.

**RETIREMENT COMMUNITY – INDEPENDENT.** A building or group of buildings where at least 80% of the occupied dwelling units are occupied by at least one person 55 years of age or older per unit.

**RETIREMENT COMMUNITY – DEPENDENT.** Housing options for elderly residents in a variety of living environments and arrangements. Includes adult assisted living facilities and nursing homes.

**RIGHT-OF-WAY (ROW).** A strip of land acquired by reservation, dedication, forced dedication, prescription, condemnation, or purchase and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**RIVER/STREAM BANK.** The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

**ROAD, PUBLIC.** All public property reserved or dedicated for street traffic.

**ROAD, PRIVATE.** A way open to vehicle ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

**ROOMING OR BOARDING HOUSE.** A building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to at least three but not more than eight adult persons not related to the owner by blood, marriage, adoption, guardianship or other duly authorized custodial relationship. In contrast, see **Bed and Bed Breakfast Inn** and **Hotel or Motel**.

## S

**SATELLITE DISH ANTENNA.** A round, parabolic antenna intended to receive signals from orbiting satellites and other sources.

**SCENIC CORRIDOR.** A strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

**SCENIC EASEMENT.** An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

**SCHOOL.** A public or private facility that provides a curriculum of elementary and secondary academic instruction, including but not necessary limited to kindergartens, elementary schools, junior high schools, and high schools.

**SCREENING.** The method of visually shielding or obscuring one abutting or nearby structure from another by landscape architectural elements such as fencing, walls, berms, or densely planted vegetation. Screening is designed to reduce the effects of objectionable or potentially objectionable uses and activities between incompatible uses.

**SEATING CAPACITY.** The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the International Building Code.

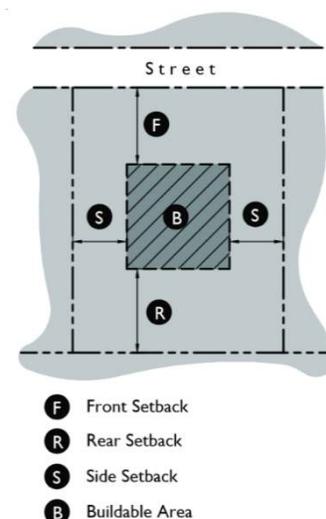
**SECONDARY.** Any building, structure or use that is not the primary building, structure, or use. Also **Subordinate**.

**SERVICE ESTABLISHMENT.** Businesses primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including personal, business, and repair services including shoe repair, leather goods repair, and small machinery, watch, and instrument repair; health and beauty including nail salon; key duplicating and locksmith; re-upholstery and furniture repair; interior decorators, travel agents, technical and other professional services; educational and tutoring services; membership organizations; and other miscellaneous services including those listed under NAICS Major Group 8121, 8123, and 8129.

**SERVICE STATION.** See **Automobile Service Station**.

**SETBACK.** The minimum horizontal distance between a street right-of-way or a lot or property line and the nearest front, side, or rear line of the building, or any projection therefrom (excluding steps, roof overhang, and minor covered porches).

**SHOPPING CENTER.** A group of commercial establishments that are planned, constructed, and managed as a single entity, with customer and employee parking provided



on site or nearby, provision for goods delivery separated from primary customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. Types of shopping centers shall include:

- a. Neighborhood Shopping Center—10,000 to 49,999 square feet.
- b. Community Shopping Center—50,000 to 249,999 square feet.
- c. Regional or Super-Regional Shopping Center—250,000 square feet or more.
- d. Specialty Shopping Center—Varies.
- e. Storefront Shopping Center—Varies.

**SIGHT DISTANCE, ADEQUATE.** An unobstructed view of the entire intersection and sufficient lengths of the intersecting highway to permit control of the vehicle to avoid collisions.

**SIGN.** Any device, fixture, placard, object, design, display or structure that uses any color, form, graphic, illumination, symbol, or writing to attract the attention of or to communicate information of any kind to the public. **See the Sign Regulations Article for specific sign definitions.**

**SIGNIFICANT RECHARGE AREA.** Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1998) edition. Mapping of recharge areas is based on outcrop area, lithology, soil type, thickness, slope, density of lithologic contacts, geologic structure, presence of karst, and potentiometric surfaces. Significant recharge areas are as follows in the various geologic provinces of Georgia: In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge are those with thicker soils. Field mapping indicates thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.

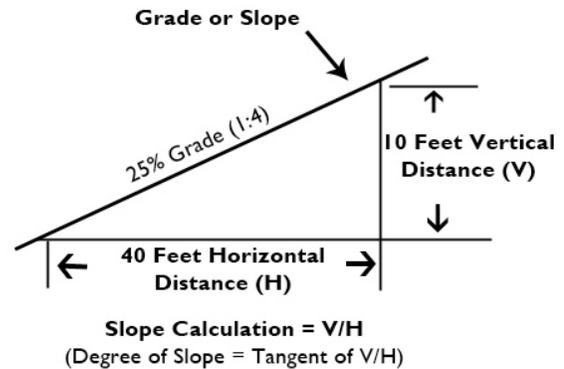
**SITE.** Means either: (a) any tract, lot, or parcel or land in combination of tracts, lots, or parcels of land which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project; (b) all contiguous land and bodies of water in one ownership, graded or proposed for grading or development as a unit, although not necessarily at one time; or, (c) regarding historic properties, a site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

**SITE-BUILT SINGLE-FAMILY DETACHED DWELLING.** A single-family detached dwelling constructed on the building site from basic materials delivered to the site (in contrast to assembly of pre-constructed modules), and which is constructed in accordance with all requirements of the Building Code as adopted by the City.

**SITE PLAN.** A plan or plat showing specific development detail regarding the improvement of an individual legal lot or parcel.

**SKETCH PLAN.** Similar to a concept plan, a sketch plan is a general rendering of a development plan for a project which does not include construction or engineering detail, and showing those plan elements as further required by this Ordinance.

**SLOPE.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. See the Lot and Building Standards Article for an explanation of how to calculate slope.



**SOLID WASTE.** Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

**SPECIFIC PLAN.** See **Area Plan**.

**STABLE, COMMERCIAL.** Any place established for gain or profit at which horses are kept for the purpose of training, boarding, riding, sale or breeding or where instruction pertaining to same is given for a fee.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.

**STABLE, PUBLIC.** An accessory building in which horses are kept for commercial use including boarding, hire, and sale.

**STOOP.** A covered entrance to a residence with stairs leading to the front doorway of the building.

**STOREFRONT.** A type of building that is located on the property without a front yard setback and is usually located directly adjacent to the right-of-way or a sidewalk to attract pedestrian business.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. See **Basement**.

**STREAM.** General term applied to all bodies of water flowing in channels regardless of their size:

Any stream beginning at:

- a. The location of a spring, seep, or groundwater outflow that sustains stream flow; or

- b. A point in the stream channel with a drainage area of 25 acres or more; or
- c. Where evidence indicated the presence of a stream in a drainage area of other than 25 acres, the City of Newnan may require field studies to verify the existence of a stream.

STREAM BANK. See **River/Stream Bank**.

STREET. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

ARTERIALS:

**Urban Principal Arterial System** – Serve the major centers of activity of a metropolitan area, the highest traffic volume corridors, and the longest trip desires; and should carry a high proportion of the total urban area travel on a minimum of mileage. The system should be integrated, both internally and between major rural connections.

Because of the nature of the travel served by the principal arterial system, almost all fully and partially controlled access facilities will be part of this functional system. In order to preserve the identification of controlled access facilities, the principal arterial system is stratified as follows:

Interstate Principal Arterial – Those routes presently designated by the USDOT as part of the Interstate System.

Urban Freeway and Expressway – Limited-access urban arterials not on the Interstate System.

Urban Principal Arterial – Uncontrolled or partial controlled access.

**Urban Minor Arterial Street System** – The minor arterial street system should interconnect with and augment the urban principal arterial system but provide service at a lower level of mobility than urban principal arterials.

Urban Minor Arterial Street – Provide service to trips of moderate length within an urban area, and this system should distribute travel to geographic areas smaller than those identified with the higher system. Such facilities may carry local bus routes and provide intra-community continuity but ideally should not penetrate identifiable neighborhoods. This system should include urban connections to rural collector roads where such connections have not been classified as urban principal arterials.

The spacing of minor arterial streets may vary from 1/8 - 1/2 mile in the central business district to 2 - 3 miles in the suburban fringes, but should normally be not more than 1 mile in fully developed areas.

COLLECTORS:

**Urban Collector Street System** – The collector street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas.

Urban Collector Street- Collects traffic from local streets in residential neighborhoods and channels it into the arterial system. In the central business district, and in other areas of like development and traffic density, the collector system may include the street grid which forms a logical entity for traffic circulation.

LOCAL ROADS:

**Urban Local Street System** – The local street system comprises all facilities not on one of the higher systems.

Urban Local Road – Serves primarily to provide direct access to abutting property and access to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes. Service to through-traffic movement usually is deliberately discouraged. Urban local roads constitute the urban public road mileage not classified as part of the principal arterial, minor arterial, or collector systems inside of urban areas.

**STREET FRONTAGE.** The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.

**STREET, PRIVATE.** A street that has not been accepted by the City.

**STREET, PUBLIC.** A street that has been accepted by the City.

**STRUCTURAL ALTERATION.** Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including but not limited to buildings, towers, smokestacks, overhead transmission lines, signs, manufactured homes, parking lots, patios, pools, decks, well houses, canopies, garages, carports, sheds, tents, animal kennels or structures, storerooms, gasoline pumps, gas or liquid storage tanks, or other manmade facilities or infrastructures whether stationary or movable.

**STUCCO.** Plaster or cement, either fine or coarse, used for surfacing inside or outside walls or for molding relief ornaments, cornices, etc.

**SUBDIVIDER.** Any person, individual, firm, partnership, association, corporation, estate, or trust, or any group of trusts, or any group or combination of groups acting as a unit, dividing, or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the subdivider.

**SUBDIVISION.** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development, and includes all divisions of land involving a new street or a

change in existing streets, and includes re-subdivision, and where appropriate to the context, relates to the land or area subdivided.

**SUBDIVISION, NONRESIDENTIAL.** A subdivision whose intended use is other than residential, such as commercial or industrial.

**SUBORDINATE.** See **Secondary**.

**SUBSTANCE ABUSE TRANSITIONAL TREATMENT FACILITY.** A type of transitional treatment facility established for individuals recovering from addiction to alcohol or narcotic drugs in order to facilitate their transition to independent living. Proper licensing from the Georgia Department of Human Resources is required.

**SUBSURFACE DEVELOPMENT.** That development which occurs below the earth's surface, including such activities as mining.

**SURETY.** Something that makes sure or gives assurance, as against loss, damage, or default; security, guarantee. For the purpose of this Ordinance, surety shall include a performance bond or certified letter of credit.

**SURVEYOR, REGISTERED LAND.** A land surveyor properly licensed and registered in the State of Georgia.

## T

**TABLING, TO TABLE.** To postpone indefinitely the discussion or consideration of an application.

**TEMPORARY SALE.** An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**TEMPORARY USE.** A use having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time.

**TENT.** A temporary or permanent structure having a roof and/or walls of fabric.

**TIMBER.** Harvestable trees; wooded areas.

**TIMBERING.** The act of removing harvestable trees and wooded areas for profit.

**TELECOMMUNICATIONS FACILITY.** A telecommunications tower, monopole tower, antenna or any and all buildings, structures, or other supporting equipment used in connection with a telecommunications tower, monopole tower, or antenna. The terms below shall have the following meanings with respect to regulating Telecommunication Facilities (see the Restrictions on Particular Uses Article):

a. **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design structures that camouflage or conceal the presence of antennas or towers.

b. **ANTENNA.** A transmitting and/or receiving device used in telecommunications that radiates or captures telephone, radio, television or personal wireless service communications signals. An antenna array consists of multiple antennas installed as a single unit.



Illustrative example of a tower camouflaged as a tree ("alternative tower structure")

c. **CROSS BAR.** A structure at or near the top of a low power mobile radio service telecommunications facility that provides support and horizontal separation for antennas.

d. **DIRECTIONAL ANTENNA.** An antenna or array of antennas designed to concentrate a radio signal in a particular area.

e. **EFFECTIVE RADIO POWER (ERP):** The product of the antenna power input and the numerically equal antenna power gain.

f. **FAA.** The Federal Aviation Administration.

g. **FCC.** The Federal Communications Commission.

h. **GUY TOWER.** A tower supported, in whole or in part, by guy wires and ground anchors.

i. **LATTICE TOWER.** A guyed or self-supporting, open frame structure that has three or four sides used to support telecommunications equipment.

j. **LOW POWER MOBILE RADIO SERVICE TELECOMMUNICATIONS FACILITY.** An unmanned facility which consists of equipment for the reception, switching and transmission of low power mobile radio service communications. Such facilities may be elevated, either building-mounted or ground mounted; transmitting and receiving antennas; low power mobile radio service base equipment; or interconnection equipment. The facility types include: roof and/or building mounted facilities, freestanding low power mobile radio service facilities, and micro-cell or repeater facilities.

k. **LOW POWER TELECOMMUNICATIONS FACILITY.** An unmanned facility consisting of equipment for the reception, switching and/or receiving of

wireless telecommunications operating at 1,000 watts or less effective radiated power (ERP), including but limited to the following:

- I. POINT-TO-POINT MICROWAVE SIGNALS.
  1. Signals through FM radio transmitters.
  2. Signals through FM radio boosters fewer than 10 watts ERP.
  3. Cellular, Enhanced Specialized Mobile Radio (ESMR), paging services and Personal Communications Networks (PCN).
  4. Private, low power mobile radio services which include industrial, land transportation, emergency public safety and government, automatic vehicle monitoring, personal mobile (CB's) and HAM operators.
- m. LOW POWER TELECOMMUNICATIONS FACILITY ACCESSORY BUILDING. An unmanned building used to house equipment related to a communications facility.
- n. LOW POWER COMMERCIAL RADIO MOBILE NETWORK. A system of low power commercial telecommunications facilities which allows wireless conversation to occur from site to site.
- o. MICRO-CELL. A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage to weak areas. Micro-cells communicate with the primary low power mobile radio service facility in a coverage area via fiber optic cable or microwave. The typical coverage area for a micro-cell is a one-mile radius or less.
- p. MICROWAVE ANTENNA. A dish-like antenna used to link communications sites by wireless transmission of voice or data.
- q. MONOPOLE. A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.
- r. OMNIDIRECTIONAL ANTENNA. An antenna that is equally effective in all directions, the size of which varies depending on the frequency and gain for which it is designed.
- s. PRE-EXISTING TOWERS AND ANTENNAS. Pre-existing towers and antennas. Any tower, antenna or monopole for which a permit has been properly issued prior to the effective date of this Article.
- t. REPEATER. A low power mobile radio service telecommunications facility used to extend coverage of cell areas to areas not covered by the originating facility.
- u. ROOF AND/OR BUILDING-MOUNTED TELECOMMUNICATIONS FACILITY. A low power mobile radio service telecommunications facility in which

antennas are supported entirely by a building other than a building accessory to a telecommunications facility. Such facilities may include micro-cell and/or repeater facilities.

- v. SECTORIZED PANEL ANTENNAS. An array of antennas, usually rectangular in shape, used to transmit and receive telecommunications signals.
- w. STRUCTURE HEIGHT. The distance measured vertically from the average ground elevation adjacent to the structure being measured to the highest point when positioned for operation. The height of a tower includes the height of any antenna positioned for operation attached to the highest point on the tower.
- x. TOWER. Any structure designed primarily for the purpose of supporting one or more antennas used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication, including self-supporting lattice towers, guy towers or monopole towers constructed as a free-standing structure or in association with a building or other permanent structure. Towers include radio and television transmission towers, microwave towers, common-carrier towers, cellular and digital telephone towers, alternative tower structures, and the like.
- y. WHIP ANTENNA. An antenna that is cylindrical in shape. Whip antennas can be directional or omni-directional; size varies with the frequency and gain for which they are designed.

**TOXIC WASTE.** Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment. See also **Hazardous Waste**.

**TRAILER.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash or special equipment and are 23 feet or less in length. Trailers longer than 23 feet are considered and regulated as heavy vehicles.

**TRAILER, CAMPING.** Shall mean any portable structure or vehicle designed for highway travel which is used or intended to be used for either living, sleeping, cooking or eating purposes and which does not include all of the following facilities: A flush water closet, a lavatory, a bath or shower, and kitchen sink. Also referred to as a travel trailer.

**TRANSACTION.** The conduct of any activity that results in or may result in an official act or action of the City.

**TRANSITIONAL SHELTER.** A charitable, nonprofit, short term housing and/or room and board accommodations for poor, transient, or needy individuals or families which must meet the minimum criteria for such a facility as specified in this Ordinance.

TRANSITIONAL USE. A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses. Also referred to as a transitional area.

TRUCK, HEAVY. See **Heavy Vehicle**.

TRUCK, LIGHT. Any vehicle less than 10,000 pounds GVW and/or shorter than 24 feet in length.

TRUCK TERMINAL. Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

## S

UNDEVELOPABLE /UNBUILDABLE AREA. That area of a site that due to physical or legal constraints, such as floodplains, wetlands, steep slopes, etc., cannot be developed.

UNDISTURBED. Shall mean no site disturbance.

USE. The specific purpose for which land or a building is intended, arranged, designed or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY. See **Accessory Use**.

USE, PERMITTED. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district. Also referred to as an allowed use.

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

USE, TEMPORARY OR SEASONAL. See **Temporary Use**.

UTILITY. Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads, or other utilities identified by a local government.

## V

VARIANCE. A reasonable deviation from the regulations and restrictions contained in this Ordinance.

VETERINARY CLINIC OR HOSPITAL. A clinic or hospital operated by a licensed veterinarian.

## W

WALL. A solid structure that defines and sometimes protects an area. Most commonly, a wall delineates a building and supports its superstructure, separates space in buildings

into rooms, or protects or delineates a space in the open air. There are three principal types of structural walls: building walls, exterior boundary walls, and retaining walls. Building walls have two main purposes: to support roofs and ceilings, and to divide space, providing security against intrusion and weather. Boundary walls include privacy walls, boundary-marking walls, and city walls. The conventional differentiation between a boundary wall and a fence is that a fence is of minimal thickness and often is open in nature, while a wall is usually more than a nominal thickness and is completely closed, or opaque. More to the point, if an exterior structure is made of wood or wire, it is generally referred to as a fence, while if it is made of masonry, it is considered a wall. Retaining walls are a special type of wall that may be either external to a building or part of a building that serves to provide a barrier to the movement of earth, stone or water. The ground surface or water on one side of a retaining wall will be noticeably higher than on the other side.

**WAREHOUSE.** A building used primarily for the bulk storage, transfer or distribution of goods and materials.

**WAREHOUSING AND DISTRIBUTION.** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WASTE TRANSFER STATION.** A facility used to transfer certain types of solid waste from one transportation vehicle to another for transportation to a solid waste disposal facility or processing operation. A Waste Transfer Station includes the enclosed waste management structure (tipping floors and loading bays) and ancillary buildings and equipment, including but not limited to, scale house, scales, truck/equipment maintenance/fueling areas, and transport truck staging areas.

**WATER RESOURCE DISTRICT.** A map overlay which imposes a set of requirements in addition to those of the underlying zoning district. See also the Environmental Protection Article of this Ordinance.

**WATERCOURSE.** Any material or artificial watercourse, stream, river, creek channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**WATERSHED.** The entire land area contributing surface drainage to a specific point (e.g. a water supply intake).

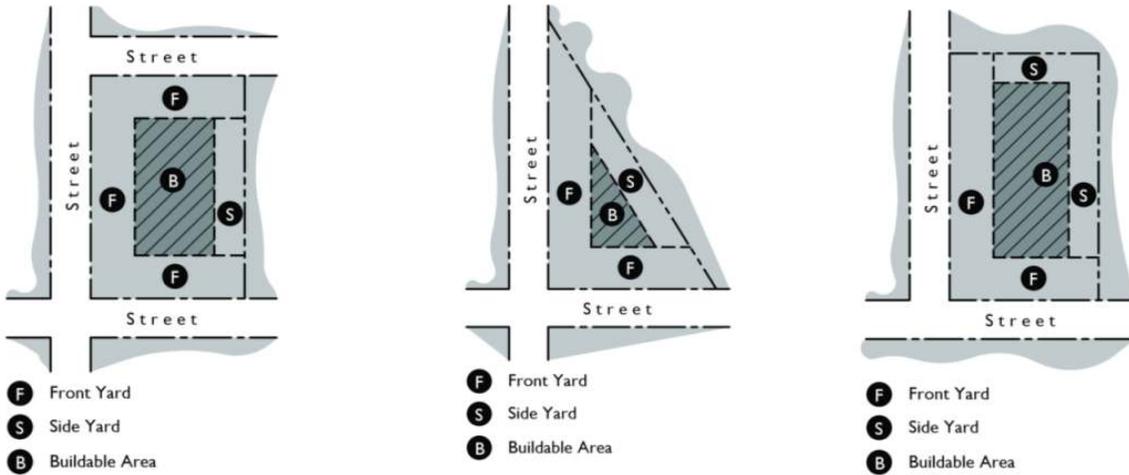
**WETLANDS.** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydro soils, hydrological vegetation and

hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

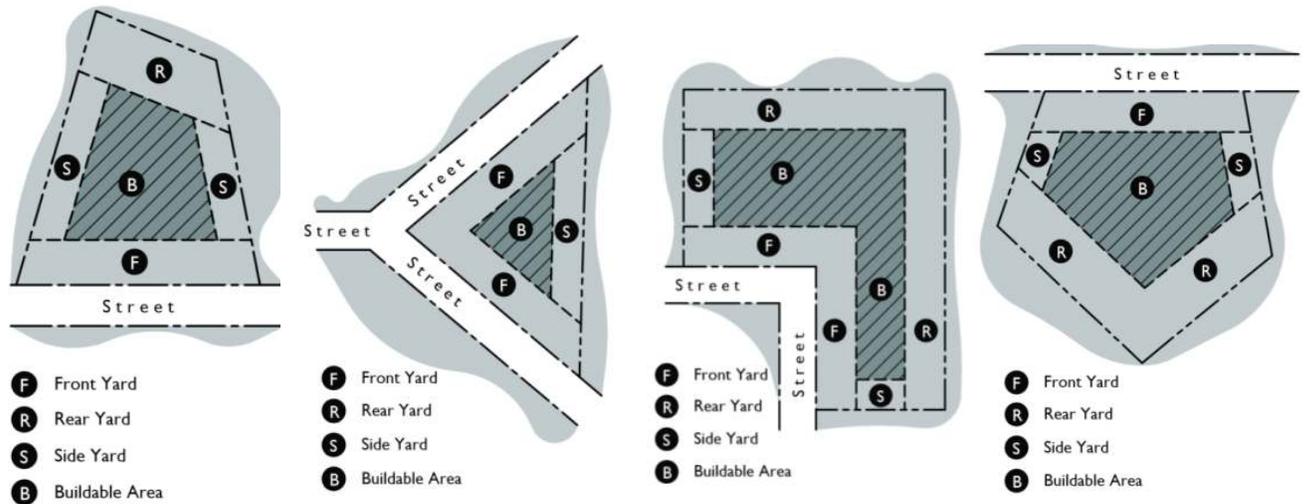
**Y**

**YARD.** A required unoccupied open space on a lot with a building or structure, adjoining a lot line, containing only landscaping or other uses as provided by this Ordinance. Specific yards include the following:

- a. **FRONT.** A yard extending the full width of the lot, located between the street line and the front line of the building, projected to the side lines of the lot.
- b. **REAR.** A yard extending the full width of the lot and situated between the rear lot line of the lot and the rear of the building projected to the sidelines of the lot.
- c. **SIDE.** A yard located between the side of the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- d. **STREET SIDE.** A yard or yards, other than a front yard, which has/have frontage on a public street or road. Such yards shall maintain setbacks equal to that of a front yard in the district in which it is located unless otherwise provided for in this Ordinance.



Illustrative Examples of Required Yards in Corner Lots



Illustrative Examples of Required Yards in Irregular Shaped Lots

**YARD SALE /GARAGE SALE/CARPORT SALE/ RUMMAGE SALE.** A 1- or 2-day sale of common household items from a residential lot or lots.

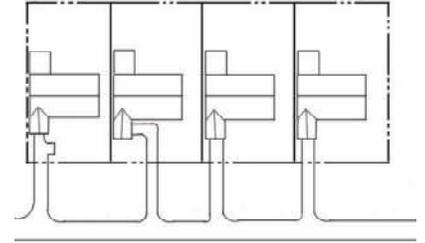
**YIELD.** The density or number of lots can be legally developed according to the base regulations of the zoning district in which the parcel or tract of land is located.

**YIELD, FINAL PERMITTED.** Final Permitted Yield (FPY) is specifically related to determination of minimum residential lot size in Open Space Development calculations.

**Z**

**ZERO LOT LINE.** The location of a building on a lot in such a manner that 1 or more of the building's sides rests directly on a lot line and that all buildings utilize the same side of the lot.

**ZONING BUFFER.** See **Buffer**.



Illustrative Example of Zero Lot Line