

ADOPTED BY THE BOARD OF COMMISSIONERS FEBRUARY 1, 1989
WITH SUBSEQUENT AMENDMENTS AS NOTED

ARTICLE III

DEFINITIONS

3.1. **SCOPE**

Words not defined herein shall be construed to have the meaning given by Merriam-Webster's Collegiate Dictionary, tenth edition or later edition. (Amended 06/04/03)

3.2. **USE AND INTERPRETATION**

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

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

3.3. **DEFINITIONS**

3.3.1. A

Accessory Site Feature. Mechanical, electrical and ancillary equipment, cooling towers, mechanical penthouses, heating and air conditioning units and/or pads, exterior ladders, storage tanks, processing equipment, service yards, storage yards, exterior work areas, loading docks, maintenance areas, dumpsters, recycling bins, and any other equipment, structure or storage area located on a roof, ground or building. (Added 06/04/03)

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

Administrative Minor Variance. A variance to the minimum district yard requirements of not more than 1 foot, granted administratively by the Director of the Department of Environment and Community Development. (Added 06/02/99)

Administrative Modification. A change to an approved condition of zoning that constitutes only a technical change and does not involve significant public interest as determined by the Director of the Department of Environment and Community Development. (Added 06/02/99)

Administrative Variance. A request for relief from: 1) the standards contained in Article 34, Development Regulations, 2) a request to reduce the 10 foot improvement setback adjacent to buffers or 3) a request for 10% reduction of parking spaces as required in Article 18.2.4.(Added 06/02/99)

Adult Bookstore (Added 06/05/96, Amended 06/04/03). An establishment or facility licensed to do business in Fulton County having a minimum of 25% of its stock in trade, for any form of consideration, any one or more of the following materials:

- (i) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, cds, dvds or other video reproductions, or slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, as defined herein; or
- (ii) instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with “specified sexual activities” as defined herein or otherwise emulate, simulate, or represent “specified anatomical areas” as defined herein.

Adult Entertainment. Permitting, performing, or engaging in live acts:

- (1) of touching, caressing, or fondling of the breasts, buttocks, and anus, vulva, or genitals,
- (2) of displaying of any portion of the areola of the female breast, or any portion of his or her pubic hair, cleft of the buttocks, anus, vulva or genitals,
- (3) of displaying of pubic hair, anus, vulva, or genitals,
- (4) or acts which simulate sexual intercourse (homosexual or heterosexual), masturbation, sodomy, bestiality, oral copulation, flagellation.

None of these definitions shall be construed to permit any act which is in violation of any county or state law. (Added 7/1/92)

ZONING RESOLUTION OF FULTON COUNTY

Adult Entertainment Establishment (Added 7/1/92, Amended 06/04/03). Any establishment or facility licensed to do business in Fulton County where adult entertainment is regularly sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public. This definition shall not include traditional or mainstream theater which means a theater, movie theater, concert hall, museum, educational institution or similar establishment or facility which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of “specified anatomical areas” or “specified sexual activities” in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. Performances and showings are regularly featured when they comprise 90% of all performances or showings.

Alternative Antenna Support Structure. Clock towers, campaniles, free standing steeples, light structures and other alternative designed support structures that camouflage or conceal antennas as an architectural or natural feature. (Added 3/5/97, Amended 5/7/97, 7/7/99, 05/17/06)

Amateur Radio Antenna. Radio communication facility that is an accessory structure to a single family residential dwelling operated for non-commercial purposes by a Federal Communication Commission licensed amateur radio operator. The term antenna shall include both the electronic system and any structures it is affixed to for primary support. (Added 07/07/93)

Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves. (Added 3/5/97)

Apartment. A building which contains three or more dwelling units either attached to the side, above or below another unit. Apartment may also refer to a dwelling unit attached to a non-residential building. (See Dwelling, Multi-Family) (Amended 07/07/99)

Appeal. A request for relief from a decision made by the Director of the Department of Environment and Community Development, other department directors, the Board of Zoning Appeals, and/or the Board of Commissioners. (Added 06/02/99)

Applicable Wall Area. The wall on which a wall sign is attached including all walls and windows that have the same street or pedestrian orientation. All open air spaces shall be excluded from the applicable wall area. (Added 09/01/99)

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

Authorized Agent. Zoning Department will provide.

ZONING RESOLUTION OF FULTON COUNTY

Automotive Garage. A use primarily for the repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or major components of automobiles and motorized vehicles. The repair of heavy trucks, equipment and automobile body work shall not be included in this use. The outside storage of unlicensed and unregistered vehicle is prohibited as part of this use. (See Auto Specialty Shop and Service Station) (Added 04/07/93)

Automotive Specialty Shop. A use which provides one or more specialized repair sales and/or maintenance functions such as the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments (such as speedometers and tachometers), radios and sound systems or upholstery for passenger cars, vans, and light trucks only. No use authorized herein shall permit any private or commercial activity which involves auto/truck leasing, painting, repair or alteration of the auto body, nor shall any repair, replacement, modification, adjustment, or servicing of the power plant or drive-train or cooling system be permitted, except that minor tune-up involving the changing of spark plugs, points or condenser, including engine block oil changes, are permitted. (See Repair 3.3.18 and Service Station 3.3.19) (Added 04/07/93) (Amended 02/07/01)

3.3.2.

B

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

Banner. Any sign of lightweight fabric or similar material that is either with frame or without frame and hung or mounted to a pole, building or other background by one or more edges. Flags are not considered banners. (Added 09/01/99)

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

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move. (Added 09/01/99)

Bed and Breakfast Inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest rooms are made available for visitors for fewer than 30 consecutive days. Breakfast is the only meal served and is included in the charge for the room. Use allowed in non-residential districts and permitted in AG-1 and TR with a Use Permit. (Added 06/01/94)

Berm. A planted earthen mound.

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

Board. Fulton County Board of Commissioners. (Added 09/01/04)

Boarding House. A residential use other than a hotel or motel in which lodging may be provided to non-household members and which includes the provision of meals. (Amended 5/6/92)

Brewpub. An accessory use to a permitted restaurant where distilled spirits, malt beverages or wines are licensed to sell and where beer or malt beverages are manufactured or brewed for consumption on the premise and solely in draft form (Added 2/7/96).

Buffer, State Waters. An area along the course of any State waters to be maintained in an undisturbed and natural condition.(Added 12/1/99)

Buffer, Tributary. A protection area adjoining the tributaries of the Chattahoochee River. Tributary buffer specifications are contained in Part D of each prospective land use section of the Tree Ordinance. (Amended 12/1/99)

Buffer, Zoning. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director of the Department of Environment and Community Development or his/her designated agent(s) when sparsely vegetated. Clearing of undergrowth from a buffer is prohibited except when accomplished under the supervision of the Director of the Department of Environment and Community Development or his/her designated agent(s). (Added 12/1/99)

Buildable area. The portion of a parcel of land where a building may be located and which shall contain enough square footage to meet the minimum required by the zoning district. That portion which is not located in the minimum setbacks, utility corridors, driveways, slopes to build streets, tree save areas, landscape strips, specimen tree areas, state water buffers, tributary buffers, zoning buffers, wetlands, storm water and sanitary sewer easements.(Amended 12/1/99)

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

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

Business. A use involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether payment is involved. The term **Business** does not include uses which are customarily incidental (accessory) to another use.

ZONING RESOLUTION OF FULTON COUNTY

3.3.3.

C

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

Car Wash, Principal. A primary or main use which provides space for cleaning vehicles. (Added 7/5/89)

Car Wash, Accessory. A customarily incidental use of an attached or detached bay for cleaning vehicles. (Added 7/5/89)

Cellar. See basement.

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

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

Check cashing establishment. Any establishment licensed by the State of Georgia pursuant to O.C.G.A. sections 7-1-700 et seq. (Added 10/02/02)

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

Clear Cutting. The removal of all vegetation from a property, whether by cutting or other means, excluding stream buffer requirements.(Added 12/01/99)

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

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

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

Commercial Amusement /Indoor. A use where recreational activity such as movie theaters, arcades, billiards, game rooms, sporting activities and other recreational amusements are conducted within a building.(Added 7/7/99)

Commercial Amusement/Outdoor. A use where recreational activity such as skating rinks, batting cages, miniature golf, drive-in theaters and other recreational activities or amusements that are conducted outside a building.(Added 7/7/99)

Composting. A processing operation for the treatment of vegetative matter into humus-like material that can be recycled as a soil fertilizer amendment such as trees, leaves and plant material. Organic animal waste, food, municipal sludge, solid waste, and other non-farm or vegetative type wastes are not included. (Added 11/03/93)

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

Conservation Subdivision. A single family detached residential subdivision in which a minimum of 40 percent of the total land area is set aside as permanently protected open space as defined by Article VI of the Fulton County Subdivision Regulations. (Added 05/05/04)

Construction material. Building materials and rubble resulting from construction, remodeling, repair, and/or demolition operations on pavements, houses, commercial buildings and other structures. Such materials include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination. (Added 12/01/99)

Convalescent Center/Nursing Home/Hospice. A state licensed use in which domiciliary care is provided to convalescing, chronically or terminally ill persons who are provided with food, shelter and care and not meeting the test of family. This use shall not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. (Amended 7/7/99)

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

Convenient location and time. Suitable time and easily accessible place for applicants to meet with interested parties to discuss rezoning and/or use permit petitions. (Added 09/01/04)

Country Inn. A facility, with the owner or innkeepers residing on the premises, where guest rooms are made available for visitors for fewer than 30 consecutive days. A Country Inn is distinguished

ZONING RESOLUTION OF FULTON COUNTY

from a Bed and Breakfast category in that it serves both breakfast and lunch or dinner.(Amended 7/7/99)

Courtyard. An open air area, other than a yard, that is bounded by the walls of a building. Courtyards are used primarily for supplying pedestrian access, light, and air to the abutting building(s). Site furniture, lighting and landscaping are appropriate for courtyards. Vehicular access allowed for unloading and loading only. No vehicular parking or vehicular storage is allowed. (Added 03/03/04)

Crematorium. A facility for the reduction of remains to ashes by incineration.

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

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

Cutoff. A luminaire light distribution where the emission does not exceed 2.5 percent of the lamp lumens at an angle of 90 degrees above nadir and does not exceed 10 percent at a vertical angle of 80 degrees above nadir. (Added 05/05/04)

Cutoff Fixture. A luminaire light distribution where the candela per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at or above a vertical angle of 90 degrees above nadir, and 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. (Added 02/01/06)

3.3.4. D

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

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

Day-Night Average Sound Level (DNL). The day-night average sound level (DNL) is the 24-hour average sound level, in decibels, obtained from the accumulation of all events with the addition of 10 decibels to sound levels in the night from 10 P.M. to 7 A.M. The weighing of nighttime events accounts for the usual increased interfering effects of noise during the night, when ambient levels are lower and people are trying to sleep. DNL is a weighted average measured in decibels (db). (Added 04/03/02)

Deck. A structure abutting a dwelling with no roof or walls except for visual partitions and railings not to exceed 42” above finished floor which is constructed on piers or a foundation above-grade for use as an outdoor living area. (Added 03/03/04)

Department. Department of Environment and Community Development. (Added 09/01/04)

Development, Duplex. A development of duplexes. (Added 06/04/03)

Development, Multifamily. A development of multifamily dwelling units on a single lot of record. (Amended 06/04/03)

Development of Regional Impact (DRI) Study. A review by the Atlanta Regional Commission and the Georgia Regional Transportation Authority of large scale projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which each project will be located. (Added 09/01/04)

Development Permit Standards. Requirements established for each administrative and use permit such as setbacks, access, landscape and buffer areas, hours of operation etc. (Added 06/02/99)

Development, Single Family. A development of single family dwelling units, with each dwelling unit including accessory structures, on a separate lot of record. (Amended 06/04/03)

Development Standards. Dimensional measurements as specified in zoning districts relating to such standards as yard setbacks, lot area, lot frontage, lot width, height and floor area.(Added 06/02/99)

Development, Townhouse. A development of townhouse dwelling units. (Added 06/04/03)

Director. Director of the Department of Environment and Community Development. (Added 09/01/04)

Distribution Line - a pipeline other than a gathering or transmission line.(Added 08/04/99)

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

District, Residential. A term which applies to all single-family dwelling districts, all apartment districts, R-6, TR, MHP and residential portions of a CUP -- Excludes AG-1.

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

ZONING RESOLUTION OF FULTON COUNTY

Drive-in/up Restaurant. A restaurant designed for customers to park and place and receive food orders while remaining in their motor vehicles. (Added 09/01/04)

Driveway. A vehicular access way.

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

Dwelling, Duplex. A structure that contains two dwelling units. (Added 06/04/03)

Dwelling, Multifamily. A structure containing three or more dwelling units not including townhouses, triplexes or quadruplexes. (Amended 06/04/03, 04/05/06)

Dwelling, Quadruplex. Four attached dwellings in one building in which each unit shares one or two walls with an adjoining unit or units. (Added 04/05/06)

Dwelling, Triplex. A building containing three dwelling units, each of which has direct access to the outside or to a common hall. (Added 04/05/06)

Dwelling Unit. One or more rooms constructed with cooking, sleeping and sanitary facilities designed for and limited to use as living quarters for one family. (Amended 06/04/03)

Dwelling Unit, Single Family. One dwelling unit that is not attached to any other dwelling unit by any means. (Added 06/04/03)

Dwelling Unit, Townhouse. A dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls. (Added 06/04/03)

3.3.5. E

Environmentally Adverse. Any use or activity which poses a potential or immediate threat to the environment and/or is physically harmful or destructive to living beings as described in the Executive Order 12898 regarding Environmental Justice.(Added 02/07/01)

Environmentally Stressed Community. A community exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses. (Added 09/01/04)

3.3.6. F

ZONING RESOLUTION OF FULTON COUNTY

Family. Family means one or more persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, or up to 4 unrelated persons, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a rooming, boarding or lodging house, or a hotel. (Amended 7/7/99)

Family Day Care Home. A **Home Occupation** in which shelter, care, and supervision are provided for 6 or fewer persons on a regular basis. A Family Day Care Home may provide basic educational instruction.

Farm. A parcel of land which is used for the raising of animals (including fish) on a commercial basis, such as ranching, dairy farming, piggeries, poultry farming and fish farming; a facility for the business of boarding or renting horses to the public; or a site used for the raising or harvesting of agricultural crops such as wheat, field forage and other plant crops intended for food or fiber. (Added 7/7/99)

Fast Food Restaurant. See Restaurant, Fast Food.

Flag Lot. A lot where frontage to a public street is provided via a narrow strip of land forming a pole or stem to the buildable portion of the lot (Added 2/7/96).

Flood Lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting. (Added 02/01/06)

Flood Light. A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp. (Added 02/01/06)

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

- 1) As-built drawings. Plans which show the actual locations, elevations, and dimensions of the improvements as certified by a professional engineer or a licensed surveyor in the State of Georgia.
- 2) Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year - the 100-year flood.
- 3) Base Flood Elevation (B.F.E.). The highest water surface elevation anticipated at any given point during the base flood.

ZONING RESOLUTION OF FULTON COUNTY

- 4) Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, such as mining, dredging, filling, grading, paving, excavation or drilling operations.
- 5) Federal Emergency Management Agency (FEMA). The Federal Agency which administers the National Flood Insurance Program. This agency prepares, revises and distributes the maps and studies adopted under Article IV, Section 24.
- 6) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.
- 7) Flood Elevation Study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- 8) Flood Boundary and Floodway Map. An official map of Fulton County on which FEMA has delineated the various flood boundaries, the floodway fringe, and the floodways.
- 9) Flood Fringe. That area contained by the flood boundaries exclusive of the regulatory floodway.
- 10) Flood Insurance Rate Map (FIRM). The official map of Fulton County on which FEMA has delineated the risk premium zones.
- 11) Flood Insurance Study (FIS). A compilation of flood related data obtained from the flood studies for the unincorporated areas of Fulton County, Georgia, prepared by FEMA.
- 12) Flood Plain. Lands subject to flooding, which have a one percent probability of flooding occurrence in any calendar year; the 100-year flood plain is shown on the Flood Boundary and Floodway Map. Also referred to as area of moderate Flood Hazard.
- 13) Flood Prone Area. Areas shown on the Flood Insurance Rate Map as "Zone B" (zone where the contributing drainage area is less than one square mile) and which are determined by the Department of Public Works to be a hazard to adjacent properties or development in the event of the base flood.
- 14) Flood Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

ZONING RESOLUTION OF FULTON COUNTY

- 15) Floodway. See Regulatory Floodway.
- 16) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.
- 17) Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.
- 18) I.R.F. Elevation. See "Base Flood Elevation".
- 19) Lowest Floor. The lowest minimum floor including basement and attached garage.
- 20) Map. The Flood Boundary and Floodway Map or the Flood Insurance Rate Map.
- 21) Mean Sea Level. For purposes of Flood Plain Management, the National Geodetic Vertical Datum (NGVD) of 1929.
- 22) Mobile Home. See Mobile Home under "M" headings in main text of Definitions.
- 23) Mobile Home Park/Mobile Home Subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and construction of streets) was completed on or after April 5, 1972.
- 24) NGVD. National Geodetic Vertical Datum.
- 25) New Structure. Any proposed structure which does (did) not have a valid building permit prior to the effective date of this (amendment) resolution. Note: This resolution was adopted on March 11, 1955. Records suggest that flood plain management provisions were first adopted on April 5, 1972.
- 26) Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 27) Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, or brook.

ZONING RESOLUTION OF FULTON COUNTY

- 28) Special Flood Hazard Area. Those lands subject to periodic flooding and shown on the "Flood Insurance Rate Map" as a numbered or unnumbered "A" zone.
- 29) Start of Construction. The first placement of permanent construction of a structure, **excluding a mobile home**, on a site, such as the pouring of slabs or footing or any work beyond excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways. Excavation for a basement, footings, piers or foundations, and the erection of temporary forms are not permanent forms of construction. The installation of accessory buildings, such as garages and sheds, apart from the main structure also fail to qualify as permanent construction.
- 30) Start of Construction. For any structure, **except mobile home**, which has no basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its park or mobile home subdivision. **For a mobile home**, "start" means the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of pads, and installation of utilities) is completed.
- 31) State Coordinating Agency. The Flood Plain Management Coordinator of the Georgia Department of Natural Resources.
- 32) Structure. All walled and roofed buildings, storage tanks and other structural improvements located principally above ground.
- 33) Water Surface Elevation. The relationship between the projected heights and the NGVD reached by floods of various magnitudes and frequencies in the flood plains.

Floor Area, Gross. The sum of all floors of a structure as measured to the outside surfaces of exterior walls or the center of connected or common walls, **including** common public areas, such as lobbies, rest rooms and hallways, spaces devoted exclusively to permanent mechanical systems, permanent storage areas, stairwells, elevator shafts, but **excluding** internal parking and loading areas, attics, porches, balconies and other areas outside of the exterior walls of the building. Gross floor area is used to determine the building sizes for all but single-family dwellings and to determine required parking when floor area is the designated measure for a use. Commonly referred to as **Floor Area**. (Amended 7/5/89)

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

ZONING RESOLUTION OF FULTON COUNTY

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

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

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

Foot-candle. A unit of measure for illuminance on a surface that is everywhere one foot from a point source of light of one candle, and equal to one lumen per square foot of area. (Added 02/01/06)

Fuel Oil - a liquid petroleum product that is burned in a furnace for the generation of heat or used in an engine for the generation of power. The oil may be a distilled fraction of petroleum, a residuum from refinery operations, a crude petroleum, or a blend of two or more of these.(Added 08/04/99)

Full Cutoff. A luminaire light distribution where zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. (Added 02/01/06)

Full Cutoff Fixture. An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture. (Added 02/01/06)

3.3.7. G

Garden Center. A business whose primary operation is the sale of seeds and organic and inorganic materials, which include but are not limited to trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27). (Added 04/03/02)

Gathering Line - a pipeline that transports fuel oil/liquid petroleum product from a current production facility to a transmission line or main.(Added 08/04/99)

Glare. The sensation produced within the visual field by luminance that is sufficiently greater than the luminance to which the eyes are adapted, causing annoyance, discomfort, or loss in visual performance and visibility. (Added 02/04/04, Revised 02/01/06)

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

Governmental Facility. A building or institution provided by the government to care for a specified need, such as a courthouse or county jail. (Added 7/1/92)

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

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

- (1) Water quality protection for rivers, streams, and lakes;
- (2) Flood protection;
- (3) Wetlands protection;
- (4) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- (5) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- (6) Scenic protection;
- (7) Protection of archaeological and historic resources;
- (8) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- (9) Connection of existing or planned areas contributing to the goals set out in this paragraph. (Added 04/03/02)

Group Residence for Children: A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. A group residence must comply with applicable federal, state and local licensing requirements. A group residence may not serve the purpose of, or as an alternative to, incarceration. (Added 11/03/04)

Group Residence/Shelter. A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this Resolution, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17. (Amended 7/7/99, 11/03/04)

ZONING RESOLUTION OF FULTON COUNTY

Guest House. A detached accessory dwelling unit located on the same lot with a single-family dwelling unit. A guest house may be only used by relatives, guest or employees that work on the property without payment for rent (Amended 2/7/96).

3.3.8.

H

Hardship. The existence of extraordinary and exceptional conditions pertaining to the size, shape, or topography of a particular property, because of which the property cannot be developed in strict conformity with the provisions of the Zoning Resolution. (Added 06/02/99)

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

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

Historic period lighting. Commercial lighting with an architectural design from the late 19th and early 20th centuries. (Added 06/04/03)

Home Occupation. An accessory use of a dwelling unit for business, operated by members of the resident family only. **(See Article Section 4.12)** (Amended 12/4/91)

Home Schooling. The practice of teaching one's own children at home in accordance with Sections 20-2-690 and 20-2-690.1 of the Georgia Code. (Added 03/03/04)

Hoop Stress - a causation of internal and external pressure loading on the pipe.(Added 08/04/99)

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

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

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

3.3.9.

I

Identification Monument. See Article 33, Signs.

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications. (Added 05/05/04, Revised 02/01/06)

Illuminance. The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in foot-candles. Horizontal illuminance applies to a horizontal surface, vertical illuminance applies to a vertical surface. Average illuminance is the level of illuminance over an entire illuminated target area. Maximum illuminance is the highest level of illuminance on any point within the entire area; minimum illuminance is the lowest level of illuminance on any point within the entire area. (Added 02/01/06)

Illuminance Levels. Illuminance levels and foot candles noted in this ordinance mean the maintained illuminance levels; the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels. (Added 02/01/06)

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

Improvement Setback. An area adjacent to a zoning buffer in which no improvements and/or structures shall be constructed. No development activity such as tree removal, stump removal or grinding, land disturbance or grading is permitted without the approval of the Director of the Environment and Community Development Department.(Added 12/1/99)

Institutional Use. Includes schools, colleges, vocational schools, hospitals, places of worship, asylums, museums, and other similar uses or facilities. (Added 7/1/92)

3.3.10.

J

Junk Facility. See Salvage/Storage/Junk Facility.

3.3.11.

K

Kennel. A use for the shelter of domestic animals where the shelter of these animals involves an exchange of revenue in which a business license is required. If the kennel is a non-business operation, its use may be certified by the Fulton County Animal Control Office. (Amended 04/06/94)

3.3.12.

L

Lamp. The component of an outdoor luminaire that produces light. (Added 05/05/04)

Land Disturbance Permit. A permit issued by the Department of Environment and Community Development that authorizes the commencement of alteration or development of a given tract of land or the commencement of any land disturbing activity.(Amended 12/1/99).

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

Landfill, Inert Waste Disposal. A disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern by placing an earth cover thereon. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rocks, bricks, yard trash, stumps, limbs and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definition.(Amended 7/7/99)

Landfill, Solid Waste Disposal. A disposal facility accepting solid waste excluding hazardous waste disposed of by placing an earth cover thereon. Solid waste includes waste from domestic, agricultural, commercial and industrial sources. Refer to the rules concerning Solid Waste Management of the Georgia Department of Natural Resources, Environmental Protection Division, as amended, for further definition.(Amended 7/7/99)

Landscape Strip. An area required by this resolution or by conditions of zoning which is reserved for the installation and/or maintenance of plant materials. (Amended 12/1/99)

Landscaping Business. A business whose primary operation is the sale and/or storage of organic and inorganic materials, plants, mulch, pine straw, and other limited related accessory products for the landscape industry and the storage and use of associated landscape vehicles with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27). (Added 04/03/02)

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

associated outdoor areas used for display and storage. (Added 04/05/06)

Large Scale Retail/Service Commercial Development. A retail/service commercial development with at least one large scale retail structure but no more than four such structures whether freestanding or combined. (Added 04/05/06)

Lawful Use. Any use of lots or structure which is not in violation of any existing federal, state or local law, statute, regulation or ordinance. (Added 7/1/92)

Library. A place set apart to contain books and other literary material for reading, study, or reference, for use by members of a society or the general public. (Added 7/1/92)

Light, Direct. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of luminaire. (Added 02/04/04)

Light, Fully-shielded. Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. (Added 02/04/04)

Light, Indirect. Direct light that has been reflected or has scattered off of other surfaces. (Added 02/04/04)

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

Lodge and/or Retreat/Campground. A facility allowed with a Use Permit which provides space, food and/or lodging facilities for social, educational or recreational purposes. (Amended 3/6/91, 7/7/99)

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

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

Lot Frontage. The shortest property line adjoining a street or, for lots requiring no street frontage, oriented toward a street. A property line adjoining a stub street shall not be considered as frontage unless it is proposed for access or is the only street frontage. Front yard requirements shall be measured from this property line. In situations where a multiple frontage lot has equal distance on street frontages, the Director of Development Services shall determine the legal lot frontage. (Amended 11/03/93)

ZONING RESOLUTION OF FULTON COUNTY

Lot line, front. A lot line which extends the entire length of an abutting street from intersecting property line to intersecting property line. The front lot line of a corner lot abuts the street which adjoins the lot for the shortest distance. (Added 04/03/02)

Lot line, rear. Generally, the rear lot line is the lot line opposite and most distant from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and the most distant from the front lot line, not less than twenty feet long, and wholly within the lot. True triangular lots do not have rear lot lines. Lots with more than one front lot line do not have rear lot lines. The Director of the Department of Environment and Community Development or his/her designee shall make the final determination of rear lot lines when in dispute or undefined by this definition. (Added 04/03/02)

Lot line, side. A lot line which is not a rear or front lot line. (Added (04/03/02)

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

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

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

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

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

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

Luminaire. This is a complete lighting system and includes a lamp or lamps and a fixture. (Added 02/04/04)

Luminaire Height. The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire. (Added 02/04/04)

3.3.13.

M

Maintenance, Normal. The upkeep of a sign for the purpose of maintaining safety and appearance which may include painting, bulb replacement, panel replacement, letter replacement, repair of electrical components, and structural reinforcements to its original condition.(Added 09/01/99)

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building used for advertising or identification. (Added 09/01/99)

Massing. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions. (Added 10/01/03)

Medical Related Lodging. A use which provides temporary lodging for family members of a hospitalized patient. (Added 12/4/91)

Mineral Extraction. Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity. (Added 12/4/91)

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

Minor Variance. An application requesting deviation from the minimum yard requirements, not to exceed ten percent of the dimensional requirements.(Added 06/02/99)

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, mobile home includes travel trailers and similar vehicles placed on a site for 180 consecutive days or more. For all other purposes including insurance purposes under FEMA sponsored programs, mobile home does not include travel trailers and similar vehicles. A mobile home is not a modular home. (Amended 04/05/06)

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

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

Modification. An application requesting change to an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.(Added 06/02/99)

ZONING RESOLUTION OF FULTON COUNTY

Modular Home. A factory-fabricated, single family dwelling built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis. A modular home is not a mobile home. (Amended 3/6/91, 04/05/06)

Motel. See Hotel/Motel.

Multi-tenant. Two or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business. (Added 06/04/03)

3.3.14.

N

NADIR. The point directly below the luminaire defined as 0 degrees vertical angle. (Added 05/05/04)

Nonconforming (Grandfathered) Lot, Use or Structure. A use, lot or structure that was nonconforming at the time of the adoption of the Fulton County Zoning Resolution on March 11, 1955, or subsequent amendments thereto, or created by deed between March 11, 1955 and September 21, 1967 (adoption of the Subdivision Regulations) and does not now meet the minimum requirements of the district in which it is located. Also, a use, lot or structure which has been made nonconforming by some county or state action. Any change or addition to a use, lot or structure must comply with current provisions of the Zoning Resolution. (Amended 11/03/04)

Nursing Home. A use in which domiciliary care is provided to 3 or more chronically ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent Center, nursing home and personal care home are further distinguished in Administrative and Use Permit provisions.

3.3.15.

O

Off-Premise. A location outside of the subject lot for a designated use. (Added 09/01/99)

Off-Site/Premise. The location of a structure or use outside the lot-of-record of the subject development including the adjoining street or other right-of-way. (Added 7/7/99)

On-Premise. The individual lot-of-record on which the use is located. (Added 09/01/99)

On-Site/Premise. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition. (Added 7/7/99)

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

Open space. A portion of a site which is permanently set aside for public or private use and will not be developed. The space may be used for passive or active recreation or may be reserved to protect or buffer natural areas. Open space may include wooded areas other than required landscape strips and buffers, pathways/walkways, fields, and sensitive environmental areas such as wetlands, etc. Detention facilities and platted residential lots shall not be included in open space calculations. (Added 04/05/06)

Outparcel (spin-site). A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a Site Plan approved for the larger parcel. (Added 12/4/91)

3.3.16.

P

Parcel. See lot.

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

Parking space. An area designated for the parking of one vehicle on an all weather surface. No more than two carport or garage spaces may offset the minimum parking requirements in a single-family residential district. (Amended 5/6/92) **(SPECIFICATIONS INCLUDED IN ARTICLE XVIII)**

Path. A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved. (Added 03/03/04)

Pawn shop. A business that lends money at interest on personal property deposited with the lender until redeemed. (Added 10/02/02)

Personal Care Home/Assisted Living - A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. (Amended 7/7/99)

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

Plant Nursery. Any land used to raise trees, shrubs, flowers and other plants for sale or transplanting, but not including the retail sale of any related garden supplies such as chemical fertilizer, tools and other similar goods and/or equipment, or the retail sale of plants not grown on the property except with an approved Use Permit for Landscaping Business, Plant Nursery, or Garden Center with Indoor Retail Component (Article 19.4.27). (Amended 7/7/99, 04/03/02)

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

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

Pipeline - any conduit through which natural gas, petroleum, oxygen, or other flammable or combustible products, or any of their derivative products are conveyed or intended to be conveyed.(Added 08/04/99)

Porch. A roofed open structure projecting from the exterior wall of a building and having at least seventy percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling. (Added 03/03/04)

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

Prison/Correctional Facility. A public or state-licensed private owned building(s), and all accessory uses and structures, used for long-term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A prison is distinguished from a jail, in that a prison is considered to be larger and for longer terms, and is normally operated under the authority or jurisdiction of the State or Federal government. (See Article 19.4.34, Private Correctional Facility) (Added 7/7/99)

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

Protected Zone. All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, all areas required as landscape strips and/or buffers (including zoning buffers, state water buffers and tributary buffers) and all tree save areas according to the provisions of the Fulton County Zoning Resolution, conditions of zoning, use permit or variance approval, and/or the Tree Preservation Ordinance. (Added 12/1/99)

ZONING RESOLUTION OF FULTON COUNTY

3.3.17.

Q

3.3.18.

R

Recreational Court, Private. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and which serves a single family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including such improved areas which are owned and/or controlled by a neighborhood club or similar organization. A basketball goal adjoining a driveway of typical residential driveway dimensions shall not constitute a recreational court. (Added, 7/5/89)

Recreational Court, Public. An improved area designed and intended for the playing of a game or event such as basketball or tennis, and is operated as a business or as a club unless such club is a neighborhood club or similar organization identified under **Recreational Court, Private.** (Added 7/5/89)

Recreational Facilities. Includes parks, recreation areas, golf courses, playgrounds, recreation counters (indoor & outdoor), playing fields, and other similar uses or facilities.(Added 7/1/92)

Recreation Fields - An outside area designed and equipped for the conduct of sports and leisure-time activities including but not limited to softball, soccer, football, and field hockey. (Added 7/7/99)

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

Recycling Center, collecting. Any facility utilized for the purpose of collecting materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials. Such use may be principal or accessory to a non-residential use on non-residentially zoned property, except AG-1 zoned properties unless, the primary use is a permitted non-residential use. (Added 12/4/91)

Recycling Center, processing. Any facility utilized for the purpose of collecting, sorting and processing materials to be recycled including, but not limited to, plastics, glass, paper and aluminum materials whenever such use is permitted in M-1 and M-2 Zoning Districts. A recycling center is not to be considered a landfill. (Added 12/4/91, Amended 5/6/92, 7/7/99)

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

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

ZONING RESOLUTION OF FULTON COUNTY

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

Residential Use/Dwelling. Any building or portion thereof where one actually lives or has his home; a place of human habitation. (Added 7/1/92)

Restaurant. A food service use which involves the preparation and serving of food to seated patrons. A cafeteria shall also be considered to be a restaurant. The restaurant seating area must be at least 40% of the gross square footage of the restaurant facility. Seating space located outside of the main structure (i.e. patios, decks, etc.) shall not be included in calculating the seating space. (Amended 04/06/94)

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

Retail Use. A business whose primary purpose is the sale of merchandise to consumers. (Added 06/04/03)

Retreat. See Lodge.

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

Roadside Produce Stand. A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or prepared packaged meats for sale from a vehicle or a temporary structure. The consumption of food on-site is prohibited. (Amended 07/07/93, 04/06/94, 04/05/06)

Roadside Vending. The sale of merchandise such as clothing, crafts, household item, firewood, etc., from a temporary table or cart. (Added 07/07/93) (Amended 04/06/94, 02/07/01)

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

3.3.19.

S

Salvage/Storage/Junk Facility. Any use involving the storage or disassembly of wrecked or junked automobiles, trucks or other vehicles; vehicular impound lots; storage, bailing or otherwise dealing in scrap irons or other metals, used paper, used cloth, plumbing fixtures, appliances, brick, wood or other building materials; and the storage or accumulation outside of a storage building of used vehicle tires or tire carcasses which cannot be reclaimed for their original use. Such uses are storage

and/or salvage facilities whether or not all or part of such operations are conducted inside or outside a building or as principal or accessory uses. State approval is required for all sites utilized for reclamation and/or disposal of toxic and/or hazardous waste. (Amended 7/7/99)

Scale. Scale refers to the relationship of the size of a building to neighboring buildings and of a building to a site. In general, the scale of new construction should relate to the majority of surrounding buildings. (Added 10/01/03)

Schools, Colleges & Universities. Any educational facility established under the laws of the state (and usually regulated in matters of detail by local authorities), in the various districts, counties, or towns, maintained at the public expense by taxation, and open, usually without charge, to all residents of the city, town or other district; private schools which have students regularly attending classes and which teach subjects commonly taught in these schools of this state; any educational facility operated by a private organization or local county, or state that provides training or education beyond and in addition to that training received in grades kindergarten to twelfth, including but not limited to, trade, business and vocational schools; any institution of higher learning, consisting of an assemblage of colleges united under one corporate organization or government, affording instruction in the arts and sciences and the learned professions, and conferring degrees. (Added 7/1/92)

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

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

Screen. A fence, wall, hedge, landscaping, earthen berm, buffer area or any combination of these that is designed to provide a visual and/or physical barrier. (Added 7/7/99)

Seasonal Business Use. A primary use involving the sale of items related to calendar holidays, such as Christmas trees, Halloween pumpkins, etc., which may be conducted outside. (Amended 12/4/91, 5/6/92, 07/07/93, 04/06/94, 04/05/06)

Secondary Variance. An appeal of a decision and/or action of a department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Resolution. (Added 07/07/99)

Self-Storage/Mini. A single-level structure or group of structures containing separate spaces/stalls and which are leased or rented to individuals for the storage of goods. (Added 7/7/99)

Self-Storage/Multi. A multi-level structure containing separate storage rooms/stalls under a single roof that are leased or rented. (Added 7/7/99)

ZONING RESOLUTION OF FULTON COUNTY

Senior housing. A single family or multi-family development intended for, operated for and designed to accommodate residents 55 years of age and older. Senior housing communities are designed for seniors to live on their own, but with the security and conveniences of community living. Some provide communal dining rooms and planned recreational activities (congregate living or retirement communities), while others provide housing with only minimal amenities or services. (Added 04/05/06)

Service Commercial Use. A business whose primary purpose is to provide a service. (Added 06/04/03)

Service Line - a distribution line that transports natural gas from a common source of supply to: (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. The customer meter is the meter that measures the transfer of gas from one operator to a customer.(Added 08/04/99)

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

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

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

Sidewalk. A paved area designated for pedestrians which is constructed in accordance with Fulton County standards. (Added 03/03/04)

Sign. Any name, identification, description, display, illustration, writing, emblem, pictorial representation or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Sign, Abandoned. Any sign that is located on property which becomes vacant and /or unoccupied, pertains to a business which does not currently conduct a business of valid business licensing, or pertains to a product no longer being sold on premises or pertains to time, event or purpose which no longer applies.(Added 09/01/99)

Sign Animated. Any sign that uses movement or change of lighting to depict action or create a special effect or scene. (Added 09/01/99)

ZONING RESOLUTION OF FULTON COUNTY

Sign Area. The sign area of a freestanding sign shall be the combination of sign faces enclosing the limits of all representations measured from the extreme lowest point of the sign to the extreme highest point of the sign and from the extreme left edge to the extreme right edge of each sign face, including any frame and excluding any support structure. When sign representations are not placed upon an independent surface, the sign area shall be the area of the smallest regular polygon completely enclosing the limits of all representations including any frame (painted or otherwise as shown on Illustrations XXXIII-1 and 2), contrasting material or color differentiation against which representations may be placed. The sign area calculation shall encompass all open space within the polygon and any internally illuminated portions of the sign structure.

The message area of an identification monument sign shall be delineated by a polygon touching the extremities of all representations thereon as shown on Illustration XXXIII-3. For V-shaped signs, the sign area shall be composed of the total area of both faces if the faces meet at an angle of 90 degrees or more, or the total area of the larger face if less than 90 degrees. The area of signs with more than two faces shall be one half of the sum of the area of all faces. (Revised 09/01/99)

Sign, Candidate. A sign used for the purpose of soliciting votes for a public office or legislation. (Added 09/01/99)

Sign, Canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Added 09/01/99)

Sign, Changeable Copy (Electronic). Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. (Added 09/01/99)

Sign, Changeable Copy (Manual). Any sign that has a reader board format serving as background for letters/messages that are manually changeable. (Added 09/01/99)

Sign, Freestanding. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, but not including monument type signs. (Added 09/01/99)

Sign Height. See Height, Sign.

Sign, Identification Monument. A sign where the bottom of the sign structure is flush with the ground generally at the same horizontal width as the sign face, as distinguished from a pole sign. Identification monuments are permitted in lieu of other free-standing business signage allowed herein or in conjunction with a residential development and the sign face shall be a continuous polygon flush with the base of the sign and sign copy shall be limited to the name of the development, tenant names, logo and address of the development or business. (Revised 09/01/99)

ZONING RESOLUTION OF FULTON COUNTY

Sign, Illumination of. See Illumination.

Sign, Kiosk. A sign consisting of a list of names of businesses located on a property or in a building.(Revised 09/01/99)

Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.(Added 09/01/99)

Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.(Added 09/01/99)

Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.(Added 09/01/99)

Sign, Temporary. Any sign that is used only temporarily and is not permanently mounted. (Added 09/01/99)

Sign, Vehicle. A vehicle with sign(s) permanently painted, attached or magnetically designed to be affixed to a vehicle for the purpose of providing advertisements of products, services or events or directing people to a business or activity. Trailers or non-motorized vehicles are not to be classified as vehicles with signs.(Added 09/01/99)

Sign, Wall. Any sign attached parallel to, but within two feet of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.(Added 09/01/99)

Sign, Wall (Entry). Any single faced sign attached to or erected and confined within the limits of an exterior wall generally located along the perimeter of a development.(Added 09/01/99)

Sign, Window. Any temporarily affixed sign of pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is displayed within one foot of a window, attached inside a window or placed upon a window (including windows on doors) and is visible from the exterior of the window.(Added 09/01/99)

Sign, Weekend Directional. Real estate signs for the purpose of marketing and providing directions to residential developments. (Amended 04/03/02)

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

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

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

Special Event. An event or happening organized by any person or organization which will generate or invite considerable public participation and/or spectators for a particular and limited purpose of time, including, but not limited to, special sales and service promotions, car shows, arts and crafts shows, horse shows, carnivals, festivals, exhibitions, circuses, fairs, show houses and tours of homes for charity. Special events are not limited to those events conducted on the public streets but may occur entirely on private property. Special events may be for profit or nonprofit. Events which will occur in the public right-of-way, such as roadway foot races, fundraising walks, bikeathons, parades, etc. are subject to the approval of the Fulton County Police Department. (Added 04/05/06)

Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Added 06/05/96)

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts. (Added 06/05/96)

Spill Light. The light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires. (Added 02/01/06)

Stadium. A large open or enclosed structure used for sports and other major events and partly or completely surrounded by tiers of seats for spectators. (Added 09/01/04)

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

ZONING RESOLUTION OF FULTON COUNTY

Story, Half. A heated and finished area below a roof, one or more of the vertical walls of which are less than normal ceiling height for the building. (Amended 12/4/91)

Street. A roadway/right-of-way located and intended for vehicular traffic. Streets may be public or they may be private if specifically approved by the Department of Environment and Community Development as part of a subdivision plat. (Amended 11/03/93, 9/05/01)

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

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

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

Freeway - Any multi-lane roadway having full access control and separation of directional traffic. A freeway accommodates large volumes of high speed traffic and provides efficient movement of vehicular traffic for interstate and major through travel. (Added 04/03/02)

Principal Arterial - Any roadway that has partial or no access control and is primarily used for fast or heavy traffic. Emphasis is placed on mobility rather than access to adjacent land. (Added 04/03/02)

Minor Arterial - Any roadway that has partial or no access control and is primarily used for interconnectivity of major arterials and places more emphasis on access to adjacent land over mobility than principal arterials. (Added 04/03/02)

Collector Road - Any roadway that has partial or no access control and has more emphasis on access to adjacent land over mobility than arterials. The primary purpose is to distribute trips to and from the arterial system to their destination points and allow access to the local roads. (Added 04/03/02)

Local Road - Any roadway that has no access control and places strong emphasis on access to adjacent land over mobility while service to through traffic is discouraged. (Added 04/03/02)

ZONING RESOLUTION OF FULTON COUNTY

Full Access Control - Preference is given to through traffic by providing access connections only with selected public roads and by prohibiting crossing at grade and direct private connections. (Added 04/03/02)

Partial Access Control - Preference is given to through traffic to a degree that in addition to connection with selected public roads, there may be some crossing at grade and some private connections. (Added 04/03/02)

No Access Control - Preference is generally given to access to adjacent land rather than mobility. (Added 04/03/02)

Structure. Anything built or constructed which occupies a location on, or is attached, to the ground. Driveways, surface parking lots, patios, and similar paved surfaces are not considered structures. (Amended 04/05/06)

Structure, Accessory. A subordinate structure, customarily incidental to a principal structure or use and located on the same lot. Examples of accessory structures in single-family dwelling districts include outbuildings, such as, tool sheds, woodsheds, workshops, outdoor kitchens, pool houses, gazebos, guest houses, storage sheds, detached garages and detached carports, etc. Fences and retaining walls are not considered accessory structures. Driveways, surface parking lots, patios, and similar paved surfaces are not considered accessory structures. (Amended 04/05/06)

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

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

Surface, All-weather. Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated. (Added 7/5/89)

Swimming Pool, Private. A recreation facility designed and intended for water contact activities which serves a single family dwelling(s), duplex dwellings and/or multi-family dwellings, or combinations of dwelling types, including pools which are owned and/or controlled by a neighborhood club or similar organization. (Added 7/5/89)

Swimming Pool, Public. A recreation facility designed and intended water contact activities which is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization. (Added 7/5/89)

ZONING RESOLUTION OF FULTON COUNTY

3.3.20.

T

Tenant Panels. An on-premise sign panel(s) that list the name of tenants within a shopping center or development which the primary sign identifies.(Added 09/01/99)

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

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

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers and monopoles but not Alternative Antenna Support Structures. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like excluding amateur radio antenna. (Added 3/5/97)

Transfer station. A facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation. (Added 10/02/02)

Transmission Line - a pipeline other than a gathering line that (1) transports fuel oil/liquid petroleum product from a gathering line or storage facility (tank farm) to a distribution center or storage facility (tank farm) and/or (2) transports fuel oil/liquid petroleum product within a storage field.(Added 08/04/99)

Trespass Light. The off site spill light that illuminates beyond the property boundaries in which the light fixture is installed, where it is neither wanted nor needed. (Added 02/01/06)

Truck Terminal. A primary use of property where trucks/trailers are either temporarily stored, maintained or based. Trucks/trailers shall have current registration and license plates with decal. (Permitted M-2 Heavy Industrial District) (Amended 2/7/96).

3.3.21.

U

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

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

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

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

3.3.22.

V

Variance, Primary. An application requesting relief from the standards of the Zoning Resolution, except relief from use, minimum lot area, or minimum lot frontage. (Added 06/02/99)

Variance, Secondary. An appeal of a decision and/or action of a department director or deputy department director authorized to hear a variance request or interpretation of the Zoning Resolution.(Added 06/02/99)

Vegetative Screen. An evergreen planting which, within three years of planting, provides a 100 percent visual barrier between a lot and adjacent lots and uses with a minimum height of 6 feet. A vegetative screen is composed of plant materials. (Added 12/4/91)

Vehicle, Junk or Salvage. Any automobile, truck or other vehicle which is missing one of the following: 1) current registration, 2) license plate with current decal, 3) proof of liability insurance, 4) drive train component for more than 30 days. (Amended 3/6/91)

Veterinary Clinic/Hospital. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. (Added 7/7/99)

3.3.23.

W

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

Waste Disposal Boundary. The limit of all waste disposal areas, appurtenances, and ancillary activities (including but not limited to internal access roads and drainage control devices). (Added 04/03/02)

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

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

3.3.24.

X

3.3.25.

Y

Yard. A land area extending between a structure and a lot line. (Amended 04/03/02)

Yard, Front. A yard abutting any street except the side street on a corner lot. Front yards extend the entire length of an abutting street from intersecting lot line to intersecting lot line. The front yard of corner lots shall be applied to the street which abuts the lot for the shortest distance. (Amended 04/03/02)

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

Yard, Rear. The rear yard is the minimum required distance between the rear lot line and a structure. True triangular lots do not have rear yards. Lots with more than one front lot line do not have rear yards. The Director of the Department of Environment and Community Development or his/her designee shall make the final determination of rear yards when in dispute or undefined by this definition. (Amended 04/03/02)

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

3.3.26.

Z

Zoning Conditions. Requirements placed on property by the Board of Commissioners at the time of approval of a rezoning and/or use permit.(Added 06/02/99)

Zoning Modification. An application to change approved zoning conditions on rezonings and use permits where it has been determined by the Director of the Environment and Community Development Department that the requested change involves a matter of significant public interest. (Added 06/02/99)