

ORDINANCE _____

ORDINANCE TO AMEND ARTICLE 1 DISTRICTS, SECTION 103.2 USE TABLE; ARTICLE 2 SUPPLEMENTAL AND ACCESSORY USE STANDARDS; AND ARTICLE 10 DEFINITIONS OF THE CITY OF LAWRENCEVILLE ZONING ORDINANCE 2020

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance 2020 (a/k/a Zoning Ordinance for the City of Lawrenceville, Georgia) (hereinafter “Zoning Ordinance”) shall be amended as follows:

Section 1:

An ordinance to amend the City of Lawrenceville Zoning Ordinance 2020, Article 1 Districts, by deleting Section 103.2 Use Table in its entirety, and replace with a new Section 103.2 Use Table.

Additionally, the ordinance proposes to amend language relating to Community Living Arrangement (CLA); Community Living Arrangement - Family (CLAF); and Personal Care Home (PCH); and Personal Care Home - Family (PCHF) by deleting the existing provisions in their entirety and replacing them with revised language incorporated into the new section 103.2 use table.

Uses	SAR	AR	RS-180	RS-150	RS-60	RS-50 INF	RS-TH INF	RM-8	RM-12	RM-24	MH	CMU	OI	BG	BGC	HSB	LM	HM
Community Living Arrangement (CLA)													P	P		P		
Community Living Arrangement – Family (CLAF)	√	S	S	S														
Personal Care Home (PCH)													P	P		P		
Personal Care Home – Family (PCHF)	√	S	S	S														

Section 2:

An ordinance to amend the City of Lawrenceville Zoning Ordinance 2020, Article 2 Supplemental and Accessory Use Standards, by deleting Section 200.3.21 Community Living Arrangement, Family in its entirety, and replace with a new Section 200.3.21 Community Living Arrangement - Family.

200.3.21 COMMUNITY LIVING ARRANGEMENT - FAMILY

A. Special Use Permit

A Community Living Arrangement - Family facility may be permitted in the AR, RS-180 and RS-150 zoning classifications with the approval of a Special Use Permit, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing Process.

B. Lot Size and Resident Capacity

A Community Living Arrangement - Family shall be located on a lot of at least one acre in size, with a maximum resident capacity of six (6) individuals.

C. Architectural Consistency

The dwelling unit shall feature a residential facade which is architecturally consistent with the surrounding dwelling units.

D. On-Site Staffing

A qualified employee must always be present on the premises during operation.

E. Roadway Access

A Community Living Arrangement - Family shall be located adjacent to and directly accessed from a roadway classified as a Street - Arterial (Principal, Major, Minor) or Collector (Major, Minor). A Community Living Arrangement – Family shall not be located adjacent to nor, directly accessed from a roadway classified as a Street - Local Residential; Street - Private Alley or Street; Street - Private Utility Easement as defined in the Zoning Ordinance Article 10 Definitions. Proximity Limitations

A Community Living Arrangement - Family shall not be located within 1,000 feet of another Community Living Arrangement - Family or a Personal Care Home - Family.

F. Licensing and Compliance

The Community Living Arrangement - Family shall be licensed by the State of Georgia and always operate in full compliance with the rules and regulations of the Georgia Department of Community Health.

G. Building Code and Zoning Compliance

The Community Living Arrangement - Family shall comply with the International Building Code, as well as applicable City codes, ordinances and regulations.

Section 3:

An ordinance to amend the City of Lawrenceville Zoning Ordinance 2020, Article 2 Supplemental and Accessory Use Standards, by deleting Section 200.3.58 Personal Care Home, Family in its entirety, and replace with a new Section 200.3.58 Personal Care Home - Family.

200.3.58 PERSONAL CARE HOME - FAMILY

H. Special Use Permit

A Personal Care Home - Family facility may be permitted in the AR, RS-180 and RS-150 zoning classifications with the approval of a Special Use Permit, pursuant to the City of Lawrenceville Zoning Ordinance, Article 9, Section 907. Rezoning and Special Use Permit Application Public Hearing Process.

I. Lot Size and Resident Capacity

A Personal Care Home - Family shall be located on a lot of at least one acre in size, with a maximum resident capacity of six (6) individuals.

J. Architectural Consistency

The dwelling unit shall feature a residential facade which is architecturally consistent with the surrounding dwelling units.

K. On-Site Staffing

A qualified employee must always be present on the premises during operation.

L. Roadway Access

A Personal Care Home - Family shall be located adjacent to and directly accessed from a roadway classified as a Street - Arterial (Principal, Major, Minor) or Street - Collector (Major, Minor). A Personal Care Home – Family shall not be located adjacent to nor, directly accessed from a roadway classified as a Street - Local Residential; Street - Private Alley or Street; Street - Private Utility Easement as defined in the Zoning Ordinance Article 10 Definitions.

M. Proximity Limitations

A Personal Care Home - Family shall not be located within 1,000 feet of another Community Living Arrangement – Family or a Personal Care Home – Family.

N. Licensing and Compliance

The Personal Care Home - Family shall be licensed by the State of Georgia and always operate in full compliance with the rules and regulations of the Georgia Department of Community Health.

O. Building Code and Zoning Compliance

The Personal Care Home - Family shall comply with the International Building Code, as well as applicable City codes, ordinances and regulations.

Section 4:

An ordinance to amend the City of Lawrenceville Zoning Ordinance 2020, Article 10 Definitions, by deleting Section 1000 General Meaning of Word and Terms in its entirety and replacing with a new Section 1000 General Meaning of Words and Terms and adding a new Section 1001 General Definitions.

Additionally, the ordinance proposes to amend the definitions of the following terms by deleting the existing language in its entirety and replacing it with revised definitions: Community Living Arrangement; Personal Care Home.

These Revised Terms, Along with Newly Defined Terms, Will Be Incorporated into Section 1001 General Definitions. New Terms Include: Community Living Arrangement – Family.; Personal Care Home – Family.; Street.; Street – Arterial.; Street – Collector.; Street – Cul-De-Sac.; Street – Local Non-Residential.; Street – Local Residential.; Street – Major Arterial.; Street – Major Intersection.; Street – Marginal Access.; Street – Minor Arterial.; Street – Minor Arterial.; Street – Multi-Use Pathway.; Street – Nonconforming Right-Of-Way Or Substandard Street.; Street – Principal Arterial.; Street – Private Alley Or Street.; Street – Private Utility Easement.; Street – Public Right-Of-Way.; Street – Road Frontage.; Street – Roadway.; Street – Street Jog. In Addition, the ordinance includes general revisions to correct grammar, punctuation, eliminate redundancies, and remove unnecessary terms and wording.

DEFINITIONS

1000 GENERAL MEANING OF WORDS AND TERMS

For the purposes of the Lawrenceville Zoning Ordinance, the words and terms defined in this Article have the meanings ascribed to them.

Any word or term not specifically defined or described in this Article shall have their common definition by the Merriam-Webster dictionary.

Words used in the present tense shall include the future tense.

The singular form of the word shall include the plural, and the plural the singular.

The word “person” shall include a firm, association, organization, partnership, trust, company, or corporation.

The words “used or occupied” shall include the words “intended, designed, or arranged to be used or occupied”.

The word “shall” or “will” is mandatory, and the word “may” is permissive.

The word “zoning map” means the Official Zoning Map of the City of Lawrenceville, Georgia.

The word “lot” shall be construed to include “parcel”.

Whenever a conflict of definitions is considered to exist or an interpretation of these definitions is necessary, the Director of Planning and Development shall resolve the conflict and interpret the definition. The action of the Director shall be recorded.

1001 GENERAL DEFINITIONS

A

ACCENT LIGHTING. The use of lighting or lighted bulbs to emphasize or draw attention to a building or portions of a building. This definition shall not include traditional landscape lighting, security lighting, or similar lighting shown on the building plans and specifications approved at the issuance of the building permit.

ACCESSORY DWELLING UNIT. A dwelling unit sharing ownership and utility connections with a single-family dwelling or townhouse.

ACCESSORY BUILDING. A building detached from a principal building on the same lot and customarily incidental to the principal building or use including but not limited to detached garages, carports and utility buildings, sheds, gazebos, or barns.

ACCESSORY STRUCTURE. A structure detached from a principal building on the same lot and customarily incidental to the principal building or use, but not including stormwater infrastructure or a fence, wall, or trellis which is customarily placed along a property line and not including HVAC equipment or similar utilities that occupy less than 30 square feet in footprint.

ACCESSORY USE. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADULT ENTERTAINMENT – ADULT ENTERTAINMENT. For purposes of this Article Adult Entertainment shall include all of the following:

ADULT ENTERTAINMENT – ADULT ARCADE. A commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

ADULT ENTERTAINMENT - ADULT BOOKSTORE: A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35 percent of the establishment's displayed merchandise consists of said items,
or

2. At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35 percent of its floor space for the display, sale, and/or rental of said items; or
4. The establishment maintains at least 750 square feet of its floor space for the display, sale, and/or rental of said items.

ADULT ENTERTAINMENT - ADULT ESTABLISHMENT. An "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

ADULT ENTERTAINMENT - ADULT MOTION PICTURE THEATER A commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

ADULT ENTERTAINMENT - SEMI-NUDE LOUNGE. A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

ADULT ENTERTAINMENT - SEX PARAPHERNALIA STORE. A commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any pharmacy or establishment primarily dedicated to providing medical products.

ADULT ENTERTAINMENT - VIEWING ROOM. The room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

All adult entertainment establishments must comply with all regulations set forth in Chapter 12 of the Code of Ordinances of the City of Lawrenceville, Georgia.

AGRICULTURAL DISPLAY STAND. A structure or vehicle used for the display and sale of products raised on the same premises.

AIR TRAFFIC CONTROL. Any person, partnership, joint venture, or company engaged in the business of directing and/or controlling the taxi, take off, approach, landing, scheduling, clearing, or otherwise managing flights from an airport for a fee.

AIRCRAFT. All equipment now or hereafter used for the navigation of or flight in air or space, including, but not limited to, airplanes, gliders, lighter-than-aircraft, helicopters, amphibians, and seaplanes.

AIRCRAFT MAINTENANCE OR SERVICE. Engaging in the business of providing goods, supplies, or services for the repairing, refurbishing, rebuilding, constructing, altering, fueling, refueling, cleaning, inspecting, testing, or otherwise modifying any aircraft for a fee.

AIRLINE. Any person, partnership, joint venture, or company engaged in the business of transporting passengers, baggage, and/or cargo by aircraft for profit.

AIRPORT. A tract of land or water equipped with facilities for the taxi, take off, approach, landing, shelter, storage, supply, maintenance and/or service of aircraft. Airports may be used, but are not required to be used, for the transportation of passengers, baggage, and/or cargo for a fee.

ALLEY. A public or private way, at the rear or side of the property, permanently reserved as a means of secondary vehicular access to abutting property.

AMENITY. Something that helps to provide comfort, convenience, and/or enjoyment.

ANTENNA. A system of poles, panels, rods, or other similar devices used for the transmission or reception of radio frequency signals.

APPEAL. A request for a review of the Department's interpretation or decision of any provision of this Ordinance.

ATTIC. The unfinished space between the ceiling joist of the top story and the roof rafters.

AUCTION HOUSE. A place where the sale of property to the highest bidder occurs.

AUTOMOBILE AUCTION. The sale of automobiles to the highest bidder.

AUTOMOBILE BODY SHOP. A building, lot, or portion of a lot used or intended to be used for the business of collision service, which shall include body, frame, or fender-straightening or repair; painting; and glass replacement. It also includes the reconditioning of motor vehicles, which may include repainting, re-sculpturing, rust repair, engine, underbody steam cleaning, and undercoating.

AUTOMOBILE REPAIR. A building and/or lot where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where services are provided on motor vehicles, including greasing and oiling on the premises, including vehicle washing; and where repair services may be incidental to the use.

AUTOMOBILE WASH. A building, lot, or portion of a lot used or intended to be used exclusively for exterior washing and interior cleaning of motor vehicles. Such term shall include Car Wash.

AVIATION. The operation of aircraft.

AVIATION BUSINESS. Any business engaged in the operation, service, support, maintenance, repair, management, or control of aircraft for a fee.

AWNING. A roof-like structure with a rigid frame which cantilevers from the elevation of a building designed to provide continuous overhead protection. Such term shall include Canopy.

B

BAR, TAVERN, OR LOUNGE. A business enterprise physically separated into a free-standing building or separated by a permanent or temporary wall from the restaurant portion of an establishment permitted to sell beer, wine, and spirituous liquor.

BASEMENT. That portion of a building that is partly or completely below grade. A basement is not deemed a story unless the ceiling is six (6) feet or more above the average grade.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential single-family, detached structure where lodging and breakfast only are provided to transient guests for compensation and the provision of lodging and breakfast are subordinate to the principal use of the structure. The provision of lodging and breakfast shall be subordinate to the principal use of the structure.

BOARD. The Board of Appeals of the City of Lawrenceville, Georgia.

BODY ART STUDIOS – BODY ART. A tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

BODY ART STUDIOS – ARTIST. Any person who performs body art. Such term shall not include in its meaning any physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, nor shall it include any technician acting under the direct supervision of such a licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

BODY ART STUDIOS – STUDIO. Any facility or building on a fixed foundation wherein a body artist performs body art.

BODY ART STUDIOS - MICROBLADING OF THE EYEBROW. A form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

BODY ART STUDIOS – TATTOO. To mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes microblading of the eyebrow.

BREWERY. An establishment where malt liquors are produced.

BUFFER. A strip of land, identified in this Ordinance, established to protect one type of land use from another with which it is incompatible. A buffer may include additional transition uses, yard space, fences, landscapes areas, or height restrictions.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING AREA. The area of the face of a building (height x width), not including the roof.

BUILDING FRONTAGE. The side of the building adjacent to the primary roadway.

BUILDING HEIGHT. The vertical distance from the average grade at the exterior wall to the average height of the highest roof surface of a gable, hip, mansard, or gambrel roof, or to the highest point of the roof surface of a flat roof.

BUILDING AND CONSTRUCTION MATERIALS AND HARDWARE. Retailing, wholesaling, or rental of building supplies or construction equipment, typically with outdoor bulk materials and lumberyards. This classification includes lumberyards, home improvement sales and services, tool and equipment sales, and rental establishments.

BUILDING OFFICIAL. The individual appointed by the City Council of the City of Lawrenceville, Georgia, and charged with the responsibility of building permit and certificate of occupancy issuance.

C

CARPORT. A permanent, open-sided shelter for an automotive vehicle, usually formed by a roof projecting from the side of a building.

CEMETERY. An area and use of land set apart for the purpose of burial plots for deceased persons or animals and for the erection of customary markers, monuments and/or mausoleums related thereto; and which may be maintained by a church or other place of worship, or a private corporation.

CERTIFICATE OF COMPLETION. Document issued by the Department to indicate that the construction work authorized by a building permit has been completed which is either applicable to a non-occupied building, structure, building/structure addition, or any portion thereof, or involves a limited scope of renovation that does not change the occupancy or configuration of the affected space.

CERTIFICATE OF OCCUPANCY. A permit issued by the Department indicates that the use of the building or land in question is in conformity with this Ordinance or that there has been a legal variance therefrom as provided by this Ordinance.

CHECK CASHING, PAYDAY LOAN, AND WIRE TRANSFER FACILITIES. An establishment primarily engaged in facilitating credit intermediation (e.g., check cashing services, loan servicing, money order issuance services, money transmission services, payday lending services, traveler's check issuance services)

Exceptions: mortgage and loan brokerage; and financial transactions processing, reserve, and clearinghouse activities.

CHILD-CARING INSTITUTION (CCI). See also “Group Home.” A State licensed child-welfare agency that is any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes. (Source: Georgia Department of Human Resources)

CIVIC USES. Public parks, squares, plazas, greens, lawns, amphitheaters, stages, churches, or places of worship, public or private schools, gymnasiums, assembly halls, community meeting rooms, community service centers, post offices, fire stations, libraries, museums, public libraries, or other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards.

CLUB. A nonprofit association of people who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to provide a place of residence or render a service customarily carried on as a commercial enterprise.

CLUSTER. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation and/or common open space, as well as to preserve environmentally sensitive features.

CLUSTER SINGLE-FAMILY DEVELOPMENT. A form of development for single-family residential subdivisions that permits a reduction in lot area requirements, provided there is no increase in the number of lots that would normally be permitted under conventional zoning and subdivision requirements, and the resultant land area is devoted to open space.

COMMERCIAL EQUIPMENT AND MACHINERY SALES, RENTAL, LEASING, AND REPAIR. A business primarily engaged in renting or leasing machinery for use in general business or residential activity. Examples include the leasing of furniture, trucks and trailers, moving and storage services, party supplies, limousines, etc.

COMMERCIAL ENTERTAINMENT. A facility for any indoor profit-making activity which is providing participatory and/or spectator activities, such as, but not limited to, motion picture theaters, live performances, bowling alleys, video game rooms, billiard halls, indoor skating rinks, bingo parlors, and similar entertainment activities. Commercial entertainment shall not include Adult Uses.

COMMISSION. The Planning Commission of the City of Lawrenceville, Georgia.

COMMON SPACE. Natural or improved land that provides continuous public access.

COMMUNITY LIVING ARRANGEMENT. Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not

related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities (*Source: Georgia Department of Community Health*).

COMMUNITY LIVING ARRANGEMENT – FAMILY. Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for up to six (6) adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities.

CONVENIENCE STORE. A facility primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

COMMUNITY GARDEN. A private, public, or non-profit facility for cultivation of fruits, vegetables or ornamental plants cultivated by more than one household.

CONDITIONAL ZONING. The granting or adoption of zoning for a property subject to compliance with restrictions such as to use, size, project design, or timing of development, stipulated by the City Council to mitigate adverse impacts that could be expected without the imposition of such conditions.

CONDOMINIUM. A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surround the buildings, said lands held in common ownership by the owners of the several buildings.

CONTINUING CARE RETIREMENT COMMUNITY. See RETIREMENT COMMUNITY, CONTINUING CARE.

COUNCIL. The City Council of the City of Lawrenceville, Georgia.

CULTURAL INSTITUTION. A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis, with or without a charge for admission. Cultural institutions include performing arts centers for theater, dance and events, museums, historical sites, art galleries, aquariums, and the like.

D

DAYCARE CENTER. A private establishment that provides supervision and care of more than six children or adults for periods of less than twenty-four (24) hours per day. The facility typically charges tuition, fees, or other forms of compensation for the care of the children or adults and is

licensed or approved to operate as a care facility in the State of Georgia. (Source: Georgia Department of Human Resources)

DEVELOPMENT REGULATIONS. The adopted regulations providing for the subdivision and development of real property within the City of Lawrenceville, as amended from time-to-time by the City Council of the City of Lawrenceville.

DIRECTOR. See PLANNING AND DEVELOPMENT DIRECTOR.

DIRECT BURIAL GROUND FIXTURE. Upward directed lighting assembly that is installed such that the lens or outermost portion of the fixture is flush with the grade of the ground or surrounding surface in which it is installed.

DIRECT LIGHT. Light or illumination emitted directly from a fixture's light source, including the lens and globes associated with the fixture.

DISTRIBUTION FACILITY. A warehouse established where individual tenants engage in the receipt, storage, and distribution of their goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DISTILLERY/WINERY. A facility that: (1) ferments juices from grapes and/or other fruit; (2) blends wines; (3) distills and/or blends alcoholic liquors; (4) manufactures, bottles, labels, and packages wine and/or alcoholic liquors; and/or (5) performs any other similar activity authorized by the Alcohol and Tobacco Division of the Georgia Department of Revenue.

DRIVE-IN OR DRIVE-THRU. A facility at which the service or business transaction occurs while the customer remains sitting in a vehicle.

DRUG ABUSE TREATMENT FACILITY. A residential facility staffed by professional and paraprofessional people offering treatment or therapeutic programs for drug-dependent persons who live on the premises. A Drug Abuse Treatment Facility must be approved and licensed by the Georgia Department of Community Health.

DUMP. A commercial operation of a parcel of land on which junk, waste material, inoperative vehicles, and/or other machinery are collected, stored, salvaged, or sold. This includes the terms junkyard and landfill.

DUMPSTER, RECYCLING, OR TRASH CONTAINER. A mobile bin designed to be brought and taken away, or lifted and emptied, by a special truck for the disposal of trash, refuse, garbage, and junk.

DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes. (Source International Residential Code, Part II – Definitions 2018)

DWELLING – MULTIFAMILY. A multifamily dwelling unit constructed in a group of twelve (12) attached units or more, including single-level units located in a multistory building. Each unit is

accessed internally, via a double-loaded corridor; a building design in which there are apartments or other individual units on both sides of a passage corridor connecting twelve or more attached units. These terms or words shall not include Dwelling – Live-Work; Dwelling Residential/Business, Dwelling – Townhouse-Family, Dwelling - Two-Family; Dwelling -Villa

DWELLING – ATTACHED. See Dwelling – Apartment; Dwelling – Duplex; Dwelling - Unit Studio; Dwelling - Residential/Business; Dwelling - Townhouse-Family; Dwelling - Villa.

DWELLING – FOURPLEX. A residential building designed for four (4) or more families or housekeeping units, living independently of each other in separate dwelling units.

DWELLING - LIVE-WORK. A dwelling unit or sleeping unit in which a significant portion of the space includes non-residential use that is operated by the tenant.

DWELLING - MOBILE HOME. A detached single-family dwelling unit having all the following characteristics:

1. Designed for long term occupancy as opposed to transient location, containing sleeping accommodations, toilet facilities, with plumbing and electrical connections provided.
2. Designed to be transported after fabrication on its own wheels or flatbed or other trailer or on detachable wheels; and
3. Built to arrive at the site where it is to be occupied as a dwelling unit complete, including major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on a permanent foundation, or integration into a prepared structure.

DWELLING - RESIDENTIAL/BUSINESS. A type of attached dwelling in which a commercial business or office may be operated in the basement or first floor/story of the structure. Each unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. The business need not be operated by the resident of the dwelling. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa.

DWELLING - ONE-FAMILY. A dwelling containing one and only one dwelling unit, other than a manufactured home. Such terms or words shall include Single-Family.

DWELLING – TOWNHOUSE-FAMILY. A single-family dwelling unit constructed in a group of three (3) attached units, but not more than eight (8) attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. A townhouse shall have at least two stories. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business or Dwelling Villa.

DWELLING - TWO-FAMILY. A dwelling containing two and only two dwelling units. Such terms and words shall include Duplex.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING - APARTMENT STUDIO. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities (see Dwelling Attached).

DWELLING – VILLA. A multifamily one-family dwelling unit with at least three (3), but no more than four (4), attached units in which each unit has at least two (2) exterior walls and each unit is separated from any other unit by one (1) or more vertical common fire resistance-rated walls. Villas are exclusively single-story but may include a bonus room over a garage or covered porch. This definition shall not include Dwelling Apartment, Dwelling Duplex, Dwelling Residential/Business, Dwelling Townhouse or Dwelling Villa).

E

EASEMENT. The Right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

ELECTRONIC MESSAGE CENTER (EMC). A computer programmable sign capable of displaying words, symbols, figures, or picture images that can be altered or rearranged on-site or by remote means without altering the face or surface of the sign.

ENFRONT. To place an element along a build-to-line.

ESSENTIAL PUBLIC SERVICES AND UTILITIES. An agency that, under public franchise or ownership or governmental control, provides essential services such as electricity, natural gas, heat, steam, communications, transportation, water sewage collection or another similar service to the general public. This includes transmission lines, generation buildings, stations, substations, lay down, and maintenance yards.

ESTATE SALES – ESTATE SALE. The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual, company, firm, corporation, or other entity for profit and on behalf of another person or persons. The term "estate sale" shall not include yard sales, garage sales or carport sales which are conducted directly by individuals who own the goods or merchandise to be sold.

ESTATE SALES - PERSONAL PROPERTY. Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such estate sale is to take place.

F

FAÇADE. The face or elevation of a building.

FAMILY. One or more people living together as a single housekeeping unit. No more than two (2) unrelated persons shall reside in a single housekeeping unit. The term “family” does not include any organization or institutional group and is distinguished from “joint living,” defined below.

FAMILY DAY CARE HOMES. A private residence operated by any person who receives therein for pay for supervision and care fewer than twenty-four hours per day, without the transfer of legal custody, at least three but not more than six children under thirteen years of age, who are not related to such person and whose parents or guardians are not residents of the same private residence; provided however, that the total number of unrelated children cared for in such home for pay and not for pay may not exceed six children under thirteen years of age at one time. *(Source: Georgia Department of Human Resources).*

FEE SIMPLE. A form of property ownership in which the buildings and surrounding lands are owned with absolute title without limit to inheritance or heirs, and unrestricted as to transfer of ownership.

FENCE. A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also, a wall separate from or extending from a building.

FINANCIAL INSTITUTION. A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan lenders, title loan companies, or check cashing facilities.

FINANCIAL INSTITUTION – SMALL. A company that specializes in consumer loans of any type, and that may accept as security an interest in personal property (e.g. a lien on an automobile, tax refunds, checks, notes, or any other chattel or intangible property). This definition shall exclude insured, full-service banking institutions and licensed credit unions. These shall include but are not limited to, Pawn Shop, Check Cashing Facility, Title Loan Facility, Small Loan Lender (see definitions).

FLAG LOT. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

FLOOD PLAIN. That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the Department of Housing and Urban Development.

FLOODLIGHTS. Fixtures that project light in a broad, directed beam, typically of two lamp types:

1. Simple lamps where the supporting optic elements are part of the fixture casement, having wide beam angles up to 110 degrees; or
2. Sealed beam lamps with internal parabolic reflectors, having narrower beam-spread angles of 25 to 55 degrees.

FLUORESCENT LIGHTING. A lamp that produces visible light by fluorescence, especially a glass tube whose inner wall is coated with a material that fluoresces when an electrical current causes a vapor within the tube to discharge electrons.

FOOD SERVICE ESTABLISHMENT. A public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities.

FOOD SERVICE ESTABLISHMENT - BASE OF OPERATIONS/COMMISSARY. Main office of a properly licensed and permitted Food Service Establishment or Mobile Extended Food Service Base of Operations where wastewater from the unit/truck will be dumped and water tanks refilled. The Base is also the place where you will store and/or prepare food, and wash, rinse and sanitize any dishes or utensils that are too big to be washed on the unit/truck. Cleaning and servicing the unit/truck will also be done at the Base of Operation.

FOOD SERVICE ESTABLISHMENT - MOBILE FOOD SERVICE UNIT. A food service business that operates from any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted, or which is used in selling and dispensing food to the end consumer.

FOOD TRUCK PARK. An area where two or more licensed, motorized vehicles prepare and sell food on a lot privately or publicly owned to the general public.

FOOT-CANDLE. Measure of illumination equivalent to one lumen produced uniformly on a surface of one square foot, as measured by a light meter.

FOURPLEX. See DWELLING, FOURPLEX.

FREE-STANDING AUTOMATED TELLER MACHINE (ATM). An automated device which performs banking and financial functions at a freestanding location which is remote from the controlling financial institution.

FULL-CUTOFF LIGHT FIXTURE. The class of lighting fixture defined by the Illuminating Engineering Society of North America (IESNA) according to technical photometric criteria. Included among those design criteria is a pattern of light distribution which does not permit any light to project at or above the horizontal plane from the lowest light-emitting point of the lighting fixture either dispersed directly from the lamp source or an integrated diffusing element, or indirectly from an integrated reflector surface, refractive lens, or refractive globe. These fixtures are also often referred to as "horizontally cutoff fixtures".

FUNERAL HOME. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. Typical uses include funeral parlors, crematories, mortuaries, or columbaria.

G

GARAGE. A permanent enclosed area primarily for parking or storing motor vehicles.

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES. The sale of personal property, which is open to the public and conducted from or on any property located on any residential lot by an individual company, firm, corporation, or other entity for a profit and on behalf of another person or persons. The term "garage, rummage, yard, and similar sales" shall not include estate sales which are conducted directly by individuals who own the goods or merchandise to be sold.

GARAGE, RUMMAGE, YARD, AND SIMILAR SALES - PERSONAL PROPERTY. Any property which is owned, utilized, and maintained by an individual and acquired in the normal course of living in or maintaining a residence. Such term includes, but is not limited to, clothing, furniture, jewelry, artwork, household items, dishes, antiques, and other similar goods owned by the person or persons who reside or formerly resided in the residence where such garage, rummage, yard, and similar sales are to take place.

GOVERNMENT OFFICE BUILDING. Administrative, clerical, or public contact offices of a government agency.

GREEN. A type of public space

GROSS FLOOR AREA. The total floor area is included within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

GROUP HOME. A state-licensed Child Care Institution (for six or more children) or Child Care Institution for Medically Fragile Children (up to 12 children) either residential or institutional in character that provides full-time group home care for children through 18 years of age outside their own homes. (*Source: Georgia Department of Human Resources*)

GROUND COVERAGE. The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

GROUND TRANSPORTATION. The transportation of passengers, baggage, cargo, goods, products, or other items for a fee.

GROUP LIVING. A dwelling includes shared living quarters such as rooming houses, dormitories, sororities, fraternities, and patient family homes.

GROWLER. Any glass, plastic, or other types of containers, not less than 12 ounces or more than 64 ounces, used to hold specialty malt beverages such as beer and hard cider, which are dispensed from a tap and sealed airtight before being sold to the customer for off-premises consumption.

GROWLER RETAILER. A person or entity that holds a current retail package (malt beverage) license from the city for the sale of malt beverages pursuant to the laws of the State of Georgia and a valid current alcohol license from the state and sells specialty malt beverages in growlers. A growler retailer does not include any retailer that sells distilled spirits or that holds a consumption license from the city.

H

HABITABLE SPACE. Covered building floor area utilized for any principal permitted use except parking, storage, digital industry switchboards, power generators, and other relay equipment.

HANDWRITING ANALYSTS AND FORTUNE TELLERS - FORTUNE TELLING. The prediction of the future for a fee, gift, or donation.

HANDWRITING ANALYSTS AND FORTUNE TELLERS – HANDWRITING ANALYSIS. The interpretation of human experience based upon an examination of handwriting or other inscription done by hand for fee, gift, or donation.

HARD SURFACE. A surface made of solid, impermeable material that significantly impedes or prevents the natural infiltration of water into soil such as asphalt, concrete, or traditional pavers.

HELIPORT OR HELICOPTER LANDING PAD. A facility or landing place for helicopters.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for residential purposes and operated in accordance with applicable provisions. Distinguished from Office.

HOSPITAL. An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out- patient

facilities, training facilities, central service facilities, and staff offices which are an integral part of the facility.

HOTEL OR MOTEL. A facility offering transient lodging accommodations to the general public which may provide additional accessory services such as restaurants, bars, meeting rooms, entertainment, and recreation facilities.

I

IESNA. Abbreviation for Illuminating Engineering Society of North America, a professional society of individuals, academics, and businesses engaged in the lighting industry.

INDEPENDENT LIVING FACILITY. See RETIREMENT COMMUNITY (INDEPENDENT LIVING).

INDUSTRIAL EQUIPMENT SALES, RENTAL AND LEASE. A building, lot, or portion of a lot used or intended to be used for the display, sale, rent, or lease of new or used truck and industrial equipment, in operable condition and where repair service is accessory to the sale, rental, or lease. This includes semi-tractors, trailers, and construction equipment. This excludes body work.

INDOOR CLIMATE CONTROLLED STORAGE FACILITY. A storage facility where all storage units are climate controlled.

INDUSTRIALIZED HOME. An industrialized home or modular home is a factory-fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

INTERIOR LOT. See LOT - INTERIOR.

INTERMEDIATE CARE FACILITY. See NURSING HOME.

J

JUNK. Old, dilapidated, scrap, or abandoned materials that shall include, but are not limited to, metal, paper, building material and equipment, bottles, glass, appliances, rags, rubber, motor vehicles, and parts thereof.

JUNK VEHICLE. Any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored, or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

JUNK OR SALVAGE YARD. A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, used cars or trucks in inoperable condition, are bought, sold, exchanged, stored, baled, or cleaned.

K

KENNEL. An establishment for the breeding or boarding of dogs or cats. Any property where there are four (4) or more dogs or cats over the age of three (3) months kept, maintained, or housed shall be deemed to constitute a kennel, regardless of whether such dogs are kept for business or profit purposes.

L

LABORATORY, RESEARCH OR TESTING ESTABLISHMENT. A facility primarily conducting medical, pharmaceutical, optical, orthotic, prosthetic, or dental laboratory services, photographic, analytical, or testing services or a facility engaged in the research, development, and controlled production of high technology electronics, industrial, or scientific products or commodities.

LAMP. Component, tube, or bulb of a lighting fixture that produces the light. Multiple lamps within a single fixture are lumen-rated cumulatively as if a single lamp.

LAND DISTURBANCE. Any activity that comprises, facilitates, or result in land disturbance, and which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, clearing and grubbing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. Each clearing, clearing, and grubbing, grading, or development permit shall include the required erosion and sediment control measures and practices.

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 authorized.

LANDFILL. See DUMP.

LIGHT FIXTURE. Complete lighting assembly consisting of a lamp or lamps, together with the parts designed to power, position, house, and protect the lamp; and other parts (such as a lens, reflector, or globe) which function together with the lamp as a light source to emit, control, direct, and disperse light. Not included is the support assembly (pole, arm, or mounting bracket) to which the lighting unit is attached. If multiple lighting units are attached to a common support assembly, each unit shall be considered to be an individual lighting fixture. A fixture with multiple lamps comprises only a single fixture.

LIGHT POLLUTION. A general expression for any and all uncontained light; both directed and reflected, that increases ambient light.

LIGHT SOURCE. The point of origin from which illumination emanates, usually a lamp.

LIGHT TRESPASS. Intrusion of direct light projected from one property or roadway onto another property or roadway.

LIMITED USE. Principal permitted uses subject to additional restrictions that are identified in this Zoning Ordinance.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries.

LOT. A zoning lot unless the context shall clearly indicate a contrary definition.

LOT – CORNER LOT. A lot situated at the intersection of two (2) streets or bounded on two or more adjacent sides by street right-of-way lines.

LOT - DOUBLE FRONTAGE LOT. A lot, other than a corner lot, which fronts two (2) streets that are parallel to each other. Also known as a “through lot”.

LOT – INTERIOR LOT. A lot other than a corner lot.

LOT - LOT DEPTH. Considered to be the distance between midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT – LOT FRONTAGE. The portion of a lot adjacent to a street.

LOT - LOT LINE. A boundary of a lot. Lot line is synonymous with property line.

LOT - LOT OF RECORD. Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the Clerk of the Superior Court of Gwinnett County, or a parcel of land, the deed to which was recorded in said office prior to the adoption of this Ordinance.

LOT - LOT WIDTH. The distance between side lot lines measured at the rear of the required front yard line on a line parallel with a line tangent to the street right-of-way line.

LOT – PANHANDLE LOT. A lot that is setback from the street and is only accessible via a long, narrow drive. Also known as a “flag lot”.

LUMEN. Unit of illumination measuring the rate at which a lamp emits light where one lumen per square foot is one foot-candle.

M

MAINTENANCE. The act of keeping property, structures, or vegetation in a proper condition so as to prevent their decline, failure, or uncontrolled growth.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent

foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems connected therein. The term "manufactured home" includes the term "mobile home".

MANUFACTURED HOME LOT. A parcel of land for the exclusive use of the occupants of a single manufactured home.

MANUFACTURED HOME PARK. A manufactured home park is a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use.

MANUFACTURED HOME SUBDIVISION. A tract of land that is used, designated, maintained, or held out for sale of lots to accommodate manufactured homes. Services such as water, sewage, recreational facilities, and solid waste collection may be provided for a service charge.

MANUFACTURING – ARTISAN. A business primarily engaged in the limited on-site production of goods, by hand manufacturing, which involves the use of hand tools and small-scale equipment.

MANUFACTURING – GENERAL. A facility engaged in the production of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes food, beverage, and tobacco product manufacturing; textiles, apparel, leather, and allied products; wood products, paper, chemicals, plastics, rubber, nonmetallic mineral products, fabricated metal products, and transportation equipment.

MANUFACTURING - HIGH INTENSITY. A business engaged in the production of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This group also includes smelting, animal slaughtering, and oil refining.

MARQUEE SIGN. Any sign attached to, in any manner, or otherwise made a part of any permanent roof-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MASSAGE THERAPY BUSINESSES – ACT. The Georgia Massage Therapy Practice Act, enacted by and defined in O.C.G.A. § 43-24A-1 et seq. as amended.

MASSAGE THERAPY BUSINESSES – BOARD. The Georgia Board of Massage Therapy, enacted by the provisions of O.C.G.A. § 43-24A-4.

MASSAGE THERAPY BUSINESSES – FOR HIRE. A reasonable expectation that the person to whom the massage is provided, or some third person on his or her behalf, will pay money, give other consideration, or provide any gratuity, therefore.

MASSAGE THERAPY BUSINESSES - LICENSED MASSAGE THERAPIST. A person who holds a valid, current, unrevoked, and unsuspended State license in the practice of massage therapy issued by the Board pursuant to the Act.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY. The application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term "massage therapy" includes complementary methods, including, without limitation, the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by hands. The term "massage therapy" also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. The term "massage therapy" does not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities (O.C.G.A. § 43-24A-3).

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPY BUSINESS. A business with a location in the City at which any person engages in or offers massage therapy, regardless of the name of the business or the words used to describe the business through signage or advertisement or in filings with the Secretary of State. Massage therapy businesses are subject to regulation by local government, pursuant to O.C.G.A. §§ 43-24A-22(a) and 48-13-9(b)(17), as amended.

MASSAGE THERAPY BUSINESSES - MASSAGE THERAPIST, MASSEUSE, MASSEUR, MASSAGE PRACTITIONER, OR PERSON PRACTICING MASSAGE. A person who performs or engages in the practice of massage.

MASSAGE THERAPY BUSINESSES – PROVISIONAL PERMIT. A permit issued pursuant to Chapter 24A of Title 43 of the O.C.G.A. allowing the holder to practice massage therapy in this state.

MASSAGE THERAPY BUSINESSES - SEXUAL OR GENITAL AREA. The genitals, pubic area, anus, perineum of any person, or the vulva or breast of a female.

MASSAGE THERAPY BUSINESSES - STATE LICENSE. A license to practice massage therapy issued by the Board, pursuant to the Act.

MEDICAL OR DENTAL OFFICE OR CLINIC. A facility other than a hospital where medical, mental health, surgical, and other personal health services are provided on an outpatient basis. Examples of these uses include offices for physicians, dentists, chiropractors, or other health care professionals; outpatient care facilities; urgent care facilities; and other allied health services.

MOBILE HOME. See, DWELLING, MOBILE HOME.

MODULAR HOME. See INDUSTRIALIZED HOME.

N

NON-CONFORMING USE. A use which lawfully occupies a building or land at the time this Ordinance or an amendment thereto becomes effective but does not meet the requirements of this Ordinance or any amendment thereto.

NON-CONFORMING BUILDING. A building or structure or portion thereof, lawfully existing at the time this Ordinance or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading, or other requirements of this Ordinance or any amendment thereto.

NON-CONSTANT LIGHTING. Light fixtures meant not to operate continuously, and operated only briefly, irregularly, intermittently, or occasionally by a switching device. Fixture activation by a motion sensor may provide non-constant lighting.

NURSING HOME. A State licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; and otherwise complies with the rules and regulations of the Georgia Department of Human Resources. (Source: Georgia Department of Human Resources)

O

OCCUPANCY. The purpose for which a building is utilized or occupied.

OFFICE. A building or portion of a building wherein service is performed involving predominantly administrative, professional, or clerical operations. Distinguished from Home-Based Occupation.

OFF-STREET PARKING. All parking accommodations that are not located on the street, including parking decks, driveways, parking garages, and/or parking lots that allow cars to park on or near the place of use.

OIL, GAS, AND CHEMICAL STORAGE, BULK. A tank farm or other similar outdoor facility for the storage of oil, gas, chemicals, and related bulk products.

ON-STREET PARKING. Spaces on the street that are officially designated for parking by street paint, signage, parking meters, or a combination of the three.

OUTBUILDING. An ancillary building or structure located towards the rear of the same lot as a principal structure.

OUTDOOR DISPLAY AND SALES OF MERCHANDISE. The placement of goods, materials, merchandise, or equipment for sale, rental, or lease in a location not enclosed by a structure consisting of walls and roof. "Outdoor display" shall not mean yard sales or vehicle sales lots.

OUTDOOR LIGHTING. Illumination of an exterior area. Included are open-air spaces which are under a roof or other cover and not fully enclosed, such as a canopy, pavilion, drive-through bay, or parking deck.

OUTDOOR STORAGE. The storage, outside of a fully enclosed lawful structure, of vehicles, items, equipment, materials, supplies, merchandise, vending machines, or similar items.

P

PARCEL. A designated lot, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

PARK. A publicly accessible open space that provides recreation and gathering places.

PARKING GARAGE. A structure or portion thereof, other than a private or storage garage, designed or used for the storage of motor-driven vehicles for a fee.

PARKING LOT. A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot.

PARKING SPACE, OFF-STREET. An off-street space for the temporary storage of a motor vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering spaces.

PAWNBROKERS AND SECONDHAND DEALERS – EMPLOYEE. Shall mean and include any of the following:

1. Any owner or pawnbroker who, in the performance of his duties or the management of the business affairs of a pawnshop, comes into contact with members of the public.
2. Any person working for an owner or pawnbroker; or
3. Any person who is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

PAWNBROKERS AND SECONDHAND DEALERS - PAWN OR PLEDGE. A bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the power of sale on default.

PAWNBROKERS AND SECONDHAND DEALERS – PAWNBROKER. Any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he has charge of the business or daily operations of the pawnshop, and whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

PAWNBROKERS AND SECONDHAND DEALERS – PAWNSHOP. Any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

PERSONAL CARE HOME. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. *(Source: Georgia Department of Community Health)*. The term Personal Care Home shall also encompass the term Assisted Living Facility.

PERSONAL CARE HOME – FAMILY. Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for up to six (6) adults who are not related to the owner or administrator by blood or marriage.

PERMEABLE SURFACE. A surface made of material such as gravel, permeable pavers, turf, planting bed, or mulched beds that allows storm water to infiltrate into the ground.

PLANNING AND DEVELOPMENT DIRECTOR. The person responsible for the administration and enforcement of this Zoning Ordinance. This includes the Director’s designee unless otherwise specified herein.

PLAT. A map indicating the subdivision, resubdivision, or recombination of land.

PLAZA. A publicly accessible open space that is available for civic and commercial activities but may have limited access for the purpose of providing outdoor dining areas.

PORTABLE STORAGE CONTAINER. Any secure portable container used for the temporary storage of personal or commercial goods that is filled on site and transferred to an off-site facility for storage.

PRECIOUS METALS DEALERS. Any person, partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, bartering, or acquiring in trade any precious metals from persons or sources, other than from manufacturers of or licensed

dealers in precious metals, for re-sale in its original form or as changed by melting, reforming, remolding, or for re-sale as scrap or in bulk.

PRECIOUS METALS DEALERS - NONPERMANENT LOCATION. Any location used to conduct business in a temporary location or for a limited time. The term "nonpermanent location" includes, but is not limited to, movable vehicles, temporary or moveable structures, tents, awnings, hotels, or motels and the like.

PRECIOUS METALS DEALERS – PERMANENT LOCATION. A business domiciled within a properly constructed building located within an area zoned for such business.

PRECIOUS METALS DEALERS – PRECIOUS METALS. Any metals, including, but not limited to, in whole or in part, silver, gold and platinum.

PREMISES. A designed parcel, tract, lot, or area of land, together with improvements located thereon, if any, established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

PRIMARY ROADWAY. The public right-of-way, which is identified as the address of the premises.

PRINCIPAL PERMITTED USE. The primary use of a lot, which is among the uses allowed as a matter of right under the zoning classifications.

PUBLIC SAFETY FACILITY. A facility for public safety and services, including police and fire protection, jail, reformatory and related training facilities.

PUBLIC SPACES. Exterior and interior spaces appropriately improved for pedestrian amenities or for aesthetic appeal and not including areas used for vehicles, except for incidental service, maintenance, or emergency actions only.

PUBLIC WORKS AND MAINTENANCE FACILITY. A government-owned facility providing maintenance and repair services for government vehicles and equipment and areas for storage of equipment and supplies. This classification includes government-owned construction yards, equipment service centers, and similar facilities.

Q

QUARRYING AND MINERAL EXTRACTION. The removal of minerals, aggregates, sand, limestone, gravel, stone, clay overburden, topsoil, and the like from the ground for storage, processing, and sales.

R

RAILROAD TRAIN YARD, SPUR, SIDING, RIGHT-OF-WAY. Land used for classification yards, switch tracks, team tracks, storage tracks, through tracks, and areas for the transfer and storage of freight, locomotives, and railcars.

RECREATION FACILITY – PRIVATE. A place, indoor or outdoor, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. Private recreational facilities are operated by a non-profit organization and open only to bona fide members and guests of such non-profit organizations.

RECREATION FACILITY – PUBLIC. A place, indoor or outdoor, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. Public recreational facilities are operated by a governmental unit and are open to the public for free or through a membership fee.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by light-duty truck; and,
4. **D.** Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATED USE. Any building or structure or portion of any building or structure used or proposed to be used for adult use as defined in this Article.

RELIGIOUS PLACE OF WORSHIP. A permanently located church, cathedral, synagogue, temple, mosque, or other place dedicated to religious worship. As part of its functions, it may include the following incidental and subordinate uses subject to applicable federal, state, and local regulations: offices, residences for clergy, religious instruction, schools, daycare centers, shelters, and community and recreational activities.

RESTAURANT. An establishment that serves food prepared on-site and beverages primarily for consumption on- or off-premises.

RESOLUTION. Means by which a local legislature or other board expresses its policy or position on a subject.

RETAIL SALES AND SERVICE. A business engaged in sales of goods or the provision of services directly to consumers. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

RETIREMENT COMMUNITY - CONTINUING CARE. A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and 24-hour home-style nursing care. As the resident's health needs increase, they transition from one level to the next, all within the same community.

RETIREMENT COMMUNITY - INDEPENDENT LIVING. A managed housing complex designed for older adults who are generally able to live independently and care for themselves. Limited or no personal or healthcare services are offered; however, activities and socialization opportunities may be provided.

ROAD FRONTAGE. The distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding parcels.

RUNWAY. A paved or cleared strip of land on which aircraft may take off and land.

S

SCHOOL, COLLEGE, UNIVERSITY, VOCATIONAL AND TECHNICAL. An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, licensure, or certifications. This classification also includes business and computer schools; management training; technical, vocational, and trade schools; but excludes personal instructional services.

SCHOOL, ELEMENTARY AND SECONDARY. An institution having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Georgia.

SCREENING. A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

SHELTER – EMERGENCY SHELTER. A nonprofit institutional use, comprised of a building, institutional in nature, which provides overnight shelter, sleeping accommodations, and services, and not otherwise mandated by the state government for related or nonrelated individuals for a period of time not to exceed 15 hours every 24 hours. The stay of the individuals is presumed to be of a temporary nature.

SHELTER – HOMELESS SHELTER. A type of homeless service agency which provides temporary residence for homeless individuals and families. Distinguished from emergency shelters, which are operated for specific circumstances and populations.

SIGN. Any surface, fabric, device, or display which bears letters, numbers, symbols, pictures, or sculptured matter, whether illuminated or unilluminated; designed to identify, announce, direct, or inform; and that is visible, from a public right-of-way. For purposes of this Ordinance, the term "sign" does not include all structural members.

SIGN - ATTENTION GETTING DEVICE. Any balloon, figurine, inflatable sign (static), pennant, propeller, ribbon, searchlight, spinner, statue, streamer, or other similar device or ornamentation designed to or having the effect of attracting the attention of potential customers or the general public. An Attention-Getting Device shall be considered a sign and shall meet all requirements of this ordinance for a sign.

SIGN - ANIMATED SIGN. Any sign that utilizes the appearance of movement using lighting to depict action or to create a special effect or scene.

SIGN - BANDIT SIGN. Any sign of any material whatsoever that is attached or painted in any way to a natural object or feature, plant, post, rock, shrub, street sign or marker, traffic control sign or device, tree, utility pole or any object located or situated on any public road right-of-way, easements, or alleys. This shall include guerilla and snipe signs.

SIGN – BANNER. A sign either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere. Flags are not banners.

SIGN – BILLBOARD. A sign larger than 200 square feet in area.

SIGN - CONSTRUCTION SIGN. A temporary sign erected on premises where construction is taking place.

SIGN - DIRECTORY SIGN. A sign located on developed premises, adjacent to exits, entrances, driveways, or off-street parking facilities.

SIGN - DOOR SIGN. A sign that is applied to or attached to the exterior or interior of a door or located in such a manner within a building that it can be seen from the exterior of the structure through a door.

SIGN - DOUBLE POST SIGN. A sign located at a site during construction or sale where the primary support is supplied by two wooded posts.

SIGN - EXPOSED NEON. Any display which utilizes bulbs or glass to directly illuminate without any form of color translucent covering including, but not limited to, being placed directly on or in a sign structure or located on a building as accents. This definition shall include LED linear rope lights or similar devices intended to imitate Exposed Neon.

SIGN - FALL ZONE. A Fall Zone is defined as an area large enough and set back far enough from any buildings, structures, or property lines equal to 133% of the height of the entire structure in every direction.

SIGN – FLAG. A cloth with colors and patterns, which does not meet any other sign definition under this Ordinance. A flag is not a banner.

SIGN - FLASHING SIGN. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, date, or any combination thereof shall not be considered as flashing signs.

SIGN - FREESTANDING SIGN. A permanent sign supported by any structure or support placed in or anchored in the ground and not attached to any building or structure. All freestanding signs must meet the requirements of a ground sign or a double post sign unless specifically approved through the granting of a variance.

SIGN - GROUND SIGN. A permanent, freestanding sign with a solid supporting base. This definition shall not include a Subdivision Sign.

SIGN – HEIGHT. The distance in vertical feet from the average elevation of the ground level at the base of the sign to the highest point of the sign structure.

SIGN - ILLUMINATED SIGN. A sign illuminated in any manner by an artificial light source.

SIGN – INFLATABLE-STATIC. Any sign inflated or supported by air, pneumatic noncombustible pressure or winds which is securely anchored to the ground and does not move.

SIGN – INFLATABLE-ANIMATED. Any sign inflated or supported by air, pneumatic noncombustible pressure or winds which moves or is caused to move in any way to thereby distract or draw attention.

SIGN - MOTOR VEHICLE SIGN. A sign mounted, placed, written, or painted on a vehicle or trailer whether motor-driven or not.

SIGN - MOVABLE PANEL SIGN. Any sign which utilizes movable discs, panels, or other similar methods, which allows a machine or device to change the message by a control rather than manually changing the message.

SIGN – MURAL-PUBLIC ART. A painted or otherwise attached or adhered image or representation on the exterior of a building that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement, and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

SIGN – PENNANT. Any long, narrow flag which does not meet any other sign definition in this Ordinance.

SIGN - POLE SIGN. A Ground Sign where the primary support is one post or column.

SIGN - PORTABLE SIGN. Any sign which is not permanently attached to the ground or other permanent structure including, but not limited to, signs attached to vehicles, trailers, securely anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, "A" and "T" type, sidewalk, sandwich, trailer signs, curb type signs, banners, balloons, or other commercial advertisement attached to vehicles.

Exceptions: Signs which are painted, bolted, screwed, or magnetically attached to the top, sides, or rear of the vehicle. Signs which are placed in the bed of a truck or trunk of an automobile, or a banner attached to the vehicle regardless of the information contained thereon or method of attachment are not included in this exception.

SIGN - PROJECTING SIGN. A sign that projects from a wall, that may be parallel or perpendicular to a wall or surface to which it is attached to.

SIGN - ROOF SIGN. A sign projecting over the coping of a flat roof, or wholly or partially over the ridge of a gable, hip, or gambrel roof, and erected or installed upon the roof of any building of a structure.

SIGN - SIGN AREA. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color-forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself.

SIGN - SURFACE AREA. The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border but excluding any supports. A curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices as well as spaces between each letter, words, lines, or device. The calculation for a double-faced sign shall be the area of one face only where the sign faces are parallel or whether the interior angle formed by the faces is 60 degrees or less. The area of the larger side shall be computed in cases in which the two sides do not coincide.

SIGN - TEMPORARY SIGN. A display, sign, banner, or other device with or without a structural frame, not permanently mounted, and intended to be displayed for only a limited time.

SIGN - WINDOW SIGN. A sign placed inside or upon the windowpanes of any window or door.

SINGLE-FAMILY ATTACHED DWELLING. See DWELLING, SINGLE-FAMILY ATTACHED.

SINGLE-FAMILY DETACHED DWELLING. See DWELLING, SINGLE-FAMILY DETACHED.

SKILLED NURSING FACILITY. See NURSING HOME.

SMALL LOAN LENDER. An establishment which is engaged exclusively in the business of making consumer loans of \$3000 or less.

SOLID WASTE. Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes, and other waste material in a solid or semi-solid state not otherwise defined in this Ordinance.

SOLID WASTE TRANSFER STATION. Any facility which collects, consolidates, and ships solid waste to a disposal facility or processing operation.

SPECIAL EVENTS FACILITY. A facility designed to accommodate guests that can be rented by patrons as a venue for social or professional events or occasions.

SPECIAL USE. A use which is permitted if it meets stated conditions and is approved by the City Council of the City of Lawrenceville.

SPOTLIGHTS. Fixtures that project light in a narrow beam, contained and centered on a directional axis. Related lamps typically are sealed-beam with internal parabolic reflectors and beam-spread angles of 9 to 15 degrees.

STOP WORK ORDER. An order to cease and desist building, development, and land disturbing that is issued by the Department of Planning and Development pursuant to the requirements of this Ordinance and Construction Codes.

STORY. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

STREET FAÇADE. The exterior wall of a building that fronts the street.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

STREET. A thoroughfare that affords the principal means of access to abutting property. This includes streets, roads, highways, avenues, alleys, sidewalks and other public places or ways. This term and "road" shall be synonymous

STREET – ARTERIAL. Functional classification for a street or highway that provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control.

STREET – COLLECTOR. Functional classification for a street or highway that provides a less highly developed level of service than an arterial, at a lower speed for shorter distances by collecting traffic from local roads and connecting them with arterials.

STREET - CUL-DE-SAC. A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

STREET - LOCAL NON-RESIDENTIAL. A surface street intended primarily to provide local access to adjacent existing or planned commercial or industrial development and not for through traffic.

STREET - LOCAL RESIDENTIAL. A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

STREET - MAJOR ARTERIAL. The primary purpose of Major Arterial Street is to carry longer trip length segments and larger volumes of traffic to, from and through the City and County.

STREET - MAJOR INTERSECTION: The intersection of two or more public streets in which at least one of the streets is an arterial or major collector.

STREET - MARGINAL ACCESS. A local street which is parallel to and adjacent to a major thoroughfare and which provides access to adjacent properties and protection from through-traffic.

STREET - MINOR ARTERIAL. The primary purpose of Minor Arterial Street is to carry medium length trip segments and moderate volumes of traffic to, from and through the City and County.

STREET - MULTI-USE PATHWAY. A Multi-Use Pathway or trail, physically separated from motorized vehicular traffic by an open space or barrier, either within a public right-of-way, private access easement or twenty-foot (20 ft.) pathway easement utilized for pedestrian connectivity (e.g., bicyclists, skaters, equestrians, and other nonmotorized users).

STREET - NONCONFORMING RIGHT-OF-WAY OR SUBSTANDARD STREET. Any nonconforming right-of-way or substandard street deviating from, falling short or of a quality lower than required by the Development Regulations.

STREET - PRINCIPAL ARTERIAL. The primary purpose of the Principal Arterial Street is to carry very long trip length segments and very large volumes of traffic to, from and through the City and County.

STREET - PRIVATE ALLEY OR STREET. A private access way having the same function as a public street, providing access to more than one property, but held in private ownership (as distinct from a “driveway”).

STREET - PRIVATE UTILITY EASEMENT. A private utility easement dedicated to a private Homeowners Association or Multifamily Professional Property Management and intended for vehicular traffic or over which the City of Lawrenceville may hold a prescriptive easement for public access.

STREET - PUBLIC RIGHT-OF-WAY. A right-of-way dedicated to and accepted by City of Lawrenceville or applicable governing body for vehicular traffic or over which the City of Lawrenceville may hold a prescriptive easement for public access and including designated and numbered U.S. and State Highways. For the purposes of this ordinance, the term “public street” shall be limited to those, which afford or could afford a direct means of vehicular access to abutting property and exclude limited access roadways which abut a property but from which direct access may not be allowed under any circumstances. This term and “Road” shall be synonymous.

STREET - ROAD FRONTAGE. The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the City of Lawrenceville for vehicular traffic or over which the City of Lawrenceville may hold a prescriptive easement for public access and including designated and numbered U.S. and state highways.

STREET – ROADWAY. The paved portion of a street from back of curb to back of curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

STREET - STREET JOG. The alignment or offset of roads intersecting the same street.

STRUCTURE – MIXED-USE AND OCCUPANCY. A mixed-use structure consisting of two or more distinct uses and occupancies. Each portion of a mixed-use structure is required to be classified in accordance with the use and occupancy classification groups and constructed to a minimum applicable standard.

STUDIO OR MEETING FACILITY. A building typically accommodates groups of students in multiple instructional spaces. Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. This definition also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

SUBDIVISION. The process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, streets, open space, and public areas, and the designation of the location of utilities and other improvements.

T

TEMPORARY OUTDOOR ACTIVITY. For-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises is the principal use of the premises. The term "temporary outdoor activity" includes the sale of farm produce, carnivals, or sale of Christmas trees or Halloween pumpkins from property which is vacant, or which contains a separate and distinct primary use, such activities continuing for a period not exceeding 20 consecutive days, except Christmas tree sales shall be allowed between November 1 and December 31 and pumpkin sales shall be permitted from September 15 and October 31. Temporary outdoor activities shall occur in non-enclosed areas.

TEMPORARY OUTDOOR ACTIVITY - GOODS AND MERCHANDISE. Tangible or movable personal property, other than money.

TEMPORARY OUTDOOR ACTIVITY – TEMPORARY. A period of not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.

TEMPORARY OUTDOOR ACTIVITY – TEMPORARY OUTDOOR ACTIVITY PERMIT. Written authorization by the Director of the Planning and Development Department or his/her designee, for the applicant to engage in temporary outdoor activities at a specific, fixed location meeting all the requirements of this division.

TITLE LOAN LENDER. Establishments which engage in the business of providing money to customers on a temporary basis, where such loans are secured by a car title or a lien against a car title. Includes Title Pawn Lenders.

TOP-SHIELDED LIGHT FIXTURE. A lighting fixture that, either by its top-most shielding or by its sheltered placement under a soffit, cornice, roof, canopy, or other structural element, limits light at or above the horizontal plane.

TRUCK TERMINAL - TRANSFER FACILITY. A facility for the storage of commercial goods within an enclosed building for distribution by truck.

TUBE LIGHTING. Gas-filled glass tube that becomes luminescent in a color characteristic of the particular gas used, such as neon, argon, krypton, etc. Excluded from this lighting class are common fluorescent tubes.

U

UNDISTURBED. Land in its natural state of vegetation.

USE. The purpose or purposes for which land or a building is designed, arranged, or intended, or to which said land or building is occupied, maintained, or leased.

URGENT CARE FACILITY. An outpatient facility, operated by a hospital or health organization, and staffed with individuals that provide immediate emergency care services similar to what would be expected in a hospital.

V

VARIANCE. A resolution which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to make more money.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

VEHICLE - ALL-TERRAIN VEHICLE. Any motorized vehicle originally manufactured for off-highway use which is equipped with three or more nonhighway tires is 80 inches or less in width with a dry weight of 2,500 pounds or less and is designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

VEHICLE – BUS. Any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

VEHICLE – BUSINESS. Any Vehicle, Passenger Car, SUV, Truck, or Van containing an exterior logo, design, lettering, or other depiction for advertising.

VEHICLE – COMMERCIAL. Any self-propelled or towed motor vehicle used on a highway in intrastate and interstate commerce to transport passengers or property when the vehicle:

1. Has a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 4,536 kg (10,001 lbs.) or more.
2. Is designed or used to transport more than eight passengers, including the driver, for compensation.
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation: or

4. Is used to transport material determined to be hazardous by the secretary of the United States Department of Transportation under 49 U.S.C. Section 5103 and transported in a quantity that requires placards under regulations prescribed under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.

VEHICLE - FORMER MILITARY MOTOR VEHICLE. A motor vehicle that operates on the ground, including a trailer, that was manufactured for use in any country's military forces and is maintained to represent its military design, regardless of the vehicle's size, weight, or year of manufacture. Such term shall not include motor vehicles armed for combat or vehicles owned or operated by this state, the United States, or any foreign government.

VEHICLE - FULLY AUTONOMOUS VEHICLE. A motor vehicle equipped with an automated driving system that can perform all aspects of the dynamic driving task without a human driver within a limited or unlimited operational design domain and will not at any time request that a driver assume any portion of the dynamic driving task when the automated driving system is operating within its operational design domain.

VEHICLE - GOLF CAR/CART. Any motorized vehicle designed for the purpose and exclusive use of conveying one or more persons and equipment to play the game of golf in an area designated as a golf course. For such a vehicle to be considered a golf car or golf cart, its average speed shall be less than 15 miles per hour (24 kilometers per hour) on a level road surface with a 0.5% grade (0.3 degrees) comprising a straight course composed of a concrete or asphalt surface that is dry and free from loose material or surface contamination with a minimum coefficient of friction of 0.8 between tire and surface.

VEHICLE - GROSS WEIGHT. The weight of a vehicle without load plus the weight of any load thereon.

VEHICLE – LIMOUSINE. Any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

VEHICLE - PASSENGER CAR, SUV, TRUCK OR VAN. Any motor vehicle, except all-terrain vehicles, motorcycles, motor-driven cycles, multipurpose off-highway vehicles, personal vehicles, and low-speed vehicles, designed for carrying ten passengers or less and used for the transportation of persons.

VEHICLE - POLE TRAILER. Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle utilizing a reach or pole, or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly

shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

VEHICLE – RECREATIONAL. Any vehicle designed for recreational use (e.g., camper, caravan, motor home, RV, trailer).

VEHICLE - RECREATIONAL OFF-HIGHWAY VEHICLE. Any motorized vehicle designed for off-road use which is equipped with four or more nonhighway tires and which is 65 inches or less in width.

VEHICLE – SEMITRAILER. Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

VEHICLE - SPECIAL MOBILE EQUIPMENT. Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus, and road construction and maintenance types of machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

VEHICLE – TAXICAB. Any motor vehicle for hire which conveys passengers between locations of their choice and is a mode of public transportation for a single passenger or small group for a fee. Such term shall also mean taxi or cab, but not a bus or school bus, limousine, passenger car, or commercial motor vehicle.

VEHICLE – TRACTOR. Any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

VEHICLE – TRAILER. Any vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

VEHICLE – TRUCK. Any motor vehicle designed, used, or maintained primarily for the transportation of property.

VEHICLE - TRUCK TRACTOR. Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

VEHICLE – WRECKER. Any vehicle designed, equipped, or used to tow or carry other motor vehicles utilizing a hoist, crane, sling, lift, roll-back or slide back platform, by a mechanism of a

like or similar character, or by any combination thereof, and the terms "tow truck" and "wrecker" are synonymous.

VEHICLE SALES - RENTAL, AND LEASE. A building, lot, or portion of a lot used or intended to be used for the display, sale, rent, or lease of new or used motor vehicles in operable condition and where repair service is accessory to the sale, rental, or lease. This excludes bodywork.

VEHICLE SERVICE AND REPAIR FACILITY. A building or premises where products necessary for automobile service or maintenance are sold, provided there is no storage of automobiles, and only minor services are rendered. An automobile service station is not a repair garage or a body shop.

VESSEL. A watercraft, other than a seaplane on the water or a sailboard, used or capable of being used as a means of transportation on water and specifically includes, but is not limited to, inflatable rafts and homemade vessels.

VESSEL – HOMEMADE. Any vessel that is built by an individual for personal use from raw materials does not require the assignment of a federal hull identification number by a manufacturer according to federal law. A person furnishing raw materials under a contract may be considered the builder of a homemade vessel. Antique boats, boats reconstructed from existing boat hulls, and rebuilt or reconstructed vessels are not considered homemade vessels.

VESSEL - MECHANICALLY PROPELLED. Any vessel propelled by machinery using a volatile liquid for fuel.

VESSEL – NONMOTORIZED. Any vessel, other than a sailboat which has no motor attached in a manner to make it readily available for operation.

VESSEL – POWERBOAT. Any boat, vessel, or water-going craft which is propelled by mechanical rather than manual means whether or not such a propulsion device forms an integral part of the structure thereof.

VESSEL – WATERCRAFT. A vessel for transport by water constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion. This definition includes but is not limited to watercraft both mounted and not mounted, as well as boats, air boats, jet skis, wave runners, Sea Doo, and the like.

VETERINARIAN CLINIC. A facility or premises utilized for the diagnosis and treatment of ill and injured animals and the short-term boarding incidental to clinical use.

W

WAREHOUSE, PERSONAL STORAGE/MINI. A facility for the storage of personal property in a secure, individual unit with each unit having direct access to the service drive.

WAREHOUSING. A facility for the storage and distribution of property, merchandise, or equipment, without direct sales to the public.

WASTE INCINERATION. A building or facility used for the combustion of organic substances found in waste materials.

WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY OR TOWER. Public and private transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Wireless communication facilities include antennas, satellite dish antennas, and equipment buildings. Wireless communication facilities do not include telephone, telegraph and cable television transmission facilities that utilize hard-wired, fiber optic, or direct cable connections.

WRECKING YARD. See JUNK AND SALVAGE YARD.

WHOLESALE AND DISTRIBUTION. An establishment that engages in the sale of goods, merchandise, and commodities for resale by a purchaser.

Y

YARD. An open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs, fences, etc.

YARD – BUILDING SETBACK. The minimum required distance between a property line and a building setback line.

YARD – BUILDING SETBACK LINE. Distance from property line to the nearest point of any sign or structure as defined by the Ordinance.

YARD – FRONT YARD SETBACK. The area of a lot extending across the full width of the lot and measured between the building line and the front lot line.

YARD – REAR YARD SETBACK. The area of a lot extending across the full width of the lot and measured between the building and the rear lot line.

YARD – SIDE YARD SETBACK. The area of a lot extending from the front yard to the rear yard and measured between the building and the side lot line.

Z

ZONING DISTRICTS. Zoning districts defined in this Zoning Ordinance.

ZONING LOT. A single tract of land, located within a single block which, at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified

ownership or control, and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this Ordinance for such use, building or structure.

Section 5:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Article 1 Districts, Article 2 Supplemental and Accessory Use Standards, Article 10 Definitions and the Zoning Ordinance shall remain in full force and affect.

Section 6:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 7:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this ____ day of _____, 2025.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk