
Sec. 113-2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

Artist. A person who engages in the creation of products primarily by hand by persons trained in an artistic skill, e.g. ceramics, pottery, blown glass, sculpture, or hand-crafted furniture.

Adult business. A commercial establishment where an adult service is provided to patrons in the regular course of business and as one of the substantial business purposes of the establishment.

Adult day care services. The provision of an organized program of services, protective in nature, for adults which are offered for less than 24 hours per day including supervision, provision of meals, self-care, social and recreational indoor and outdoor activities, and assistance with medications.

Adult service. A dance, performance or other activity, including but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult business by a person who exposes one or more specified anatomical areas or performs a specified sexual activity during all or part of the time that the person is providing the service.

Amusement park or arcade. An amusement enterprise offering entertainment to the general public in the form of rides and/or games of skill in the form of game machines, instruments, or an apparatus operated by coin, slug, token or similar medium. The activity may be indoors or outdoors.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Auction house/yard. A structure or enclosure where goods or livestock are sold by auction.

Automobile. Every vehicle, excluding motorcycles, designed for carrying ten passengers or less and designed and used for the transportation of persons.

Automobile impoundment yard/tow service and wrecking facilities. A parcel of land or a building that is used for the storage of wrecked motor vehicles which are kept for a period of time not exceeding 45 days, and the dismantling or disassembly of damaged or wrecked vehicles.

Automobile repair. Buildings and land where repairs, including painting and body repair, are made on automobiles.

Automobile sales. Buildings and land used for the retail sale of automobiles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacement parts and services including mechanical and body repair or restoration.

Automobile service station. An establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, windshield wiper blade replacements, lubrication and minor repairs may also be provided if incidental to such principal use.

Automotive convenience and gas station. Structures designed for the sale of motor fuels and groceries. This establishment may include an automatic car wash but cannot engage in the business of automotive repair.

Basement. An area below the first floor level in a building and having not more than one-half of its clear floor-to-ceiling height above grade. A basement shall not be counted as a story.

Bed and Breakfast inn (B&B). A private owner-occupied residence with one to three guestrooms. The B&B is subordinate and incidental to the main residential use of the building.

Buffer. A portion of a lot set aside to provide a visual separation from abutting tracts, uses, or streams through the use of natural vegetation or other means including replanting, or the provision of supplemental plantings or other visual screening elements or noise attenuation devices. Buffers are not included in setbacks.

Buildable area. That area of a tract or parcel of land excluding all floodplains, wetlands, bodies of water, required buffers, easements, street rights-of-way and/or other encumbrances.

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

Building height. The vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level to the top of the highest roof surface. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. See also tower height.

Building materials establishments. A business engaged in selling primarily lumber or lumber and a general line of building materials to the public. While these establishments may also sell to contractors, they are known as retail in the trade. General building materials include: doors; windows; electrical supplies; flooring; paint; glass; wallpaper; wall covering; plumbing supplies (retail); and tile.

Building setback line. The minimum distance allowed between the street right-of-way line and the principal building or structure on a lot or any projection thereof, except the projections of unenclosed porches, steps, eaves, gutters and similar fixtures as permitted by this section.

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

Campground. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Care home. A state-licensed convalescent center, assisted living facility, memory care facility, or similar use established to render long-term domiciliary care to individuals of retirement status no longer able to live independently. This shall not include facilities for the care of mental patients, epileptics, alcohol/drug use patients, or nursing homes.

Child caring institution. Any institution, society, agency, or facility which either primarily or incidentally provides full-time care for children under 17 years of age outside of their own homes, subject to such exceptions such as may be provided in rules and regulations of the state board of human resources. For purposes of these rules, a child caring institution means any institution, society, agency or facility that provides care to six or more children.

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

Commercial motor vehicle. Any vehicle with a gross vehicular weight greater than 10,000 pounds or with a minimum width of 80 inches and a maximum length of 196 inches. Construction or other similar vehicles or equipment not designed and intended for passenger use or for on-the-road hauling shall be deemed commercial motor vehicles.

Commercial motor vehicle repair. Buildings and land where repairs, including painting and body repair, are made on commercial motor vehicles.

Commercial motor vehicles sales. Buildings and land used for the retail sale of commercial motor vehicle sales, including boats and recreational vehicles. Repairs may occur at any establishment involved in retail sales, storage of inventory or replacements parts and services including mechanical and body repair or restoration.

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 human resources, division of mental health, developmental disabilities, and addictive diseases. A community living arrangement is also referred to as a "residence".

Construction vehicle. Any heavy-duty vehicle designed for executing construction tasks, including but not limited to backhoes, bulldozers, front loaders, excavators, graders, cranes, dump trucks, and similar vehicles.

County. Fayette County, Georgia.

Day care—Child care learning center. Any center operated by a person, society, agency, corporation, institution, or group that receives pay for group care, children remain less than 24 hours per day and provides care for 19 or more children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Day care—Family home. A private residence operated by any person who receives pay for supervision less than 24 hours per day, without transfer of legal custody, of at least three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents of the same private residence.

Day care—Group. A center operated by any person, partnership, association, or corporation that receives pay for group care, operates less than 24 hours per day and provides care for seven to 18 children, under 18 years of age, and which is required to be licensed or commissioned by the Georgia Department of Early Care and Learning.

Day spa. A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Massage treatments may include body packs and wraps, exfoliation, cellulite and waxing, aromatherapy, cleansing facials, medical facials, and nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instructions may be provided in addition to the massage and therapeutic treatment services. Full-service hair, make-up consultation and application and manicure and pedicure services may be provided as additional services.

Density. As used in residential categories of the comprehensive land use plan for the Town of Tyrone, means the number of dwelling units permitted per acre or other specified area of land. For the purpose of this definition street rights-of-way shall not be included in density calculations.

Drive-in. A retail or service enterprise where service is provided to the customer on the outside of the principal building.

Dwelling. A building or part of a building designed for occupancy by one family for residential purposes as a single housekeeping unit.

Dwelling, single-family. A detached dwelling designed for and containing one dwelling unit.

Dwelling, two-family or duplex. A dwelling designed for and containing two dwelling units totally separated from each other.

Dwelling, multi-family. A dwelling designed for three or more dwelling units totally separated from each other.

Dwelling, townhouse. One of a series of three or more attached dwelling units which has ground floor access and is separated from the others by wall partitions extending at least from the lowest floor level to the roof.

Dwelling unit. A house or other structure or portion of any building or structure forming a separate, independent housekeeping establishment with provisions for cooking, eating, sleeping and sanitation.

Extended Stay Hotel. A building containing at least 20% of guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for occupancy beyond 15 days, and/or have facilities for the refrigeration and preparation of food by guests, such as a cooktop/stove, oven, or dishwasher.

Formatted: Font: Italic

Exterior storage. The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair not in an enclosed building.

FAA. The Federal Aviation Administration.

Family. One or more persons occupying a single dwelling unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Farm operations. Farming operations related to livestock-raising, provided all structures permitted under this category are related to the farming operations.

Farmers' market. Seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC. The Federal Communications Commission.

FEMA. The Federal Emergency Management Agency.

Floor area, accessory structure. The sum of the horizontal areas of the several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, principal structure. The area of a dwelling exclusive of unheated attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling.

Frontage lot. A lot for which one of the principal boundary lines as described on the deed is coincident with a street right-of-way line.

Group home. A facility or dwelling unit housing two or more individuals who are not related to the owner by blood or marriage and operating as a single family-like housekeeping unit, including but not limited to homes for orphans, foster children, the elderly, and battered children and women.

Hardware store. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

Health club. A place or building where active exercise and related activities are performed utilizing weight control or muscle-building equipment or apparatus for the purpose of physical fitness.

Height. See building height; tower height.

Home occupation. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

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

Hotel. A facility with more than 3 rooms in which lodging, along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service, and fitness center, are provided for transient guests for stays of less

than 30 days and offered to the public for compensation. The term "hotel" includes the term "motel," "inn," "lodging house," "tourist court," and "extended stay hotel." ~~A building in which overnight accommodations are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".~~

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

Indoor pet boarding. Any facility where pet animals owned by another person are temporarily boarded indoors for pay, trade, barter, commission or remuneration of any sort; however, this definition shall not apply to animal hospitals and veterinary clinics operated by veterinarians duly licensed under law.

Indoor sports facility. An indoor facility accommodating a variety of individual, organized, or franchised sports, including wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, arcade, and other support facilities.

Intermediate care home. A facility which admits residents on a medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies, and it otherwise complies with these rules and regulations.

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

Kennel. Any location boarding, caring for and keeping more than a total of four dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) or any location boarding, caring for and keeping more than a total of ten chickens. The definition for kennel herein shall not include those facilities that satisfy the definition for indoor pet boarding and which are located on property zoned under the town's community commercial (C-1) or highway commercial (C-2) zoning classifications.

Landfill. Disposal sites where solid wastes, other than recyclable wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

Livestock. Animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, roosters, ducks, geese, mules, emu/ostrich, buffalo, and llamas. This term shall be deemed to specifically exclude domestic dogs and domestic cats, as well as chickens (other than roosters) and normally domesticated small animals such as rabbits, hamsters, and guinea pigs.

Lot, corner. A lot located at the intersection of two streets.

Lot coverage. The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, other similar uses, and recreation facilities which are accessory to a permitted use.

Lot of record. A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the clerk of the superior court of the county; or a parcel of land, consistent with the town's ordinances and regulations at the time of conveyance, conveyed by deed recorded in the office of the clerk of the superior court of the county.

Lot, parcel. A tract of land legally transferable as a single unit of land.

Lot, through. A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width. The distance from one side lot line to the other side lot line measured at the minimum building setback line.

Manufactured housing. Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on a site, it is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For purposes of this Ordinance, the term "mobile home" shall be construed to mean "manufactured housing" or "manufactured home."

Manufactured home lot. A parcel of land in a mobile home park for the placement of a single mobile home and for the exclusive use of its occupants.

Manufactured home park. A parcel of land which has been planned and improved for the placement of mobile homes for nontransient use.

Motel. See hotel.

Neighborhood recreation center or swimming pool (residential zoning districts). A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with the development and are usually located within or adjacent to such development.

Nonconformance. A legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of the ordinance from which this section derives, or as the result of subsequent amendments.

Nursing home. A 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 and 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; it otherwise complies with these rules and regulations.

Open space. That portion of a lot, including yards, established pursuant to the requirements of this section as open space, which is open and unobstructed from its lower level to the sky, with the exception of natural foliage, flower garden or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not part of the roof of any portion of any building.

Parks. A natural or landscaped area, with or without buildings or structures, to meet the active or passive recreational needs of people.

Personal care home. Any dwelling, whether operated for profit or not, which undertakes through its ownership and management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more individuals who are not related to the owner by blood or marriage.

Public use. Administrative and cultural buildings, uses and structures, including lots and facilities owned, used or operated by a governmental agency.

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

Religious institution. A building used for public worship including temples, synagogues and related Sunday school or church school facilities.

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

Self-storage facility. A building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

Sewer system, central sanitary. Collection of sanitary sewage via a pipe network and its transportation to a common collection point with treatment to required Georgia Department of Natural Resources criteria prior to release.

Sewer system, community sanitary. A sanitary sewer system provided for the collection of sanitary sewage for a platted subdivision of not less than 30 lots via a pipe network with transportation to a common collection point for on-site treatment.

Small engine sales and repair. The sale and repair of lawnmowers, motorized lawn equipment, motorized hand-carried tools, motorcycles, and motor scooters.

Special trade contractor. A person or establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, flooring, roofing or tile.

Specified anatomical areas. Specified anatomical areas shall include any of the following:

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

Specified sexual activities. Specified sexual activities shall include any of the following:

- (1) Human genitals in a discernible state of sexual stimulation or arousal;
- (2) Actual or simulated sexual intercourse, masturbation, oral copulation, flagellation, bestiality, fondling, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock, or female breasts; or
- (4) Any combination of the foregoing.

State. The State of Georgia.

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 multistory building used for parking, excluding a basement, shall be classified as a story.

Street, private. Any right-of-way or area set aside to provide vehicular access within a development which is not dedicated or intended to be dedicated to the town, and which is not maintained by the town.

Street, public. All streets other than private streets.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to permanently mounted signs, tennis courts, swimming pools and buildings, but does not include walls or fences.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose (whether immediate or future) of sale, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether public or private) or a change in an existing street, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this section; and
- (2) The division of land into parcels of five acres or more where no new street is involved.

Tower, tower facilities. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures. Facilities shall also include all accessory buildings excluding tower anchors.

Tower height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. See also building height.

Town. The Town of Tyrone, Georgia.

Vehicle, abandoned. A vehicle which is wrecked, dismantled, partially dismantled, discarded, is in an unhealthy condition, does not bear a current license plate with an appropriate decal affixed thereto or is incapable of being moved under its own power, unless said vehicle is stored within a completely enclosed building.

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

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

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

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

(Revised June 6, 2013; October 3, 2013; April 2, 2015; Ord. No. 2018-07, § 1, 5-17-2018; Ord. No. 2020-06, § 1, 9-17-2020; Ord. No. 2023-03, § 1(A), 2-16-2023)