

ARTICLE IV. – DEFINITIONS

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purposes of this ordinance certain words or terms used herein shall be defined as follows:

- Words used in the singular include the plural and words used in the plural include the singular.
- Words used in the present tense include the future tense.
- The word "building" includes the word "structure".
- The word "erected" includes the words "constructed" "moved" "located" or "relocated".
- The word "lot" includes the words "plot" or "parcel".
- The word "map" or "zoning map" means the zoning map of Clarkston, Georgia.
- The word, "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.
- The word "shall" is always mandatory and never discretionary.
- The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied".

Accessory use or building: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot in the rear yard.

Agriculture: The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.

Alley: A public street which ordinarily affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration: A change or rearrangement in the exterior walls or structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving of said building or structure from one location or position to another. In addition to the foregoing, any building or structure shall be considered as being altered whenever it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its fair sales value immediately prior to the beginning of such repairs, renovation, remodeling, or rebuilding.

Automobile repair center or garage: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating. For vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise. Such engines, motor vehicles, trailers, or parts thereof may remain in an inoperable condition for a maximum of thirty (30) days.

Automobile service center: Any building, structure or land used for the dispensing, sale, any automobile fuels, oils, or accessories and where general automotive servicing is performed, such as replacement of mufflers, shocks and tires and motor tune-ups, as distinguished from major automotive repairs.

Automobile service station (filling station): A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

Automobile storage yard or used car lot: A lot or group of continuous lots used for the storage, display or sale of operable automobiles where no repair work is done. This would include secondhand car lots.

Automobile sales: The use of any building, land area or other premise for the display and sale of new or used motor vehicles, and including any warranty repair work or other repair service; provided, however, that such definition shall not include the sale by an individual of motor vehicles acquired for such individual's own use and actually so used.

Automobile storage yard and wrecker service: An establishment used for the short-term storage of damaged or confiscated vehicles.

Basement (daylight): A story partly underground and having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. A basement shall be counted as one-half ($\frac{1}{2}$) story for the purpose of height measurement if used for dwelling or business purposes.

Boarding house: A dwelling in which meals or lodging or both are furnished for compensation to more than two (2) but not more than ten (10) non-transient persons.

Buffer: An undisturbed area that shall remain in its natural state and enhanced with additional landscaping in order to provide separation and screening for adjacent properties and adjacent rights-of-way.

Buffer area: A strip of land established to protect 1 type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.

Buffer, landscape: An area using transitional screening elements such as fences, walls, and/or landscape plantings to separate and partially screen adjacent properties and adjacent rights-of-way.

Building: Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Building coverage: The horizontal area measured from the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

Building facade: The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.

Building height, residential: For all single-family residential detached buildings and structures, building heights shall be the vertical distance measured from the highest point of the front door threshold of the existing or previously existing house on the property, to the highest point of the roof. See "threshold, front door" definition.

Building height, non-residential: For all buildings and structures not classified as residential, building heights shall be the vertical distance measured from the finished front yard grade to the highest point of the roof.

Building line or front yard set back line: A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps, terraces, stoops or similar fixtures.

Carport or garage, private: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of main building. A carport would be considered a private garage.

Car wash: A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.

- (1) *Automatic car wash* means a car wash where the labor is not supplied by the patron.
- (2) *Coin operated car wash* means a car wash where the patron supplies the labor.

City: The City of Clarkston, Georgia.

City council: The City Council of Clarkston, Georgia.

Club: Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Comprehensive plan: A policy guideline including the Future Development Map adopted by the Mayor and Council representing issues, goals, policies, and actions for the growth and development of the City. While adopted by the Mayor and Council, it does not serve as a development ordinance nor does it carry the force of law, but rather serves as a guide to desired and/or continued growth and development citywide.

Conditional use: A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.

Condominium: Individual ownership units in a multi-family residential, commercial, and/or industrial structure(s), combined with joint ownership of common areas and facilities.

Convenience store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 2,000 square feet.

Cottage housing development: Planned unit developments comprised of cottage housing residential units, organized in clusters. Cottage Housing is a style of small lot/home development designed for single-family dwelling, and is restricted in square footage, density, and architectural standards as defined within Section 904. CHDs are characterized by a shared central open space.

Customary home occupations: Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity and no sign is used or no display that will indicate from the exterior that the building is being utilized in any part for any purpose other than that of a dwelling; there is no commodity stored on the premises or held for sale to the public from the premises; no person is employed other than a member of the immediate family residing on the premises and no mechanical or electronic equipment is used for commercial purposes.

Density: The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.

Developed floor area: The enclosed areas of a building that are heated or cooled.

Development: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, boarding and lodging houses.

Dwelling, Multiple family: A building designed to be occupied by three (3) or more families living independently of each other, and doing their cooking in the said building.

Dwelling, Single-family: A building containing but one (1) housekeeping unit designed to be occupied by not more than one (1) family.

Dwelling, Two-family (duplex): A building containing not more than two (2) kitchens, designed to be occupied by not more than two (2) families living independently of each other.

Dwelling unit: One (1) or more rooms designed for the occupancy, cooking, and sleeping of one (1) or more persons living as a family.

Easement: An incorporeal interest in land owned and legally titled by another, permitting its limited use or enjoyment on, over, or under said land without actual occupancy.

Erect: To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Family: One (1) or more related persons or four (4) or less unrelated persons occupying a dwelling and living as a single housekeeping unit. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floodplain: That area within the intermediate regional flood contour elevations subject to periodic flooding as designated by the DeKalb County Roads and Bridges Director based upon

the U.S. Corps of Engineers' Floodplain Information Reports and other federal, state or county hydraulic studies.

Floor area: The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies and unfinished basements.

Floor area ratio (FAR): A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located as: $Floor\ area/Lot\ area = Floor\ area\ ratio$.

Frontage: The length of any property line of a premises which abuts public rights-of-way.

Future development map: Adopted as part of the comprehensive plan, the future development map establishes future development areas in the City of Clarkston. The intent for future land use and development in each area is established by supporting text in the comprehensive plan.

Garage apartment: An accessory or subordinate building, not a part of or attached to the main building where a portion thereof contains living facilities for not more than one family and the enclosed space for at least one automobile is attached to such living quarters.

Garage, commercial: A commercial structure or any portion thereof in which 1 or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale.

Garage, private residential: A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Gross leasable area (GLA): The total gross floor area within building(s) which is occupied exclusively by individual tenants and upon which the tenants pay rent.

Guest cottage: Living quarters within a detached accessory building located on the same premises as the main building to be used exclusively for housing members of the family occupying the main building and their non-paying guests; such quarters having no kitchen facilities and not to be rented or otherwise used as a separate dwelling.

Hotel or motel: Any building or group of buildings containing principally sleeping rooms in which transient guests are lodged with or without meals with payment on a daily or weekly basis.

Junkyard: Property used for indoor or outdoor storage, keeping or abandonment, whether or not for 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.

Landfill: See "sanitary landfill."

Landscaping: The installation and permanent maintenance of trees, shrubs, ground covers, mulch, grass and other planting materials.

Landscape strip: A ground area installed with landscape materials such as street trees, shrubs, ground cover, etc. (Paving material such as gravel and concrete pavers may be used in combination with plant material.)

Laundry, self-service: A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include processing the laundry by the management on behalf of the customer.

LCI Study: Refers to the City of Clarkston Livable Centers Initiative Study (2004).

Livestock: Any animal with hooves, including but not limited to, cattle, horses, goats, mules, pigs, and sheep.

Loading space, off-street: Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lot: A portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Corner lot: A lot fronting on two (2) streets or their intersection, provided that the interior angle formed by the intersection is less than one hundred and thirty-five (135) degrees. When the frontage on one (1) street exceeds the frontage on the other, the one with the least frontage shall be deemed the front of the lot.

Interior lot: A lot other than a corner lot.

Through lot: An "interior lot" having frontage on two (2) parallel or approximately parallel streets.

Lot depth: The distance measured in a mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.

Lot of record: A part of land subdivision, the map of which has been recorded in the office of the clerk of DeKalb County, Georgia.

Lot width: The horizontal distance between the side lines of a lot measured at the front building line.

Modular home: A 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.

Mixed-use development: Development projects that incorporate new residential and non-residential (commercial, community facility and light industrial) uses and are permitted as-of-right in certain zoning districts.

Official zoning map: A legally adopted map that conclusively shows the location and boundaries of zoned districts.

Open Space: An open, unoccupied, unobstructed space that provides a usable amenity area on the same lot as a building. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards this requirement. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property. Open space shall not include areas devoted to public or private vehicular access.

Outdoor Storage: The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.

Parking lot: An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Permitted use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Planned unit development (PUD): A provision that allows more flexibility to development projects that incorporate two (2) or more buildings on a tract or several tracts of land than would otherwise be allowed by the underlying zoning district regulations. The following types of PUDs are allowed by this ordinance: Planned residential developments; cottage housing developments, and planned mixed-use developments; planned commercial development.

Planning and Zoning Board: Refers to the Planning and Zoning Board of the City of Clarkston as described in Chapter 15 of the Clarkston Code of Ordinances.

Poultry. Any domesticated fowl whether kept for the production of eggs, meat, feathers, or otherwise.

Private deed restrictions or covenants: Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

Restaurant, carry-out: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.

Restaurant, dine-in: A retail establishment where food and beverages are offered for sale to the public for either on-site consumption or for carry out to consume off-site.

Restaurant, drive-through: Any restaurant where all or a portion of the business activity is dedicated serving customers by way of a drive-through window that allows customers to be served while inside an automobile.

Retail services: Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

Retail trade: Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. goods.

Sanitary landfill: An area of land utilized for sanitary disposal by filling with solid waste refuse and garbage, then covering with layers of earth.

Setback: The required space between a property line and a building or specified structure.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above. Attic or daylight basement space is construed as one-half ($\frac{1}{2}$) story. A fully underground basement is not a story.

Street: A thoroughfare that affords the principal means of access to abutting property.

Street grade: The establishment grade of the front street or other higher street upon which the lot abuts at the midpoint of the frontage of the plot thereon. (What is this???) Do we even need it?)

Street line or highway margin: The dividing line between a lot, tract or plot of land and a contiguous street, road or highway right-of-way.

Structure: Anything constructed or erected on the ground or attached to something on the ground.

Structural alterations: Any change, except for repair or replacement, in the supporting members of a building such as load-bearing walls, columns, beams or girders, floor joists or roof joists.

Structural trim: The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to any structure, including signs.

Subdivision: All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision. Subdivision is also 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.

Temporary housing: Any tent, trailer, or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities systems and which is not on the same premises for more than thirty (30) consecutive days.

Threshold, front door: Establishes location of new residential construction for purposes of controlling proportion of mass and building height to lot size.

Variance: A grant of relief that modifies the strict dimensional or numerical requirements of this ordinance to permit construction in a manner that would otherwise be prohibited by this code. A variance from the terms of this ordinance may be granted per criteria established here within and provided that the variance not be contrary to the public interest.

Yard: An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.

Yard, front: An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. In the case of corners, all sides of the building facing the street are considered the front.

Yard, rear: An open space not including parking on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.