



DIVISION 724

DEFINITIONS

- Abut
- Accessory building or use
- Accessory dwelling unit (ADU)
- Agriculture
- Airport
- Alley
- Alteration
- Animal hospitals
- Apartment house
- Apartment unit
- Assisted living facility
- Automated teller machine
- Automobile maintenance
- Automobile repair
- Automobile sales
- Automobile service station (gas, filling station)
- Automobile storage yard and wrecker service
- Automobile wrecker yard
- Basement
- Base Station
- Bed and breakfast inn
- Bedroom
- Block
- Brew pub
- Brewery
- Briars
- Buffer
- Buffer area
- Buffer, landscape
- Building
- Building coverage
- Building façade
- Building height
- Building permit
- Building setback line
- Bulk sanitation containers
- Bulk storage
- Business park
- Car wash
- Cemetery
- Central business district (CBD)
- Certificate of occupancy (CO)
- Child care center
- Church
- City
- City planning
- City standards
- Clean
- Clerk of superior court
- Club or lodge, private
- Collocation
- Composting
- Comprehensive plan
- Conditional use
- Condominium
- Condominium, commercial
- Contractor's establishment
- Construction vehicle
- Covenant
- Convenience stores
- Cul-de-sac
- Curb cut
- Debris
- Dedication
- Density
- Detention facility
- Development
- Display case
- Distillery
- District
- Domesticated animals
- Drive-in establishment
- Drive-in restaurant
- Driveway
- Drug abuse treatment center (inpatient)
- Drug abuse treatment center (outpatient)
- Drug store
- Dwelling, detached



ZONING ORDINANCE

DIVISION 724

DEFINITIONS

- Dwelling, duplex
- Dwelling, multiple or multifamily
- Dwelling, quadraplex
- Dwelling, single family
- Dwelling, single family attached
- Dwelling, triplex
- Dwelling unit
- Easement
- Eligible Facilities Request
- Eligible Support Structure
- Erosion
- Family
- Family day care
- Fence
- Fence, solid
- Finished floor elevation
- Flag
- Flag lot
- Floodplain
- Floor area
- Floor area ratio
- Four-sided architecture
- Fraternity or sorority house
- Frontage
- Funeral home
- Garage, commercial
- Garage, private residential
- Garbage
- Golf course
- Grade
- Grade Plane
- Group home
- Halfway house
- Health department
- Health practitioner
- Height
- Height, building
- Heliport
- High rise residential development
- Historic district
- Hobby
- Home for the aged
- Hospital
- Hotel
- Impervious surface
- Improvement
- Indoor BB/air rifle shooting range
- Industrial park
- Junk
- Junk vehicles
- Junk yard
- Kennel
- Kudzu
- Livestock
- Lot
- Lot, substandard
- Lot coverage
- Lot depth
- Lot line
- Lot width
- Lot of record
- Major side setback
- Manufactured home
- Manufacturing, processing, assembling
- Material recovery facility
- Mini-warehouse
- Minor side-setback
- Mobile Retail Food Establishment
- Modular home
- Motel
- Museum
- Nightclub
- Nonconforming use, building, lot, parcel of land
- Nursing home
- Occupant
- Office, general
- Office, medical/dental
- Office, professional
- Official thoroughfare map
- Official zoning map
- Off-street parking space
- Open space
- Outdoor storage
- Parking area
- Parking lot
- Parking space
- Party House
- Permanent sign



ZONING ORDINANCE

DIVISION 724

DEFINITIONS

- Permit
- Permitted use
- Personal care home
- Personal service establishment
- Pharmacy
- Places of assembly
- Plan, detailed
- Plan, general
- Planned development
- Planning commission
- Plat
- Plat, exemption
- Plat, final
- Plat, preliminary
- Portable chemical toilet
- Portable hand washing fixture
- Portable sanitation unit
- Portable storage units
- Public works director
- Quasi-judicial decision
- Rear yard
- Recovered materials
- Recovered materials processing facility
- Recreational vehicles
- Recycling collection point
- Residence
- Residential day care center
- Residential district
- Rest home (see Home for the aged)
- Retail services
- Retail trade
- Right-of-access
- Right-of-way
- Roofline
- Rubbish
- Sanitary
- School
- Setbacks
- Shopping center
- Sidewalk
- Side yard
- Sign
- Sign, A-frame
- Sign, abandoned
- Sign, animated
- Sign, announcement
- Sign, area
- Sign, banner
- Sign, building identification
- Sign, canopy
- Sign, changeable copy
- Sign, construction
- Sign, dilapidated
- Sign, detached
- Sign, directory
- Sign, event
- Sign, face
- Sign, flashing
- Sign, freestanding
- Sign, general advertising
- Sign, illuminated
- Sign, internally illuminated
- Sign, marquee
- Sign, monument
- Sign, nonconforming
- Sign, nostalgic
- Sign, off-premises
- Sign, on-premises
- Sign, permitted
- Sign, personal expression
- Sign, political
- Sign, portable display
- Sign, projecting
- Sign, pylon
- Sign, real estate
- Sign, real estate directional
- Sign, roof
- Sign, structure
- Sign, temporary
- Sign, trailer
- Sign, vehicular
- Sign, wall
- Sign vehicular
- Sign, wall
- Sign, window
- Sign area
- Sign clearance
- Sign height



ZONING ORDINANCE

DIVISION 724

DEFINITIONS

- Site plan
- Solid waste handling facility
- Story
- Street
- Street, alley
- Street, arterial
- Street, collector
- Street, local
- Street, private
- Structure
- Subdivider
- Subdivision
- Substantial Change to wireless tower...
- Swale
- Tasting room
- Tavern
- Temporary bulk waste container
- Tract
- Trailer
- Trailer, camping
- Tower
- Townhouses
- Transmission Equipment
- Variance
- Vehicle
- Warehouse
- Waste transfer station
- Weeds
- Wholesale trade establishment
- Winery
- Yard (Front, Rear, Side)
- Zero lot line
- Zone
- Zoning decision
- Zoning ordinance

724.01 Interpretation of words

- A. Words used in the singular shall include the plural, and the plural the singular; and words in the present tense shall include the future tense.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- E. The word “structure” includes the word “building.”
- F. Words not defined herein shall be construed as having the meaning given by common and ordinary use.
(Code 1978, Sec. 7-2201)

724.02 Definitions of terms

For the purpose of this article, the following definitions shall apply:

- *Abut*: To physically touch or border upon; or to share a common property line.
- *Accessory building or use*: A use or a structure subordinate to the principal use or building on a lot and serving the purpose customarily incidental to the use of the principal building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

- *Accessory dwelling unit (ADU)*: a secondary, independent residential dwelling unit located on the same lot as the primary detached single-family home, which would be considered the principal structure. An accessory dwelling unit may either be attached to or detached from the principal structure, but in any case, must be located to the rear of the principal structure. Examples of other names include accessory units, secondary suites, in-law suites and granny flats.
- *Adult establishment*: an “adult arcade,” an “adult bookstore,” an adult cabaret,” an “adult motion picture theater,” or a “sexual device shop” as defined in Section 8-20-020 of the Marietta Municipal Code.
- *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.
- *Airport*: A place designed for the landing and taking off of aircraft, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.
- *Alley*: A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- *Alteration*: Any change or re-arrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- *Animal hospitals*: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- *Apartment house*: A structure containing three or more dwelling units.
- *Apartment unit*: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.
- *Assisted living facility*: A facility licensed by the State of Georgia for the transitional residency of elderly and/or disabled persons, progressing from independent living to congregate housing, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.
- *Automated teller machine*: A mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use.
- *Automobile maintenance*: The routine replacement and maintenance of non-engine related parts including brake repair, tire replacement, tune-ups, and oil changing. This term shall not include engine or body dismantling.
- *Automobile repair*: 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 30 days.
- *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 service station (gas, 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 and wrecker service:* An establishment used for the short-term storage of damaged or confiscated vehicles.
- *Automobile wrecking yard:* Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition, or any land, building or structure used for wrecking or storing of such motor 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.
- *Basement:* That portion of a building built partly underground having one-half or more of its floor-to-ceiling height below the average level of the lot grade but not less than six and one-half feet.
- *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
 - iii. Any structure other than a tower that, at the time the relevant application is filed with the City of Marietta under this section, supports or houses equipment described in paragraphs (i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support. The term does not include any structure that, at the time the relevant application is filed with the City of Marietta under this section, does not support or house equipment described in (i)-(ii) of this section.
- *Bed and breakfast inn:* A facility where overnight accommodations are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.
- *Bedroom:* A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.
- *Block:* A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways or any other barrier to the continuity of development.
- *Brew pub* means any eating establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.
- *Brewery* means any establishment where malt beverages are manufactured, except brew pubs licensed under this article, subject to the square footage limitations in the area district standards.
- *Briars:* A very prickly woody vine of the eastern United States growing in tangled masses and having tough, round stems.

- *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 right-of-way.
- *Buffer area*: A strip of land established to protect one 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 right-of-way.
- *Building*: Any structure designed or built for the support, enclosure, shelter, or protection 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*: The vertical distance from grade plane to the average height of the highest roof surface excluding from such measurement any church spire, chimney, elevator shaft, HVAC equipment or equipment room, and any utilities. If the building has a parapet wall, the average height will be measured to the highest point of the parapet wall.
- *Building permit*: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.
- *Building setback 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.
- *Bulk Sanitation Containers*- A metal container or receptacle designed to receive, transport and or dump between two and eight cubic yards of solid waste and/or garbage refuse. Bulk Sanitation Containers shall comply with the standards set forth in the Solid Waste Ordinance of the City of Marietta, Chapter 5-8 of the City Code.
- *Bulk storage*: The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.
- *Bulk Waste Container, Temporary* – A container or receptacle designed to receive, transport and or dump trash, waste and/or garbage or other materials associated with residential or commercial remodeling or construction.
- *Business park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual office uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Car wash*: A building, or portion thereof, where automobiles are washed by mechanical or high pressure water devices.
- *Cemetery*: Property used for the interring of the dead.
- *Central business district (CBD)*: The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, hotels, appropriate industrial activities, and transportation facilities.
- *Certificate of occupancy (CO)*: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.



ZONING ORDINANCE

DIVISION 724

DEFINITIONS

- *Child care center*: A private establishment enrolling five or more children and where tuition, fees, or other forms of compensation for the care of the children is charged. The term includes day nurseries and kindergartens.
- *Church*: A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.
- *City*: The City of Marietta.
- *City planning*: The decision-making process in which goals and objectives are established, existing resources and conditions analyzed, strategies developed, and controls enacted to achieve the goals and objectives as they relate to cities and communities.
- *City standards*: shall mean the City Standards of the City of Marietta, Georgia, which are hereby adopted and which are incorporated herein by reference. The city clerk shall maintain a copy of said city standards on file for inspection by the public.
- *Clean*: Orderly and free from rubbish, trash, junk, waste or garbage.
- *Clerk of superior court*: shall mean the Clerk of the Superior Court of Cobb County, Georgia.
- *Clinic*: A building or part of a building used as an office or offices for medical doctors, dentists, psychiatrists, chiropractors, physical therapists or other members of the medical profession that provide facilities and services for outpatient care, diagnosis, treatment, and observation of individuals suffering from illness, injury or other conditions requiring medical, surgical or therapeutic services. This definition does not include facilities providing patient beds for overnight care.
- *Club or lodge, private*: Buildings or facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but primarily for profit or to render a service which is customarily carried on as a business.
- *Collocation*: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- *Composting*: The controlled breakdown of organic waste (generally clipped and/or shredded yard waste and certain types of food) into a useful byproduct that can serve as mulch and fertilizer. A compost pile should be contained in a structure to reduce the possibility of attracting rodents and other animals. Further, the composting structure must: a) be located within the rear yard area of any property; b) be in a location that is not visible from a public road; c) be screened from view from any abutting neighbor's property.
- *Comprehensive plan*: A policy guideline including the Future Land Use 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 continued growth and development city wide.
- *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*: A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- *Condominium, commercial*: A building or buildings used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.
- *Construction vehicle*: Any vehicle (other than passenger vehicle, pick-up or panel truck) whose primary purpose is use in land development and construction including, but not limited to, earth moving equipment and dump trucks.

- *Contractor's establishment*: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.
- *Covenant*: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.
- *Convenience stores*: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
- *Cul-de-sac*: A minor street with only one outlet, sometimes called a "dead end" street.
- *Curb cut*: The opening along the curb line at which point vehicles may enter or leave the roadway.
- *Debris*: Debris is the remains of something that has been destroyed or broken up; an accumulation of discarded items; trash. Any solid material that is intended for disposal and that is a manufactured object, or plant or animal matter, or natural geologic material. Solid materials includes, but are not limited to materials such as asphalt, concrete, brick, lumber, wallboard, roofing materials, ceramics, and plastics resulting from construction, deconstruction, remodeling, repair, cleanup, and/or demolition operations.
- *Dedication*: Under subdivision regulations, the transfer of property from private to public ownership.
- *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.
- *Detention facility*: A municipal, county, or state jail used for the detention of prisoners; including; penal institutions, penitentiaries, prisons and prison institutions; detention and correctional institutions; rehabilitation institutions and work camps.
- *Development*: The division of an existing parcel of land; 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.
- *Display case*: A case, cabinet, or other device having a window of glass or other transparent material, or other opening, access to which is made from other than within the structure or building of which it is a part or attached to.
- *Distillery* means any establishment where spirituous liquors are manufactured, subject to the square footage limitations in the area district standards.
- *District*: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.
- *Domesticated animals*: Small animals permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, chickens, rodents, and birds, but excluding swine, livestock and exotic animals.
- *Drive-in establishment*: An establishment which is designated to provide, either wholly or in part, service to customers while in their automobile parked on the premises.
- *Drive-in restaurant*: 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.
- *Driveway*: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

- *Drug abuse treatment center (inpatient)*: A facility for treatment and/or therapeutic advice or counsel provided for the rehabilitation of drug- and alcohol-dependent persons who receive lodging and food as well as treatment.
- *Drug abuse treatment center (outpatient)*: A facility for treatment and/or therapeutic advice or counsel provided for the rehabilitation of drug- and alcohol-dependent persons. Outpatient facilities only operate during regular business hours and do not provide lodging or any overnight stays.
- *Drug store*: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well.
- *Dwelling, detached*: A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.
- *Dwelling, duplex*: A building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than two families.
- *Dwelling, multiple or multi-family*: A building designed for and containing three or more dwelling units.
- *Dwelling, quadruplex*: Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.
- *Dwelling, single family*: A building designed for and containing one dwelling unit occupied by one family unit.
- *Dwelling, single family attached*: A one-family dwelling attached to two or more one-family dwellings by common vertical walls. This term includes duplexes and triplexes.
- *Dwelling, triplex*: A building divided into only three dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than three families
- *Dwelling unit*: Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included in each “dwelling unit.”
- *Easement*: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
- *Eligible Facilities Request*. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - i. Collocation of new transmission equipment;
 - ii. Removal of transmission equipment; or
 - iii. Replacement of transmission equipment.
- *Eligible support structure*. Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City of Marietta under this section.
- *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 or more related persons or four or less unrelated persons occupying a dwelling and living as a single housekeeping unit provided that all related persons are related by blood, marriage or adoption. All related persons are limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant or of the owner's or the tenant's spouse. Domestic servants employed on premises may be housed on the premises without being counted as a family. 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.

- *Family day care*: A private residence in which a business is operated by any person who receives compensation for supervising and caring for no more than three (3) children under eighteen years of age, who are not residents in the same private residence, for fewer than 24 hours per day. Such a business shall not be registered by the State of Georgia, nor shall it be licensed by the City of Marietta.
- *Fence*: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- *Fence, solid*: A fence constructed of substantial material, including but not limited to wood, cementitious boards, and other materials that are similar in appearance. When wooden or cementitious planks or boards are used to construct the fence, spacing between such planks or boards must be as close as possible to provide continuous visual screening. "Solid fence" shall not include tarpaulins, chain link with slats, cloth material, scrap material, or vegetation.
- *Finished floor elevation*: The lowest floor level that is entirely at or above the ground level (basements are not considered the first floor level).
- *Flag*: The flying of national, state, county, city, or historic flags attached to flagpoles mounted on the ground or to flagstaffs attached to the façade of a structure.
- *Flag lot*: A lot or parcels approved by the City with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontages.
- *Floodplain*: That area within the 100 year regional flood contour elevation subject to periodic flooding as designated by the public works director based upon the U.S. Corp. of Engineers Flood Plain Information Reports and other federal, state and 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: $\text{Floor area} / \text{Lot area} = \text{Floor area ratio}$
- *Four-sided architecture*: Four-sided architecture involves a process during the building design phase of incorporating design elements into each of the four sides of the building while pairing economic feasibility with sustainable design.

Design elements on all sides of a building are compatible with the front elevation and/or the adjacent buildings. Architectural elements such as, but not limited to, window mullions, shutters, masonry exterior veneers, cornice detailing and window casing should demonstrate consistency on all four sides of the structure. This eliminates "brick front" or "3 sides brick" architecture and addresses the design and detailing of a building as opposed to the exterior finish material. If the budget requires the use of less expensive finish materials (i.e. siding or batten in lieu of stone or brick), the transition to these materials should be done at corners only and preferably should be incorporated on all elevations to reinforce the equal importance of the sides and rear.

- *Fraternity or sorority house*: A dwelling maintained exclusively for members affiliated with an academic college or university or other professional recognized institutions of higher learning.
- *Frontage*: The length of any property line of a premises which abuts public right-of-way.
- *Funeral home*: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

- *Garage, commercial:* A commercial structure or any portion thereof in which one 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.
- *Garbage:* Putrescible animal and vegetable wastes resulting from preparation, cooking and serving of food and the storage of produce.
- *Golf course:* A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses. A golf course is not considered an outdoor commercial recreation facility.
- *Grade:* The average level of the finished surface of the ground in a specific location.
- *Grade plane:* A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829) from the building.
- *Group Home:* A dwelling shared by individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration. All applicants shall provide detailed information of the caretaker staff including routine shifts, professional certifications/licenses, etc.
- *Halfway House:* A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes: 1) to help them recuperate from the effects of drug or alcohol addiction; 2) to help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or 3) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.
- *Health department:* shall mean the Cobb County Health Department.
- *Health practitioner:* A doctor, dentist, chiropractor but not including a veterinarian
- *Height:* The vertical distance measured from the grade plane to the highest point of a structure, sign or its supporting structure, whichever is higher.
- *Height, building:* See *Building height*.
- *Heliport:* Any area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
- *High rise residential development:* A building or buildings of at least five stories containing multi-family dwelling units and developed in accordance with the provisions of this article.

- *Historic district*: A district consisting of various zones which have substantial historic, architectural and/or cultural significance.
- *Hobby*: A pursuit outside ones regular occupation engaged in for relaxation and nonprofit making.
- *Home for the aged*: Any multifamily residential use limited to occupation by persons age 62 or older, with exception of managerial personnel. HUD elderly housing and handicapped housing; provided no health care services are furnished other than communication systems.
- *Hospital*: A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.
- *Hotel*: A building in which lodging or board and lodging are provided for transient guests, and offered to the public for compensation and which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.
- *Impervious surface*: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water including streets, roofs, sidewalks, parking lots and other similar structures.
- *Improvement*: Any man-made item which becomes part of, placed upon, or is affixed to, real estate.
- *Indoor BB/Air Rifle Shooting Range*: A facility operated by an educational, civic or non-profit organization, which provides for recreational shooting instruction and competition using BB/air rifles within a fully enclosed structure with walls constructed of brick, concrete, or masonry. The caliber of the BB/air rifles shall be no more than .177, with a muzzle velocity of no more than 450 feet per second.
- *Industrial park*: A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, including warehousing and distribution, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- *Junk*: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
- *Junk vehicles*: Any wrecked or non-operable automobile, truck or other vehicle.
- *Junk yard*: Any land or building or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other materials which is ready for destruction, or has been collected or stored for salvage or conversion to some use.
- *Kennel*: Any location where boarding, caring for and keeping of more than a total of four dogs or cats or other animals or combination thereof (except litter of animals of not more than six months of age) is carried on, and also raising of show and hunting dogs.
- *Kudzu*: Kudzu is a fast growing invasive vine found in the southeastern United States that originated in eastern Asia. (*Pueraria thunbergiana*)
- *Livestock*: Poultry, except for chickens, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- *Lot*: The basic development unit, an area with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public highway or alley.
- *Lot, corner*: A lot fronting on two streets at their intersection.
- *Lot, substandard*: A lot not meeting the required minimum lot dimensions of the zoning district it is in.
- *Lot coverage*: That amount of land covered or permitted to be covered by a building(s) excluding parking areas, driveways and walkways but including accessory structures measured in terms of a percentage of the total lot area.
- *Lot depth*: The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and midpoint of the rear lot line.



ZONING ORDINANCE

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DEFINITIONS

- *Lot line*: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- *Lot width*: The distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement.
- *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 Cobb County; or a parcel of land, the deed to which has been recorded in the office of the Clerk of the Superior Court of Cobb County.
- *Major side setback*: The required minimum horizontal distance between the building line and the property line which abuts any street frontage not considered as the front setback.
- *Manufactured home*: A structure transportable in one or more sections and which is built on a permanent chassis and 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. This unit must bear a HUD certificate.
- *Manufacturing, processing, assembling*: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.
- *Materials recovery facility*: A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.
- *Mini-warehouse*: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.
- *Minor side setback*: The required minimum horizontal distance between the building line and the side property line, provided such property line does not abut any street, public or private.
- *Mobile Retail Food Establishment*: is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.
- *Modular home*: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes having been built to state construction codes.
- *Motel*: A building in which lodging or board and lodging is provided for transient guests and offered to the public for compensation with access to each unit directly from the outside.
- *Museum*: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
- *Nightclub*: An establishment which operates with its primary income generation from the sales of alcoholic beverages, and which may offer live entertainment.
- *Nonconforming use, building, lot, parcel of land*: A legally existing use or building which fails to comply with any provision of this article either at the effective date of this article or as the result of subsequent amendments.

- *Nursing home*: A home for aged or ill persons licensed by the State of Georgia as such in which persons are provided with food, shelter and medical care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.
- *Occupant*: The individual or individuals in actual possession of a premises.
- *Office, general*: Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization, but excludes such uses as retail sales, manufacture, assembly or storage of goods, or places of assembly and amusement.
- *Office, medical/dental*: Any building or part of a building in which 1 or more persons are employed in the practice of medicine or dentistry.
- *Office, professional*: Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization staffed by professionally qualified persons and their staff. Examples of qualified professions typically are licensed by the State of Georgia and include, but are not limited to, architects, real estate brokers, health service practitioners, accountants, engineers and attorneys.
- *Official thoroughfare map*: The Thoroughfare Map of the City of Marietta as adopted and amended.
- *Official zoning map*: A legally adopted map that conclusively shows the location and boundaries of zoned districts.
- *Off-street parking space*: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.
- *Open space*: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. However, required landscaped buffer areas shall specifically not be included in open space calculations.
- *Outdoor storage*: The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.
- *Parking area*: Any public or private land area used for parking vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
- *Parking lot*: Any designated area designed for temporary accommodation of motor vehicles in normal operating condition.
- *Parking space*: Any area for the exclusive parking of a single vehicle.
- *Party House*: A Party House is hereby defined as a residential dwelling unit, including all accessory structures and real estate, which is used for the purpose of hosting a business or commercial special event, party, ceremony, reception or similar large-scale event and for which the owner or tenant thereof is paid a fee for the use thereof or charges admission to the premises or otherwise receives something of value for the use of such property. A business or commercial event shall also include business activities which include large-scale gatherings for which a rental fee or entry fee is charged and for which there is not sufficient parking for the event within the boundaries of the property. A business or commercial use shall also include the use of a tent for the event, the playing of outdoor loud music, the sale or provision of alcohol at such event and/or the use of fireworks or other loud devices at said event or which otherwise violate the City of Marietta's Noise Ordinance or which would require a business license. This ordinance shall apply fully to any and all third-party rental or booking services acting on behalf of the owner/tenant. This definition does not include civic, religious, non-profit, family, or cultural activities which would not otherwise violate this ordinance.
- *Permanent sign*: Any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.

- *Permit*: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.
- *Permitted use*: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- *Personal care home*: A facility licensed by the State of Georgia for the transitional residency of persons incapable of independent living, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling. All applicants shall provide detailed information of the caretaker staff including routine shifts, professional certifications/licenses, etc.
- *Personal service establishment*: A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, and travel agencies.
- *Pharmacy*: A place where medicines are compounded or dispensed.
- *Places of assembly*: Any property, building, or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, private club, fraternal organization or religious institution.
- *Plan, detailed*: A plan, presented to and approved by City Council after approval of a general plan but prior to site development permits being issued, that includes a detailed site plan, tree protection and replacement plan, and architectural elevations of all sides of all proposed buildings.
- *Plan, general*: A conceptual plan adopted when rezoning a property to PRD-SF, PRD-MF, MXD, PCD, or PID that establishes the intended use(s), layout, and density of a site.
- *Planned development*: A tract of land developed based on a plan which allows for flexibility of design not available under normal zoning district requirements.
- *Planning commission*: shall mean the Planning Commission for the City of Marietta, Georgia.
- *Plat*: A map representing a tract of land, showing the boundaries and location of individual properties and streets.
- *Plat, exemption*: A type of survey used for the combination of property, revision of boundary lines, or subdivision of a parcel into no more than three new lots and does not necessitate the construction of common or public infrastructure.
- *Plat, final*: The final map of all or a portion of a subdivision or site plan that describes and delineates property boundaries and dedicates right-of-way and easements, which must be approved by City Council.
- *Plat, preliminary*: A map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and approval.
- *Portable chemical toilet* means a self contained non-flush portable toilet facility containing a solution of water and chemical intended for the collection and temporary storage of human body wastes.
- *Portable hand washing fixture* means any portable fixture containing fresh water, soap and disposable towels used for cleaning an individual's hands.
- *Portable sanitation unit* means any portable structure or fixture used for the collection, temporary storage and chemical treatment of human body wastes that is not connected to an onsite sewage management system or public or community sewerage system. It includes portable chemical toilets and portable hand washing fixtures.
- *Portable Storage Units*: Transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential, commercial or industrial property.



ZONING ORDINANCE

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DEFINITIONS

- *Public works director*: The person vested by the city manager with the responsibility of directing the operations of building inspections, fleet transportation, sanitation, street and traffic administration, street department, and traffic services.
- *Quasi-judicial decision*: Decisions on applications for variances, appeals of decisions of the Director of Development Services, or other similar permits not enumerated as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by the City Council.
- *Recovered (recycled) materials*: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.
- *Recovered materials (Recycling) processing facility*: A facility engaged solely in the storage, processing, and resale or reuse of recovered or recycled materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.
- *Recreational vehicles*: Boat trailers and any type of portable structure without permanent foundations, which can be towed, hauled or driven and may be designed as temporary living accommodation for recreational, camping, and travel use, and including travel trailers, truck campers on or off the truck, camping trailers and self-propelled motor homes.
- *Recycling collection point*: A primary or accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items taking place.
- *Residence*: A home or dwelling utilized as living quarters.
- *Residential day care center*: A private residence in which a business, registered by the State of Georgia and licensed by the City of Marietta, operated by any person who receives compensation for supervising and caring for no fewer than four and no more than eight children under eighteen years of age, who are not residents in the same private residence for fewer than 24 hours per day.
- *Residential district*: Any zone consisting primarily of residential dwelling units.
- *Rest home*: See *Home for the aged*.
- *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 goods.
- *Right-of-access*: The legal authority to enter or leave a property.
- *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.
- *Roof line*: The top edge of the roof or top of the parapet, whichever forms the dominant top line of the building silhouette.
- *Rooming house*: See boarding house.
- *Rubbish*: Also referred to as trash, junk or waste, is any unwanted or undesired material or substance; combustible or noncombustible waste material, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

- *Sanitary*: Free from objectionable elements, not spreading pollution or contamination, the absence and/or removal of unwanted substances.
- *School*: State, county, city church or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high school learning centers.
- *Scrap yards (junk yards)*: A property used for the indoor or outdoor storage of materials, whether or not for sale, resale, keeping or abandonment, including scrap metal, rags, paper or other scrap material, 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.
- *Setbacks*: The required space between a property line and a building or specified structure.
- *Shopping center*: A group of commercial establishments constructed as a singular entity with customer and employee parking provided on-site.
- *Sidewalk*: A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- *Sign*: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, government unit, educational, or charitable organization, as well as any other place of assembly, shall not be included.
- *Sign, A-frame*: A detached, movable sign which has two (2) display areas, hinged on top, and an interior angle not to exceed sixty (60) degrees.
- *Sign, abandoned*: Any permitted sign or sign structure which was erected on a premises in conjunction with a particular use which has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
- *Sign, animated*: A sign with action or motion with moving characters or flashing colors which require electrical energy, including wind actuated elements, such as flags or banners. This term does not include time and temperature or revolving signs.
- *Sign, banner*: Any sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or fabric of any kind with only such material for backing.
- *Sign, building identification*: A wall sign used to identify or indicate the name of a building.
- *Sign, canopy*: A sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended.
- *Sign, changeable copy*: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
- *Sign, construction*: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- *Sign, detached*: A permanent sign affixed to the ground which is wholly independent of any building for support. This term includes portable display signs.
- *Sign, dilapidated*: Any sign which in the City's reasonable opinion is structurally unsound, has defective parts, or is in need of painting or maintenance.

- *Sign, directory:* A sign containing information relative to the location, distance to, entrance to, and exit from structures, or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick up and delivery areas, or land use activities.
- *Sign, event:* A temporary sign advertising private sales of personal property such as “house sales,” “garage sales,” “rummage sales” and the like or private not-for-profit events such as picnics, carnivals, game nights, art and craft shows and Christmas tree sales.
- *Sign, face:* The part of a sign that is or can be used for the display of any graphics, letters, numerals, or characters including any background material, panel, trim, color, or illumination that differentiates the sign from a façade or sign structure.
- *Sign, flashing:* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects including message boards or similar technology.
- *Sign, freestanding:* Any sign supported by a sign structure secured in the in the ground and which is wholly independent of any other support.
- *Sign, general advertising:* A detached sign which has a sign area greater than 250 square feet.
- *Sign, illuminated:* A sign illuminated directly or indirectly by gas, electricity or other artificial light including reflective or fluorescent light.
- *Sign, internally illuminated:* Any sign which has light transmitted outward through its face or any part thereof.
- *Sign, marquee:* A projection sign attached to a roofed structure of a building which may project over public or private sidewalk or rights-of-way.
- *Sign, monument:* Any sign that is self-contained and permanently attached to the ground that is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from 1 side of the sign to the other are permissible in the area beneath the highest point of the sign face.
- *Sign, nonconforming:* Any sign that does not meet the requirements of this Division.
- *Sign, nostalgic:* Any decorative sign made of wood, wrought iron, or similar material which contains one decorative post that has an arm that extends from the arm or any sign that has two decorative posts, not exceeding the height of the two posts.
- *Sign, off-premises:* Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being identified on such sign is itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.
- *Sign, on-premise:* Any sign the content of which relates to the premises on which it is located, referring to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises, or conveying any other message regardless of whether said message relates to the premises where the sign is located.
- *Sign, permitted:* Any sign for which a permit has been issued by the City of Marietta Planning and Zoning Department.
- *Sign, personal expression:* A detached sign located on private property containing non-commercial messages of the property owner. Obscene messages are prohibited.
- *Sign, political:* Any sign used in connection with political campaigns or civic non-commercial health, safety and welfare campaigns.

- *Sign, portable display:* A mobile/temporary, electrical or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.
- *Sign, projection:* A sign which is attached to the building wall and which extends more than 18 inches from the face of such wall.
- *Sign, pylon:* Any freestanding sign which rests upon a pylon or pole.
- *Sign, real estate:* A temporary sign advertising the sale, or lease of the property on which it is located.
- *Sign, real estate directional:* A sign which conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium, home for sale, apartment for rent, or any other property for sale or lease.
- *Sign, roof:* A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- *Sign, temporary:* A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays, or public demonstrations. This definition does not include portable display signs.
- *Sign, trailer:* Any sign mounted on wheels and that may be moved from one location to another.
- *Sign, vehicular:* Any sign on an operable vehicle or any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site for erection.
- *Sign, wall:* Any sign attached to or erected against a wall which is an integral part of the building, and projects no more than 18 inches from the wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the "box type" (i.e., letters and symbols on an attached backing) sign may also be installed.
- *Sign, window:* A sign affixed to or displayed within 1 foot of a window in any manner so as to be visible from a public right-of-way.
- *Sign area:* The entire face of a sign, its supporting structure and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard the space between such letters, figures or designs shall be included as part of the sign area. When a sign has parallel sides or where the interior angle formed by the faces is less than 45°, the sign shall be considered double-faced. The calculation for a double-faced sign shall be the area of one face only. The copy area of all "V" or "L" shaped signs with an internal angle of greater than 45° shall be considered as a single face. If the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.
- *Sign clearance:* The vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.
- *Sign height:* The distance in vertical feet from the grade of the road or the grade of the sign location, whichever is higher, to the highest point of the sign area.
- *Site plan:* The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping,

structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

- *Solid waste handling facility:* Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.
- *Story:* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those finished basements used for the principal use with a floor area greater than 50% of the story above.
- *Street:* A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.
- *Street, alley:* A service way, at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property; not intended for general traffic circulation.
- *Street, arterial:* A street shown as an arterial street on the current official thoroughfare map.
- *Street, collector:* A street shown as a collector street on the current official thoroughfare map.
- *Street, local:* A street shown on the current official thoroughfare map as a local street.
- *Street, private:* Any right-of-way or area set aside to provide vehicular access within a development which has not been dedicated to, nor accepted by the city, and which is not maintained by the city.
- *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.
- *Subdivider:* A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this article, or the authorized agent of such person, firm or corporation for the purpose of proceeding under these regulations.
- *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, and where appropriate to the context, related to the process of subdividing or to the land or area subdivided.
- *Substantial Change to wireless tower or wireless transmission equipment:* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater. (Changes in height will be measured from the top of the original support structure or tower);
 - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure,

- or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
 - iv. It would defeat the concealment elements of the eligible support structure; or
 - v. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(iv) of this section.
- *Swale*: A depression in the ground which channels runoff.
 - *Tasting room* means a use associated with and on the same premises as a brewery, winery, or distillery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.
 - *Tavern*: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
 - *Tower*. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
 - *Tract*: An area, parcel, piece of land, or property which is the subject of a development application.
 - *Trailer*: Any vehicle or structure constructed so as to permit occupancy thereof as sleeping or living quarters, or the conduct of any business, trade or occupation, or use as selling or advertising device, or use of storage or conveyance for chattel, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motive power. This term shall include, but not be limited to: automobiles, motorcycles, boat utility trailers, trailer coaches and manufactured homes.
 - *Trailer, camping*: Shall mean any portable structure or vehicle designed for highway travel at legal speed limits without special permit which is intended for temporary living.
 - *Transmission Equipment*. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - *Townhouses*: Attached houses in a row or group, each house separated from adjoining houses in the same row or group by fire walls and having fee simple title.
 - *Variance*: A device 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 as distinguished from a mere inconvenience or a desire to make more money.
 - *Vehicle*: Any automobile or other vehicle propelled by its own motor and operating on ordinary roadways. As used herein, the term includes passenger cars, trucks, motorcycles, motor scooters, motorized bicycles and the like.
 - *Warehouse*: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.



ZONING ORDINANCE

DIVISION 724

DEFINITIONS

- *Waste materials handling and recovery facilities:* A facility engaged in the storage, processing, resale or reuse of waste materials or recovered materials.
- *Waste transfer station:* A facility used for the temporary storage and collection of waste materials.
- *Weeds:* Includes all rank and uncultivated vegetation that has grown to more than twelve (12) inches in height, or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin.
- *Wholesale trade establishment:* An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.
- *Winery* means any establishment where vinous liquors are manufactured, subject to the square footage limitations in the area district standards.
- *Yard:* An open space on the same lot with a building or building group lying to the front, rear, or side of a building extending to the nearest lot line.
- *Yard, Front:* That part of a lot which extends across the full width of a lot between the front lot line and the nearest wall or supporting member of a principal building or structure.
- *Yard, Rear:* That part of a lot which extends across the full width of a lot between the rear lot line and the nearest wall or supporting member of a principal building or structure.
- *Yard, Side:* That part of a lot extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of the principal building or structure on the lot.
- *Zero lot line:* The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- *Zone:* A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.
- *Zoning decision:* Final legislative action by the City Council which results in:
 - (A) The adoption or repeal of a zoning ordinance;
 - (B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
 - (C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;
 - (D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;
 - (E) The grant or denial of a permit relating to a special use of property; or
 - (F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraph (C) or (E) of this paragraph.
- *Zoning ordinance:* The Zoning Ordinance of the City of Marietta, Georgia as adopted and amended. (Code 1996, Sec. 7-8-2-28-020; Sec. 1; Ord. No. 5524, 1/10/96; Ord No. 6101, 3/8/2000, Sec. 1; Ord. No. 6103, 3/8/2000, Sec. 1; Ord. No. 6104, 3/8/2000, Sec. 1; Ord. No. 7232, 09/10/2008) *Amended 8/17/13 (#20130576).*