

Chapter 22

LAND USE*

Article II. Zoning

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CHAPTER 22. LAND USE

ARTICLE II. ZONING*

DIVISION 1. PURPOSE & ENACTMENT

Sec. 22-26. Objectives.

This article is for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of Elberton; health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to protect natural resources; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, school parks, and other public requirements by dividing Elberton into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this article.

(Ord. No. 2050, § 1 (Art. I (1.1), 9-13-99)

Sec. 22-27. Legislative Authority.

The Mayor and Council of Elberton, Georgia, under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter 66, Title 36 of the Official Code of Georgia Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the city and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements, ordains and enacts into law the Official Zoning Ordinance for Elberton, Georgia.

(Ord. No. 2050, § 1 (Art. I (1.2), 9-13-99)

Se. 22-28. Method of Regulation.

The Mayor and Council of Elberton, Georgia, as authorized by the Constitution of the State of Georgia, adopts zoning regulations for the following purposes; to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination

of nonconforming uses of land, buildings and structures; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes. (Ord. No. 2050, §1 (Art. 1.3), 9-13-99).

***Editor's Note** – Ord. No. 2050, adopted Sept. 13, 1999, amended the Code by adding provisions designated as Ch. 22, Art. II. See the Code Comparative Table for a detailed analysis of inclusive.

Sec. 22-29. Jurisdiction.

This zoning ordinance shall govern the use of all land and development within Elberton, Georgia. (Ord. No. 2050, §1 (Art. I (1.4), 9-13-99)

Sec. 22-30. Short Title.

This article shall be known and may be cited as "The Zoning Ordinance for Elberton, Georgia". (Ord. No. 2050, §1 (Art. II (2.1), 9-13-99)

Sec. 22-31. Definitions.

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust or partnership. The word "lot" includes "plot" or "parcel". The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied". The word "used" shall be deemed also to include "designed", "intended", or "arranged to be used". The term "erected" shall be deemed also to include "constructed", "reconstructed", "altered", "placed", or "moved". The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous". The word "map" means the "Comprehensive Zoning Map, City of Elberton, Georgia", September 13, 1999 and as may be amended.

When used in this article, the following words and phrases shall have the meaning given in this section.

Accessory Building or Use means a subordinate building or use customarily incidental to the principal use of the land and located on the same lot with the principal use.

Alley means a platted service way providing a secondary means of access to abutting properties which is 20 feet or less in width.

Alteration means any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or movement of a building from one location to another or any increase in the amount or volume of space used for any activity.

Animal Shelter means a public or private facility exclusively for the temporary housing of stray or unwanted domestic animals.

Apartment means a suite of two or more rooms and a bath which is designed according to the Southern Building Code and designed or intended for occupancy by one family or one person doing its cooking therein. For zoning purposes, an apartment is regarded as a dwelling unit. A structure containing two apartments is a duplex. A structure containing three or more apartments is a multifamily dwelling.

Apartment Building means a multifamily dwelling unit located on a parcel of land under a single ownership and consisting of three or more single-family dwelling units separated by fire resistant walls as required by the Building Code of Elberton, Georgia.

Apartment House means any building or portion thereof which contains three or more apartments.

Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Automobile Sales Lot means premises designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles all of which are complete and operable. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed building.

Automobile Service Station means any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

Automobile Wrecking Yard or Automobile Used Parts means any place where three or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

Basement means a story partially below grade having at least one-half of its height above the grade of the lot upon which it is situated. A basement shall be counted as a story if used for dwelling or business purposes.

Bed and Breakfast means a dwelling unit, other than a hotel, motel or boardinghouse, or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the bed and breakfast must live on the premises.

Block means a piece or parcel of land entirely surrounded by public highways or streets, but excluding alleys.

Board of Adjustment means the board or body whose purpose is to hear appeals from decision of administrative officials.

Boardinghouse means a building other than a hotel where lodging and meals are provided for compensation or by pre-arrangement for at least three and not more than 20 persons at any one time. A building other than a hotel is not considered a boardinghouse by reason of a contribution to or expense sharing arrangement with the owner or tenant occupying the dwelling by a person related by blood or marriage.

Buffer Area means a landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development. This area shall be in addition to any required area, yard, and height requirements for the zoning district as specified in Division 6.

Buffer Strip, Landscaped means a landscaped buffer strip is one which is at least ten feet wide, densely planted with shrubs and/or trees at least five feet high at the time of planting, of such a nature as to produce a dense, compact evergreen planting screen capable of growing to a height of at least eight feet within three years.

Buffer strip, natural means a natural buffer strip is one which is at least 50 feet wide and has existing natural growth equivalent to a densely planted evergreen screen.

Buffer Wall means a landscaped buffer wall is a vegetative buffer which is at least ten feet wide that contains an opaque wall or barrier or uniformly painted fence at least six feet in height.

Building means any structure, either permanent or temporary, above or below ground, designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

Building, Height Of means the vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the grade. For buildings set back from the street or right-of-way line, the height may be measured from the average elevation of the natural grade along the front of the buildings, provided its distance from the street or right-of-way line is not less than the height of such grade above the established grade of the street. In the case of through-lots or double front lots, the established grade of such abutting street shall govern to one-half the depth of the lot.

Building Inspector means Elberton Building Inspector.

Building Line means a line, parallel to the street line beyond which the foundation wall and any rooted porch, vestibule or other such portion of a building shall not project.

Building Line Setback means the distance between the building line and the street lines in a district, lot, tract, or parcel of land.

Building, Principal means a building in which the primary use of the lot on which the building is located is conducted.

Bulk Plant or Station means a place where petroleum products or other flammable liquids are stored for wholesale purposes only, where the total capacity of all storage tanks is more than 12,000 gallons.

Business Entity means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

Campaign Contribution means a contribution as defined in paragraph (6) of O.C.G.A. § 21-5-3.

Cemetery, Religious Institution means a plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of that religious institution.

Cemetery, Private means any plot of ground, building, mausoleum or other enclosure used for the burial of deceased persons of one collateral line of descent.

Cemetery, Public means a plot of ground, building, mausoleum or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

Church. See “religious institution”.

Clinic means a building where human patients, who are not lodged overnight, are admitted for examination and treatment.

Club means buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is generally carried on as a business.

Commercial Use means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Comprehensive Plan means the “comprehensive plan for Elbert County and the Cities of Bowman and Elberton, December 1993” as adopted and as may be amended.

Conditional Use means a use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the Mayor and Council.

Conditional Use Permit means the permit issued as a precondition to allowing any conditional use in a zoning district.

Condominium means an estate in real property consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a dwelling unit located on the common grounds.

Congregate Housing means a residential facility for four or more elderly persons age 60 or older, within which are provided living and sleeping facilities, meal preparation, laundry services, room cleaning, and common recreation, social, and service facilities for the exclusive use of all residents. This facility is for semi-independent living.

Convenience Store means 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 2,400 square feet.

County means Elbert County, Georgia.

City Official means any member of the city staff.

Daycare Center means a building operated by a person, society, agency, corporation, institution, or group that receives for group care fewer than 24 hours per day without transfer of legal custody, children under 18 years of age.

Daycare Home means a private dwelling operated by any person who receives pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

Density means the number of dwelling units permitted per net acre of land. (Net acre=gross acre less streets, easements, water, open space, etc.)

District means a section of Elberton, Georgia where the zoning article is uniform.

Dry Cleaners means a business that provides laundry cleaning, excluding self-service, and contains on the premises, equipment necessary for laundry processing.

Dwelling, Multifamily means a building containing at least three dwelling units designed for residential use by three or more families living independently of each other. This includes one-family, two-family, and multifamily dwellings, but does not include hotels and boarding or lodging houses.

Dwelling, Single-family, attached means a building or portion thereof containing dwelling units which are attached to each other by party walls without openings. This term includes apartments but not group homes, row houses, condominiums, or townhouses.

Dwelling, Single-family means a structure including site-built, modular and manufactured homes that contains one dwelling unit designed for residential use that is surrounded by open space on the same lot. "Dwelling, single-family" does not include "dwelling, single-family, detached". A single-family dwelling may not include more than two boarders or lodgers.

Dwelling, single-family, detached means a structure including a site-built or modular home that contains one dwelling unit designed for residential use that is surrounded by open space on the same lot, which meets or exceeds the following standards:

- (1) Minimum width in excess of 16 feet.
- (2) Minimum square footage required by the zone in which located.
- (3) The roof shall have a minimum roof pitch greater than 2:12 and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or lapped aluminum slate, built up gravel materials. The roof overhang must be at least one foot when measured from the vertical side.
- (4) The exterior, siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap.
- (5) Be attached to a permanent foundation.
- (6) Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted for site-built homes or the State of Georgia Industrialized Buildings Act for residential industrialized buildings. Each of these Codes shall be applicable to the specific structure to which it applies.

Dwelling, Two-Family (Duplex) means a structure containing two dwelling units designed and arranged for residential use by two families living independently of each other. Each dwelling unit may not contain more than two lodgers or boarders.

Dwelling Unit means a building or a portion of any building designed and arranged for living quarters for one family and having cooking facilities, but not including units in hotels, motels, boardinghouses or like uses, except as otherwise specified.

Easement means a grant of one or more property rights by the owner to, or for the use by the public, a corporation, or another person or entity.

Family means one or more individuals permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boardinghouse, group home, or hotel, as defined in this article.

Family Member means the spouse, mother, father, brother, sister, son, step-son, daughter, step-daughter, grandchild, or great grandchild of the property owner or the property owner's spouse if the lot is not jointly owned by both husband and wife.

Financial Interest means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten percent or more.

Floor Area means the sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom for less than six feet six inches, unusable basement or cellar space not used for retailing, uncovered steps or fire escape, open porches, accessory water or cooling towers, accessory off-street parking spaces, or accessory off-street loading berths.

Frontage means the distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Frontage, street means the street coincident to the front boundary line of the parcel.

Garage, Parking means a building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which general automotive servicing may be performed as distinguished from automotive repairs.

Garage, Private means a fully enclosed accessory building or a portion of a principal use used for parking or storage of automobiles of the principal building's occupants. A carport is considered a private garage.

Garage, Repair means a building and premises designed or used for the purpose of service or commercial repair of motor vehicles. All body work and painting shall be conducted within fully enclosed buildings. The storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises and shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business.

Garage Apartment means a dwelling unit for one family erected above a private garage which is detached from the principal dwelling.

Group Home means a residence under the ownership and supervision of a public, educational, or governmental institution occupied or intended for occupancy by several unrelated persons or families but in which separate cooking facilities are not provided for such resident persons or families.

Guesthouse means an accessory building used solely by the occupant of the main building for his/her pleasure or recreation or to house non-paying guests with no compensation.

Health Department means the Elbert County Health Department.

Home Occupation means an occupation or profession conducted in accordance with section 22-140 of this article and for financial gain, which is clearly subordinate to the use of the dwelling and which does not change the character thereof.

Home Office means an office use conducted entirely within a dwelling unit which is carried on solely by the unit's occupant and is incidental and secondary to the principal use of the dwelling. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. "Home Office" shall not include any business which involves the sale, manufacture or repair of merchandise on the premises. Home offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors.

Hotel means a building offering transient lodging accommodations for more than 20 persons on a daily rate to the general public and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Housing for the Elderly means a building or group of buildings containing dwellings where the occupancy of the dwelling is restricted to person 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing facilities. This is an independent living facility. Also see "congregate care facility", and "nursing home" in this article.

Industrial Park means a tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a park setting for industrial establishments.

Industrialized Building means any structure or component thereof which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Ga. L. 1982, pp. 1637-1643 (O.C.G.A. §8-2-110, et seq.)

Institution means a non-profit corporation or a non-profit establishment.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and old scrap ferrous or nonferrous metal.

Junk Yard means a lot, land or building, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

Junked Vehicles means any wrecked or non-operable automobile, truck or other vehicle which does not bear a current license plate.

Kennels means any location where, for commercial purposes, four or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, breeding, training or sale.

Kindergarten means a school for pre-elementary school children ranging in age from four through six years, which operates for less than four hours per day.

Laundromat means a business that provides home-type washing, drying, ironing machines or coin operated dry cleaning machines for hire and use by customers on the premises.

Laundry and Dry Cleaning Pick-up means a business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing laundry.

Lodging House. See “boardinghouse”.

Loading Space means a space within the principal use or on the same lot that provides for standing, loading or unloading of trucks and other carriers.

Lodge means a building where fraternal, recreational, social or educational meetings are conducted on a regular nonprofit basis. Fraternal organizations must provide proof to the Mayor and Council that they have received recognition and sanction from a parent group organization. A private club must provide proof to the Mayor and Council that its membership is limited by either: (a) the use and operation of an amateur athletic facility including, but not limited to, golf courses, tennis courts, shooting ranges or swimming pools, or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

Lot means a portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended for transfer of ownership or for building development and having a separate tax parcel reference number designated in the office of Elbert County Tax Commissioner or Elbert County Tax Assessor.

Lot Depth means the distance between front and rear lot lines. If two opposite sides of the lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

Lot, Corner means a lot abutting two or more public streets or county maintained roads at their intersection.

Lot, Double Frontage or Through Lot means a lot with frontage on two public streets and/or county maintained roads that does not intersect at a point abutting the property.

Lot, Interior means a lot other than a corner lot.

Lot Line, Front means the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line with the least frontage.

Lot Line, Rear means the rear lot line is generally opposite the front lot line. If the rear lot line is less than ten feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten feet long, and lying wholly within the lot and farthest from the front lot line.

Lot Line, Side means any lot boundary line not a front line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

Lot of Record means a lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the Clerk of the Superior Court of Elbert County.

Lot Width means the horizontal distance between one side lot line and the other side lot line measured at the minimum front setback line.

Lunch Counter means a retail establishment where the preparation and serving of food is not the principal business of the retail establishment, defined as not generating the largest percentage of gross sales or occupying the largest percentage of the retail floor area. Food served in the establishment shall be unpackaged, in individual servings, and in a ready-to-consume state. Customers shall be served while seated at tables or counters located within the building.

Manufactured Home means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly on the building site bearing a label certifying compliance with the HUD Code (National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. § 5401, et seq.)

Manufactured Home, Single-Section means a dwelling unit meeting the definition of “manufactured home” and consisting of multiple manufactured units that are assembled on-site to form a single dwelling unit.

Manufactured Home, Multi-section means a dwelling unit meeting the definition of “manufactured home” and consisting of multiple manufactured units that are assembled on-site to form a single dwelling unit.

Manufactured Home Space means land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.

Manufactured Home Park means a tract of land that is used, designated, maintained, or held out for rent to accommodate two or more manufactured homes. Manufactured homes located in a manufactured home park are used only to provide living and sleeping accommodations. A manufactured home park does not include an automobile or manufactured home sales lot on which unoccupied manufactured homes are parked for inspection or sale.

Manufacturing, Processing and Assembling means 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.

Mayor and Council means Elberton Mayor and Council.

Member of the Family means the spouse, mother, father, brother, sister, son or daughter of a county official. This definition applies to Division 13 only.

Mini-Warehouse means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor’s supplies.

Modular Home means a factory fabricated transportable building consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes and bearing a seal of compliance with the Southern Building Code Congress International or the Georgia Industrialized Building Act.

Motel means a building or a group of buildings designed and used primarily for offering transient lodging accommodations and having a parking place adjacent to each sleeping room and having separate outside entrances for each guest room. A motel is used primarily for automobile transients and includes such terms as “auto court” and “motor lodge” but not “boardinghouse” as defined in this section. Any building or structure meeting the definition of this paragraph which exceeds two and one-half stories in height shall be classified as a hotel rather than a motel.

Nonconforming Building or Structure means any lawfully existing building or structure which does not conform to these ordinances governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of this articles but which is in full compliance with all applicable federal, state and local laws, rules and ordinances, and for which ordinances all required federal, state, and local permits have been issued.

Nonconforming lot means a lot, the area, width, or other characteristics of which fails to comply with applicable ordinances and which was of record and in full compliance with all applicable federal, state and local laws, rules and ordinances prior to the enactment of these or other ordinances, but which does not comply with the requirements of this article.

Nonconforming Use means a lawful use of land that does not comply with the use ordinance for its zoning district but which complied with applicable ordinances at the time the use was established.

Non-operating Vehicle means any motorized vehicle that does not have a current tag.

Nursing Home means a facility for three or more unrelated ill or aged persons not operating at the functional equivalent of a family that provides food, shelter, and full health and continuing care nursing for compensation in addition to meeting the physical, emotional and social needs of the unrelated aged or ill persons.

Off-street Parking means an area exclusive of a public or private thoroughfare where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking.

Open Space means land used for recreation, resource protection, amenity, or buffers. In no event must any area of a lot constituting the minimum lot area nor any part of an existing or future road, right-of-way, off-street parking, loading space, or area immediately underneath electrical transmission lines be counted as open space.

Opponent means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

Oppose means to appear before, discuss with, or contact, either orally or in writing, an Elberton official and argue against a rezoning action.

Parking Lot means a parcel of land devoted to unclosed parking spaces which may include partially enclosed one story buildings, and where a charge is made for storage or parking of vehicles.

Parking Lot, Accessory means a parcel of land used by an individual, partnership, firm or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers and for which no charge is made.

Parking Space means an area of appropriate dimensions of not less than 180 square feet, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in such area, when the application of a unit of measurement of parking spaces to a particular use or structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or over shall be counted as one space.

Permitted Use means any use by right which is specifically authorized in a particular zoning district.

Person means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Personal Care Home means any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related by blood or marriage to the owner or administrator of the home. Personal services includes, but is not limited to, individual assistance with or supervision of self administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Planned Unit Development means any planned development concentration which provides for innovative concepts in large-scale residential development which enable economy in capital expenditures on utilities and streets and in subsequent maintenance.

Planning Commission means the Elberton Planning Commission.

Plat means a sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.

Playschool means a school for pre-kindergarten children ranging in age from three to four years of age which operates for less than four hours per day.

Principal Use means the primary purpose for which land or a building is used.

Professional means when used in connection with “use” and “occupancy”, a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building nor any use which would create any loud noise or noxious odors within Elberton.

Property Interest means the direct ownership of real property, including any percentage of ownership less than total ownership.

Public Utility means entities engaged in regularly supplying the public with some commodity or service which is of public consequence or need, regulated and controlled by a state or federal regulatory commission and which may often have the power of eminent domain.

Real Property means any tract or parcel of land and, if developed, any buildings or structures located on the land.

Recreational Vehicle means a vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home and custom van conversions.

Recreational Vehicle Park means any parcel where two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles or tents, as temporary living quarters by the general public for recreation or vacation purposes.

Recreational Vehicle Site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis. Sites shall be rented by the day or week only, and the occupant of the space shall not remain in the same recreational vehicle park more than 30 days in a 60-day period.

Religious Institution means a religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Elbert County Tax Assessor.

Restaurant means an establishment where food and beverage is sold for consumption on the premises, generally in an enclosed building. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

Restaurant, Drive-in means an eating or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

Restaurant, Fast-Food means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Rezoning Action means an action by the Mayor and Council adopting an amendment to the zoning article and map that has the effect of rezoning real property from one zoning classification to another.

Rights-of-way means that area, distinguished from an easement which is owned in fee-simple by Elberton or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

Rights-of-Way Line means the outside boundary of a rights-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by an official rights-of-way map of Elberton, Georgia.

Rooming House means a building other than a hotel where lodging for three but not more than 20 persons is provided but no meals are served.

School means a public or private facility that provides a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

Screening means a method where a view of one site is shielded, concealed, or hidden from another site. Screening techniques include fences, walls, berms, densely planted vegetation, natural vegetation or other features. Screening must provide a visual and acoustical barrier which is of such nature and density that it provides year round maximum shielding, concealment or hiding from the ground to a height of at least eight feet or from view from the normal level of a first story window on an abutting lot.

Self-Storage Facility. See “mini-warehouses”.

Setback means the minimum horizontal distance between the lot or property right-of-way line and the nearest front, side or rear line of the building, including terraces or any covered projections but excluding steps.

Shopping Center means a group of retail business and service uses on a single site planned and developed as a unit with common off-street parking facilities.

Sidewalk means that portion of a street or road available exclusively for pedestrian traffic.
Sign. See Division 9.

Sign Area. See Division 9.

Sign Face. See Division 9.

Sign Height. See Division 9.

Sign Structure. See Division 9.

Site-built means a building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.

Solid Fence means an artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

Solid Wall means a wall constructed in a manner to prohibit viewing of land, materials, buildings, etc. located behind the wall, from an individual standing outside and parallel to the wall.

Storage Trailer means a prefabricated portable storage building commonly attached to a cab or chassis for transportation.

Storm Shelter means a structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

Story means that portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it. Attic space is construed as one-half story.

Street means a public or private thoroughfare which affords the principal means of ingress and egress to abutting property and is classified according to Section 22-88 of this article.

Street, Public means a street that is titled by description or deed and vested in Elberton.

Street Line means the legal line between street right-of-way and abutting property.

Street Width means the horizontal distance between the side lines of a street, road or highway measured at right angles to the side lines.

Structure means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site-build buildings, manufactured, mobile and modular homes, billboards, swimming pools, advertising signs, and storm shelters.

Subdivision means the division of a tract, lot or parcel into two or more lots, building sites, or other divisions for the immediate or future purpose of sale, lease, offer or development for purposes other than agricultural, Subdivision includes re-subdivision.

Subdivision Ordinance means the Subdivision Regulations of Elberton dated January 6, 1958, as may be amended.

Theater means an indoor commercial facility used for the sole purpose of showing commercially produced movies to a paying audience. Generally theaters contain a concession facility.

Townhouse means a single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit or units by approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door which opens to the outdoors, and shall have a minimum of two floors. There is no access between adjoining units.

Transfer Station means a facility used to transfer solid waste from one transportation vehicle to another for transport to a disposal facility or processing operation. A transfer station must comply with the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, § 391-3-4, Solid Waste Management, effective June 27, 1993, and as amended.

Transmission Tower: See Section 22-147 of this article.

Truck Terminal means a place for the collection of commodities to be loaded on large trucks to be delivered locally or nationally.

Variance, Area means a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking, and loading ordinances as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of said property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Yard means an open space on the same lot with a principal use, unoccupied and unobstructed by buildings or structures from ground to sky except where projections and accessory buildings are expressly permitted in this article.

Yard, front means an open, unoccupied space on the same lot with the principal use, extending the full width of the lot and situated between the right-of-way line and the building line projected to the

side lines of the lot. On corner lots, the front yard is considered parallel to the street upon which the lot has its largest dimension.

Yard, Rear means a yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

Yard, side means a yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

Zoning Action means a request for any action under the zoning ordinance, including, but not limited to rezoning, variance, conditional use permits, and sign article.

Zoning Decision means final action by the Mayor and Council which results with: (a) the adoption of a zoning ordinance; (b) the adoption of an amendment to a zoning ordinance which changes the text of the zoning article; (c) the adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another; or (d) the adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality.

(Ord. No. 2050, § I (Art. III(3:1), 9-13-99)

Secs. 22-32-22-40. Reserved.