

ARTICLE III

DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance shall be as defined in The Illustrated Book of Development Definitions (1981, Rutgers). Words not defined herein of in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section and Article in which they occur.

For the purposes of this Ordinance, certain words or terms used herein shall be defined as follows:

Words used in the singular include the plural and words used in the plural include the singular.

Words used in the present tense include the future tense.

The word “erected” includes the words “constructed”, “moved”, “located” or “relocated”.

The word “lot” includes the word “plot” or “parcel”.

The word “map” or “zoning map” means the Zoning Map of the City of Buford, Georgia.

The word “person” includes the words “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies” and all other legal entities.

The word “shall” is always mandatory and never discretionary.

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

Accessory Structure: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use so as to prevent the outdoor storage or construction of storage buildings in any zoning district, except residential.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use so as to prevent the outdoor storage or construction of storage buildings in any zoning district, except residential.

Adult Entertainment Facility: Any adult bookstore, adult dancing establishment, adult minimotion picture arcade, adult motion picture arcade, adult motion picture theater, adult video store, erotic dance establishment, or escort bureau as defined more specifically in the City of Buford Code of Ordinances, Section 10-32.

Animal Hospital: Facility for the treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian. This facility may include the board of animals in outside runs or kennels.

Animal Quarters: Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing.

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

Buffer, Buffer Strip: Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter.

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

Cattery: Any place that regularly breeds, boards, trains, buys, sells or trades any cat.

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

Community Development Director: The Director of the Community Development Department of the City of Buford, Georgia. For the purpose of this Zoning Ordinance, the terms “Development Director” and “Chief Building Inspector”, shall also be interpreted to mean the Community Development Director or his designee.

Comprehensive Plan: A comprehensive plan, which may consist of several maps, data, and other descriptive matter, for the physical developments of the City or any portion thereof, including any amendments, extensions or additions thereto recommended by the Municipal-City of Buford Planning Commission, indicating the general location for major streets, parks or other similar information. The Comprehensive Plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. The term “Comprehensive Plan” includes component or functional plans for the City, including but not limited to a plan for land use or a plan for transportation facilities.

Conditional Use: A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance or required by the governing body.

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

Condominiums: A condominium is a multiple dwelling in which each dwelling unit is owned or financed by the occupant, but in which halls, entranceways and underlying lands are owned jointly.

Customary Home Occupation: An occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premises, conducted entirely within the dwelling by members of the immediate family residence in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products. A customary home occupation includes the accommodation of not more than two (2) boarders or roomers.

Day Care Facility: A structure or portion of a structure wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purposes of this Ordinance, the term “day car” shall include but not be limited to the terms “nursery school”, “early learning center”, “pre-kindergarten”, “private kindergarten”, “play school”, “preschool”, “Group Day Care Home”, and “Family Day Care Home”.

Density: The number of families, individuals, dwelling units or housing structures per unit of land. Gross density includes all the land within the boundaries of the particular area excluding nothing. Net density excludes public infrastructure including stormwater detention, buffers, setbacks, 100% of any land identified as a floodplain/flood hazard area, electricity or gas transmission easement or right-of-way but does not exclude driveways and private open space such as amenity areas.

Director: The Director of the Department of Planning and Development or his designee.

Duplex: A dwelling containing two (2) and only two (2) dwelling units.

Dwelling: A building which is designed or used exclusively for residential purposes, including single-family, duplex and multiple-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes but not including hotels and motels.

Dwelling, Attached: A dwelling containing three (3) or more dwelling units which are joined only by common vertical walls.

Dwelling, Multiple: A dwelling containing three (3) or more dwelling units or designed for occupancy by a fraternity or sorority or by three or more boarders or roomers.

Dwelling, One-Family: See “Dwelling, Single-Family”.

Dwelling, Single-Family: A dwelling containing one (1) and only one (1) dwelling unit, other than a manufactured home.

Dwelling, Two-Family: See “Duplex”.

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

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Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.

Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit; provided however that domestic servants employed on the premises may be houses on the premises without being counted as a separate family or families. The term “family” does not include any organization or institutional group.

Family Day Care Home: A customary home occupation which provides, for no more than six (6) persons who are not residents of the premises, care and supervision by a State of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

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

Floor Area: The gross heated, finished horizontal area of the several floors of a dwelling unit exclusive of basement, attic, carport or garage.

Fur Farm: Any place that regularly breeds and raises rabbits, mink, foxes or other fur or hide-bearing animals for the harvesting of their skins.

Group Day Car Home: An occupied dwelling in which the owner-occupant is licensed by the State of Georgia to provide care and supervision for more than six (6), but less than nineteen (19), persons who are not residents of the dwelling. Such are shall be provided for less than twenty-four (24) hours a day on a regular basis for compensation.

Group Personal Care Home: A state-licensed Personal Care Home for individuals in a residence or other type building, non-institutional in character, which provides care and supervision for two (2) through ten (10) adults aged twenty-five (25) or older (See Personal Care Home).

Hazardous Waste: Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludge; and other waste materials that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

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Height of Building: The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or parapet.

Hobby Breeder: An individual who owns any horse, purebred dog or pedigreed cat, any of which is registered with a national registry for the breed, who may intentionally breed the animal to preserve and further the respective breed with regard to physical and temperamental soundness and in conformance with official breed standards. Hobby breeding shall be deemed to be a Customary Home Occupation only when the animals and/or their offspring are sold directly to retail purchasers and are not bred or sold for commercial resale, research or other purposes.

Industrialized Home: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. An industrialized home or modular home shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) to meet the same requirements as an on site-built home within Gwinnett County.

Junk Yard: Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel: Any place that regularly breeds, boards, trains, buys, sells, trades or lets for hire any dog.

Landfill: A method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

Livestock: The term "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; and rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

Lot: A developed or undeveloped tract of land in one (1) ownership legally transferable as a single unit of land.

Lot, Through: A lot having frontage on two (2) streets that are approximately parallel.

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Lot Width: The horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.

Lot Width (Cul-de-sac): For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line which is no more than twice that minimum front yard setback distance from the street.

Manufactured Home: A dwelling which is certified by the State of Georgia as meeting the National Manufactured Home Construction and Safety Standards and is transportable in one (1) or more sections which is at least ten (10) feet wide 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 has plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” includes the term “mobile home”.

Manufactured Home Lot: A parcel of land for the exclusive use of the occupants of a single manufactured home.

Manufactured Home Park: A manufactured home park is a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use.

Mobile Home: See “Manufactured Home”.

Modular Home: See “Industrialized Home”.

Non-Conforming Use and Non-Conforming Structure: See Article VIII.

Office Park: A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Pawn Shop/Title Pawn: A bailment of goods to a creditor or deposit of personal property typically made as security for a debt or loan including the method of using one’s vehicle title as collateral for cash.

Payday Loans: A type of short-term borrowing where an individual borrows a small amount at typically higher rates of interest where such loan is often unsecured. Loans are also sometimes referred to as cash advances. Payday advance loans often rely on the consumer having previous payroll and employment records.

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Personal Care Home: A state-licensed facility either residential or institutional in character, that provides housing, food service and personal service(s) for two (2) or more adults aged twenty-five (25) or older.

Pet (Household Pet): Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

Planning Commission: The Municipal-City of Buford Planning Commission.

Planning Director: The Director of the Planning Division of the City of Buford, Georgia.

Principal Use: The primary or predominant purpose for which a lot is occupied and/or used.

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

Putrescible Wastes: Wastes that are capable of being decomposed by micro-organisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

Road Frontage: The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by Gwinnett County or the City of Buford for vehicular traffic or over which the City of Buford may hold a prescriptive easement for public access, and including designed and numbered U.S. and State Highways.

Sanitary Landfill: A method of disposing of putrescible waste and/or hazardous waste on land by placing an earth cover thereon.

Screening: A method of shielding or buffering one use from another by fencing, walls, berms, or densely planted vegetation.

Sign: The term “sign” shall mean and include every outdoor advertising device, billboard, poster panel, statuary, freestanding ground sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interest of any person, group, organization, corporation, or other legal entity, when the same is placed in view of the general public traveling along a public street right-of-way.

Sign, Animated: A sign with action, motion, or changing colors. This definition does not include signs which indicate only time, temperature, or date or any combination thereof.

Sign, Arcade, Directory, Mall: A serial sign which identifies the names of businesses, offices, professionals, industries or other entities located within a planned center.

Sign, Billboard: A sign structure that is affixed to a pole or device and constructed without permanent letters, wording, or messages where such face is designed to be easily changed or modified which advertises or directs attention to businesses, services, or products not conducted on the premises on which the sign is located.

Sign, Business: Any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services, or entertainment sold or offered upon the premises where such sign is located.

Sign, Construction: A sign erected and maintained on premises announcing the proposed or existing construction of a building or project.

Sign, Directional Real Estate: An off-premises sign which provides directions to property for sale, lease or rent. There shall include the following:

1. Real Estate Directional Signs which may be erected from Friday 3:00 p.m. until Sunday 11:59 p.m. and shall direct traffic to a specific project. (Weekend Directional Signs)
2. Real Estate Directional Signs placed at intersections which direct traffic to a specific project. (Subdivision Directional Signs)
3. Real Estate Directional Signs referring to the sale of any individual home shall be Magenta (PMS #234) and Reflex Blue in color and only contain the words “Home for Sale”, “Home for Rent”, or “Lot for Sale” with directional arrow (Generic Directional Signs)

Sign, Double-Faced: A sign which has two display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where on face is designed to be seen from one direction and the other face from another direction.

Sign Face: The part of a sign that is or can be used for advertising purposes.

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

Sign, Ground: A permanently affixed sign which is wholly independent of a building for support.

Sign, Ground, Height: The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Sign, Illuminated Direct: A sign illuminated by an internal light source.

Sign, Illuminated Indirect: A sign illuminated by an external light source directed primarily toward such sign.

Sign, Marquee: A business sign painted on, attached to or hung from a marquee.

Sign, Number: For the purposes of determining number of signs:

- A. Ground signs shall be equal to the number of sign structures.
- B. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit where matter is displayed in a random manner without organized relationship of elements, such element shall be considered to be a single sign.

Sign, Off-Premises: An off-premises sign, other than a real estate directional sign, which advertises or directs attention to businesses, products, services, or establishments not conducted on the premises on which the sign is located.

Sign, On-Site: An outdoor advertising device relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Signs, Political: Signs identifying or urging voter support for a particular election issue, political party, or candidate for public office.

Sign, Portable: Signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not securely anchored into the ground or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, “A” and “T” type, sidewalk, sandwich, trailer signs, curb type signs, banners or other commercial advertisement attached to vehicles and trailers which offer products or services “For Sale” or announce when the “Sale” is to occur. Exceptions: Signs which are painted, bolted, screwed or magnetically attached to the top, sides or rear of the vehicle stating only the name, address, business logo and telephone number of a business. Signs which are placed in the bed of a truck or trunk of an automobile or a banner attached to the vehicle regardless of the information contained thereon or method of attachment are not included in this exception. (Note: All vehicles must be parked in locations consistent with Article X of this Resolution.)

Sign, Project Directional: A sign located within a project at a street intersection or private drive within the project (other than an entrance to the project) on which the name of a street, and/or the institutionalized corporate/business names or other building identification with addresses indicating direction to the location within the project. The purpose of this sign is to provide more definitive directional information concerning the whereabouts of the tenants.

Sign, Project Directory: A sign which is located within the boundary of a project as defined by the approved Concept Plan or Preliminary Plat or Development Permit as provided in the City of Buford Development Regulations on which the address, institutionalized name of the businesses, tenants, and occupants of the project may be placed. Ancillary directional, information may also be placed on the sign (e.g., map of the project showing streets, etc.). The purpose of which is to provide the public in motorized vehicles information about the location of tenants within the project.

Sign, Projecting: A sign projecting more than six (6) inches from the outside wall or walls of any building upon which it is located.

Sign, Real Estate or Marketing: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

Sign, Roof: A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

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Sign, Sidewalk or Sandwich: A moveable sign not secured or attached to the ground or surface upon which it is located.

Sign Structure: Poles, beams, columns, posts, foundations, and the like which provide structural support of the sign surface area to which the sign is affixed.

Sign, Surface Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area (see definition for sign, double-faced).

Sign, Temporary: A sign of a non-permanent nature.

Sign, Trailer: Any sign which is mounted on wheels and which may be moved from one location to another.

Sign, Wall: A sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six (6) inches from the outside wall of such a building or structure. The total lettering on one (1) side of a building or structure shall constitute one wall sign.

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

Special Exception: A “Special Exception” is a use listed in the Zoning Ordinance as permitted if it meets stated conditions and is approved by the Zoning Board of Appeals after a public hearing.

Special Use: A “Special Use” is a use listed in the Zoning Ordinance as being permitted if it meets stated conditions and is approved by the Board of Commissioners of the City of Buford.

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.

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

Street, Collector: A street shown as such in the City of Buford Comprehensive Plan which is on file in the office of the City of Buford Planning Department. The primary purpose of a Collector Street is to collect and distribute traffic between the Local Streets and the Major and Minor Arterial Streets and to provide access to adjacent properties.

Street, Local: A street shown as such in the City of Buford Comprehensive Plan which is on file in the office of the Gwinnett County Planning Department or the City of Buford Planning Department. The primary purpose of a Local Street is to provide access to adjacent properties.

Street, Major Arterial: A street shown as such in the City of Buford Comprehensive Plan which is on file in the office of the Gwinnett County Planning Department or the City of Buford Planning Department. The primary purpose of a Major Arterial Street is to carry longer trip length segments and larger volumes of traffic to, from and through the City.

Street, Minor Arterial: A street shown as such in the City of Buford Comprehensive Plan which is on file in the office of the Gwinnett County Planning Department or the City of Buford Planning Department. The primary purpose of a Minor Arterial Street is to carry medium length trip segments and moderate volumes of traffic to, from and through the City.

Street, Principal Arterial: A street shown as such in the City of Buford Comprehensive Plan which is on file in the office of the Gwinnett County Planning Department or the City of Buford Planning Department. The primary purpose of a Principal Arterial Street is to carry very long trip length segments and very large volumes of traffic to, from and through the City.

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

Stucco: The covering of surfaces with a mix of Portland cement and sand.

1. Support System composed of Framing and Furring Accessories including, but not limited to, steel studs, steel runners, lathing channels, furring channels, metal lath, and miscellaneous zinc-alloyed accessories.
2. Exterior Stucco System composed of scratch, brown, and finish coats.

3. Job-Mixed Stucco: Mix mason's lime with Portland cement and sand in accordance with ASTM C926, Type L base coat, Type FL finish coat. Typical proportions: scratch coat-1 bag Portland cement, 1 bag lime, 8 cu. ft. sand; brown coat-1 bag Portland cement, 1 bag lime, 10 cu. ft. sand; finish-1 bag portland cement, 1 ½ bags lime, 9 cu. ft. sand.
- a) Cure scratch, brown, and finish coats with water after set.
 - b) Must not be applied directly to smooth, dense surfaces. Self-furring metal lath must be secured to such surfaces before plaster is applied.
 - c) Control joints must be provided to compensate for shrinkage during drying.

Stucco for cornices, awnings, soffits or eaves: The covering of surfaces with a four-part system consisting of 6" mesh, substrate, primer and base coat.

Town House: See "Dwelling, Attached".

Veterinary Clinic: Facility for the treatment of domestic animals, operated under the supervision of a licensed veterinarian. The boarding of animals is limited to short-term care incidental to the clinic use and does not take place in outside runs or kennels.

Wild Animal: Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents, hybrid animals that part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

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

Yard, Front: An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected parallel to the street to the side lines of the lot. corner lots shall be considered to have two (2) front yards.

Yard, Rear: An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

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

