ARTICLE XIII

USE PROVISIONS

Section 1300. RA-200 Agriculture-Residence District

This district is comprised of land that has a predominantly rural character. It is the intent of the regulations of this Zoning District to discourage the subdivision of land for urban development requiring such urban services as a public water supply, sanitary sewers, and fire protection.

Within the RA-200 Agriculture-Residence District, the following uses are permitted:

1. Single-family dwellings.

2. Customary accessory buildings and uses.

3. Customary home occupations.

4. Customary agricultural uses including forestry, commercial greenhouses, plant nurseries and the raising and keeping of livestock, provided that no animal quarters are located closer than 100 feet to any property line.

5. Customary agricultural buildings and uses including farm ponds and fishing lakes and one- and two-family tenant houses, subject to all of the yard requirements of the Zoning District.

6. Parks and other similar public and semi-public buildings and land uses.

7. Kennel – provided that no animal quarters are located closer than 200 feet to any property line.

   Fur Farm – provided that no animal quarters are located closer than 200 feet to any property line.

   Cattery – provided that no animal quarters are located closer than 100 feet to any property line.

8. Livestock sales pavilions or auction facilities, show rings or other arenas for the display, exhibition training or sale of livestock, provided that no animal quarters are located closer than 100 feet to any property line. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the proposed use in addition to the minimum requirements of the Zoning Ordinance.

If the above uses meet any of the following criteria, a Special Use Permit would be required and all provisions for approval would be established as part of the granting of the Special Use Permit:

a. The event is held more than three (3) days per month.

b. Operation of the use beyond 6:00 p.m.

c. A public address system is provided.

d. Permanent concession facilities are provided.

e. Portable restroom facilities are provided.

f. Seating facilities for more than 100 people are provided.

g. Parking facilities for more than 50 vehicles are provided.

h. Admission fee is charged.

9. Public, semi-public and private golf and country clubs, golf driving ranges and fishing clubs.

10. Public utilities.

11. Riding stables are academies, including any place that regularly breeds, boards, trains, buys, sells, trades or lets for hire any horse, donkey, burro or mule, provided that no animal quarters are located closer than 100 feet to any property line.

12. Farmers' markets for the sale of products and commodities produced on the premises provided that any structure for such sales shall be located no closer than 35 feet to any property line.

13. Temporary or portable saw mills provided no machine operation is located closer than 2000 feet to any property line.

14. The raising and keeping of household pets.

15. The raising and keeping of wild animals, provided that the owner or custodian of such wild animals has received an appropriate permit and meets all the requirements of the State of Georgia, and further provided that no animal quarter are located closer than 200 feet to any property line.

16. Churches, temples and synagogues provided:

    a. They are located on a principal arterial, major arterial, minor arterial, major collector street or State Highway on a site of not less than five (5) acres with two hundred and fifty (250) feet of road frontage.

    b. The buildings are located not less than fifty (50) feet from any street and not less than thirty (30) feet from any side or rear property line.

    c. Parking is not provided in the front yard setback area.

    d. If adjacent to residentially-zoned property, a buffer of at least fifty (50) feet wide shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than twenty (20) feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

    e. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.

Within the RA-200 Agricultural-Residence District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing:

1. Private school.

2. A cemetery, provided the following conditions are met:

    a. The cemetery may front only on a collector or major street or state highway, and the entrances and exists to it shall be only from the street on which it fronts.

    b. The cemetery shall be bordered by a ten (10) foot wide buffer strip along all of its exterior property lines not bordering the frontage street and not extending into the required front yard.

       The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight (8) feet tall and provide an effective visual screen.

    c. The cemetery is included in a Preliminary Subdivision Plat that has been approved by the Municipal-City of Buford Planning Commission.

3. Manufactured Homes.

4. Group Day Care Homes.

5. Veterinary clinic or hospital, provided that no portion of a building, structure, outdoor run or pen used to house or exercise animals is located closer than two hundred (200) feet to any property line.

6. Churches, temples and synagogues not meeting the minimum requirements for a permitted church, temple or synagogue within the district.

Section 1300A. R-140 Single-Family Residence District

This zoning district is intended primarily for one-family residences on large lots in areas where topography does not lend the land for small lot development.

Within the R-140 single-family residence district, the following uses are permitted:

1. All uses permitted in the R-140 single-family residence district, including special exceptions and special uses.

2. Subdivision development shall be considered only on tracts of fifteen (15) acres or more and shall meet the minimum specifications adopted by the Board of Commissioners for the R-140 single-family residence district.

    a. A maximum of twenty-five (25) percent of the net acreage exclusive of roads may be used for lots of 1.0 to 1.5 acres.

    b. A maximum of twenty-five (25) percent of the net acreage exclusive of roads may be used for lots of 1.5 to 2.0 acres.

    c. The remainder of the property shall consist of lots exceeding 2.0 acres.

    d. Upon approval of the final plat, lots shall be further subdivided.

3. A sketch plan showing the proposed road layout shall accompany the rezoning request and shall be reviewed by the Community Development Department prior to the zoning hearing.

Minimum specifications for development of the R-140 single-family residence district:

1. Developers shall not be required to set aside land for recreational purposes.

2. Proposed streets within a development shall be designed to discourage their use by through traffic.

3. Road improvements – (see Development Regulations).

4. Protective covenants shall have the following statement within them: "No lot shall be subdivided, nor shall more than one house be erected on any one lot".

Within the R-140 single-family residence district, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing.

1. The subdivision of land with frontage on private roads with a common easement that meet the minimum road improvements as specified in this Ordinance.

Section 1301. R-100 Single-Family Residence District

This zoning district is intended primarily for on-family residences and related uses.

Within the R-100 single-family residence district, the following uses are permitted:

1. Single-family dwellings, except manufactured homes.

2. Customary accessory buildings and uses provided that an outdoor swimming pool shall be completely enclosed with an adequately protective fence.

3. Customary home occupations.

4. Existing cemeteries.

5. Public buildings and land uses.

6. Electric substations or gas regulator stations, if essential for service to this zoning district, provided:

    a. The structures are placed not less than fifty (50) feet from any property line.
    b. The structures are enclosed by a woven wire fence of at least eight (8) feet high.

c. The lot is suitably landscaped, including a buffer strip at least twenty-five (25) feet wide along the side and rear property lines but not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.

d. No vehicles or equipment are stored on the premises.

7. The raising and keeping of livestock for personal pleasure or utility on a lot which contains the dwelling of the owner of the livestock provided that the lot is at least three (3) acres in area and that no animal quarters are located closer than one hundred (100) feet to any property line.

8. Lots located on cul-de-sacs or half cul-de-sacs shall have a minimum of eighty-five (85) feet at the building line.

9. Street rights-of-way to be dedicated within a subdivision on a minor interior street shall be fifty (50) feet. All other streets shall have a minimum of sixty (60) feet of right-of-way or as required by the adopted Gwinnett County Comprehensive Plan or City of Buford Thoroughfare Plan.

10. The raising and keeping of household pets.

11. Churches, temples and synagogues provided:

a. They are located on a principal arterial, major arterial, minor arterial, major collector street or state highway on a site of not less than five (5) acres with two hundred fifty (250) feet of road frontage.

b. The buildings are located not less than fifty (50) feet from any street and not less than thirty (30) feet from any side or rear property line.

c. Parking is not provided in the front yard setback area.

d. If adjacent to residentially-zoned property, a buffer of at least fifty (50) feet wide shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than twenty (20) feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

e. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.

Within the R-100 single-family residence district, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing:

1. Churches, temples and synagogues not meeting the minimum requirements for a permitted church, temple or synagogue within the district and provided:

    a. They are located on a principal arterial, major arterial, minor arterial or major collector street or state highway on a site of not less than three (3) acres.

    b. The buildings are located no less than fifty (50) feet from any street or thirty (30) feet from any side property line.

    c. If adjacent to residentially-zoned property, a buffer of at least fifty (50) feet wide shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than twenty (20) feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

2. Private schools offering general education courses.

3. A beauty parlor or barber shop in a one-family residence.

4. Single-family dwellings with a floor area of one thousand (1,000) square feet or greater but less than fourteen hundred (1,400) square feet.

5. Group day care homes.

6. Day care facilities located in a church.

7. Private not-for-profit recreation facilities; provided, however, that a Special Use Permit shall not be required for such families if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.

8. The development of equestrian-oriented subdivisions on tracts of fifteen (15) acres or more, provided that no lot is less than one (1) acre and that all provisions for community and/or individual lot animal quarters shall be established as part of the approval of granting a Special Use Permit. Such provisions as approved and a restriction prohibiting the further subdivision of any lots shall be recorded as Protective Covenants for the subdivision.

9. Conservation Subdivision/Open Space Development (see Section 1317).

Section 1303. RM – Multi-Family Residence District

The following districts are intended for duplex and multi-family dwellings. These zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highway. The purpose of the following zoning districts is to promote better utilization of land and freedom of architectural and engineering design without maximizing density. Within these RM zoning Districts (except for the RMD zoning district) separate, distinct and contiguous land shall be reserved for recreational purposes for these developments with an area of at least five hundred fifty (550) square feet per dwelling unit to be provided within the first phase of development. Within the RMD (duplex) zoning district, recreational land shall be reserved in accordance with the Development Regulations of the City of Buford. On any tract of land zoned for RMD, RM-6, or RM-8, the entire tract must be developed as the same type of use. No combinations of allowed uses are permitted on any one (1) tract of land.

A. RMD Multi-Family Residence District (Duplexes):

This zoning district is intended primarily for duplexes provided only one (1) duplex is constructed one each lot of record. Within the RMD, multi-family residence district (duplexes), the following uses are permitted:

1. Special Uses – except single family dwellings, group day care homes, and the raising and keeping of livestock.

2. Duplexes.

3. Any existing Duplex at the time of adoption of this Ordinance shall not be extended or enlarged to create additional bedrooms or living spaces.

B. RM-6 Multi-Family Residence District (Maximum Density Six (6) Units Per Acre):

This zoning district is intended primarily for multi-family attached dwellings with a maximum density of six (6) units per acre. Within the RM-6 multi-family residence district (maximum density six (6) units per acre), the following uses are permitted:

1. All uses permitted in the RMD multi-family residence district (duplexes).

2. Multi-family dwellings.

3. A Quadruplex apartment development on individual subdivision lots (four (4) units per lot) provided the following conditions are met:

    a. Served by a waste water treatment facility.

b. The minimum sideyard setback shall be fifteen (15) feet on each side; all other setbacks shall apply as required in Article XIV.

4. Any existing Duplex at the time of adoption of this Ordinance shall not be extended or enlarged to create additional bedrooms or living spaces.

C. RM-8 Multi-Family Residence District (Maximum Density Eight (8) Units Per Acre):

This zoning district is intended primarily for two-family and multi-family attached dwellings. Within the RM-8 multi-family residence district (maximum density eight (8) units per acre), the following uses are permitted:

1. All uses permitted in the RM-6 multi-family residence district.

2. Any existing Duplex at the time of adoption of this Ordinance shall not be extended or enlarged to create additional bedrooms or living spaces.

Section 1304. RL Lakeside Residence District

The purpose of the RL Lakeside residence district, which borders on Lake Lanier is to permit one-family dwellings and recreation cottages of medium-sized lots, and, as a Special Use, water related recreation areas and facilities.

Within the RL Lakeside residence district, the following uses are permitted:

1. Single-family dwellings and recreation cottages, but not including manufactured homes.

2. Customary accessory building and uses.

3. Customary home occupations.

4. Public parks.

5. Public Utilities.

Within the RL Lakeside residence district, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a pubic hearing:

1. Churches.

2. Public and private schools offering general education courses.

3. Water-related recreation areas and facilities including commercial and non-commercial boat docks and piers, picnic facilities, convenience goods stores, restaurants and the like.

4. Multi-family rental vacation dwellings.

5. Townhome (dwelling attached).

Approved and recommended by the Board Planning Commission on April 21, 1998 and approved and adopted by the Buford City Commission on May 14, 1998.

Section 1305. MH Mobile Home Park District

This zoning district is intended exclusively for the placement of mobile homes in an environment that will provide pleasant and otherwise satisfactory living conditions, and at the same time, will not produce adverse effects upon neighboring properties.

Within this district are permitted mobile home parks in which lots are leased, provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and a after a public hearing.

A mobile home district development shall meet the following requirements:

1. Location: A mobile home district development shall front for a sufficient distance to provide safe access upon a state highway, a major thoroughfare, a collector street or a local access road paralleling an expressway and shall have access and egress only on such road.

2. Street Access Requirements: The entrance road to a mobile home district development shall have a minimum right-of-way width of sixty (60) feet with a minimum pavement width of twenty-eight (28) feet. The entrance road shall have a turning radius from the highway of at least thirty (30) feet and the entrance road shall extend at least one hundred (100) feet into the mobile home district development.

3. Size: A mobile home district development shall have a minimum buildable area of at least fifteen (15) contiguous acres.

4. Density: A mobile home district development shall have a density of not more than one (1) mobile home lot per eighteen thousand (18,000) square feet, provided that said lot is served by a sewage treatment facility. The development of lots in this district is permitted with septic tanks, provided lot sizes correspond to the area in square feet in the R-100 district.

5. Mobile Home Lots: Each mobile home shall be located on a separate mobile home lot in accordance with the Mobile Home Subdivision Regulations of the City of Buford.

6. Recreation and Other Community Facilities: Not less than eight (8) percent of the gross area of the mobile home district development shall be devoted to recreation and other community use facilities. Each recreation space shall have a minimum area of ten thousand (10,000) square feet.

7. HUD Mobile Home Court Development Guide: The mobile home district development shall meet the standards of the "Mobile Home Court Development Guide", as set forth in the above-titled pamphlet, FHA G4200.7, published January 1970, which is hereby made a part of this Resolution, as well as the requirements of the City of Buford Zoning Ordinance and the Standard Building Code.

8. The sale of mobile/manufactured homes to be located on, or already located on existing pads within the subject mobile home community/park, provided such sales are only conducted in an on-site office containing not more than 3,200 square feet of heated floor space within any existing mobile home community/park with over 100 lots at the time of adoption. Home sales shall be incidental to the general management and maintenance of said community/park.

If there are any differences in the above two (2) sets of requirements, the most stringent shall apply.

9. No Site Construction Until Preliminary Subdivision Plat Approval: No site construction shall be undertaken and no permits shall be issued until a preliminary subdivision plat that meets the requirements of the Development Regulations of the City of Buford and the requirements of this Zoning Ordinance has been given tentative approval.

10. Certificate of Occupancy: No Certificate of Occupancy for the placing of a mobile home in a mobile home district development shall be issued until at least fifty (50) mobile home lots have been developed in accordance with an officially approved and recorded final subdivision plat and are ready for occupancy.

11. Skirting or Underpinning: All mobile homes shall be skirted or similar measures must be provided for on the mobile home.

Section 1305A. MHS Manufactured Housing Subdivision District

This zoning district is intended primarily for the placement of manufactured homes on residential lots for one-family residences and related uses.

Within the MHS (Manufactured Home Subdivision District), the following uses are permitted:

1. One-family dwellings including mobile homes provided the following conditions are met.

    a. Subdivision: The subdivision shall be designed to only allow lot frontage on minor interior streets and shall meet the requirements of a single-family subdivision as specified in the Development Regulations of the City of Buford. All other city regulations regarding the construction of a subdivision shall be followed.

    b. Size: The subdivision development shall have a minimum area of at least twenty (20) contiguous acres.

    c. Minimum Area, Yard, and Height Requirements: Each lot shall meet the minimum requirements of the R-100 single-family residence district.

    d. Enclosure of Space Beneath the Home: The space underneath each manufactured home shall be fully enclosed to protect this space from the elements and to create an aesthetic appearance for each unit. Materials used for this purpose shall be rigidly mounted and shall be acceptable for exterior use.

    e. Tiedowns: Acceptable provisions for tiedowns for each home shall be made in accordance with Appendix H of the Standard Building Code adopted by the City of Buford.

    f. Foundations: All piers shall be placed on footings of solid concrete not less than the following:

        (1) Sing-wide – twenty (20) inches by twenty (20) inches by eight (8) inches.

        (2) Double-wide – twenty-four (24) inches by twenty-four (24) inches by eight (8) inches.

        (3) Industrialized homes or suite-built homes shall meet foundation requirements of the Standard Building Code adopted by the City of Buford.

    All other placement or construction criteria shall meet the Building Codes adopted by the City of Buford.

    g. Protective Covenants: All manufactured home subdivisions shall have protective covenants as provided for and approved within the City of Buford Development Regulations and the requirements of this section.

h. Completion of Site Preparation: The developer shall be responsible for final site preparation with the exception of those items included in the approved covenants of the subdivision as the homeowners' responsibility.

(1) Items which shall be required of the developer include, but are not limited to the following:

(a) Paving of driveways and parking from the curb line of streets to the actual home location site behind the setback line.

(b) Lawns shall be landscaped and seeded by the developer within a reasonable period of time (not to exceed sixty (60) days) after the installation of the manufactured home taking into consideration weather changes and conditions.

(c) All trees shall remain on lots except as their removal is required for installation of driveways and the location of the home on each lot with a reasonable yard area.

(d) Only multi-sectional (double-wide) manufactured homes, industrialized homes or on site-built homes shall be allowed on any exterior lot of the subdivision, except where adjoining the MHS or MH zoning district.

(2) Items which shall be required of the developer or lot owner include, but are not limited to, the following:

(a) A home location plan shall be submitted for approval by the Community Development Department for each lot showing the exact location of the home, driveways, etc. in relation to the lot lines prior to the issuance of a permit for the installation of a home.

(b) Installation of the manufactured home, including tiedowns, skirting or similar enclosure, connection of utilities and other requirements concerning the installation of a home set-forth in this section and specified in the manufacturer's installation instructions.

(c) Entrances and service walkways.

(d) Exterior steps and porches.

The above listed items shall be set-forth within the Protective Covenants approved and recorded with the final plat of the subdivision which has been developed.

i. Certificate of Occupancy: A Certificate of Occupancy shall be issued prior to the occupancy of any home allowed within this section. No Certificate of Occupancy shall be issued for any home until the required improvements of Paragraph (h) above, have been completed.

j. Eligibility: Only the following types of housing may be placed within an approved manufactured home subdivision.

(1) New manufactured homes (mobile homes) certified to comply with the Federal Manufactured Home Construction and Safety Standards.

(2) Industrialized homes and new site-built homes provided the home meets the minimum floor area requirements of the R-100 District Section 604 of this ordinance.

(a) Buffers: A minimum of a twenty-five (25 foot buffer shall be required to exterior property lines of the development to protect the subdivision from adverse visual, noise or other impact caused by surrounding land usage and to provide a buffer to any residential property immediately adjoining the site.

2. Customary accessory buildings and uses provided that an outdoor swimming pool shall be enclosed with an adequately protective four (4) foot woven wire fence.

3. Customary home occupations.

4. Existing cemeteries.

5. Public buildings and land uses.

6. Electric substations or gas regulator stations, if essential for service to this zoning district, provided:

a. The structures are placed not less than fifty (50) feet from any property line.

b. The structures are enclosed by a woven wire fence at least eight (8) feet high.

c. The lot is suitable landscaped, including a buffer strip at least en (10) feet wide along the side and rear property line but not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.

d. No vehicles or equipment are stored on the premises.

Within the MHS Manufactured Home Subdivision District, the following uses may be permitted as a Special Use provided the applicant for such use is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing.

1. A beauty parlor or barber shop in a one-family residence.

2. Group day care homes.

Section 1306. P Public District

The purpose of the P Public District is to provide a location for a hospital, water plant, sewer plant, as substations, electric substations, libraries, schools, churches and city and county properties and related facilities that serve these areas.

Within the P Public district, the following uses are permitted:

1. Hospitals, medical clinics and doctor's offices.

2. Nursing homes.

3. Dormitories for nurses and interns.

4. Beauty parlors and barber shops.

5. Drug stores.

6. Florist shops.

7. Motels.

8. Restaurants.

9. Other similar hospital-related uses.

10. Water plant, sewer plant, gas substations, electric substations and city and county property.

11. Libraries, schools and churches.

Section 1308. C-2 General Business District, Retail and Services Uses

Purpose:

The C-2 General Business District is intended to provide adequate space in appropriate locations along major streets, thoroughfares and at intersection for various types of business use. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the district characteristically occupies a large area because it is intended to serve a greater population and to offer a wider range of services. Orientation and expansion of this district should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

Permitted Uses:

Only the following permitted uses shall be allowed in the C-2 General Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment; b) special uses as permitted herein; or c) accessory uses as defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this district.

A. Retail and Service Uses:

1. Antique shops.
2. Animal hospitals or veterinary clinics.
3. Art and school supply stores.
4. Art galleries.
5. Automotive parts stores (no on-premises installation).
6. Bakeries.
7. Banks or financial institutions. Drive-in/through facilities shall obtain a special use permit. See Special Use (19). Automatic tellers as accessory or freestanding use.
8. Barber and beauty shops.
9. Bicycle shops

10. Blueprinting establishments.

11. Book or stationery stores.

12. Building, electrical or plumbing contractors (provided no equipment or materials are stored outside).

13. Business college or business schools operated as a business enterprise.

14. Clothing sales or rental stores.

15. Custom dressmaking and sewing shops.

16. Dance studios.

17. Day care center, provided the following conditions are met:

    a. At least one hundred (100) square feet of outdoor recreation area per child, and the outdoor play area is enclosed with a six (6) foot high fence.

    b. Comply with all state day care requirements.

    c. Comply with all health regulations.

18. Department stores.

19. Drive-in restaurants. (see special uses #20)

20. Drug stores.

21. Dry cleaning pick-up and delivery stations.

22. Electronic sales and service establishments.

23. Florist.

24. Food catering establishments.

25. Food stores or grocery stores.

26. Funeral homes and mausoleums.

27. Furniture rental or sales establishments.

28. Equipment rental (excluding heavy equipment, bulldozers, backhoes, forklifts, cranes, etc., and provided there is no outside storage associated with the use).

29. Garden supply centers and greenhouses (including accessory outdoor storage).

30. Gift shops.

31. Hardware stores.

32. Health clubs and spas.

33. Hobby shops.

34. Hotel or motels. (see special uses #18)

35. Ice cream shops.

36. Instruction of fine arts.

37. Interior decorating shops.

38. Jewelry stores.

39. Laundries and dry cleaning establishments, including self-service laundries.

40. Locksmith shops.

41. Mobile buildings (temporary, while any of the permitted or special uses are under construction, but not exceed six (6) months).

42. Museums and libraries.

43. Music stores or studios.

44. Office/showroom facilities.

45. Parking lots and garages.

46. Pawnshops/title pawn and payday loan/check cashing establishments, provided such establishments comply with the following:

    a. As of May 6, 2013, there shall be a one thousand five hundred (1,500) foot buffer from any pawn shop/title pawn establishment to any residentially zoned or residentially utilized property, whether inside or outside the corporate limits of the City, from the front door of the structure of the business to the nearest parcel boundary line of any residentially zoned property as measured by a straight line on the ground.

    b. As of May 6, 2013, there shall be a one thousand five hundred (1,500) foot buffer from any pawn shop/title pawn establishment to any other duly permitted, legally operating pawn shop/title pawn establishment, whether inside or outside the corporate limits of the City, from the front door of the structure of the business to the nearest parcel boundary line of the second business as measured by a straight line on the ground.

    c. As of May 6, 2013, there shall be a one thousand five hundred (1,500) foot buffer from any pawn shop/title pawn establishment, whether inside or outside the corporate limits of the City, from the front door of the structure of the business to the nearest parcel of land upon which a place of worship (e.g. church, synagogue, mosque), school, governmental building, library, civic center, public park, or playground is located as measured by a straight line on the ground.

    d. Upon application for an occupational tax permit, the applicant shall provide to the City Clerk a survey showing the distances to each residentially zoned/utilized property and other establishments within a one thousand five hundred (1,500) foot radius of the business.

    e. The Commission recognizes that upon the adoption and effective date of this section, there appear to be active pawn shop/title pawns in existence in the City limits. Without waiving any illegality of such physical structures based on zoning or other laws and without de factor or specifically granting any "grandfathered", "vested", or "legal non-conforming" (as those terms are defined in state zoning law) status by virtue of adoption of this purely regulatory section, it is the intention of the City Commission to allow the continued operation of the existing businesses provided same otherwise comply with all other applicable laws and regulations of the City and state.

f. Any legally operating pawn shop/title pawn in existence prior to May 6, 2013 shall be exempt from the distance requirements until such business ceases operation or such special use permit (if applicable) shall expire on its terms.

47. Pest control businesses.

48. Pet shops or grooming establishments.

49. Photocopying and reproduction services.

50. Photography shops and studios.

51. Plant nursery sales facilities.

52. Plumbing, electrical, pool and home building supply showrooms and sales centers (provided there is no outdoor storage associated with the use).

53. Radio, recording or television studios and broadcasting stations.

54. Radio and television repair shops.

55. Record/video sales and rental stores.

56. Recreation facilities (indoor, such as bowling alleys, skating rinks, shooting ranges and movie theaters.

57. Restaurants and lounges. Drive-in/through facilities shall obtain a special use permit. See Special Use (20).

58. Shoe stores and shoe repair shops.

59. Small appliance repair shops.

60. Sporting goods stores.

61. Tailor shops.

62. Taxidermist.

63. Toy stores.

64. Travel agencies.

65. Watch and clock repair shops.

66. Weaving apparel shops.

67. Building supply centers with outdoor lumber yards or storage areas, provided these areas are screened with a six (6) foot high, one hundred (100) percent opaque fence.

68. Log splitting and storage lots, provided splitting and storage areas are screened with a six (6) foot high, one hundred (100) percent opaque fence.

69. Adult Entertainment Facility.

    a. Said facility meets all requirements set forth by the City of Buford Code of Ordinance Regulating Adult Entertainment Establishments.

    b. Said facility shall not be located on a parcel of land that is closer than 1,500 feet of any parcel of land which is either named or used for residential purposes, whether located inside or outside the corporate limits of the City.

    c. Said facility shall not be located on a parcel of land that is closer than 1,500 feet of any parcel of land which a place of worship, school, governmental building, library, civic center, public park or playground is located, whether located inside or outside the corporate limits of the City.

    d. Said facility shall not be located on a parcel of land that is closer than 1,500 feet of any parcel of land which contains another adult entertainment facility establishment, whether located inside or outside the corporate limits of the City.

70. Automobile internet sales.

    a. No outside storage of vehicles for sale or sales lots.

B. Office Uses:

1. Accounting offices.

2. Architecture or engineering offices.

3. Doctor, dentist or chiropractor offices.

4. Insurance offices.

5. Law offices.

6. Medical clinics.

7. Other public or professional offices.

8. Real estate offices.

C. Public and Semi-Public Uses:

1. Government offices.

2. Post offices.

3. Public or semi-public buildings and land uses, parks, playgrounds or community centers.

4. Utility offices.

D. Residential:

1. Caretaker or watchman quarters as an accessory use.

E. Temporary Uses:

Within the C-2 General Business District only the following uses are permitted for a period not to exceed twenty (20) days or otherwise indicated provided: 1) written permission of the property owner is provided; 2) these uses are not located within fifty (50) feet to any public right-of-way; 3) a sign (not portable) may be erected on the property provided it does not exceed a total of sixteen (16) square feet to ten (10) feet in height and is not placed within twenty (20) feet of any public right-of-way; 4) adequate parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property; and 5) a temporary permit is applied for an approved by the Department of Planning and Department. All other requirements for licenses and regulations of the City of Buford shall be met.

1. The sale of fruits and vegetables – shall be located inside the premise or on a sidewalk abutting the premise as approved by the City. In no case shall the sale of fruits and vegetables be held in the parking lot.

2. Charitable or non-profit events not to exceed four (4) days.

3. Christmas tree sales between November 15 and January 1.

4. The sale of any items in association with an existing business located on the premises as a principal use (i.e., sidewalk, parking lot or tent sales).

A permit for any temporary use on the same property may not be applied for or renewed for a period of not less than six (6) months from the date of any prior approval of a temporary use. However, one ten (10) day extension of the twenty (20) day period may be granted by the Director of Planning and Development.

Special Uses:

Within the C-2 General Business District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing.

1. Auto body repair shops.

2. Automobile Fueling Station.
    a. An automobile fueling station is a Special Use in a C-2 General Business District. The station is allowed to be located only on an Arterial or Collector Street as defined by the Buford Development Regulation Section 6.3.2, Table 6B.

    b. There is a distinction in the fueling industry regarding the nature of the customers served: one level of station serves primarily the automobiles used by the general public, and a second level serves primarily the heavy trucks used by the trucking industry.

    c. These regulations are intended to provide uniform criteria for fueling stations to address: 1) the outdoor nature of their primary activity; 2) the generation of noise, or air pollution, 3) the aesthetic impact on adjacent properties; 4) the intensive vehicular demands for ingress and egress both on-site and off-site on City streets; 5) the reduction of pedestrian-vehicular conflict; and 6) environmental issues, including, but not limited to, the disposal or handling of volatile chemicals.

d. An automobile fueling station is not designed to serve heavy, semi-tractor, or similar trucks because of the larger turning movements and higher canopy heights; therefore, heavy, semi-tractor, or similar trucks are prohibited from using an automobile fueling station.

e. An automobile fueling station is a retail facility with or without personnel. The facility may or may not include a convenience or other retail store.

f. Automobile fueling stations may be upgraded, replaced or redeveloped, including an increase in building size, on the existing site with approval of a Special Use Permit.

g. New Automobile fueling stations must be located at least ½-mile from any existing Automobile fueling station. The ½-mile measurement must be taken without regard to the City limits of Buford and is measured to the property line, regardless of where the fuel pumps are located on the site.

h. Reductions to the offset distances to the nearest Automobile Fueling Station shall be considered on a case by case basis for sites only within the corridors of I-985 and SR 20 (Buford Drive), I-985 and SR 347 (Lanier Islands Parkway), I-85 and SR 324 (Gravel Springs Road). The Interstate Corridors includes parcels, and portions thereof, within a 1000' radius as measured from the centerline of both the North and South Bound exit lanes at the intersections. Within the Interstate Corridors, Automobile Fueling Stations must be located at least 500 feet from any existing Automobile Fueling Station within or outside of the Interstate Corridors. Within the Interstate Corridors, up to four (4) truck fueling stations may be installed. New Automobile Fueling Stations outside of the Interstate Corridors shall be subject to the offset distance in Paragraph (2.g.) of this Section whether inside or outside of the corridor.

i. Notwithstanding the requirements and offset distances set forth herein, an automobile fueling station may be allowed at the City Commission's discretion if the station is part of a master-planned and approved mixed-use development encompassing 7+ acres and containing at least one (1) of the following uses in addition to the fueling station: Hotel or dine-in restaurant. The Commission may consider alternative uses as part of the planned development, subject to the provisions of this section. The one (1) additional

use shall have certificate of occupancy issued prior to the issuance of a building permit for the automobile fueling station.

3. Auto repair shops or tire stores including lubrication or tune-up centers (full service and self-service).

4. Automotive sales lots and associated service facilities (new or used), provided such building contains at least 2,000 square feet of heated floor space.

5. Building materials sales with outdoor storage.

6. Recreation facilities (commercial outdoor, such as miniature golf courses, driving ranges, water slides, drive-in theaters or race tracks).

7. Contractor's offices using fencing for any purpose or contractor's offices with outside storage of equipment and materials. Any fencing shall be located in the rear yard provided the storage or equipment areas are screened with a six (6) foot high, one hundred (100) percent opaque fence.

8. Heavy equipment and farm equipment rental or sales and service.

9. Lawn mower repair shops.

10. Machine or welding, radiator or muffler repair shops.

11. Mobile home or mobile building leasing or sales lots (new or used).

12. Veterinary clinics with outside runs or pens.

13. Animal hospitals provided they are located not less than three hundred (300) feet from any residential zoning district or use as measured from property line to property line.

14. Boat sales establishments (new or used).

15. Telecommunications tower.

16. Mini-warehouse storage facilities.

17. Boat storage facilities.

18. Any hotel or motel with guest rooms containing any two (2) or more of the following three (3) items: dishwasher, stove (cooktop), refrigerator.

19. Banks or other financial institutions with drive-in facilities.

20. Drive-in/through restaurants.

21. Tattoo parlors and body piercing establishments.

a. There shall be at least one thousand five hundred (1,500) feet from any other legally operating tattoo parlor and/or body piercing establishment, whether inside or outside the corporate limits of the City of Buford as measured from the front door of the structure of the business to the nearest boundary line of the second business as measured by a straight line on the ground.
b. There shall be at least one thousand five hundred (1,500) feet from any residentially zoned or residentially utilized property, whether inside or outside the corporate limits of the City, from the front door of the structure of the business to the nearest parcel boundary line of any residentially zoned property as measured by a straight line on the ground.

c. There shall be at least one thousand five hundred (1,500) feet buffer from the front door of the structure of the business to the nearest parcel of land upon which a place of worship (e.g. church, synagogue, mosque), school, pre-kindergarten, governmental building, library, civic center, public park, or playground is located as measured by a straight line on the ground, whether inside or outside the corporate limits of the City.
d. The City Commission recognizes that upon the adoption and effective date of this section, there appear to be active tattoo parlors and body piercing establishments in existence in the City limits. Without waiving any illegality of such physical structures based on zoning or other laws and without de factor or specifically granting any “grandfathered”, “vested”, or “legal non-conforming” (as those terms are defined in state zoning law) status by virtue of adoption of this purely regulatory section, it is the intention of the City Commission to allow the continued operation of the existing businesses provided same otherwise comply with all other applicable laws and regulations of the City and state.
e. Any legally operating tattoo parlor or body piercing establishment in existence prior to December 3, 2018, shall be exempt from the distance requirements until such business ceases operation or such special use permit (if applicable) shall expire on its terms.

22. Vehicle rental establishments.

23. Car wash establishments.

24. Taxi cab establishments.

25. Office/warehouse condominiums.

26. Secondary residential uses are allowed in proposed multi-story, mixed use buildings and is limited to new construction provided:

    a. Commercial, retail, and/or office uses are provided on the first floor of the building;

    b. Residential uses are limited to the second and third story of such building with common floors/ceilings with the commercial development;

    c. The total heated residential floor area is not greater than two (2) times the total heated non-residential floor area;

    d. Garage parking is provided for the residential use within the building; and

    e. The City Commission approves a concept plan depicting the site plank, building elevations, and mix of uses for the overall development;

    f. Two (2) car garages shall be required for each residential unit and located in the rear of the building;

    g. Residential garbage pick-up shall be housed and presented for pick-up next to the garage (rear of dwellings) and shall not be placed outside in excess of twenty-four (24) hours prior to pick-up. The City of Buford shall provide sanitation service.

27. Any retail or service establishment not specifically permitted herein, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the District.

28. Clubs, lodges, fraternal institutions and meeting halls.

29. Pay day loans and check cashing establishments.

30. Liquor stores also referred herein as package stores.

    No license shall be issued for the retail sale in package form of distilled spirits for any business located or proposed to be located in the City if issuance of such license shall provide for more than one (1) such license business for each eight thousand (8,000) residents of the City, or portion

thereof, based on most recent estimates of the City's population as prepared either by the City or the United States Bureau of the Census. Any existing license shall be exempt from the limitation set for the above.
Additional Regulations:

1. Package stores shall meet setback requirements from certain uses measured as a straight line connecting the closest points between the buildings. A package store shall be setback a minimum of 300 feet from a church or place of worship, a minimum of 600 feet from a school (daycares are not considered a school), a minimum of 200 feet from any residence, and a minimum of 1,500 feet from any other package store.

2. Package stores shall only be located on a parcel fronting State Route 20 or State Route 347 and shall be free-standing.

3. Any building, whether existing or new construction, shall be at least 5,000 square feet and shall have one entrance and one exit at the front of the building, shall have at least 150 square feet of plate glass (this excludes plate glass used on the doors), and shall have no windows or doors on the side or rear of the building.

4. The parcel in which the package store is located shall have at least 200 feet of road frontage and shall be at least two (2) acres in size and shall be used exclusively for the purpose of selling distilled spirits.

   A special use permit (SUP) under this Chapter of the Zoning Ordinance shall not be considered or an applicated accepted until the City has approved such application in compliance with the criteria set forth above and in compliance with the City's Alcohol Beverage Ordinance. If the City receives multiple applications which are eligible for consideration under the regulations set forth above, the City shall utilize published criteria as set forth in the City of Buford Alcohol Ordinance in selecting potential applications to seek a special use permit.

31. Tobacco Retail Establishments.

Tobacco retail establishments are defined as retail establishments in which tobacco and tobacco-related products exceed 50 percent of the total merchandise in inventory or any establishment where patrons share shisha or tobacco from a communal hookah defined a single or multi-stemmed instrument for vaporizing and whose vapor or smoke is passed through a water basin before inhalation.

The purpose of this section is to promote public health through prevention of underage smoking, to promote diverse economic uses, and to ensure compatibility with adjacent uses and surrounding neighborhoods and businesses. In addition to an application for a conditional use permit, the applicant shall submit evidence sufficient to demonstrate compliance, and at all times thereafter remain compliant with the following standards:

(a) Tobacco retail establishments shall be permitted in shopping center and multi-tenant buildings;
(b) Tobacco retail establishments shall not occupy a suite of less than 1,000 aggregate square feet in a shopping center or multi-tenant building;
(c) Tobacco retail establishments located in a shopping center or multi-tenant building shall be required to install a sprinkler system complying with NFPA 13R or 13D, as determined by the fire marshal;
(d) Freestanding buildings containing tobacco retail establishments shall be situated on parcel containing at least 20,000 square feet;
(e) Any freestanding sign identifying the business premises shall be a monument sign constructed of the same material as the building in which the tobacco retail establishment is situated;
(f) Tobacco retail establishments shall only occupy a parcel that fronts an arterial street on at least one side;
(g) Freestanding buildings containing these establishments shall install a sprinkler system complying with NFPA 13;
(h) The applicant shall provide evidence of all requisite professional and other licenses under state and local laws;
(i) Smoking of a hookah in any establishment that serves alcohol or food shall be prohibited.

Other Provisions:

1. No outdoor storage or fencing except as otherwise provided herein.

Section 1308.1 C-2 General Business District - Permitted Uses - Retail and Services Uses (36) Hotel and Motels shall be subject to the following development regulations, to wit:

1. Each hotel/motel shall be accessed by patrons through a main or central lobby only with a minimum of 1,000 square feet;

2. Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby);

3. Each hotel/motel must provide staff or management on duty twenty-four (24) hours a day;

4. Each motel/hotel building shall have a minimum roof pitch of six (6) in twelve (12);

5. Each motel/hotel shall provide an enclosed heated and air-conditioned laundry space with a minimum of three (3) washers and three (3) dryers (for patron use only);

6. Each motel/hotel footprint or site shall have a minimum area of two (2) acres;

7. Outside storage or parking or heavy equipment or construction related equipment is prohibited;

8. Banners or signs other than the hotel/motel marquee is prohibited on the subject premises; and

9. No business license shall be issued for any business operating from any guest room of the facility.

Items (1) through (9) shall apply to all hotel/motels and are not in lieu of any existing and/or more restrictive development regulations contained in this zoning classification or other ordinances and regulations of the City of Buford.

Section 1309. O-I. Office-Institutional District

This zoning district is established to provide a location for offices, institutions, and limited related retail business and service activities in buildings of high character in attractive surroundings.

1. Permitted Uses: A building or land may be used for the following purposes:

    a. Professional and business offices.

    b. Public offices.

    c. Semi-public institutions such as churches and clubs.

    d. Cultural facilities.

    e. Accessory uses such as retail business and service establishments. In addition to the limitations on "accessory use" imposed under "Article III,

f. Definitions". Such permitted accessory uses specifically exclude retail business and service establishments that could be construed as principal uses and include only those uses that are primarily intended for and used by patrons or occupants of the principal use to which said establishment is accessory.

g. Accessory parking garages and parking lots.

h. Financial services/institutions without drive-in or drive-through facilities.

2. Limit on Distributive Functions: Distributive functions such as loading, unloading, storage, packaging, and unpacking shall be limited to ten (10) percent of the total building area and five (5) percent of the total lot area.

Within the O-I Office-Institutional District, the following uses may be permitted provided that the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing:

1. Hotels and motels.

2. Day care facilities.

3. Financial services/institutions with drive-in or drive-through facilities.

4. Retirement communities.

5. Veterinary clinics.

6. Animal hospitals provided they are located not less than three hundred (300) feet from any residential zoning district or used as measured from property line to property line.

7. Telecommunications tower.

8. Conservation Subdivision/Open Space Development (see Section 1317).

9. Office/warehouse condominiums.

10. Group Personal Care Home, provided the following conditions are met:

    a. The home is approved and licensed by the State of Georgia Department of Human Resources.

b. The number of individuals to live in the home does not exceed two (2) people per bedroom or plans are to be submitted and considered as to how individuals are to be housed.

c. The outward appearance is that of a single family home.

d. The number of parking spaces shall not be less than 1 space per two residents.

Section 1309A. OBP. Office-Business Park District

This district is established to provide a location for offices, institutions, limited related business and service activities and limited industrial operations and processes in buildings of high character in attractive surroundings.

Within the OBP Office-Business Park Zoning District, a building or land may be used for the following purposes:

1. Professionals and business offices.

2. Public offices.

3. Cultural facilities.

4. Clinics, cafeterias and employee credit unions for employees only.

5. Education and training facilities.

6. Electronic equipment manufacturing and assembly plants that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards ant that do not require any outdoor storage.

7. Printing, publishing and reproducing establishments that do not require any outdoor storage.

8. Research, testing and laboratory facilities including the production of prototype products provided they are not objectionable by reason of emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards and that do not require any outdoor storage.
9. Wholesaling and warehousing with offices, provided that they do not require any outdoor storage, and provided that at least forty (40) percent of the use be office space.

10. Similar industries and uses that meet the standards of this zoning ordinance.

11. Accessory uses such as retail business and service establishments. In addition to the limitations on "accessory use" imposed under Article III, Definitions", such permitted accessory uses specifically exclude retail business and service establishments that could be construed as principal uses and include only those uses that are primarily intended for the use by patrons or occupants of the principal use to which said establishment is accessory.

12. Accessory parking garages and parking lots.

Within the OBP Office-Business Park District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and the Planning Commission and after a public hearing:

1. Day care facilities.

2. Wholesaling and warehousing with less than forty (40) percent of the floor area in offices, provided that no outdoor storage is required.

3. Hotels and motels.

4. Financial services/institutions.

5. Telecommunications tower.

Section 1309A.1. All OBP Amendments to be Conditional Zoning Amendments

All OBP Office-Business Park District amendments to the official zoning map shall be conditional amendments. In addition to any other conditions that may be imposed by the Board of Commissioners pursuant to the provision for conditional zoning in this zoning ordinance, a concept plan showing the approximate located of all buildings, walls, fences, property lines, landscaping, parking area, land uses and other features deemed appropriate by the Board of Commissioners as a result of the above concept plan review and public hearing shall be included as part of the amendment, and the use of the property for its zoned purposes shall be conditioned to said concept plan.

Section 1309A.2. Concept Plan Review:

The purpose of the site plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Planning Director shall review plans for compliance with the zoning regulations and for compliance with concept plan review criteria. The recommendations of both the Planning Director and the Planning Commission shall be transmitted to the Board of Commissioners.

Concept Plan:

1. The concept plan shall be prepared by design professionals such as planners, engineers, architects or landscape architects and shall be drawn in accordance with the following basic criteria.

    e. Scale: Generally, one (1) inch equals one hundred (100) feet.

    f. Sheet Size: Generally twenty-four (24) inches by thirty-six (36) inches with appropriate match lines provided if more than one (1) sheet is necessary.

    g. Vicinity Map: Drawn at a scale of not less than one (1) inch equals two thousand (2,000) feet and showing adjoining roads, subdivisions and other landmarks.

    h. Existing Topography: Shown with a maximum contour interval of twenty (20) feet.

    i. Boundary Survey: Shown and described by metes and bounds.

    j. Adjacent Properties: Names of adjacent property owners to be indicated on plan.

    k. Title Block: Indicating the name of the development, the owner, the developer, and the person or firm preparing the plan.

2. The Concept Plan shall include the following information:

    a. A proposed land use plan for the site and including the acreage to be devoted to each land use category.

    b. The proposed location of street, bikeways, pedestrian ways, parking areas, drainage and stormwater detention facilities, utilities, public facilities, parks, recreation areas, tree areas to be retained or added and other open spaces, and including notations as to existing or proposed dimensions, capacities and/or volumes;

    c. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, screening and/or fencing;

    d. Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to, the following:

        i) total land area;

ii) amount of land to be used for public or semi-public uses;

iii) amount of land to be used for recreational or open space purposes;

iv) amount of land to be occupied by streets and parking areas;

v) amount of any submerged land within the project boundary;

vi) the total ground coverage and floor area of all buildings;

vii) a breakdown of the number and kinds of proposed buildings, including square footage, and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.

e. As an attachment, a report setting for the proposed development schedule, indicating the sequence of development of the various sections thereof, and the approximate time period required for completion of each phase;

f. As an attachment, an outline of the proposed methods for controlling and maintaining any common open space or community facilities;

g. Such other submissions/plans as may be required to evaluate the project.

Section 1310. M-1. Light Industry District

The M-1 Light Industry District is comprised of lands that are located on or have ready access to a major street or state highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions.

With the M-1 Light Industry District, the following uses are permitted:

1. Baking plants.

2. Building material or other outdoor storage yards, other than junk yards, if they meet the following requirements:

    a. They shall not be located within a required front yard.

    b. They shall be screened by a solid fence at least six (6) feet high.

c. If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.

3. Accessory uses such as retail business and service establishments. In addition to the limitations on "accessory use" imposed under "Article III, Definitions" such permitted accessory uses specifically exclude retail business, offices, and service establishments that could be construed as principal uses and include only those uses that are primarily intended for and used by patrons or occupants of the principal use to which said establishment is accessory.

4. Cold storage plants.

5. Soft drink bottling and distributing plants.

6. Wholesaling and warehousing.

7. Similar industries that meet the standards of this zoning district.

8. Aircraft landing field.

9. Newspaper and printing plants.

10. Offices or office parks.

11. Automobile internet sales.

    a. No outside storage of vehicles for sale or sales lots.

Within the M-1 Light Industry District, the following uses may be permitted as a Special Use, subject to the approval of the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commissioner and after a public hearing, if the conditions, including a site plan, and such other appropriate stipulated conditions that the Board of Commissioners may require are met:

1. Mini-warehouses.

2. Financial services/institutions.

3. Heavy Truck Fueling Station.

    a. There is a distinction in the fueling industry regarding the nature of the customers served: one level of station serves primarily the automobiles used by the general public, and a second level serves primarily the heavy trucks used by the trucking industry.

b. These regulations are intended to provide uniform criteria for fueling stations to address: 1) the outdoor nature of their primary activity; 2) the generation of noise, or air pollution, 3) the aesthetic impact on adjacent properties; 4) the intensive vehicular demands for ingress and egress both on-site and off-site on City streets; 5) the reduction of pedestrian-vehicular conflict; and 6) environmental issues, including, but not limited to, the disposal or handling of volatile chemicals.

c. A heavy truck fueling station is a Special Use in an M-1 Light Industrial District and located only on an Arterial or Collector Street as defined by the Buford Development Regulations Section 6.3.2, Table 6B.

d. The heavy truck fueling station is designed to serve heavy, semi-tractor, or similar trucks. The site is designed for larger turning movements and higher canopy heights.

e. Heavy truck fueling station site area shall be no less than 1 acre. The site design shall be of adequate size and design for unobstructed large turning movements and appropriate areas designed for refueling.

f. The heavy truck fueling station may or may not contain a convenience or retail store.

g. Heavy truck fueling stations are not intended to be a place for resting, idling or overnight stay. The facility is only for refueling and retail sales, if any.

h. Heavy truck fueling stations may be upgraded, replaced or redeveloped, including an increase in building size, on the existing site with approval of a Special Use Permit.

i. New heavy truck fueling stations must be located at least ½-mile from any existing heavy truck fueling station. The ½-mile measurement must be taken without regard to the City limits of Buford and is measured to the property line, regardless of where the fuel pumps are located on the site.

j. Reductions to the offset distances to the nearest Heavy Truck Fueling Station shall be considered on a case by case basis for sites only within the corridors of I-985 and SR 20 (Buford Drive), I-985 and SR 347 (Lanier Islands Parkway), I-85 and SR 324 (Gravel Springs Road). The Interstate Corridors includes parcels, and portions thereof, within a 1000’ radius as measured from the centerline of both the North and South Bound exit lanes at the intersections. Within the Interstate Corridors, Heavy Truck Fueling Stations must be located at least 500 feet from any existing Heavy Truck Fueling Station within or outside of the Interstate Corridors. Within the

Interstate Corridors, up to four (4) truck fueling stations may be installed. New Heavy Truck Fueling Stations outside of the Interstate Corridors shall be subject to the offset distance in Paragraph (2.g.) of this Section whether inside or outside of the corridor.

4. Hotels and motels.

5. Day care facilities.

6. Churches, temples and synagogues.

    a. The building shall be less than 100,000 square feet.
    b. Church operations shall not interfere or have similar hours with existing industrial/office operations.

7. Truck terminals.

8. Telecommunications towers.

9. Office/warehouse condominiums.

10. Auto Body Repair Shops.

11. Data Center.

    For facilities over 100,000 square feet, contain the following minimum setbacks:
    a. 300 feet from residential zoning.
    b. 150 feet from public parks.
    c. 150 feet from schools.
    d. 100-foot landscaped buffer.

    For any facility, noise shall be limited to:
    a. 55 dBA daytime at property line.
    b. 45 dBA nighttime.

    The following information shall be set forth on any application for a data center:
    a. Expected daily water demand.
    b. Cooling technology.
    c. Annual water consumption.
    d. Conservation measures.
    e. Electrical infrastructure.
    f. Peak electrical demand (MW).

    Any data center shall provide landscaping that includes:
    a. 100-foot perimeter landscape strip.
    b. Evergreen screening.

c. Opaque fencing around mechanical equipment.

Section 1311. M-2. Heavy Industry District

The M-2 Heavy Industry District provides a location for those industrial operations and processes that are not public nuisances and are not dangerous to health, safety or the general welfare. The M-2 Heavy Industry District shall be located on or have ready access to a major street or state highway.

Within the M-2 Heavy Industry District, the following uses are permitted:

1. All uses permitted in the M-1 Light Industry District,

2. All industrial uses that: (a) are not public nuisances; (b) are not dangerous to the public health, safety, or general welfare; and (c) meet all applicable state and federal environmental regulations.

Within the M-2 Heavy Industry District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Planning Director and Planning Commission and after a public hearing:

1. Bulk storage tanks – No above ground storage facilities may be located closer than five hundred (500) feet to a residential district. All storage is to be subject to approval of the Fire Department.

2. A quarry for the removal of minerals and other natural materials, together with the necessary building, machinery and appurtenances thereto, provided that:

    b. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.

    c. The operators and owners of the quarry present to the City of Buford Planning Commission and to the City Commissioners of the City of Buford an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operation.

    d. In case of an existing quarry, any extension of the quarrying operations beyond the areas being quarried or approved for quarrying at the effective date of this amendment to the Ordinance, shall be permitted and shall not be considered a new operation nor require the approval of the Zoning Board of Appeals as a Special Exception, provided that said extension does

not extend to within three hundred (300) feet of a residential district boundary line.

3. Mini-warehouses.

4. Telecommunication towers.

5. Office/warehouse condominiums.

6. Data Center.

   For facilities over 100,000 square feet, contain the following minimum setbacks:
   a. 300 feet from residential zoning.
   b. 150 feet from public parks.
   c. 150 feet from schools.
   d. 100-foot landscaped buffer.

   For any facility, noise shall be limited to:
   a. 55 dBA daytime at property line.
   b. 45 dBA nighttime.

   The following information shall be set forth on any application for a data center:
   a. Expected daily water demand.
   b. Cooling technology.
   c. Annual water consumption.
   d. Conservation measures.
   e. Electrical infrastructure.
   f. Peak electrical demand (MW).

   Any data center shall provide landscaping that includes:
   a. 100-foot perimeter landscape strip.
   b. Evergreen screening.
   c. Opaque fencing around mechanical equipment.

Section 1312. Floodplain General Provisions

These regulations pertain only to the use of lands contained within a floodplain as defined by the Floodplain Management Amendment to the City of Buford Code (Part 6, Planning and Development, Article F, Chapter 1). For the purpose of this section, all terms shall be as defined in ARTICLE F, FLOODPLAIN MANAGEMENT and as may be defined in the Development Regulations of the City of Buford, whichever definition is more restrictive.

Section 1312.1. Use Provisions

The intent of the regulations within this section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land shall hereafter be used or occupied other than herein provided, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the requirement of this regulation when such lands fall within or are affected by a floodplain.

1. Uses permitted in the floodplain: Within a floodplain, the following uses may be permitted subject to the requirements of the Floodplain Management Ordinance and the requirements of the Development Regulations:

    a. Agriculture, including forestry and livestock raising, requiring no structure within the floodway except structures for temporary shelter and including agriculture and forestry access roads.

    b. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act latest revision and the Department Regulations.

    c. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including but not limited to boat ramps, docks, parking areas, and recreation facilities; private and commercial recreation developments and campgrounds.

    d. Bridges, culverts and the roadway fill related to these structures.

    e. Parking areas. All required parking area shall be located at an elevation higher than the calculated five (5) year storm, and shall not be located within any floodway.

    f. Fences having sufficient open area to permit the free flow of water and debris.

    g. Public utility poles, towers, pipelines, sewer, and other similar public and semi-public utilities and facilities.

    h. Signs and sign structures, provided they permit the free flow of water and debris.

2. Lot Area Restrictions: All concept plans, site plans, preliminary plat, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, shall comply with the following requirements, as applicable:

a. In all Zoning districts, none of the area located at or below the base flood elevation may be used in computations for meeting the density requirements in accordance with the provisions of this ordinance.

b. In the RA-200, R-140 and R-100 zoning districts, no lot shall contain less than eight thousand (8,000) square feet of land area above the base flood elevation.

c. No subdivision lot shall be approved which has less than one hundred (100) percent of the minimum lot area required by the applicable zoning district located above the base flood elevation.

d. Each plat or site plan submitted for rezoning, Special Use Permit or Moved-In-House permit shall contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line shall be clearly labeled and the base flood elevation above mean sea level stated. The plat or site plan shall indicate where the base flood elevation has been established by the Federal Emergency Management Agency or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

Section 1313. Stream Buffer Protection Required:

Section 1313.1. Title:

Section 1313 shall be known as the "City of Buford Stream Buffer Protection Ordinance."

Section 1313.2. Findings and Purposes:

Section 1313.2.1. The City of Buford Board of Commissioners finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;

2. Removing pollutants delivered in urban stormwater;

3. Reducing erosion and controlling sedimentation;

4. Protecting and stabilizing steam banks;

5. Providing for infiltration of stormwater runoff;

6. Maintaining base flow of streams;

7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;

8. Providing tree canopy to shad steams and promote desirable aquatic habitat;

9. Providing riparian wildlife habitat;

10. Furnishing scenic value and recreational opportunity; and

11. Providing opportunities for the protection and restoration of greenspace.

Section 1313.2.2. Purposes
It is the purpose of this Ordinance to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of City of Buford for the protection of water resources; and,

2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 1313.3. Definitions:

"Buffer" means, with respect to a stream, a natural or enhanced vegetated area (established by Section 1313.5.1.1 below), lying adjacent to the stream.
"Impervious Cover" means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.
"Land Development" means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.
"Land Development Activity" means those actions or activities which comprise, facilitate or result in land development.
"Land Disturbance" means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.
"Land Disturbance Activity" means those actions or activities which comprise, facilitate or result in land disturbance.

"Floodplain" means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.
"Parcel" means any plot, lot or acreage shown as a unit on the latest county tax assessment records.
"Permit" means the permit issued by the City of Buford required for undertaking any land development activity.
"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.
"Protection Area, or Stream Protection Area" means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.
"Riparian" means belonging or related to the bank of a river, stream, lake, pond or impoundment.
"Setback" means, with respect to a stream, the area established by Section 1313.5.1.2 extending beyond any buffer applicable to the stream.
"Stream" means any stream, beginning at:

1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
2. A point in the stream channel with a drainage area of twenty-five (25) acres or more; or
3. Where evidence indicates the presence of a stream in a drainage area of other than twenty-five (25) acres, the City of Buford may require field studies to verify the existence of a stream.

"Stream Bank" means the sloping land that contains the stream channel and the normal flows of the stream.
"Stream Channel" means the portion of a watercourse that contains the base flow of the stream.
"Watershed" means the land area that drains into a particular stream.

Section 1313.4 Applicability:

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 1313.3. of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Section 1313.4.1. Grandfather Provisions
This ordinance shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.

2. Existing development and on-going land disturbance activities including but not limited to existing agricultural, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.

4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this ordinance.

Section 1313.4.2. Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:
   - a stream crossing by a driveway, transportation route or utility line;
   - public water supply intake or public wastewater outfall structures;
   - intrusions necessary to provide access to a property;
   - public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river; fishing platforms and overlooks;
   - unpaved foot trails and paths;
   - activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least twenty-five (25) feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item 1313.4.2.1, above.

3. Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

4. Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such

impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the City of Buford on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the City of Buford to be reasonably necessary to correct any

   impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 1313.5.2. below.

Section 1313.5. Land Development Requirements:

Section 1313.5.1. Buffer and Setback Requirements
All land development activity subject to this ordinance shall meet the following requirements:

1. An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

2. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

Section 1313.5.2. Variance Procedures
Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

1. Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land developments consistent with this ordinance, and the City of Buford finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Zoning Board of Appeals of City of Buford may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

2. Except as provided above, the Zoning Board of Appeals of City of Buford shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Zoning Board of Appeals. The City of Buford shall give public notice of each such public hearing in a newspaper of general circulation within City of Buford. The City of Buford shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:
1. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
2. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

At a minimum, a variance request shall include the following information:
1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
3. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
4. Documentation of unusual hardship should the buffer be maintained;
5. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

6. A calculation of the total area and length of the proposed intrusion;
7. A stormwater management site plan, if applicable; and,
8. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

The following factors will be considered in determining whether to issue a variance:

1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
2. The locations of all streams on the property, including along property boundaries;
3. The location and extent of the proposed buffer or setback intrusion; and,
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The long-term and construction water-quality impacts of the proposed variance;
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 1313.6. Compatibility with Other Buffer Regulations and Requirements:

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered or take precedence.

Section 1313.7. Additional Information Requirements for Development on Buffer Zone Properties:

Any permit application for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:
    a. The location of all streams on the property;
    b. Limits of required streams buffers and setbacks on the property;
    c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
    d. Delineation of forested and open area in the buffer zone; and,
    e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

2. A description of all proposed land development within the buffer and setback; and,

3. Any other documentation that the City may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Section 1313.8. Responsibility:

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon City of Buford, its officers or employees, for injury or damage to persons or property.

Section 1313.9. Inspection:

The City of Buford may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the City of Buford in making such inspections. The City of Buford shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes on inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 1313.10. Violations, Enforcement and Penalties:

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

Section 1313.10.1. Notice of Violation
If the City of Buford determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the

provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit thereof, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;

2. The address or other description of the site upon which the violation if occurring;

3. A statement specifying the nature of the violation;

4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance and the date for the completion of such remedial action;

5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

6. A statement that the determination of violation may be appealed to the City of Buford by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient).

Section 1313.10.2. Penalties
In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Buford shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Buford may take any one or more of the following actions or impose any one or more of the following penalties.

1. Stop Work Order – The City of Buford may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation of violations described therein, provided the stop work order may be

withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. Withhold Certificate of Occupancy – The City of Buford may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation of has otherwise cured the violations described therein.

3. Suspension, Revocation or Modification of Permit – The City of Buford may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstate (upon such conditions as the City of Buford may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. Civil Penalties – In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days (or such greater period as the City of Buford shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours notice shall be sufficient) after the City of Buford has taken one or more of the actions described above, the City of Buford may impose a penalty not to exceed one thousand dollars ($1000) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. Criminal Penalties – For intentional and flagrant violations of this ordinance, the City of Buford may issue a citation to the applicant or other responsible person, requiring such person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars ($1000) or imprisonment for sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 1313.11. Administrative Appeal and Judicial Review:

Section 1313.11.1 Administrative Appeal
Any person aggrieved by a decision or order of City of Buford, may appeal in writing within fifteen (15) days after the issuance of such decision or order to the City Manager of City of Buford and shall be entitled to a hearing before the City Commission of City of Buford within sixty (60) days of receipt of the written appeal.

Section 1313.11.2. Judicial Review
Any person aggrieved by a decision or order of City of Buford, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Gwinnett or Hall, as appropriate.

Section 1313.12. Severability:

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.