

## **Chapter 100. General Provisions**

### **Section 100-10. Title.**

This ordinance shall be known as "The Unified Development Ordinance ("UDO", or "Ordinance") of Gwinnett County, Georgia." It consists of three Titles: Title 1, Administration; Title 2, Land Use and Zoning; and Title 3, Development and Permitting.

Title 1 includes regulations applicable to Gwinnett County and specifically addresses administrative regulations, including definitions, enforcement, and penalties applicable to Titles 2 and 3. Title 2 serves as Gwinnett County's Zoning Ordinance, and is intended to constitute a zoning ordinance within the meaning of Georgia Law. Changes to the text of Title 2, including Title 1 as it relates to Title 2, as well as Official Zoning Map amendments and other zoning actions addressed therein, shall comply with the public notice and hearing procedures provided therein and in Georgia Open Meetings Act 2012; Georgia Planning Act 50-8-36; Title 36 Local Government Provisions Applicable to Counties & Municipal Corporations Chapter 66. Zoning Procedures 36-66-4. Title 3 regulates development and permitting activities in Gwinnett County. Title 1 and Title 3 do not constitute a zoning ordinance or zoning regulations.

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## Section 100-20. Purpose.

The Unified Development Ordinance is enacted by the Board of Commissioners in order to promote the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants and residents of Gwinnett County, Georgia. It is intended to achieve the following purposes:

**100-20.1** To guide and regulate the orderly growth, development, redevelopment, and preservation of Gwinnett County in accordance with the adopted Gwinnett County Unified Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people, and to protect the established character and the social and economic well-being of both private and public property.

**100-20.2** To promote, in the public interest, the efficient utilization of land,

**100-20.3** To promote the preservation of open space,

**100-20.4** To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers,

**100-20.5** To reduce or minimize congestion in the public streets,

**100-20.6** To facilitate the creation of a convenient, attractive, and harmonious community,

**100-20.7** To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations,

**100-20.8** To provide a basis for establishing the future need for law enforcement and fire protection, transportation, water, sewage, flood protection, schools, parks, recreational facilities, and other public facilities and services,

**100-20.9** To promote safety and reduce congestion in travel and transportation, to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, and loss of life or health from fire, flood, wind, subsidence or other dangerous conditions that could be mitigated by proper construction standards,

**100-20.10** To encourage economic development that provides desirable employment and expands the tax base,

**100-20.11** To ensure the perpetual conservation, preservation and enjoyment of the unique natural and physical resources of the County, including forested areas, watersheds, streams, viewsheds, and archaeological sites and the protection of water quality as the County grows,

**100-20.12** To achieve compliance with all applicable state and federal laws and regulations,

**100-20.13** To provide for and promote housing for all income groups and all citizens within the County,

**100-20.14** To establish high quality standards for buildings, land development, and subdivision regulations for the protection of the environment and the security of buyers and users of developed property in Gwinnett County,

**100-20.15** To provide adequate and safe construction standards for streets, sidewalks, drainage, utilities and other public improvements,

**100-20.16** To provide a method of administration and procedure that ensures due process and equal protection for the citizens and property owners of Gwinnett County,

**100-20.17** To establish a just balance between the rights of owners of property and the public interest of all the citizens of Gwinnett County,

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**100-20.18** To provide for protection of the constitutional rights and obligations of all citizens within the County,

**100-20.19** To provide penalties for a violation and remedies for enforcement hereof; and for other purposes.

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### **Section 100-30. Authority.**

The Unified Development Ordinance is enacted pursuant to the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by the County's authority to enact regulations and exercise powers granted by local laws; by the County's planning authority and general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto. Additional authority for Title 2 is set forth in Section 200-20.

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### **Section 100-40. Jurisdiction.**

This Ordinance shall apply to all unincorporated areas of Gwinnett County, Georgia.

**Section 100-50. Application of Ordinance.**

The provisions of this Unified Development Ordinance shall apply throughout the unincorporated area of the County. The County may enter into agreements with cities within the County, or other municipalities, to carry out the purpose of this Unified Development Ordinance. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of the separate storm sewer system and management programs. Except as hereinafter provided, as of the date of adoption of the Unified Development Ordinance-

**100-50.1 Development Activity.** Any person proposing to rezone property, secure permits, undertake any land disturbance activity, construct, demolish, expand or modify a structure or a building for occupancy, develop or subdivide land within unincorporated areas of Gwinnett County, Georgia, or undertake any other development permission or activity shall pay a fee and make application to the Gwinnett County Department of Planning and Development, and shall comply with all regulations set forth in this Unified Development Ordinance.

**100-50.2 Use.** No building, structure, premises, or land shall be used or occupied, and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in a manner except in conformity with the regulations herein specified for the district in which it is or is to be located.

**100-50.3 Lots.** No lot shall be reduced in size so that minimum lot width or depth, size of yards, lot area or any other requirement of this ordinance is not maintained unless otherwise authorized by this Unified Development Ordinance. This limitation shall not apply when a portion of a lot has been lawfully acquired for public purpose or for unbuildable lots used exclusively for subdivision identification signage or subdivision entrance landscape features or stormwater facilities.

**100-50.4 Pending and Approved Applications for Building Permits.** Nothing in this Unified Development Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure or land disturbance for which a building permit was lawfully applied for or approved, prior to the effective date of this Unified Development Ordinance or amendment thereto, provided:

- A. Such permit has not by its own terms expired prior to such effective date.
- B. Actual building construction is commenced prior to the expiration of such permit.
- C. Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.
- D. No renewals or extensions of said permit shall be authorized beyond 90 days following the effective date of this Unified Development Ordinance or the applicable amendment thereto.

**100-50.5 Pending and Approved Applications for Development Permits.**

- A. Any subdivision or other development activity for which a valid and complete application for a Development Permit has been received prior to the adoption of this Unified Development Ordinance or amendment thereto may, at the developer's option, proceed to completion and building permits may be issued as though this Unified Development Ordinance had not been adopted, provided that the Development Permit is or can be issued within 180 calendar days of the date of adoption and all time frames associated with said permit are observed.
- B. Any subdivision or other development activity for which a Development Permit has been issued prior to the adoption of this Unified Development Ordinance or amendment thereto may, at the developer's option, proceed to completion and building permits may be issued as though this Unified Development Ordinance had not been adopted, provided all time frames associated with said permit are observed.
- C. Any subdivision or other development activity for which only a Clearing, Clearing and Grubbing, or Grading Permit has been issued prior to adoption of this Unified Development Ordinance or amendment

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thereto shall be brought into conformance with this Unified Development Ordinance. Subsequently, all development permits shall conform to this Unified Development Ordinance.

### **100-50.6 Applications for Zoning Map Amendment, Special Use Permit, or Variance**

- A. Any valid and complete application for a Zoning Map Amendment, Special Use Permit, or Variance accepted by the Department prior to the adoption of this Unified Development Ordinance or amendment thereto may, at the applicant's option, proceed to completion and development and building permits may be issued as though this Unified Development Ordinance had not been adopted, provided that all permits are or can be issued within 180 calendar days of the date of adoption and all time frames associated with said permit are observed.

**Section 100-60. Relationship to Existing Ordinances.**

**100-60.1** Whenever the provisions of this Unified Development Ordinance impose more restrictive standards than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Unified Development Ordinance or otherwise restricted by State or Federal law. Whenever the provisions of any other statute, ordinance, or resolution impose more restrictive standards than are required herein, the requirements of such regulations shall prevail, unless otherwise specified in this Unified Development Ordinance.

**100-60.2** In those instances where development standards for a parcel of land or a specific project have been lawfully and explicitly established as a condition of approval for a rezoning, variance, permit, or other formal action by the Board of Commissioners, the Zoning Board of Appeals, or any other authorized body, the requirements of such conditions shall control.

**100-60.3** Nothing herein shall repeal the conditions of use, operation, or site development accompanying zoning approval(s) or special use(s), variances or permits issued under previous ordinances or resolutions. Modification or repeal of such past conditions of approval may be accomplished as authorized and provided by this Unified Development Ordinance. All Special Use Permits, variances, exceptions, modifications and waivers heretofore granted by the Director of Planning and Development, Zoning Board of Appeals, Planning Commission, or Board of Commissioners shall remain in full force and effect, and all terms, conditions and obligations heretofore imposed by the Director, Zoning Board of Appeals, or Board of Commissioners shall remain in effect.



**Section 100-70. Reserved.**

**Section 100-80. Amendments.**

**100-80.1** This Unified Development Ordinance may be amended from time-to-time by resolution of the Board of Commissioners of Gwinnett County. Such amendments shall be effective as of their date of adoption unless otherwise stated in the adopting resolution.

**Section 100-90. Duties of the Department of Planning and Development.**

**100-90.1** Unless otherwise specified in any article, chapter, or section of this Unified Development Ordinance, the UDO shall be administered, interpreted, and enforced by the Director of the Department of Planning and Development of Gwinnett County, Georgia.

**100-90.2** All other ordinances or regulations referenced herein, such as the fire prevention and life safety codes, Property Maintenance Ordinance, building and other technical codes, health, water, and sewer regulations, shall be administered by the directors or liaisons of the departments responsible for such regulations, as established by the Board of Commissioners.

**100-90.3** The Director of Planning and Development shall have the authority to carry out all duties necessary to administer the Unified Development Ordinance, including all duties otherwise delegated to the Divisions of the Department. In addition, the Director shall have the following authority:

- A. To approve and accept final subdivision plats and land dedicated as a public street or other public purpose on behalf of Gwinnett County, and to cause such dedications to be recorded by the Clerk of Superior Court of Gwinnett County, subject to ratification by the Board of Commissioners.
- B. To approve a Certificate of Development Plans Approval as provided in Section 340-30.
- C. In response to a written request by the property owner or owner's authorized agent, to approve or deny requests for administrative variances as provided in Section 270-130 of the Unified Development Ordinance.
- D. In response to a written request by the property owner or owner's authorized agent, to approve or deny requests for modifications as provided in Section 120-50 of the Unified Development Ordinance.
- E. To make other approvals, modifications, interpretations or rulings specifically provided in the Unified Development Ordinance.

**100-90.4.** In particular, the Department of Planning and Development shall have the following powers and duties under the Unified Development Ordinance.

- A. Accept and process applications and make recommendations regarding amendments to the Gwinnett County Unified Plan and its related maps.
- B. Maintain current land use maps and files of all amendments to the Gwinnett County Unified Plan, Future Development Map and related maps and policies.
- C. Prepare, compile, and recommend land use, transportation and other resource and facility plans to the Board of Commissioners.
- D. Prepare recommendations on all zoning amendments for consideration by the Board of Commissioners, and generally provide for the application, noticing and hearing requirements of the amendment process.
- E. Prepare and maintain records of amendments to this Ordinance and make the most recently adopted version available to the public within a reasonable length of time.
- F. Prepare and maintain the Official Zoning Map, maintain accurate records of zoning map amendments, and make the most recently adopted version available to the public within a reasonable length of time.
- G. Prepare and maintain data, maps or other information regarding population, employment and economic characteristics of the County and land development activities, economic development, including subdivisions and building permits.

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- H. In response to a written request by the property owner or owner's authorized agent, issue a statement identifying the current zoning of a parcel of land. The fee for such a zoning certification shall be established by the Board of Commissioners.
- I. The Director of Planning and Development or designee shall serve as secretary to the Gwinnett County Planning Commission, shall take and prepare its minutes and shall forward the minutes to the Board of Commissioners.
- J. Provide for the orderly and safe development of the County through the provisions of the County regulations and other application regulations or standards as may be adopted by the Board of Commissioners.
- K. To review and make final decisions regarding permits and other development requests authorized in this Unified Development Ordinance or the Gwinnett County Construction Code.
- L. Provide for the application, noticing and hearing requirements of the zoning variances process from this Unified Development Ordinance.
- M. Enforce the regulations and standards of this Unified Development Ordinance.
- N. Enforce the Gwinnett County Construction Code.
- O. Review plans and enforce development compliance with the Georgia Metropolitan River Protection Act, as amended.
- P. The Director of Planning and Development or designee shall serve as secretary to the Zoning Board of Appeals, shall take and prepare its minutes, and shall forward the minutes to the Board of Commissioners.

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### **Section 100-100. Fees.**

**100-100.1** Application filing, permit, inspection, and other fees shall be as established from time-to-time by the Board of Commissioners.

**100-100.2** Permit fees, if any, shall be submitted as a prerequisite to issuance of the permit. Nonpayment as a result of submission of a check having insufficient funds on account, or for any other reason, shall cause the permit to be voided and re-issuance subject to penalty as provided by law or as may be established by the Board of Commissioners.

**100-100.3** Application fees, if any, shall be submitted with the application unless otherwise stated on official forms from the Department of Planning and Development. Failure to pay a required application fee shall cause the application to be returned to the applicant without consideration by the County.

**100-100.4** Following the approval of development plans, and prior to authorization to begin construction, the developer shall provide the Department of Planning and Development such fees as may be established from time-to-time by the Board of Commissioners.

**100-100.5** Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the Department of Planning and Development such recording fees and performance and/or maintenance sureties as required by this Unified Development Ordinance or established from time-to-time by the Board of Commissioners.

**Section 100-110. Severability.**

If any article, section, provision or clause of any part of this Unified Development Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Unified Development Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Unified Development Ordinance not so held to be invalid, or the application of this Unified Development Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Unified Development Ordinance would have been adopted had such invalid portion not been included herein.

## Chapter 110. Definitions

### Section 110-10. Rules of Interpretation.

For the purpose of the UDO, certain words or terms used herein shall be defined as follows:

**110-10.1** Words used in the present tense include the future tense.

**110-10.2** The word "shall" is always mandatory, and the word "may" is permissive.

**110-10.3** Words used in the singular include the plural and words used in the plural include the singular.

**110-10.4** Words in the masculine gender shall include the feminine.

**110-10.5** The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies" and all other legal entities.

**110-10.6** The word "lot" shall be construed to include "parcel."

**110-10.7** The word "erected" includes the words "constructed", "moved", "located" or "relocated."

**110-10.8** The word "zoning map" means the Official Zoning Map of Gwinnett County, Georgia.

**110-10.9** The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

**110-10.10** Use of the word "and" is inclusive and requires that all of the component phrases so connected must be present or fulfilled for sufficiency.

**110-10.11** Use of the word "or" is not exclusive (as in "either ... or"), and requires that at least one of the component phrases so connected must be present or fulfilled for sufficiency. The word "or" may allow more than one component phrase to be present or fulfilled, as is implied by the common term "and/or."

**Section 110-20. Rules of Precedence.**

The following rules set forth the order of precedence that determines which definition applies in a specific instance within the provisions of this Ordinance:

**110-20.1** When definitions are provided within an individual chapter, article or section of this Ordinance, those definitions are to be applied within said chapter, article, or section. If the same term or phrase is also defined in this section, the definition in this section shall not apply in that instance.

**110-20.2** When no definitions are provided within an individual chapter, article, or section of this Ordinance, words and phrases used in this Ordinance shall have the meaning established by the definitions provided in Section 110-40, General Definitions or Section 110-50, Definitions by Category.

**110-20.3** When definitions are provided that are specific to Soil Erosion, Sedimentation and Pollution Control, Riparian Buffers, Floodplain Management, Stormwater Management, and Public Utilities they are listed in Section 110-50, Definitions by Category therein.

**110-20.4** Except as specifically defined herein, all words used in this Ordinance shall be as defined in the most recent edition of The Illustrated Book of Development Definitions (Rutgers). Words not defined herein or in the above-referenced book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section and article in which they occur.

**110-20.5** Whenever a conflict of definitions is considered to exist or an interpretation of these definitions is necessary, the Director shall resolve the conflict and interpret the definition. The action of the Director shall be recorded.



**Section 110-30. Abbreviations.**

As used in this Unified Development Ordinance, the following abbreviations represent the terms set forth below.

**ARC:** Atlanta Regional Commission

**ASHRAE:** American Society of Heating, Refrigerating and Air-Conditioning Engineers

**BFE:** Base Flood Elevation

**BMP:** Best Management Practice

**BMR:** Baseline Monitoring Report

**CID:** Community Improvement District

**CIU:** Categorical Industrial User

**CLOMA:** Conditional Letter of Map Amendment

**CLOMR:** Conditional Letter of Map Revision

**CPESC:** Certified Professional in Erosion and Sediment Control

**DBH:** Diameter Breast Height

**DRI:** Development of Regional Impact

**DWR:** Gwinnett County Department of Water Resources

**DWRSSS:** Gwinnett County Department of Water Resources Sanitary Sewer Standards

**EPA:** U.S. Environmental Protection Agency

**EPD:** Georgia Department of Natural Resources, Environmental Protection Division.

**FAA:** The Federal Aviation Administration

**FCC:** The Federal Communications Commission

**FEMA:** Federal Emergency Management Agency

**FIS:** Flood Insurance Study

**FIRM:** Flood Insurance Rate Map

**GDOT:** Georgia Department of Transportation

**GRTA:** Georgia Regional Transportation Authority

**HLP:** House Location Plan

**IU:** Industrial User

**LEED:** Leadership in Energy and Environmental Design, as administered by the Green Building Certification Institute

**LOMA:** Letter of Map Amendment

**LOMR:** Letter of Map Revision

**MOD:** Modified

**MUD:** Mixed-Use Development

**NOI:** Notice of Intent

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**NOT:** Notice of Termination

**NOV:** Notice of Violation

**NPDES:** National Pollutant Discharge Elimination System

**NTU:** Nephelometric Turbidity Units

**O&M:** Operation and Maintenance

**O.C.G.A.:** The Official Code of Georgia Annotated

**POTW:** Publicly Owned Treatment Works

**RCRA:** Resource Conservation and Recovery Act

**RDP:** Residential Drainage Plan

**RDS:** Residential Drainage Study

**TSS:** Total Suspended Solids

**UDO:** Unified Development Ordinance of Gwinnett County, Georgia

**USACE:** United States Army Corps of Engineers

**USC:** United States Code

## Section 110-40. General Definitions.

For the purpose of this Unified Development Ordinance, the following definitions shall apply, except where otherwise provided in Section 110-20.

**Abutting:** Touching at one point or along a common side, boundary, or property line. Two pieces of property that are separated by a street or right-of-way are not abutting.

**Accessory Building:** A building detached from a principal building located on the same lot and customarily incidental to the principal building or use including but not limited to detached garages, carports and utility buildings, sheds, gazebos, or barns.

**Accessory Dwelling:** A dwelling unit located on the same lot as a principal residential dwelling, either within or attached to the single-family dwelling, or detached.

**Accessory Structure:** A structure detached from a principal building located on the same lot and customarily incidental to the principal building or use including but not limited to swimming pools, tennis courts, and basketball goals.

**Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Active Recreation Area:** This category of common area includes, but is not limited to, bikeways, paths, tennis courts, ballfields, playfields, courts, swimming pools, clubhouses, toilets, dressing rooms, lockers, equestrian facilities, beaches, docks; amphitheaters, stages, bandshells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters or picnic areas, and similar facilities and the related storage, landscaping, lighting, sidewalks, outdoor furnishings, play structures, and utilities related to active recreation areas.

**Address:** The number that, together with the street name, describes a physical location of a specific property.

**Adjacent:** Property that is abutting or on the opposite side of an easement that separates it from the subject property. Properties separated by a right-of-way are not abutting or adjacent.

**Adult Day Care Center:** An establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of seven (7) or more adults who are elderly, physically ill, or infirm, physically handicapped, or mentally handicapped. This may also include recreational and social activities for said persons.

**Adult Day Care Facility:** An establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six (6) or fewer adults who are elderly, physically ill, or infirm, physically handicapped, or mentally handicapped. This may also include recreational, cultural, and social activities for said persons.

**Adult Establishment:** "Adult Establishment" shall have the same meaning as set forth in Chapter 18, Article XI of the Gwinnett County Code of Ordinances.

**Alcoholic Beverage Plant/Distillery:** An establishment in which beer, malt beverages, distilled spirits, or other alcoholic beverages are manufactured primarily for sale to wholesalers or distributors.

**Alley or Service Drive:** A private minor, permanent service-way which is used primarily for vehicular service access to the back or the side for properties otherwise abutting on a street.

**Alternative Tower Structure:** clock towers, bell towers, church steeples, light/power poles, electric transmission towers, man-made trees (without accessory buildings/structures), and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

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

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**Animal Quarters:** Any structure which is used to shelter, care for, house, exercise, train, exhibit, display or show any animals, including but not limited to corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters. This term shall not include fenced pasture land or paddocks for grazing.

**Antenna:** Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**Appeal:** A request for a review of the Department's interpretation or decision of any provision of this Ordinance.

**Applicant:** A person, either the owner or the bona fide representative of the owner of land or structures governed by these regulations, who seeks authority to use, develop, construct upon, or otherwise enjoy the use of property through any of the procedures established under these regulations.

**Arcade, Architectural:** A succession of arches, each counterthrusting the next, supported by columns or piers or a covered walk enclosed by a line of such arches on one or both sides, providing shelter for pedestrians.

**Architectural Modulation:** Variation in materials, massing, fenestration, and ornamental detail of a façade that divides a façade into unique components or identities, as distinguished from a uniform façade without variation. Architectural modulations of a façade should break the vertical plane by more than 2 feet in depth, measured from the forward plane of the façade. See the Unified Development Ordinance (UDO) Design Guidelines: Building Facade Materials and Modulation.

**"As-Built" Survey:** See "Record Drawing".

**Attached, or Attached to:** The relationship between two or more buildings or building and a structure that are permanently connected to a foundation. In order for two or more buildings to be attached, they must be permanently connected along a common interior wall. A structure and building are attached when one relies on the other for structural support and the above foundation framing is structurally connected.

**Attic:** The unfinished space between the ceiling joists of the top story and the roof rafters.

**"Authorized Registered Professional" shall mean:**

- A. A landscape architect who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law; or,
- B. A land surveyor who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law; or,
- C. A professional engineer who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law;

An authorized registered professional shall know and understand the limits of their professional expertise, certification, license, or registration and shall not perform work which is outside of the scope of said professional expertise, certification, license, or registration. An authorized registered professional shall be liable for complying with all state laws and rules and licensing board requirements that apply to their particular profession, including ethical standards, and shall be liable for failure to meet the applicable standards of professional care. All documents and drawings submitted to Gwinnett County by an authorized registered professional shall bear that person's certification, license, registration, or seal, as appropriate. The certification, license, registration or seal of an authorized registered professional on documents and drawings submitted to Gwinnett County shall certify that the documents and drawings comply with all applicable state and Gwinnett County ordinances, rules and regulations and shall certify that the documents and drawings are based on personal knowledge of the conditions depicted thereon and that the accuracy and completeness of the documents and drawings have been verified by field inspection of the facilities depicted therein. (per Georgia Law: Title 43 Professions and Businesses, Chapter 15 Professional Engineers, Chapter 41 Residential and general contractors, Title 36 Local Government)

**Awning:** A roof like structure with a rigid frame which cantilevers from the elevation of a building designed to provide continuous overhead weather protection.

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**Basement:** Occupied space of a building having its finished floor surface entirely below grade plane, or in which any portion of the finished surface of the floor next above is less than or equal to 6 feet above grade plane and at any point is less than or equal to 12 feet above grade.

**Best Management Practices:** Sound engineering practices, activities, maintenance procedures that when properly designed and implemented will minimize negative impact on the natural environment.

**Bin, Donation Collection:** Any enclosed receptacle or container made of metal, steel or a similar product and designed for the depositing of donations and the temporary storage of donated items including clothing, shoes, books, or other similar materials.

**Block:** A piece or parcel(s) of land entirely surrounded by public streets, other than alleys.

**Board of Commissioners:** The Board of Commissioners of Gwinnett County, Georgia.

**Boarding or Rooming House:** A building other than a motel, hotel, or bed and breakfast inn where, for compensation and by prearrangement for definite periods, meals or lodging or both are provided.

**Bonus Room:** An occupied and finished room in a dwelling that is located over a semi-enclosed space such as over a carport, garage, or porch, which is connected to the remainder of the dwelling and does not have a separate outside entry.

**Brewpub:** An eating establishment in which beer or malt beverages are manufactured or brewed, subject to state law barrel production limitations, for on-site consumption and retail sales directly to restaurant patrons.

**Buffer:** Land area used to separate one use from another through screening and distance; to shield or block noise, light, glare, visual or other conditions; to block physical passage to non-similar areas; or to reduce dust, dirt, and litter.

**Buffer, Cemetery:** Land area in which there is no disturbance and no grading allowed, except as necessary for required plantings and fence installation per approved plan.

**Buffer, Construction:** Land area in which there is no disturbance until a Certificate of Occupancy has been issued on the building lot at which time the Construction Buffer is removed.

**Buffer, Enhanced:** Land area in which there is no disturbance with the exception for disturbance related to additional required plantings, and for approved perpendicular access and utility crossings.

**Buffer, Landscaped:** Land area in which grading is allowed and revegetation to a buffer standard is required and replanted per approved landscape plan.

**Buffer, Natural Undisturbed:** Land area in which there is no disturbance and no grading allowed, except for approved perpendicular access and utility crossings.

**Buffer, Stream:** The area of land immediately adjacent to the banks of state waters in its natural or enhanced state of vegetation, which facilitates the protection of water quality and aquatic habitat as governed by Georgia Law.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building, Metal:** A structure which has a roof, and which is designed for the shelter, storage, housing or enclosure of persons, animals, or property of any kind and is constructed of exterior metal panels or pieces. This shall not include residential structures intended for occupancy with an exterior finish of aluminum siding where such siding is commonly used for residential structures.

**Building Permit:** Authorization by Gwinnett County, to construct, enlarge, repair, move, demolish, or change the occupancy of a building or structure, to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, fuel gas piping, mechanical, or plumbing system.

**Building Setback Line:** A line across a lot parallel to a street right-of-way or other property line establishing the minimum distance to be provided between any principal building and the street or other property line.

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**Building Space, Gross:** The total floor area included within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

**Bury Pit:** A hole or depression in the ground that has been filled with building and/or organic materials (such as lumber and tree limbs) and then covered with dirt.

**Canopy:** A rooflike cover with rigid frame and column supports, that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover above an outdoor service area, such as at a gasoline service station. A marquee is not a canopy.

**Carport:** An open-sided automobile shelter by the side of a building.

**Car Wash:** Any building or premises used for washing motor vehicles including, but not limited to self-service, express service, and full service facilities, utilizing in-bay automatic, conveyor automatic, or hand washing. Use of any premises for temporary hand washing of motor vehicles for non-profit fundraising purposes shall not be considered a car wash.

**Cellar:** See "Basement".

**Cemetery:** An area and use of land set apart for the purpose of burial plots for deceased persons or animals and for the erection of customary markers, monuments and/or mausoleums related thereto; and which may be maintained by a church or other place of worship, or a private corporation.

**Cemetery, Family:** The use of property as a burial ground restricted to the members of the family owning the lot on which the cemetery is located. For the purposes of this definition, "family" shall be defined as family within the fourth degree of civil reckoning from the property owner.

**Certificate of Completion:** Document issued by the Department and Fire Marshal's Office to indicate that the construction work authorized by a building permit has been completed which is either applicable to a non-occupied building, structure, building/structure addition, or any portion thereof, or involves a limited scope of renovation that does not change the occupancy or configuration of the affected space.

**Certificate of Development Conformance:** Final approval issued by the Department for completion of land development activities for a subdivision or project for which a Development Permit was issued.

**Certificate of Occupancy:** Document issued by the Department and Fire Marshal's Office to authorize the occupancy of a building, structure, building/structure addition, or any portion thereof.

**Channel:** A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Chattahoochee River Corridor:** All land within 2,000 feet of the banks of the Chattahoochee River, including any impoundments thereon, or within the floodplain, whichever is greater, from directly below Buford Dam downstream to the downstream limits of Fulton and Douglas counties, including the entire bed of the river and any improvements and all islands therein.

**Child Day Care Center:** An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody.

**Child Day Care Facility:** An establishment operated by any person with or without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

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**Civic Uses:** Public parks, squares, plazas, greens, lawns, amphitheaters, stages, churches, or places of worship, public or private schools, gymnasiums, assembly halls, community meeting rooms, community service centers, post offices, fire stations, libraries, museums, public libraries, or other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards.

**Clearing:** The removal of trees or other vegetation, but not including grubbing activities, from a property, whether by cutting or other means.

**Collection Bin:** An attended or unattended enclosed receptacle, trailer, or container made of metal, steel, plastic, wood, or similar material and designed or intended for the collection of unwanted clothing, shoes, textiles, books, or other household items.

**Co-Location:** The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

**Commercial Vehicle:** Any motor vehicle licensed by the state as a commercial vehicle.

**Community Garden:** A private, public, or non-profit facility for cultivation of fruits, flowers, vegetables, or ornamental plants cultivated by more than one household.

**Complementary Mix of Uses:** Land uses that serve mutually supportive functions that encourage frequent interactions, and do not cause excessive conflicts with one another in terms of noise, access, traffic, parking, services, or utility demands.

**Composting Facility, Municipal Solid Waste:** An establishment converting municipal solid waste to humus through a controlled process of degrading organic matter by microorganisms.

**Composting Facility, Yard Trimmings:** An establishment converting yard trimmings to humus through a controlled process of degrading organic matter by microorganisms. This definition does not include composting conducted on a residential lot for home gardening purposes.

**Conditional Use:** A land use that merits additional development standards in the zoning district in which it is located to mitigate possible impacts.

**Condominium:** A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surround the buildings, said lands held in common ownership by the owners of the several buildings.

**Congregate Personal Care Home:** See "Personal Care Home, Congregate".

**Connectivity:** The degree to which streets, sidewalks, trails, and bike paths form a continuous and interconnected system that allows full mobility and convenient access between all origins and destinations as they may be distributed throughout a developed area.

**Conservation Easement:** As used in this Ordinance, an agreement between a land owner and Gwinnett County or other government agency or land trust that permanently protects open space or green space on the owner's land by limiting the amount and type of development that can take place but continues to leave the remainder of the fee interest in private ownership.

**Conservation Space:** Permanently protected land and water, including agricultural and forestry land, that is in its undeveloped or natural state or that has been developed only to the extent consistent, or is restored to be consistent, with one or more of the following goals:

- A. Water quality protection for rivers, streams, and lakes
- B. Flood protection
- C. Wetlands protection
- D. Reduction of erosion through protection of steep slopes, areas with erodible soils and stream banks;

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- E. Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- F. Scenic protection
- G. Protection of archaeological and historic resources
- H. Provision of recreation in the form of boating, hiking, camping, fishing, running, jogging, biking, walking and similar outdoor activities
- I. Connection of existing or planned areas contributing to the goals set out in this paragraph

**Construction Activity:** Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but not limited to clearing and grubbing, grading, excavating, stockpiling, and demolition.

**Construction Code:** The Gwinnett County Construction Code as may be amended from time-to-time.

**Construction/Demolition Waste:** For the definition, refer to the Georgia Department of Natural Resources, Environmental Protection Division Rules and Regulations, Solid Waste Management.

**Contamination:** An impairment of the quality of the water, which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, bacteria, chemicals, industrial fluids, waste, etc.

**Conveyance:** An aboveground or underground natural or manmade stormwater infrastructure feature, that provides for the collection and movement of stormwater, and shall include but not be limited to concrete or metal pipes, ditches, depressions, swales, roads with stormwater facilities, highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, stormwater infrastructure channels, reservoirs, rights of way, storm drains, culverts, street gutters, oil/water separators, modular pavements and other similar stormwater infrastructure.

**Cottage Court:** Five to nine detached single-family dwellings, either located on their own lots or a common lot, that are organized around a shared courtyard.

**County, Gwinnett County:** A political subdivision of the State of Georgia.

**County Separate Storm Sewer System:** Any conveyance or system of conveyances which is:

- A. Owned or operated by the county
- B. Not a combined sewer
- C. Not part of a publicly owned treatment works

**County Standards:** The county ordinances, standard drawings, Gwinnett County Stormwater Management Manual, Gwinnett County Department of Water Resources Water Main Design and Sanitary Sewer Design and Construction Standards and Specifications, Traffic Calming Design Guide, and any other standards, specifications, and regulations that govern development permitting, and all procedures, rules and policies pertaining thereto as these may be updated or amended from time to time.

**Courtyard:** A type of public space that meets the minimal standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**CPESC:** Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc. which is also referred to as CPESC or CPESC, Inc.

**Critical Root Zone:** The minimum area beneath a tree that must be left undisturbed is Critical Root Zone (CRZ). The CRZ is a concentric circle centering on the specimen tree's trunk with a radius equal in feet to 1.5 times the number of inches of the trunk's diameter at breast height (4.5'). Example: the CRZ radius of a twenty inch (20") diameter tree is 30 feet.



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**Cut:** A portion of land surface or area from which earth has been removed, or will be removed, by excavation; the depth below original ground surface to excavated surface. Also known as "excavation".

**Deck:** An unenclosed, exterior floor without a permanent roof supported on at least two opposing sides by an adjacent structure, and/or posts, piers, or other independent supports.

**Density:** The number of dwelling units per acre of land. **Density Bonus:** A provision of this Unified Development Ordinance that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum otherwise permitted, in exchange for the provision of an amenity specified in this Ordinance that provides a public benefit.

**Department:** The Gwinnett County Department of Planning and Development.

**Department of Transportation:** The Gwinnett County Department of Transportation.

**Department of Water Resources:** The Gwinnett County Department of Water Resources.

**Design Professional:** An authorized, registered professional, forester, geologist, architect, CPESC, or certified personnel.

**Developed Land:** All parcels not deemed as undeveloped land, as defined herein.

**Developer:** Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit who directs the undertaking or purposes to undertake development activities as herein defined, whether the development involves the subdivision of the land for sale to individual users, the construction of buildings or other improvements on a single land ownership, or both. A developer may be the owner of a premises where the development activities occur; an occupant whether through ownership, lease, or other tenancy; a contractor, builder, or agent of the aforementioned parties; or other person having direct financial obligation or interest in the property as the result of the development activities as described herein.

**Development:**

- A. All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying, or animal husbandry. Such activities include land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as but not limited to streets, driveways or parking areas, water or sewer mains, stormwater facility, sidewalks or other structures permanently placed on or in the property.
- B. Where appropriate to the context, the term "development" also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as an interrelated whole, whether simultaneously or in phases.

**Development Agreement:** A written contract between Gwinnett County and a property owner or developer that specifies the improvements to be provided by the developer for a specific project.

**Development Permit:** Authorization by the Department for all activities associated with the land development process, including clearing and grubbing, grading, and the construction of improvements including but not limited to streets, surface parking areas, water/sewer/stormwater systems and facilities, site planting and landscaping, sidewalk or structures requiring the issuance of a building permit.

**Development Plans:** The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the Subdivision Development Plan or Site Plan (as applicable), Grading Plan, Tree Preservation/Replacement Plan, Erosion and Sediment Control Plan, Buffer and Landscape Plan, and construction drawings for streets, stormwater facilities, sanitary sewers, water supply facilities, and other site improvements.

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**Developments of Regional Impact (DRI):** Large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located as defined and regulated by the Georgia Department of Community Affairs per the Georgia Planning Act of 1989, as may be amended.

**Development Regulations:** The adopted regulations providing for the subdivision and development of real property within Gwinnett County, Georgia, as amended from time-to-time by the Board of Commissioners of Gwinnett County.

**Diameter Breast Height (DBH):** The diameter of a tree measured at a point 4.5 feet above the ground.

**Director:** The Director of the Gwinnett County Department of Planning and Development or the Director's designee, unless otherwise specified herein.

**Discharge:** The direct or indirect release of water, fluid, materials or other matter to a conveyance or surface that drains to a conveyance.

**Distribution Facility:** A warehouse establishment where individual tenants engage in the receipt, storage, and distribution of their goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

**Donation Collection Bin:** Any enclosed receptacle or container made of metal, steel, or a similar product and designed for the depositing of donations and the temporary storage of donated items including clothing, shoes, books, or other similar materials.

**Drainage Easement:** Recorded authorization for the purpose of allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel.

**Dripline:** A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

**Driveway:** A vehicular access way in private ownership, other than a Private Street, which provides access to one or more uses or properties.

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

**Dwelling, Accessory:** See Accessory Dwelling.

**Dwelling, Duplex:** A dwelling containing two and only two dwelling units.

**Dwelling, Fourplex:** A dwelling, other than a townhouse, containing four and only four dwelling units, including but not limited to single-level units located in a multistory building.

**Dwelling, Multifamily:** A dwelling containing three or more dwelling units, including but not limited to single-level units located in a multistory building.

**Dwelling, Multiplex:** A dwelling, other than a townhouse, containing between five and sixteen dwelling units, including but not limited to single-level units located in a multistory building. Multiplex dwellings are no larger than 4 stories or 45 feet, whichever is lower.

**Dwelling, One-Family:** See "Dwelling, Single Family."

**Dwelling, Single Family:** A dwelling containing one and only one dwelling unit, other than a manufactured home.

**Dwelling, Townhouse:** A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each unit is separated from any other unit by one or more vertical common fire-resistance-rated walls. A townhouse shall have at least two stories and may be either fee-simple or condominium ownership.

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**Dwelling, Triplex:** A dwelling, other than a townhouse, containing three and only three dwelling units, including but not limited to single-level units located in a multistory building.

**Dwelling, Two-Family:** See "Dwelling, Duplex."

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

**Easement:** Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by another entity.

**Environmental Health Section:** The Gwinnett County Board of Health, Environmental Health Section.

**Environmental Protection Agency (EPA):** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

**Environmental Protection Division:** The Georgia Environmental Protection Division (EPD), an agency of the state which is charged with issuing permits that authorize withdrawal of water and with administering the Rules of the EPA in Georgia.

**Erosion:** The process by which the land surface is worn away by the action of wind, water, ice, or gravity.

**Erosion, Sedimentation and Pollution Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity required by the O.C.G.A. § 12-7-1 et seq., the Erosion and Sediment Control Act, which includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements of this ordinance, also known as the "plan".

**Excavation:** A cavity formed by cutting, digging, or scooping.

**Exemption Plat:** A subdivision plat drawn to Final Plat standards, as contained herein, prepared in accordance with one of the exemptions provided under Title 3 of this Ordinance.

**Exotic Plant:** A plant that does not meet the definition of Native Plant.

**Extended Detention:** Detention of stormwater runoff for an extended period, typically 24 hours or greater.

**Exterior Property:** The area on the premises and on adjoining property under the control of owners or operators of such premises.

**Extreme Flood Protection:** Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

**Family:** One or more persons related by blood, marriage, adoption, or guardianship; or not more than three persons not so related who live together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan, based on an intentionally structured relationship providing organization and stability; or not more than two unrelated persons and any minor children related to either of them.

**Family Personal Care Home:** See "Personal Care Home, Family".

**Farm Winery:** A winery which makes at least 40 percent of its annual production from agricultural produce grown in the state, and:

- A. Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or

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- B. Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

**Farmers Market:** A market held in an open area or in a structure where groups or individual sellers offer for sale to the public agricultural products such as raw vegetables, fruits, herbs, flowers, plants, nuts, eggs, or other similar items.

**Fee Simple:** A form of property ownership in which the buildings and surrounding lands are owned with absolute title without limit to inheritance of heirs, and unrestricted as to transfer of ownership.

**Fence:** A structural barrier for enclosure, screening, or demarcation, presenting a solid face or having openings amongst or between its constituent members.

**Fill:** A portion of land surface or area to which soil or other solid material has been added; the depth above the original ground.

**Final Plat:** A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certifications required by this Ordinance.

**Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design approved by the Department.

**Fire Marshal's Office:** A section of the Gwinnett County Department of Fire and Emergency Services responsible for enforcing the County's Fire Prevention and Protection Ordinance, the Life Safety Code, the Fire Code, and the Accessibility Code.

**Fire and Emergency Services Department:** The Gwinnett County Department of Fire and Emergency Services.

**Fixed Public Transportation Station:** A passenger loading area that serves an express form of public transportation such as express bus, bus rapid transit (BRT), light rail, trolley, heavy rail rapid transit, or commuter rail, but not including local bus service or shuttle bus service.

**Flag Lot:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters; or  
B. The unusual and rapid accumulation or runoff of surface waters from any source.

**Floor:** The top of the walking surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**Floor Area, Gross:** See "Building Space, Gross".

**Floor Area Ratio (FAR):** FAR expresses the relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building is located. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, floor area of parking structures shall not be included in floor area.

**Food Service Establishment:** Establishments for the preparation or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes but is not limited to restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; establishments engaged in manufacturing, wholesaling, or retailing sandwiches, salads, or other fast foods; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; food vending machines and vehicles and operations connected therewith; or similar facilities by whatever name called.

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**Freeboard:** The distance between the maximum water surface elevation and the top of a stormwater detention structure.

**Garbage:** The animal or vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of food. See also the definitions for Landfill, Monofill; Putrescible Wastes; Solid Waste, and Trash.

**Gas Recovery/Gas Cogeneration Plant:** A facility operating as an accessory use to a landfill which extracts and utilizes landfill gases for the production of energy.

**Geographic Antenna Placement Area:** The general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an Applicant's cellular network or other broadcasting need.

**Governing Authority:** The Board of Commissioners of Gwinnett County, Georgia.

**Governmental Facilities and Structures:** Facilities or structures owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government.

**Grade, Average:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.

**Grading:** Altering the shape of ground surfaces to a predetermined condition by the use of mechanical equipment; this includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof and shall include the land in its cut or fill condition.

**Grading Permit:** Authorization by the Department for movement, earth borrow, and storage of soil along with removal of trees, stumps, roots and other vegetation on a property, placement of required tree protection measures, and installation of soil erosion and sedimentation controls and may include installation of stormwater systems and facilities.

**Green:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**Green Roof:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**Greenway Trail:** A type of public space that meets the applicable standards of such use provided in Title 3, Chapters 360 and 900 and is designed in general conformity with Gwinnett County Open Space and Greenway Master Plan.

**Group Personal Care Home:** See "Personal Care Home, Group".

**Gross Floor Area (GFA):** See "Building Space, Gross."

**Grubbing:** The removal of stumps or roots from a property.

**Hard-Surfaced Area or All-Weather Surface:** An area which has been paved with concrete, asphalt, or similar approved paving surface; or an area which has been compacted and covered with gravel and confined by landscaping timbers, railroad cross-ties, concrete curbing, or masonry or rock walls.

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

**Height, Building:** The vertical distance from average grade to the average height of the highest roof surface.

**Height, Tower:** When referring to a tower shall mean the distance measured from ground level to the highest point on the tower structure or appurtenance.

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**Highest Adjacent Grade:** The highest natural (original) elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

**Historic Structure:** Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on a State of Georgia inventory of historic places and determined as eligible by Georgia Department of Natural Resources/State Historic Preservation Office/Historic Preservation Division

**Hobby Breeding:** Owning an animal that is considered to be a pet, which is registered with a national registry for the breed, in order to breed the animal to preserve and further the respective breed with regard to physical and temperamental soundness and in conformance with official breed standards.

**Holding Tank Waste:** Any waste or wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump trucks used to store, treat, or transport waste or wastewater.

**Home Occupation:** An occupation carried on within a dwelling unit for gain or support, meeting the requirements of Title 2.

**Homeowners Association (HOA):** See Property Owners Association.

**Hospice:** A public agency or private organization or unit of either providing to persons terminally ill and to their families, regardless of ability to pay, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care team primarily in the patient's home but also on an outpatient and short-term inpatient basis and which is classified as a hospice by the Georgia Department of Human Services. (Source: Georgia Department of Human Services)

**Hotspot:** An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater or to violate water quality standards.

**House Location Plan (HLP):** A drawing showing lot information and all improvements, as outlined in Title 3.

**Impervious Cover or Impervious Surface:**

- A. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil including, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.
- B. As used when referring to the Chattahoochee River Corridor, *Metropolitan River Protection Act*. Any paved, hardened, or structural surface, including but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways, or other structures.

**Industrialized Building:** Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. See Rule 110-2-1-.01.

**Industrialized Building, Residential:** An industrialized building that is a dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a

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permanent metal chassis and shall be affixed to permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

**Inert Waste Landfill:** For the definition, refer to the Georgia Department of Natural Resources, Environmental Protection Division Rules and Regulations, Solid Waste Management.

**Invasive Exotic Plant:** A plant that is able to proliferate and aggressively alter or displace indigenous biological communities.

**Junk Vehicle:** Any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored, or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

**Lakes, Existing and Proposed:** An inland body of water fed by springs, creeks and surrounding runoff which has a surface area in excess of two acres of water measured at outflow structure elevation. An existing lake is a body of water, formed by a natural or man-made dam, which is not increased as a result of development by more than 25 percent. A proposed lake is a body of water which is created by a developer or is an existing lake which realizes an increase of 25 percent or more as a result of development. Any body of water which has a surface area of two acres or less measured at outflow structure elevation shall be considered floodplain for the purpose of calculating required open space.

**Land Development Activity:** See "Development".

**Land Disturbance:** Any activity that comprise, facilitate, or result in land disturbance, and which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, clearing, and grubbing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices. Each clearing, clearing, and grubbing, grading, or development permit shall include the required erosion and sediment control measures and practices.

**Land Disturbance Activity:** See "Land Disturbance."

**Land Disturbance Permit:** Any permit other than a Building Permit issued by Gwinnett County that authorizes clearing or grading activities and any activity that comprises a site or portion of a site. Said permit may be a Clearing, Clearing and Grubbing, a Grading, or Development Permit as defined and authorized herein.

**Landfill:** A method of disposing of waste on land by placing an earth cover thereon. The term "landfill" shall include Construction and Demolition Debris Landfill, Hazardous Waste Landfill, Industrial Waste Landfill, Inert Waste Landfill, Monofill, Municipal Solid Waste Landfill and Private Industry Landfill. The term "landfill" shall not include approved on-site disposal of inert waste at a building, land disturbing, or development site.

**Landfill, Construction and Demolition Waste:** A landfill in which construction/demolition waste is disposed. Construction/ demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination.

**Landfill, Industrial Waste:** A commercially-operated landfill for the disposal of solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated by the U.S. EPA or the *Georgia Hazardous Waste Management Act*. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes; electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and

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miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; or water treatment. This term does not include mining waste or oil and gas waste.

**Landfill, Inert Waste:** A landfill accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, stumps, limbs, and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above.

**Landfill, Monofil:** A method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste. Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and community activities, but does not include recovered materials; solid dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal *Atomic Energy Act* of 1954, as amended.

**Landfill, Municipal Solid Waste:** A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon. See "Municipal Solid Waste".

**Landfill, Private Industry:** A landfill which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

**Landscape Strip:** Land area required to be set aside and used for landscaping upon which only limited encroachments are authorized.

**Lawful Occupant, Collection Bin:** The occupant, or occupant's legal representative, of real property, other than the Site Host, via a lease, rental agreement, or other instrument, who has the right to control and manage the maintenance and upkeep of the real property upon which a collection bin within unincorporated Gwinnett County is located or maintained.

**LED:** A light-emitting diode (LED) which is a solid-state semiconductor device that converts electrical energy directly into a discrete color of light.

**Livestock:** Cattle, horses, donkeys, mules, goats, sheep, swine, and other hooved animals; poultry, ducks, geese, pigeons, peacocks, and other live fowl; and fur or hide-bearing animals; whether owned or kept for pleasure, utility, or sale. The term livestock shall not include small species of pigs, cage birds or rabbits kept within a dwelling as a household pet.

**Live/Work Unit:** A dwelling in which a significant portion of the space includes a non-residential use that is operated by the tenant.

**Lobby:** A lobby is a public internal waiting area at or near the entrance of a building. A lobby may include a variety of uses but is limited to contiguous open area and shall not include separated space for public uses such as restrooms or offices.

**Lot:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Lot of Record:** A lot or parcel of land which existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk of Superior Court prior to June 2, 1970, or which is shown in its entirety and present boundaries on a Final Plat or Exemption Plat duly approved under these or any previously applicable regulations providing for the subdivision of land in Gwinnett County and recorded with the Clerk of Superior Court of Gwinnett County.



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**Lot, Corner:** A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees.

**Lot, Double Frontage:** A lot other than a corner lot abutting upon two or more streets.

**Lot Line:** A line dividing one lot from another, or from a street or any public space.

**Lot, Stormwater Facility:** A lot designed for the principal use of containing a stormwater treatment facility.

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

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

**Lot Width (Cul-de-sac):** For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be measured as described in Section 230-40.2.

**Maintenance:** The act of keeping property, structures, or vegetation in a proper condition so as to prevent their decline, failure, or uncontrolled growth.

**Major Thoroughfare:** Any public street, existing or proposed, which is shown on the Gwinnett County Long Range Road Classification Map.

**Management:** As used in Title 2 in reference to Shelters, the board of trustees, the partnership, the corporation, the association, or the person or group of persons who maintains and controls the shelter and who is legally responsible for the operation of the shelter.

**Manager:** As used in Title 2 in reference to Shelters, the adult person designated by the management as responsible for the day-to-day operation, administration and/or supervision of the shelter. The manager or other responsible person shall be capable of operating the shelter in accordance with this article.

**Manufactured Home:** As defined in Georgia Law.

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

**Massing:** The exterior form of a building, a structure or a series of buildings seen as a whole, encompassing bulk, shape, height, width, scale, proportion, and the spatial relationships of buildings, landscaping, and open space.

**Mean Sea Level (MSL):** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or North American Vertical Datum (NAVD) of 1988.

**Metropolitan River Protection Act:** A state law which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Microbrewery:** A small scale establishment in which craft beer or malt beverages are manufactured or brewed. Microbreweries may sell to the public through wholesalers or directly to the consumer through carry-out package and/or on-site tap-room or tasting room sales.

**Microdistillery:** A small scale establishment in which distilled spirits are manufactured. Microdistilleries may sell to the public through wholesalers or directly to the consumer through carry-out package and/or on-site tasting room sales.

**Mitigation Bank:** A property that has been protected in perpetuity, and approved by the county expressly for the purpose of providing compensatory mitigation in advance of authorized impacts through the restoration, creation, and/or enhancement of stream buffers or water quality, and in exceptional circumstances, preservation of adjacent stream buffers, and/or other resources contributing toward the proper function of a stream buffer or water quality, or property that is utilized to implement other types of activities that restore, enhance, and protect stream buffer functions or water quality within Gwinnett County.

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**Mitigation Credit:** A unit of value generally equivalent to one acre of created or restored functioning stream buffer.

**Mitigation, Stream Buffer:** An action taken to avoid, minimize, rectify, reduce, compensate, or monitor the negative impacts of development on a protected stream buffer.

**Mitigation Plan:** A written document developed based on the criteria in the Gwinnett County Stream Buffer Mitigation Bank procedures guide, a chapter of the Gwinnett County Stormwater Management Manual, and supplemented with graphics (including as-built drawings), that describes in detail the implemented mitigation site, the goals established for the project, how it was implemented, how it will be monitored, the amount of mitigation in the site (credits, acres, etc.), and the criteria by which its success will be determined.

**Mixed-Use Development:** Development of a single building or, a single parcel or multiple parcels to contain two or more of the following types of uses in a master planned project: residential, retail/commercial, or office. Mixed uses shall be combined vertically or horizontally within the same building.

**Mobile Food Service Unit:** A food service establishment that is readily moveable, is a motorized wheeled vehicle, or is a towed wheeled vehicle and that is designed and equipped to prepare and serve food as defined by state law and in accordance with the rules and regulations for food service of the Gwinnett Board of Health.

**Mobile Home:** A structure, transportable in one or more sections, as defined in Georgia Law. See also the definition for Manufactured Home.

**Modification:** A type of administrative appeal that may be granted by the Director only where specifically authorized in this Ordinance.

**Modular Home:** See "Industrialized Building, Residential."

**Modulation:** The rhythmic variation in the massing and fenestration of a building that divides its roofline and facade into small harmonious components that create visual interest, as distinct from the appearance of a large building with a featureless facade built on a single plane with a single roof line. Modulations of a facade should break the vertical plane with variations that are at least 2 feet in depth, measured from the forward plane of the façade. See Unified Development Ordinance (UDO) Design Guidelines, General Design.

**Motor Vehicle:** A self-propelled device used for transportation of people and goods over land surfaces and licensed as a motor vehicle.

**Municipal Solid Waste:** For the definition, refer to the Georgia Department of Natural Resources, Environmental Protection Division Rules and Regulations, Solid Waste Management.

**Multi-Use Path:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929, the vertical control used as a reference for establishing varying elevations within the floodplain.

**National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit:** A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Native Plant:** A plant that occurs naturally in a particular region, state, ecosystem, and habitat without direct or indirect human actions (Federal Native Plant Conservation Committee, 1994).

**Natural Area:** An area of land or water that has substantially retained its innate character and functions as a habitat for plant and animal life.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation, or filling.

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**Nephelometric Turbidity Units (NTUs):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

**New Construction:** Any structure under construction, including improvements to any structure on or after the effective date of this Ordinance and includes any subsequent improvements to the structure.

**Nonconforming Characteristic(s) of Building or Structure:** A building or structure, legally existing on the effective date of this Ordinance, but which fails to comply with one or more of the regulations adopted under the terms of this Ordinance which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height, off street parking or loading, buffers, landscaping or any other applicable development regulation.

**Nonconforming Lot:** A lot of record that does not comply with the current requirements of this Ordinance.

**Nonconforming Lot, Legal:** A lot of record that does not comply with the current requirements of this Ordinance, but was lawfully established prior to the adoption, revision, or amendment of the requirements in this Ordinance making the lot of record, structure, or use non-compliant.

**Nonconforming Use of Land, or Nonconforming Use of Land and Buildings(s), or Nonconforming Use of Land and Structure(s):** A use of land and building(s) or a use of land and structure(s), in combination, legally existing on the effective date of this Ordinance, but that is not an authorized use of land and building(s) or land and structure(s), in combination, under the terms of this Ordinance in the district in which such use is located.

**North American Vertical Datum (NAVD) of 1988:** A vertical control used as a reference for establishing varying elevations within the floodplain.

**Nursing Home:** A State licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home; and otherwise complies with the rules and regulations of the Georgia Department of Community Health. (Source: Georgia Department of Community Health11-8-56)

**Occupancy:** The purpose for which a building is utilized or occupied.

**Occupant:** Any individual living or sleeping in a building or having possession of a space within a building.

**Occupiable Space:** Enclosed space designed and constructed for human occupancy and equipped with means of egress, and light and ventilation facilities in accordance with the applicable codes. Occupiable space does not include space used exclusively for unheated storage or vehicle parking.

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

**Open Dump:** A disposal facility in which solid waste from one or more sources is consolidated and left to decompose, burn, or to otherwise create a threat to human health or the environment.

**Open Space:**

- A. A parcel or area of land set aside, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. At least 50 percent of the required open space within a development required in Title 2 of this UDO shall be usable open space. Such space shall include a combination of planted areas, fountains, community gardens, parks, plazas, amenity areas, trails, dog parks, and hardscape elements related to sidewalks and plazas, and similar features which are located on private property.

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- B. A parcel of land located within the Big Haynes Creek Watershed Protection Area set aside, designated, and reserved which shall remain in its natural state, undisturbed, and unoccupied by any structures or impervious surfaces.

**Operator:** The party or parties that have:

- A. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or,
- B. Day-to-day operational control of those activities that are necessary to ensure compliance with the stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation, and pollution control plan or to comply with other permit conditions.

**Outdoor Storage:** The keeping outdoors of any goods, materials, merchandise, equipment, or vehicles in the same place for more than twenty-four hours whether for storage, display, processing, or sale. Outdoor storage shall include portable moving or storage containers and tractor trailers.

**Outdoor Display and Sales of Merchandise:** The placement of goods, materials, merchandise, or equipment for sale, rental, or lease in a location not enclosed by structure consisting of walls and roof. "Outdoor display" shall not mean yard sales or vehicle sales lots.

**Outdoor Seating Area:** An area intended and approved for use by customers outside of an establishment such as a restaurant. The term includes areas for people to gather whether or not actual seating is provided.

**Outfall:** The location where stormwater in a discernible, confined, and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

**Overbank Flood Protection:** Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

**Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**Parcel:** A designated lot, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**Parking, Bicycle:** An area in a parking lot or along a sidewalk that is designed and marked for the purpose of securing bicycles in an upright fashion, using a locker or open framework that is permanently attached to the ground and providing secure anchorage for two or more bicycles.

**Parking, Lot:** A surface parking lot, not including decked parking garages or underground parking structures.

**Parking, On-street:** Areas along curbs of a street that are authorized for temporary parking of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

**Parking Spaces, Handicapped Accessible:** A parking space reserved for drivers of a standard vehicle with a handicapped accessibility tag visible in the car.

**Parking Spaces, Van Accessible:** A parking space reserved for drivers of a van with a handicapped accessibility tag visible in the car.

**Parking, Surplus:** Parking provided in excess of the maximum allowance for a specific use and intended to be used on an irregular basis during periods of peak activity.

**Parking, Structure:** Floors placed above-ground or underground in a structure designed principally for the parking and circulation of motor vehicles that includes a roof and/or more than one level. A parking structure may be

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either freestanding or incorporated in one structure along with other uses, such as office, residential or commercial uses.

**Parkway:** A divided or undivided classified roadway, including:

- A. University Parkway (GA. Hwy. 316).
- B. Grayson Parkway (GA. Hwy. 84).
- C. Ronald Reagan Parkway.
- D. Sugarloaf Parkway.
- E. Hamilton Mill Parkway.
- F. Riverside Parkway.
- G. Northbrook Parkway.
- H. Lakes Parkway.
- I. Any other such road as identified by the Gwinnett County Department of Transportation.

**Patio:** A level area covered by a hard surface, directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

**Pedestrian Way:** A right-of-way within a block dedicated to public use, intended primarily for pedestrians and from which motor propelled vehicles are excluded.

**Permit:** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed by such authorization.

**Permittee, Collection Bin:** Any person, organization, or other entity issued a permit to place and maintain a collection bin in unincorporated Gwinnett County.

**Person:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, interstate body or any other legal entity.

**Personal Care Home:** A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight are provided, and which facility is licensed or permitted by the State of Georgia. This includes all residential child caring and adult group home facilities recognized by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or daily living needs.

**Personal Care Home, Congregate:** A State licensed Personal Care Home that offers care to 16 or more residents.

**Personal Care Home, Family:** A State licensed personal care home that offers care to two (2) to six (6) residents.

**Personal Care Home, Group:** A State licensed personal care home that offers care to seven (7) to fifteen (15) residents.

**Pervious Paving:** Materials used for surfacing parking lots and driveways such as porous concrete or modular porous paver systems that are designed to allow infiltration of stormwater and are consistent with Stormwater BMPs. Pervious paving areas are not considered as impervious surface areas for the purpose of calculating impervious surface coverage.

**Petroleum Products Recycling Center, Accessory:** A facility storing, reclaiming, or containing used petroleum products which is accessory to an automotive service establishment, industrial establishment, or similar use.

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**Pet (Household Pet):** A domesticated animal such as a dog, cat, common cage bird, rodent, rabbit, ferret, or aquarium-kept fish, reptile, amphibian, or turtle, which is traditionally kept in the home for companionship or pleasure rather than for utility or commercial purposes. This term specifically excludes livestock and wild animals.

**Phase or Phased:** Subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

**Planned Commercial/Office/Industrial Development:** A contiguous area or subdivision of land, planned and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, office or industrial uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses (i.e., office park, shopping center, industrial park).

**Planning Commission:** The Municipal-Gwinnett County Planning Commission.

**Plat:** A map indicating the subdivision, resubdivision, or recombination of land.

**Plaza:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**Pocket Park:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**Porch:** A permanent outdoor structure, consisting of a floor surface, including stairs, when present, that is attached to a building and covered by a permanent roof. The porch may be unenclosed or enclosed, but not heated.

**Preexisting Towers and Antennas:** Structures as set forth in Section 98.21 D of this Ordinance.

**Premises:** Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Primary Conservation Area:** The category of common area as defined in Title 2 for Open Space Conservation Subdivisions.

**Principal Building:** A building built to fulfill the primary or predominant purpose for which a lot is occupied and/or used.

**Principal Occupant:** A building tenant who occupies a minimum of 25 percent of the floor space of a specific building that is available for occupancy.

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

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

**Project:** A principal building or structure, or group of buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, stormwater infrastructure, access, and circulation facilities, whether built in whole or in phases regardless of the size of the area of land to be disturbed. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center, or an office park.

**Project Access Improvement:** Any improvement or facility that is planned and designed to provide service or access for a particular project and which is necessary for the use and convenience of the occupants or users of the project and is not a System Improvement. A Project Access Improvement includes but is not limited to: pedestrian access improvements; site driveways; new streets; median cuts; right turn lanes, left turn lanes, acceleration lanes, and deceleration lanes made necessary to serve site driveways or new streets leading to or from the project; traffic control measures made necessary to serve site driveways or new streets; intersection improvements whose

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primary purpose at the time of construction is to provide access to the Project; and, necessary right-of-way dedications required for any Project Access Improvement.

**Property:** Any unimproved or improved residential or non-residential real property or portion thereof, situated in unincorporated Gwinnett County, including the buildings or structures located on the real property regardless of condition.

**Property Owners Association:** A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities including homeowners associations.

**Protection Area or Stream Protection Area:** With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

**Public Space:** Certain types of developed land held in perpetual common or public ownership for the collective use of multiple property owners, maintained and made accessible for public use. Public spaces shall be defined as common area and regulated by this Ordinance, provided they are designed in general conformity with the applicable [Unified Development Ordinance (UDO) Design Guidelines] and owned by a public entity, homeowners' association, or property owners' association. See also the terms "pocket park", "green", "square", "plaza", "courtyard", "pedestrian way", and "greenway".

**Public Water Supply:** A water supply system, including any source, intake, treatment, storage, transmission, or distribution, that is intended to provide the public with potable, piped water.

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

**Record Drawing:** A survey or other drawing based on a field survey which shows existing features or components and horizontal or vertical information (grades or location of improvements).

**Recovered Materials Processing Facility:** Any facility utilized for the purpose of collecting, sorting, processing, or shipping of household, commercial or industrial waste materials to be recycled. Such facilities may also engage in the recovery of raw materials, or process recovered materials into new semi-refined or finished products.

**Recycling Collection Center:** A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

**Recycling Collection Point, Accessory:** A passive drop-off point for the collection of household consumer recyclables; including plastic containers, glass bottles, newspaper and magazines, and aluminum and steel cans, when such use is incidental to a shopping center, church, school, government building, multi-family residential development or waste disposal facility.

**Recreational Vehicle:** A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by light duty truck; and,
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Redevelopment:** Development on a previously developed site; but excludes ordinary maintenance activities, remodeling of existing building interiors, resurfacing of paved areas, and exterior building changes or

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improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

**Reduced Pressure Principle Backflow Prevention Assembly:** An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This device shall be permitted to be installed where subject to continuous pressure conditions.

**Regional Stormwater Management Facility:** Controls designed to manage stormwater runoff from multiple projects and/or properties which discharge into the same watershed allowing the reduction or elimination for required on-site controls.

**Repetitive Loss:** Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals, or exceeds 25 percent of the market value of the structure before the damage occurred.

**Resident:** As used in this Ordinance in reference to Shelters. Any person residing in a residential shelter and receiving services who is not related within the third degree of consanguinity to the person to whom the permit has been issued.

**Responsible Party:** In the context of enforcement procedures, a person (as defined above) who is alleged to have committed, caused, continued, or created a violation of the terms, requirements, regulations, or provisions of this Ordinance whether as a direct act, through lack of action or neglect, or at the direction of or on behalf of others. A responsible party may be the owner of a premises where a violation has occurred; an occupant whether through ownership, lease, or other tenancy; a contractor, builder, or developer; an agent of or person otherwise acting on behalf of the aforementioned parties; or other person acting in violation of this Ordinance.

**Retaining Wall:** A structure that is constructed between lands of different elevations to stabilize the surfaces, prevent erosion, and/or protect structures.

**Retirement Community (Continuing Care):** A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and, 24-hour nursing home-style care. As resident's health needs increase, they transition from one level to the next, all within the same community.

**Retirement Community (Independent Living):** A managed housing complex designed for older adults who are generally able to live independently and care for themselves. Limited or no personal or healthcare services are offered; however, activities and socialization opportunities may be provided.

**Riparian:** Belonging or related to the bank of a river, stream, lake, pond, or impoundment.

**Road:** See "Street, Public".

**Road Frontage:** The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the county for vehicular traffic or over which the county may hold a prescriptive easement for public access and including designated and numbered U.S. and state highways.

**Roadway:** The paved portion of a street from back of curb to back of curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

**Roadway Stormwater Infrastructure:** A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by



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intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Rubbish:** Discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage, and/or similar materials.

**Salvage Operation and/or Junk Yard:** Property used for outdoor storage, keeping, abandonment, sale, or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, tires, batteries, salvage building wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

**Sanitary Sewer:** A separate underground carriage system specifically for transporting sewage from houses and commercial buildings to treatment or disposal. Sanitary sewers serving industrial areas also carry industrial wastewater.

**Scenic Views:** Those geographic areas containing visually significant or unique natural features, as identified in the Gwinnett County Unified Plan.

**Scrap Tire Processing Plant:** A facility which grinds, shreds, chops, or otherwise processes scrap tires for secondary use.

**Screening:** A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

**Secondary Conservation Area:** This category of common area as defined in Title 2 for Open Space Conservation Subdivisions.

**Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

**Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

**Setback, Stream:** With respect to a stream, the area extending beyond any buffer applicable to the stream.

**Sewage:** Human excrement and gray water. Gray water includes household showers, dishwashing operations, etc.

**Sewer or Sewer Line:** Any pipe or conduit used to collect and carry away sewage from the generating source to the treatment plant and other facilities.

**Sewer System:** All public sanitary sewer facilities for wastewater collection and treatment and other support facilities required for system operation.

**Sheet Flow:** Diffused water running overland to a defined watercourse.

**Shelter, Emergency or Residential:** A nonprofit institutional use, comprised of a building, institutional in nature, which provides overnight shelter, sleeping accommodations, and services, and not otherwise mandated by the state government for related or nonrelated individuals for a period of time not to exceed 15 hours every 24 hours. Stay of the individuals is presumed to be of a temporary nature.

**Shrub:** A woody plant that is never tree-like in growth habit and produces branches or shoots from or near the base.

**Site Host, Collection Bin:** Any owner of real property within unincorporated Gwinnett County upon which a collection bin is located and maintained.

**Site Work:** Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading, and installation of soil sedimentation and erosion control facilities.

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

**Solid Waste Transfer Station:** Any facility which collects, consolidates, and ships solid waste to a disposal facility or processing operation.

**Special Flood Hazard Area:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future conditions flood elevation, and all other flood prone areas as referenced in Section 700-10. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated. In the absence of official designation by the Federal Emergency Management Agency, Special Flood Hazard Areas shall be those designated by the local community and referenced in Section 700-10.

**Special Use:** A "Special Use" is a use listed in Chapter 210 of the Unified Development Ordinance as being permitted if it meets stated conditions and is approved by the Board of Commissioners of Gwinnett County.

**Square:** A type of public space that meets the minimum standards as listed in the Unified Development Ordinance (UDO) Design Guidelines, Public Spaces.

**State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, stormwater facilities, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation per Georgia Law.

**Stop Work Order:** An order to cease and desist building, development, and land disturbing that is issued by the Department of Planning and Development pursuant to the requirements of this Ordinance and the Gwinnett County Construction Code.

**Stormwater:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation, but which also includes:

- A. Water from those sources described in Chapter 800; and/or
- B. Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the county separate storm sewer system.

**Stormwater Facilities and Systems:** See "Stormwater Infrastructure."

**Stormwater Infrastructure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, stormwater infrastructure control, or flood control purposes.

**Stormwater Infrastructure Improvements:** Those facilities and structures intended to control and direct the passage of stormwater and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains, and other piping systems, catch basins, stormwater management facilities, and velocity dissipation devices.

**Stormwater Management:** The collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety, and general welfare.

**Stormwater Runoff:** The flow of surface water resulting from precipitation.

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**Story:** Occupiable space of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. A bonus room constructed above a garage serving a single-family residence does not constitute a story.

**Story, Above Average Grade:** Any story having its finished floor surface entirely above average grade, or in which the finished surface of the floor next above is:

- A. More than 6 feet above average grade; or
- B. More than 12 feet above the finished ground level at any point.

**Stream:** Any watercourse, beginning at:

- A. The location where the normal stream flow has wrested the vegetation. The normal stream flow is any flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from the groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfall or snow melts; or
- B. A point in the stream channel with a drainage area of 20 acres or more; or
- C. Where evidence indicates the presence of a stream in a drainage area of other than 20 acres.

**Stream Bank:** The confining cut of a stream channel.

**Stream Channel:** The portion of a watercourse that contains the base flow of the stream.

**Stream Protection Area:** The combined areas of all required buffers and setbacks applicable to such stream.

**Streamer:** Any long, narrow flag, banner, tinsel or roping which is hung or strung from any structure to another structure or the ground.

**Stream, Perennial:** A watercourse having a source, terminus, banks, and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-minute quadrangle map (scale 1:24,000).

**Street:** A thoroughfare that affords the principal means of access to abutting property. This includes streets, roads, highways, avenues, alleys, sidewalks and other public places or ways.

**Street, Arterial:** A Principal Arterial, Major Arterial, or Minor Arterial street as defined and designated in the Gwinnett County Unified Plan.

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

**Street, Cul-de-Sac:** A street having one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

**Street, Local Non-Residential:** A surface street intended primarily to provide local access to adjacent existing or planned commercial or industrial development and not for through traffic.

**Street, Local Residential:** A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

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

**Street, Major Intersection:** The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Gwinnett County Unified Plan.

**Street, Marginal Access:** A local street which is parallel to and adjacent to a major thoroughfare and which provides access to adjacent properties and protection from through traffic.

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

**Street, Minor Collector:** A through street having the primary function of connecting subdivisions or other areas to Major Collector streets or other major thoroughfares or functioning as a central route within a subdivision channeling traffic from the local streets to an abutting major thoroughfare or another Minor Collector street. For the purposes of this ordinance, a central but non-through route within a subdivision or other project will be considered as a Minor Collector, if the Average Daily Traffic generated by the development on the route will exceed 2000 trips.

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

**Street, Private:** An access way similar to and having the same function as a public street, providing access to more than one property, but held in private ownership (as distinct from a "driveway").

**Street, Public:** A right-of-way dedicated to and accepted by Gwinnett County for vehicular traffic or over which Gwinnett County may hold a prescriptive easement for public access and including designated and numbered U. S. and State Highways. For the purposes of this ordinance, the term "public street" shall be limited to those which afford or could afford a direct means of vehicular access to abutting property and exclude limited access roadways which abut a property but from which direct access may not be allowed under any circumstances.

**Street Jog:** The alignment or offset of roads intersecting the same street.

**Structural Stormwater Control:** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

**Structure:** Anything constructed or erected on the ground or attached to something on the ground. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

**Subdivider:** Any person, individual, firm partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined, including an agent of the subdivider.

### **Subdivision:**

- A. Any division or re-division of a lot, tract, or parcel, regardless of its existing or future use, into 2 or more lots, tracts, or parcels. The term, "subdivision" shall mean the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots shall be considered a separate distinct subdivision with a separate name.
- B. Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

**Subdivision Entrance:** A public street, or publicly approved private street, that provides access to subdivided lots.

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**Swimming Pool:** Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep including in-ground, above-ground and on-ground pools, hot tubs, spas, and fixed-in-place wading pools.

**System Improvement:** Any improvement or facility which is designed to provide service to the community at large. Any improvement or facility such as streets, bridges, or rights-of-ways identified on the Long Range Road Classification Map (i.e. "the System"), and any traffic control measures, landscaping, or other features to same, that is included in the Gwinnett County Unified Plan, and which is further designed to provide service to the community at large.

**Tie Point:** The point of reference for a boundary survey. Said point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.

**Timber Harvesting:** The felling, loading, and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

**Total Suspended Solids or Suspended Solids (TSS):** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, man-made trees (with accessory buildings/structures) and other similar structures.

**Townhouse:** See "Dwelling, Townhouse".

**Trash:** Combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke, or other combustible material.

**Tree:** A woody plant, with usually one main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than 3 inches at any point and a height of over 10 feet.

**Tree, Canopy:** A tree that, under normal forest conditions, will compose the top layer or canopy of vegetation and generally will reach a mature height of greater than 40 feet.

**Tree, Hardwood:** Any tree that is not coniferous (cone bearing) or needle bearing.

**Tree, Softwood:** Any coniferous (cone bearing) tree.

**Tree Thinning:** Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as clear cutting.

**Tree, Specimen:** Any tree that meets one or more of the identification criteria in this Ordinance such as the tree's size, type, condition, health, location, or historical significance.

**Tree, Understory:** A tree that, under normal forest conditions, grows to maturity beneath overstory trees and will generally reach a mature height of at least 10 feet but less than 40 feet.

**Tree Bank(ing) Option One:** Whereby the developer plants and installs trees on an alternative site chosen by the developer with prior approval from the Director. Option One will result in the planting of trees at the following sites including but not limited to fire stations, libraries, schools (excluding Gwinnett County Parks and Recreation properties), and revitalization projects in Community Improvement Districts.

**Tree Bank(ing) Option Two:** A place of storage of monetary compensation for trees. The process of storing monetary compensation for trees with prior approval from the Director.

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**Tree Canopy Calculation:** A number given in square feet to a tree or group of trees that reflect the overall canopy at maturity of that tree or trees.

**Tree Debris:** The remains of a broken down or destroyed tree including whole trees, tree stumps, tree branches, and tree trunks.

**Tree Density Standard (TDS):** The minimum number of Tree Density Units per acre which must be achieved on a property.

**Tree Density Unit (TDU):** A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this Ordinance.

**Tree Diameter:** The diameter of a tree measured as follows:

- A. For existing preserved trees, at a point 4.5 feet above the ground (DBH)
- B. For new replaced trees, at a point 6 inches above the ground.

**Tree Preservation and/or Replacement Plan (TP/RP):** A plan that identifies Tree Protection Areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements of this Ordinance, as well as methods of tree protection to be undertaken on the site and other pertinent information.

**Tree Protection Area (TPA):** Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this Ordinance. The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

**Truck or Freight Terminal:** An area and building where hauling companies load and unload cargo and freight from multiple origins for further transport, and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Undeveloped Land:** A parcel that has less than 100 square feet of impervious surface.

**Undisturbed:** Land in its natural state of vegetation.

**Unfinished Space:** Enclosed space within a building or structure which requires additional construction to render the space suitable for human occupancy in accordance with the applicable codes.

**Unified Plan:** Gwinnett County's Comprehensive Plan most recently adopted by the Board of Commissioners and on file with the Gwinnett County Planning and Development Department.

**Utility:** A public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by the county.

**Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment-producing areas by covering the soil with including but not limited to the following:

- A. Permanent seeding, sprigging, or planting, producing long-term vegetative cover; or,
- B. Temporary seeding producing short-term vegetative cover; or,
- C. Sodding, covering areas with a turf of perennial sod-forming grass; or,
- D. Such measures are found in the publication "Manual for Erosion and Sediment Control in Georgia".

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

**Villa:** See "Dwelling, Villa".

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**Visual Quality:** The appropriate design, arrangement, and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

**Waste Incineration Facility:** Any facility which reduces waste volume by burning at a high temperature for a specified period of time. This term excludes air curtain destructors used for the on-site burning of yard trimmings and wood wastes at a building, land disturbing, or development site.

**Wastewater:** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**Wastewater Treatment Plant or Treatment Plant:** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**Watercourse:** A natural or artificial channel through which water flows. A channel with a defined bed and banks, including lakes, ponds, and marshes, and which meets the definition of watercourse in Section 391-3-7.01 of the Georgia Department of Natural Resources Regulations. Any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and includes any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**Water Quality:** The chemical, physical, and biological characteristics of the state's water resources.

**Water Quantity:** The volume of runoff which is not entirely confined and retained completely upon a parcel.

**Watershed:** A drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake, or reservoir.

**Water System:** All public water facilities for supply, treatment, storage, transmission, distribution, and other support facilities required for system operation.

**Weeds:** All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

**Wild Animal:** Any living member of the animal kingdom, excluding livestock and household pets.

**Xeriscaping:** A method of landscaping utilizing materials which are water-efficient.

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

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

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

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

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**Zero Discharge Permit:** A permit issued to an IU, which may include CIUs, and which prohibits the discharge of industrial process wastewater to the POTW.

**Zoning Board of Appeals:** The Zoning Board of Appeals of Gwinnett County.



**Section 110-50. Definitions by Category/Chapter.**

**110-50.0** The following definitions are to be applied in Chapter 265, Temporary Outdoor Activity Uses:

**Goods and merchandise** shall mean tangible or movable personal property, other than money.

**Holiday activities** shall mean seasonal activities associated with federally-recognized holidays and Halloween, including pumpkin lots and Christmas tree sales.

**Temporary outdoor activity** shall mean activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the same premises as the principal use of the parcel. Temporary outdoor activities shall occur in non-enclosed areas.

**Temporary outdoor activity permit** shall mean written authorization by the Director of the Department of Planning and Development, or designee, for the applicant to engage in temporary outdoor activities at a specified, fixed location meeting all requirements of this UDO.

**110-50.1** The following definitions are to be applied in Chapter 400, Soil Erosion, Sedimentation and Pollution Control:

**Best Management Practices:** These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the commission as of January 1 of the year in which the land-disturbing activity was permitted. Best management practices are a collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in Georgia Law.

**Board:** The Georgia Board of Natural Resources.

**Certified Personnel:** A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

**Commission:** The Georgia Soil and Water Conservation Commission.

**Design Professional:** A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc.

**Director of EPD:** The Director of the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources.

**District:** The Gwinnett County Soil and Water Conservation District.

**Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.

**Final Stabilization:** All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region as defined in the Manual. Final stabilization applies to each phase of construction.

**Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

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**Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

**Local Issuing Authority (LIA):** The governing authority of any county or municipality which is certified pursuant to Georgia Law.

**Notice of Intent (NOI):** A notice of intent form provided by EPD for coverage under the state general permit.

**Notice of Termination (NOT):** A notice of termination form provided by EPD to terminate coverage under the state general permit.

**Properly Designed:** Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of the NOI submittal.

**Qualified Personnel:** Any person who meets or exceeds the education and training requirements of Georgia Law.

**Soil and Water Conservation District Approved Plan:** An Erosion, Sedimentation and Pollution Control Plan approved in writing by the Gwinnett County Soil and Water Conservation District.

**Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**State General Permit:** The National Pollution Discharge Elimination System general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., of Georgia Law.

**Stormwater Structure:** A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

**Structural Erosion, Sedimentation and Pollution Control Measures:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control measures are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures are found in the publication "Manual for Erosion and Sediment Control in Georgia".

**110-50.2** The following definition is to be applied in Chapter 500 Riparian Buffers.

**Trout Streams:** All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the O.C.G.A. § 12-5-20 et seq., the Georgia Water Quality Control Act, and in the Georgia Rules and Regulations Water Quality Control, Chapter 391-3-6. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**110-50.3** The following definitions are to be applied in Chapter 700, Floodplain Management.

**Addition (to an existing structure):** Any walled and roofed expansion to the perimeter or height of a building.

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**Base Flood:** The flood which has a one percent probability of occurring in any calendar year. (i.e., the 100 year frequency flood).

**Base Flood Elevation:** The highest water surface elevation anticipated at any given point during the base flood.

**Basement:** That portion of a building having its floor subgrade (below ground level) along all or a majority of its perimeter length and includes the term "cellar".

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Building:** Same meaning as "Structure".

**Compensation:** The replacement of flood storage capacity lost as the result of floodplain encroachment.

**Development:** All activities associated with man-made changes to improved or unimproved real estate and the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include but are not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations, storage of equipment or materials, water or sewer mains, stormwater management facilities, sidewalks or other structures permanently placed on or in the property.

**Elevated Building:** A non-basement building with the lowest elevated floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**Federal Emergency Management Agency (FEMA):** The Federal Agency which administers the National Flood Insurance Program. This Agency prepares, revises, and distributes the maps and studies referenced in this ordinance.

**Flood Boundary and Floodway Map:** The official map issued by the Federal Emergency Management Agency, where the boundaries of the floodways are shown, and the areas of Special Flood Hazard have been defined as Zone "A".

**Flood Hazard Area:** See "Floodplain".

**Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency has delineated both the areas of Special Flood Hazard and the applicable risk premium zones.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency (FEMA) Administration examining and evaluating flood hazards and corresponding flood profiles and water surface elevations of the base flood.

**Floodplain, 100-Year:** Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

**Flood Prone Area:** Any land area subject to flooding.

**Flood Proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to: 1) discharge the base flood without cumulatively increasing the water surface elevation more than one foot above the base flood elevation; or, 2) discharge the future conditions flood without cumulatively increasing the

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water surface elevation more than one foot above the future conditions flood elevation. The more restrictive shall apply.

**Functionally Dependent Use:** A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water.

**Future Conditions Flood Elevation:** This flood standard is equal to or higher than the Base Flood Elevations. The highest water surface elevation anticipated at any given point during the future conditions flood.

**Future Conditions Flood Hazard:** The land area that would be inundated by the one-percent-annual-chance flood based on future-conditions hydrology (100-year future-conditions flood).

**Future Conditions Floodplain:** Any land area susceptible to flooding by the future-conditions flood.

**Future Conditions Hydrology:** The flood discharges associated with the drainage basin being fully developed as shown on Gwinnett County's Unified Plan. Only detention that can be shown that it will remain (i.e. owned by County) and is large enough to be included in the hydrograph routings shall be considered when determining the flood peak. No consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation shall be given.

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is constructed in accordance with the provisions of this ordinance.

**Manufactured Home:** A structure (or building), transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes mobile homes, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufactured Home Park or Subdivision, Existing:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading of the pouring of concrete pads) is completed before April 9, 1975.

**Manufactured Home Park or Subdivision, Expansion to an Existing:** Preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**Manufactured Home Park or Subdivision, New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be fixed (including at a minimum, the installation of utilities, and the construction of streets) April 10, 1975.

**Start of Construction:** Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as pouring slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements.) For a substantial improvement, the actual start of construction means the first alternation of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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**Structure:** A walled and roofed building (including gas or liquid storage tank), that is principally above ground, or a manufactured home.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantially Improved Existing Manufactured Home Parks or Subdivisions:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the structure should be:

- A. The appraised value of the structure prior to the start of the initial repair or improvement; or
- B. In the case of damage, the value of the structure prior to the damage occurring.
- C. This term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Violation:** The failure of a structure or other development to be fully compliant with Chapter 700 of this Ordinance. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in Chapter 700 is presumed to be in violation until such time as that documentation is provided.

**110-50.4** The following definitions are to be applied in Chapter 800, Stormwater Management.

**Best Management Practices:** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the Prohibited Discharge Standards and as contained in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Procedure:** A procedure adopted by the Department, by and through the director, to implement a regulation or regulations, or to carry out other responsibilities as may be required by this Ordinance or other codes, ordinances, or resolutions of the county or other agencies.

**Post-development:** The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity.

**Potable Water:** Any public potable water supply that has been investigated and approved by the EPD. The system must be operating under a valid health permit issued by the EPD. In determining what constitutes an approved water supply, the EPD has final judgment as to its safety and potability.

**Pre-development:** The time period, or the conditions that exist on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

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**Stormwater Management Facility:** Any infrastructure that controls or conveys stormwater runoff.

**Stormwater Retrofit:** A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

## **Chapter 120. Enforcement and Penalties**

### **Section 120-10. Violations of the Unified Development Ordinance.**

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure or use any land in the County, or cause the same to be done, contrary to or in violation of the provisions of this Unified Development Ordinance. Unless otherwise specified in any chapter or section of this Unified Development Ordinance, any violation of this Unified Development Ordinance shall be subject to the procedures set forth in this Chapter.

## **Section 120-20. Inspection and Right of Entry.**

Work for which a permit is required by this Unified Development Ordinance(UDO) shall be subject to inspection by authorized County representatives or employees upon presentation of County identification to the developer, contractor, owner, owner's agent, operator, or occupants during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property. Where it is necessary to make an inspection to enforce the provisions of this UDO, where the Director of Planning and Development or authorized County representative or employee has reasonable cause to believe that there exists upon a premises or property a condition which is contrary to or in violation of this UDO, the Director of Planning and Development or authorized County representative or employee is authorized to enter the property or premises at reasonable times to inspect or to perform the duties imposed by this UDO, provided that if property or premises is occupied that credentials will be presented and entry requested. If such property or premises is unoccupied, the Director of Planning and Development or authorized County representative or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the property or premises and request entry.

**120-20.1** If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the authorized representative or employee shall make the necessary arrangements to allow access to the Director of Planning and Development.

**120-20.2** The owner or operator shall allow the Director of Planning and Development access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measuring, recording, enforcing, sampling, testing, photography, and videotaping for the purpose of ensuring compliance with the provisions of this Unified Development Ordinance. The owner or operator shall allow the Director of Planning and Development to examine and copy any records that are required under the conditions of any permit granted under this Unified Development Ordinance.

**120-20.3** The Director of Planning and Development shall have the right to set up on any premises, property or facility such devices as are necessary to conduct any of the procedures as described in sec. 120-20.2.

**120-20.4** The Director of Planning and Development may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Department of Planning and Development. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense.

**120-20.5** Any temporary or permanent obstruction to safe and easy access to, or from the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director of Planning and Development and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

**120-20.6** Unreasonable delays in allowing the Director of Planning and Development or access to a facility, property or premises shall constitute a violation of this Unified Development Ordinance.

**120-20.7** If the Director of Planning and Development or authorized County representative or employee has been refused access to any part of a premises, property or facility and the Director of Planning and Development is able to demonstrate probable cause to believe that there may be a violation of this Unified Development Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Unified Development Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director of Planning and Development or authorized County representative or employee may seek an inspection warrant in accordance with Georgia law.



**Section 120-30. Notice of Violation.**

**120-30.1** Whenever the Director or any authorized County representative or employee determines that any violation of this Unified Development Ordinance is taking place, or that a condition of rezoning, special use permit, variance, or other permit or administrative approvals are not complied with, said Director may present to the owner, owner's agent, or the owner, occupier, or party responsible for such use or activity, a notice of violation and or order the use or activity to cease immediately.

**120-30.2** The notice shall contain the following information:

- A. The name and address of the owner or responsible person,
- B. The location or address of the site upon which the violation is occurring,
- C. A description of the nature of the violation,
- D. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this Unified Development Ordinance,
- E. The deadline or completion date of any such remedial actions or measures,
- F. A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

**120-30.3** If the violation has not been corrected within a reasonable length of time, which shall not exceed 14 days, the owner of the property on which such violation has occurred or the agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this Chapter, provided that either the Director may, at his/her discretion, extend the time for compliance with any such notice.

**120-30.4** The Director shall have authority to issue a warning notice prior to issuance of a notice of violation for any violation set forth in Section 120-40. A warning notice shall be discretionary when circumstances warrant such action in the opinion of said Director and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include requirements set forth in Section 120-30.2. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended in writing by said Director, said Director may proceed with a notice of violation or other authorized enforcement action.

**Section 120-40. Stop Work Orders**

**120-40.1** Whenever any building, structure, or premises is being developed, demolished, expanded, renovated, constructed, used, or occupied contrary to the provisions of this Unified Development Ordinance, or the public interest is otherwise threatened in a manner requiring immediate action, the Director may order the work stopped and said stop work order shall be posted on the property and delivered or mailed to the owner or person performing said unlawful work.

**120-40.2** Stop work orders are effective immediately and shall remain in effect until necessary corrective actions or remedial measures as set forth in the notice of violation have occurred. Stop work orders may be withdrawn or modified by the Director in order to enable an owner or responsible person to take necessary remedial actions or measures to correct violations.

**Section 120-50. Suspensions, Revocations, or Modifications.**

**120-50.1 Director Authorized to Suspend or Stop Work and Direct Corrections.** In any case in which activities are undertaken in violation of this Ordinance, not in compliance with the provisions of a permit issued under the authorization of this Ordinance, or without authorization of a permit which would otherwise be required, the Director is hereby authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summonses to any court of competent jurisdiction, or take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety, and welfare.

**120-50.2** The Director may suspend, revoke, or modify any permit issued authorizing land disturbing activities or development, or suspend, revoke, or modify any certificate of occupancy for any land, building, or structure that is being constructed, used, or occupied in violation of any provision of this Unified Development Ordinance in order to protect the health, safety, and general public welfare. The Director is authorized to reinstate a suspended, revoked, or modified permit or certificate of occupancy after the owner or responsible person has taken the remedial actions or measures stated in the notice of violation with an approved inspection, or has otherwise corrected the violations described therein. The Director is also authorized to reinstate such permit, which may include conditions as the Director may deem necessary, to enable the owner or responsible person to take the necessary remedial actions or measures to correct the violations.

**Section 120-60. Other Enforcement and Penalties.**

When any violation of this Unified Development Ordinance takes place, the provisions set forth in this Chapter shall apply. However, enforcement and penalty provisions set forth elsewhere in any other Chapter or Section of this Unified Development Ordinance shall be applicable as therein provided and such enforcement and penalties may be applied in addition to those enforcement and penalty provisions available in this Chapter.

**Section 120-70. Issuance of Citations or Summons to Court; Violations; Penalties for Violations.**

**120-70.1** In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any provision of this Unified Development Ordinance, a duly authorized officer or employee of the County may issue a citation requiring the violator to appear in the Recorders Court of Gwinnett County.

**120-70.2** The owner of any buildings or premises or parts thereof, where anything in violation of this Ordinance exists, and any builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation shall be guilty of a separate offense.

**120-70.3** Each day any violation of any provision of this Unified Development Ordinance shall continue shall constitute a separate offense.

**120-70.4** Any person, firm or corporation found in violation of any provision of this Unified Development Ordinance by the Recorders Court of Gwinnett County shall be punished either by a fine of not less than \$250 nor more than \$1,000, or by confinement in the County jail for a total term not to exceed 60 days, or both.

**Section 120-80. Other Remedies and Penalties.**

In any case in which a violation of this Unified Development Ordinance has occurred, the County may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity. The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and the Department charged with enforcement of the particular provision of the UDO may seek cumulative remedies. The Department charged with enforcement of the particular provision of the UDO may also recover attorney's fees, court costs, and other expenses associated with enforcement of this Chapter.

**Section 120-90. Administrative Appeal and Judicial Review.**

This appeals process applies in all cases except those relating to zoning activities or as stated elsewhere in this Unified Development Ordinance (UDO).

**120-90.1 Administrative Appeal.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any official of the County affected by any decision by the Director of Planning and Development. Such appeal shall be taken within fifteen days after the decision appealed from by filing with the Director of Planning and Development and with the Zoning Board of Appeals a Notice of Appeal specifying the grounds thereof. The Department of Planning and Development Director shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

**120-90.2** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director of Planning and Development certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application and notice to the Director of Planning and Development for good cause shown.

**120-90.3** Any person aggrieved by a decision or order of the Zoning Board of Appeals or Board of Commissioners, shall have the right to appeal in the manner provided by law.

**Section 120-100. Liability.**

This Unified Development Ordinance (UDO) shall not create any duty or right of recovery against Gwinnett County's officials and employees. The inspection or permitting of activity or plan by Gwinnett County, under the requirements of this UDO, is not intended to be construed as a representation or warranty of the physical condition of the site or property or the adequacy of such plans. Neither Gwinnett County nor any official or employee thereof shall be liable for damages to person or property for any defect or hazardous or illegal condition or inadequacy in such activity or plans. Neither Gwinnett County nor any of its officials or employees shall have any liability for any act or failure to act pursuant to the provisions of this UDO.