

ARTICLE III DEFINITIONS

3.0 INTERPRETATION OF CERTAIN TERMS AND WORDS

Except as specifically defined herein, or in other sections of this ordinance containing definitions, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural number include the singular.
- (c) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (d) The word "lot" includes the word "plot" or "parcel."
- (e) The word "building" includes the word "structure."
- (f) The word "shall" is mandatory, not directory.
- (g) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (h) The word "zoning map" or "Braselton Zoning Map" shall mean the "Official Zoning Map of the Town of Braselton, Georgia."
- (i) In cases where another chapter of this ordinance contains a section on definitions, the definitions of this chapter shall still apply, unless the context clearly indicates otherwise.

3.1 DEFINITIONS

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

ACCESSORY DWELLING: An accessory use consisting of a subordinate dwelling unit for a single household located on the same lot with a principal dwelling unit, whether a part of the same building with the primary dwelling unit, or in a detached building.

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

Adaptive reuse: Rehabilitation or renovation and occupancy of an existing building(s) or structures for use(s) other than the present use(s).

ADJACENT: Property that is either abutting or on the opposite side of a common street, right-of-way, or easement that separates it from the subject property. Properties separated by a railroad track or freeway are not abutting or adjacent.

Adult bookstore: Any commercial establishment in which is offered for sale any book or publication, film, or other medium that depicts sexually explicit nudity or sexual conduct.

Adult entertainment outlet: Any commercial establishment or any movie theater which presents for public viewing on a regular, continuing basis so-called 'adult films' depicting sexual conduct or which presents on a regular, continuing basis live entertainment lawfully depicting sexual conduct.

Agriculture: The raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, ratites, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, and turkeys; producing plants, trees, fowl, or animals, or the production of agricultural, horticultural, dairy, livestock, poultry, eggs and apiarian products.

Airport: A transportation terminal facility where aircraft take off and land. An airport could be controlled, owned, and operated by a private or public entity.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Alteration: Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics and animal day care facilities.

Antenna: Any exterior apparatus designed for telephone, radio, or television communications or data transmission through the sending and/or receiving of electromagnetic waves.

Apartment building: A building designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family for rent or lease.

Appeal: A request for a review an administrative official's interpretation of any provision of this ordinance, or an action taken by an administrative official in the application or enforcement of this ordinance.

Applicant: Any individual or business entity applying for rezoning action, building, grading or development permit.

Arcade: A covered walkway/structural canopy that is attached to the front façade of a building.

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 not break the vertical plane by more than two feet in depth, measured from the forward plane of the façade.

ARCHITECTURAL PROTOTYPE: A model of architectural composition with a recognizable pattern that illustrates the intended standards of scale, height, massing, bulk, proportion, style, material, and roof design to guide the design of similar structures so that they will be in substantial conformity with the prototype.

ARTERIAL: Street classification on the Town of Braselton Zoning Atlas and land use plan.

Assisted living facility: Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

Automated teller machine: A mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use.

Automobile Sales Establishment An establishment in which only offers for sale and for lease new and used passenger automobiles, passenger trucks, motorcycles and boats.

Automobile Sales and Service Establishment: An establishment which offers for sale and for rent/lease new and used car, truck, tractor, trailer, boat, motorcycle, and other motorized vehicles. Service to the vehicles is offered as an ancillary service to the primary sales business. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, including automated and staffed facilities, and oil change and lubrication facilities.

Automotive Non-Passenger and Heavy Duty Vehicle Sales and Service Establishment: An establishment which offers for sale and/or rent/lease and services non-passenger and heavy duty trucks such as light and heavy duty earth moving and construction machinery, work vehicles, off-road (atv) vehicles, recreational vehicles, utility trailers, manufactured and mobile, modular homes. This definition includes services such as rental facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, including automated and staffed facilities, and oil change and lubrication facilities.

Automotive Gas Station and Convenient Store: any use of land and structure for the retail sale of gasoline, kerosene, or diesel from fuel pumping equipment, such uses can include a retail sales store.

Automobile Service Station: Any use of land including structures thereon, used for the retail sale of gasoline or oil, automotive accessories and incidental services including facilities for lubricating, washing and cleaning of motor vehicles or otherwise services motor vehicles, but including painting major repairs or storage of non-functional vehicles.

Automobile Service Station (Express Service): Any establishment which offers incidental services including lubrication, fluid exchange or flush, washing, cleaning, rotation of tires, or minor repairs not including the removal of major engine parts, of passenger and light duty truck and van vehicles. Express service stations do not allow for the storage of vehicles overnight. All aspects of the operation are entirely located within the structure.

Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

BAY WINDOW: An architectural element consisting of three or more window units projecting outward from the façade within a three-sided frame.

Bed and breakfast: A facility where overnight accommodations not exceeding ten rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Berm: An earthen mound or embankment, usually two to six feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Best Management Practices (BMPs): 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.

Board: The Board of Natural Resources.

Block: A piece or parcel of land within a subdivision that is entirely surrounded by public highways, or streets, other than alleys.

Boarding House: A building other than a hotel where, for compensation and/or by pre-arrangement, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty(20) persons.

BOW WINDOW: An architectural element consisting of one or more window units projecting outward from the façade within a curved frame.

Buffer: Land area used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter, or around a stream to slow and absorb runoff and reduce pollution to water (see also stream buffer and undisturbed buffer).

Buffer, Stream. The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. An area along the course of any state waters to be maintained in an undisturbed and natural condition.

Buildable area: The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

Building: Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of this ordinance, the term "building" includes "structure", as defined.

Building, accessory: A building subordinate to and separate from the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

BUILDING, DETACHED: A free-standing enclosed structure meeting applicable building and fire codes for commercial and/or residential occupancy that may be either in single ownership, or comprised of two or more attached units or buildings with separate owners, tenants, or uses.

Building height: The vertical distance measured from the average elevation of the finished grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

Building Inspector: The Building Inspector of the Town of Braselton shall carry out such duties as defined in this code, as may be amended from time to time, and shall report to the Planning and Development Director.

Building Official: The Building Official of the Town of Braselton shall carry out such duties as defined in this code, as may be amended from time to time, and shall report to the Planning and Development Director.

Building, Principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated.

Building setback line: A line establishing the minimum allowable distance between the main or front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yards. For purposes of this ordinance, a building setback line and minimum required yard shall be considered the same.

Build-to-line: A condition of setbacks in which a continuous building line creates a consistent street edge and provides a positive visual image to pedestrians and motorists. The uniform building line enhances open space by defining setbacks and landscaping and increasing pedestrian and motorist comfort within the area.

BULK: The volume of a building or structure with respect to regulatory limits on its size, height, and the location of exterior walls at all levels in relation to lot lines, streets, or other buildings.

Business Entity: Any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.

CALIPER: The diameter measurement of a tree in inches measured 6" above ground. When the tree caliper is greater than 6", the diameter measurement shall be made at breast height (4.5 feet) and shall be called diameter at breast height (DBH).

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees. A carnival is a temporary use.

Cemetery: Any Plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of the dead.

Certificate of occupancy: A document issued by the building inspector allowing the occupancy or use of a building or land and certifying that the structure, use, or land has been constructed or erected or will be used in compliance with all applicable city codes and ordinances.

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

Church, Place of Worship: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: schools, meeting halls, indoor and outdoor recreational facilities, day care, counseling, and kitchens.

CIVIC USES: Public parks, squares, greens, church or place of worship, public or private school, swimming pools, tennis courts, basketball courts, ball fields, golf courses, exercise tracks, and other similar recreational uses, community meeting rooms, community service centers, post offices, museums, public libraries, and other public service buildings except for those requiring outdoor storage or maintenance yards.

Clearing: The removal of trees or other vegetation, but not including grubbing activities.

Clean Water Act, Section 404: Regulates the disposal of dredged and fill material into "water of the United States" including wetlands. Other activities which destroy wetlands such as drainage, flooding, pumping and burning are not regulated under the CWA unless they entail discharges of dredged or fill material into waters of the United States.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons. There is no overnight housing or lodging for clients or care providers at a clinic.

Club or lodge, nonprofit: A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Code Enforcement Officer: Person responsible for the enforcement of these regulations and requirements contained herein.

COLLECTOR: Street classification in the Town of Braselton Comprehensive Plan.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers associate, bachelor, master, or doctoral degrees.

COLUMN: One of a series of exposed, freestanding supports for a roof or upper floor constructed of wood, stone, or masonry, that is usually of a specific three-part architectural style or order, consisting of a base, shaft and cap.

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, art galleries and museums, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating rinks, fully-enclosed theaters, physical fitness centers and health clubs.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, trout ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, recreational vehicle parks, ultra-light flight parks, and bungi jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

COMMERCIAL USE: An occupation, place of employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Commission: The State Soil & Water Conservation Commission.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

COMPATIBLE: Design of structures and landscapes that are consistent with structures and landscapes in the district of which they are a part, based on an objective comparison of identified physical elements such as architectural form, building mass, height, scale, land uses, and landscape architecture.

COMPREHENSIVE PLAN: Any part or element of the overall plan for development adopted by the Town Council as provided by O.C.G.A. 50-8-1 and Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning.

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Conditional use: A use that would not be appropriate generally or without restriction

throughout the particular zoning district and is not automatically permitted by right within a zoning district. A conditional use may be permitted subject to meeting specific zoning conditions contained within this Ordinance.

Condominium: A form of ownership as defined by state law in which common elements are jointly owned.

Condominium building: A building containing one (1) or more individually owned units or building spaces and related, jointly-owned, common areas as defined by laws of the State of Georgia.

Construction field office: A manufactured trailer, truck trailer, and/or other structure used as an office in conjunction with a construction project. A construction field office is a temporary use.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility shall contain a combination of independent living units, assisted living, and skilled nursing care units as defined herein.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

CONTROLLED ACCESS ZONE: Areas along the right-of-way of a public street, road or highway where curb cuts are prohibited or limited because of potential interference with safe and efficient movement of vehicles at major intersections.

Convenience store: A retail store that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services. A convenience store may also have included and as an ancillary use a fast-food restaurant or take-out/delivery service.

Conservation Easement: A portion of land set aside in its natural state and preserved as open space in perpetuity.

Cottage industry: An individually-owned craft shop that produces on the premises through hand-made workmanship craft one or more goods for retail sale, such as candle-making, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry has no more than 1,500 square feet of indoor space and does not have employees on the premises. Deliveries and pickups shall be limited to no more than twice weekly. A cottage industry shall be subject to approval by the Town Council after a review and recommendation by the Planning Commission.

County Board of Health: The County Board of Health established by the Georgia Health Code (O.C.G.A. Chapter 31-3-1) or the executive officer and his or her designated representative acting on the board's behalf for the administration and enforcement of septic tank rules.

Crops: Fruits and products of all annual or perennial plants, trees, and shrubs and shall also include plants, trees, shrubs, and other agricultural products that are produced for sale.

CROSS-ACCESS EASEMENT: A private covenant or easement between owners of abutting properties that allows driveways for public access by vehicles and pedestrians connecting two or more properties having different owners.

Crossings: Crossings include those for roads, driveways, paths and utilities.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting street.

CUL-DE-SAC: A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

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.

CUT-OFF LUMINAIRE: A lighting fixture that is designed with panels or other devices that direct illumination downward and restricts glare emanating from the illuminated site to adjacent properties.

DNR: The Department of Natural Resources.

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours and more than four (4) hours per day, seven (7) or more children under eighteen (18) years of age.

Day Care, Home: Any place operated by any person who receives for pay three (3) to six (6) children or under 18 years of age for group care, without transfer of custody for less than twenty four (24) and more than four (4) hours per day.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer, that permits vehicles to slow down and leave the main vehicle stream.

Density: The overall intensity of land use for the total project. Residential density is the number of housing units permitted per acre in the zoning district involved in accordance with the terms of the zoning ordinance or as authorized under conditional zoning. The maximum residential density per developable acre authorized zoning districts are set forth in this ordinance

DENSITY, GROSS: The number of square feet of a building, or number of lots or dwelling units on a tract of land divided by the total acres of a parcel or tract of land prior to development or subdivision, including all streets or rights of way, open space, floodplain, and other unsubdivided or unused portions of the tract of land.

DENSITY, NET: The number of square feet, lots or dwelling units on a tract of land, less area for streets, rights-of-way, open space, floodplain, wetland, and other unsubdivided or unused portions of the tract of land.

DEPARTMENT: The Department of Planning and Development of the Town of Braselton or in some references the Georgia Department of Natural Resources .

DESIGN GUIDELINES: Graphic and text standards that are intended to further the purposes of the Braselton Development Code by illustrating, refining and interpreting its requirements.

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 Certified Professional in Erosion and Sediment Control Inc.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Development permit: An official authorization issued by the Planning and Development Department permitting clearing, grubbing, grading, or construction of storm drainage facilities, utilities, access drives, streets, parking or other improvements exclusive of buildings.

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 Preliminary Plat or Site Plan (as applicable), Grading Plan, Erosion and Sediment Control Plan, Stormwater Management Plan, Buffer and Landscape Plan, Street Lighting Plan, and construction drawings for streets, stormwater drainage facilities, sanitary sewer, water supply facilities, and other site improvements.

DIAMETER AT BREAST HEIGHT (DBH): A standard measure of the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.

DIRECTOR: The Planning Director of the Town of Braselton, Georgia, or his/her designee or in some references the Director of the Environmental Protection Division (EPD) of the Department of Natural Resources.

Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. The sale of said goods does not occur at the distribution center.

District: The Soil and Water Conservation District or Districts serving the Town of Braselton, now or in the future.

Division: The Environmental Protection Division of the Department of Natural Resources.

DORMER: A small enclosure including a window and placed vertically in a sloping roof that is covered by a secondary roof element and intended to provide light and/or ventilation to an attic or room located on an upper floor.

Drainage Structure: A device composed of a virtually nonerodible 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 storm-water management, drainage control, or flood control purposes.

DRIVE-THROUGH WINDOW: An opening in the outside wall of a commercial building or structure intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

DRIVEWAY: A vehicular access, or curb cut that is in private ownership and provides access primarily to one property.

Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal.

Dwelling: A building, other than a manufactured home, mobile home, or house trailer, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, single-family detached, fee-simple, attached: A building designed or arranged to be occupied by one (1) family only and where each dwelling is located on its own lot in fee-simple title. Attached single-family units shall be constructed as part of a single building and as being separated by a common firewall or similar feature extending from the bottom of the building to the roof, commonly referred to as zero-lot-line units or townhomes.

Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other and where each dwelling is located on its own lot in fee-simple title, but where the two dwelling units are attached along a common property line.

Dwelling; loft: Dwelling unit(s) located in the same structure as and above a non-residential use, provided that the dwelling unit is above ground level and is located within a structure whose principal use is non-residential in nature. Loft dwellings are intended for use in mixed use and downtown districts.

Dwelling, multi-family apartment: A building other than a duplex, or triplex, designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family. An apartment is defined as a situation in which multiple families reside but hold no ownership or interest in the building or property. An apartment is advertised as rental or leased property and if over four units is taxed as commercial property.

Dwelling, Tenant: A residential structure located on a farm and occupied by as non-transient farm worker employed by the owner of the farm. The dwelling shall conform to the standards of the zone in which it is located.

Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

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

Easement: A grant by a property owner of the limited use and enjoyment of land for a specific purpose or purposes by the general public, a corporation or a certain person or persons.

EASEMENT, CROSS-ACCESS: An easement created for the purpose of providing vehicular or pedestrian access to or across a property.

Ephemeral Stream –may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

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

Erosion and Sedimentation Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements found in 15.3.0 of this code.

Extended Stay Hotel/Motel - a building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), a cook-top/stove or microwave, and a dishwasher or sink, and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels and hotels (or motels) are separate and distinct uses.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind or texture of the building material; the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

FAÇADE: The exterior side of a building that faces, and is most nearly parallel to, a public street. The façade includes the entire area of a building, extending from the roof or parapet to the ground and from one corner of the building to another. Buildings generally have one façade for each street frontage.

Fairgrounds: An area of land use including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds are considered outdoor commercial recreation facilities.

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than five (5) persons, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Fee simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death in testate.

Feed Lot: Any parcel of land upon which the mechanical or hand feeding of five (5) or more livestock animals per acre is performed for a period exceeding thirty (30) days.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground, or the natural or manmade placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% 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; a crop of perennial vegetation 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. Final stabilization applies to each phase of construction.

Finance, insurance, and real estate establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

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

Floodplain: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Floor: The top 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: The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

Floor-area ratio: The floor area of a building or buildings on a lot divided by the area of the lot.

Forestry: The profession embracing the science, art, and practice of creating, managing, using, and conserving forests and associated resources for human benefit in a sustainable manner to meet desired goals, needs, and values.

Frontage Lots: The distance for which the front boundary line of the lot and the street line are coincident.

Frontage Street: All the property on the side of a street between two intersecting streets (crossing or terminating), or if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end street.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, the indoor storage of funeral vehicles.

Garage Apartment: A dwelling unit for one family erected above a private garage detached from the main dwelling.

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

Garage, Private: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport shall also be considered as a private garage.

Golf course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses. A golf course is not considered an outdoor commercial recreation facility.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

GREEN: A public open space area landscaped primarily of grassy areas and trees and intended for viewing and to support only passive recreation such as walking or sitting.

Greenspace: Permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals: (A) Water quality protection of 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; (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, hunting, running, jogging, biking, walking, and similar outdoor activities; and (I) Connection of existing or planned areas contributing to the goals set out in this definition.

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

Guest house: A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling.

Gross Acreage: The total acreage of a parcel of land, including all natural features thereon.

Ground Elevation: The original elevation above mean sea level of the ground surface prior to cutting or filling.

Hazardous Material: Any "contaminant" as defined in this Ordinance, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC Sections 11021 and 11022.

Hazardous Waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the Administrator of the United States EPA according to federal act, which are in force and effect on February 1, 1988, codified as 40 CFR § 261.3.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Helicopter landing pad: Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area.

Historic district: A geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof which: A. Have special character or special historical or esthetic interest or value; B. Represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; and C. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county. "Historic district" shall include all of the properties within the Historic Downtown District as shown on the Official Zoning Map. In addition, the term "historic district" may include any additional property or land which pursuant to state law and this Code has been added to the Historic Downtown Overlay District, or which has been lawfully established as a separate historic district. Any historic district designated pursuant to state law and this Code including any district which may be designated after the effective date of this Zoning Code may include properties that do not meet the definition of "historic property."

HISTORIC STRUCTURE OR ARCHAEOLOGICAL FEATURE: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements of 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;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof. Such occupations should only consist of the use of a computer, telephone, facsimile and other similar office equipment. Home occupations may also include minor fabrication of manufacturing of such historical cottage industry craft such as quilts, jewelry, dolls, etc. Home Occupations shall not have employees that are employed on the premises, or require more than twice weekly delivery/pickup visits to the residence by a delivery provider, or require daily visits by customers, or require alteration of the dwelling or consume more square footage of the dwelling than used for residential uses.

Hospice: A public agency or private organization, or unit of either, providing to persons terminally ill and to their families, a centrally administered and autonomous continuum of palliative and supportive care, directed and coordinated by the hospice care on an outpatient and short-term inpatient basis.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal

physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel may include as accessory uses the following: full dining, public bar, retail and special event or conference center facilities.

Impervious cover: Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

Impervious surface: A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, swimming pools and patios.

Industrialized Building: A factory-fabricated, transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes. The building should be manufactured in accordance with the Georgia Industrial Building Act, and each unit must bear a seal of approval issued by the Commissioner of the Georgia Department of Community Affairs (DCA Seal).

Inn: A lodging service with 20 or less rooms in a single building, and which may include full dining facilities. An inn does not include retail uses, public bar, conference center, or special event facilities.

Institutional residential living and care facilities: An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

Intermittent Stream: Seasonal flow in an intermittent stream usually lasts longer than 30 days per year. Intermittent stream means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

INTER PARCEL ACCESS: A driveway and walkway located on private property that connects the vehicular and pedestrian circulation of two or more parcels.

JOINT ACCESS DRIVEWAY: A driveway that provides direct vehicular access to two or more abutting properties from a public street.

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

Junk Vehicle: A motor vehicle trailer, automobile, contrivance, or part thereof which is either wrecked, dismantled, inoperative, abandoned, discarded, salvaged, or does not have a current license plate attached thereto.

Junk Yard: A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of any discarded material or equipment or for the collecting and salvaging of materials or equipment not in operative condition or for the sale of parts thereof.

Kennel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Kennel, hobby: A dedicated structure or portion of a structure for the care, grooming, breeding, whelping, feeding and casual sale of a minimum of two (2) and a maximum of ten (10) domestic dogs for one's enjoyment and pursuit of a hobby, including but not limited to competition among breeders of purebred domestic dogs for recognition at local, state, and national levels.

Kindergarten: A school for pre-elementary school children ranging in age from four (4) to six (6) year, which operates for less than four (4) hours per day.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Land Development: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land Development Activity: Those actions or activities which comprise, facilitate or result in land development.

Land Disturbing Activity: Any activity 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, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 15.3.0.

Land trust: A private, nonprofit conservation organization formed to protect natural resources, such as productive farm or forest land, natural areas, historic structures, and recreational areas. Land trusts purchase and accept donations of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

Land Use: A description of how land is occupied or utilized.

Landscaping: The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, flowers. Landscaping areas may also include decorative rock, bark, mulch and other similar materials in addition to vegetation and live plant material.

Large Scale Development: A development containing at least fifty (50) acres as to be considered for a potential planned unit development (PUD).

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

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Laundry and Dry Cleaning Pick-up: A business that provides only for the convenience of taking and picking up of laundry, such as establishment not having any equipment for processing of the laundry.

LIMITED ACCESS ZONE: That portion of streets approaching an intersection that includes the full length of auxiliary lanes designated exclusively for turning movements at the intersection.

Limited Development Area: The portion of the water supply watershed not included in the Water Quality Critical Area. See Subsection 2.2.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Loading Space A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

LOCAL STREET: Street classification on the Town of Braselton Zoning Atlas and land use plan.

Lodging service: A facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. Meals may or may not be provided.

Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development, or both.

LOT, 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 adjacent, but not abutting.

LOT, ADJACENT: Parcels or lots that are either abutting or separated only by a public right-of-way.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot coverage, maximum: The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings and structures on the lot.

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two (2) streets.

Lot depth: The mean horizontal distance between front and rear lot lines.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure to that lot.

Lot frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot line, front: The front property line coincident with a street right-of-way line.

Lot of record: A lot which is part of a subdivision, a plat of which has been approved by the Town of Braselton in accordance with land subdivision requirements, and has been recorded in the records of the Clerk of Superior Court of Jackson, Gwinnett, Hall or Barrow County. Any plat recorded on or before the

original enactment of this ordinance that does not conform to the current requirements shall be a lot of record said date being September 24, 1973.

LOT, REVERSE FRONTING: A double-frontage lot that is served from an interior collector or local street rather than from an adjacent collector or arterial street.

Lot width: The distance between side lot lines measured at the front building line.

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445) and bearing an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

Manufacturing, processing, assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

Marquee: A roofed structure and attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

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.

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; "metes" means bearings and distances and "bounds" refers to monuments both physical and legal.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Mini-warehouse: (see self-service storage facility).

Mixed-use development: A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole.

MODULATION: The rhythmic variation in the massing and architectural treatments of a building that divides its roofline and façade 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. Modulational of a façade should break the vertical plane with variations that are at least two feet in depth, measured from the forward plane of the façade.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby. A motel may include as accessory uses the following: full dining, public bar, retail uses, and provide for special events or conference center facilities.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

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

Nephelometric Turbidity Units (NTU): 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.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum lot coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that that otherwise does not comply with dimensional requirements

established by this ordinance for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this ordinance but which was a lot of record prior to the effective date of this ordinance or its amendment.

Nonconforming use: Any building or use of land or building lawfully existing on or before the effective date of this ordinance or as a result of subsequent amendments to this ordinance, which does not conform with the use provisions of the zoning district in which it is located.

Nonpoint Source (NPS) Pollution: Water pollution that is (1) induced by natural processes including precipitation, seepage, percolation and runoff; (2) not necessarily traceable to any discrete or identifiable facility; and (3) better controlled by using BMPs.

NON-RESIDENTIAL: A building, use, or zoning district that does not permit residential uses or buildings.

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this ordinance, a nursery or kindergarten school is considered to be a day care center.

Nursing home: A 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; it complies with rules and regulations of the Georgia Department of Human Resources.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Office park: Two or more buildings that are clustered together in which professional services are primarily engaged.

OFFICE, PROFESSIONAL: A land use that includes one or more buildings that are primarily used for services rendered by occupations with specialized knowledge or expertise such as architects, engineers, lawyers, doctors, bankers, realtors, financial and insurance services, and similar services, as opposed to buildings used for manufacturing, storage or sale of goods.

Open Space: A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage area, but is relatively undisturbed or not maintained or landscaped.

Open space, landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

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 an erosion, sedimentation and pollution control 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 RECREATION FACILITIES: Facilities including greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities, but not including commercial outdoor recreation.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours whether for storage, display, processing or sale.

Outfall: The location where storm water 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.

OUT PARCEL: In a commercial subdivision, a small lot that is connected to a larger parcel in a planned center. The out parcel has a distinct tenant or use and has frontage on an abutting street, but may or may not be granted direct access to a public street.

OVERLAY DISTRICT: A zoning district that encompasses one or more underlying zones and that may vary the requirements uses and standards of the underlying zone.

Parcel: Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

PARKING AREA: The land area within the polygon that includes the outer boundary of a surface parking lot or lots (if connected by driveways) located within a single parcel, including the parking spaces, internal aisles, sidewalks, and the landscaped areas that are internal to the parking lot and aisles, but not including the landscape strip between the parking lot and the public right-of-way.

PARKING, OFF-STREET: A temporary (less than 48 hours) storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING, ON-STREET: Areas along curbs of a street that are authorized for temporary (less than 48 hours) storage of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

Parking space: An area having dimensions for parking and including driveway and maneuvering area, to be used as a temporary storage space for a private motor vehicle.

Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground or underbuilding parking areas.

Patio House: A single-family dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common-party wall with fire resistant separation as required by the Building Code of the Town of Braselton, Georgia. Also see Guest House.

Pawnbroker: Any person whose business is to lend money, usually in small sums, on security of personal property deposited with him or left in pawn, or whoever loans money on deposit of pledges of personal property or who purchases personal property or chooses in action on condition of selling the same back again at a stipulated price. For purposes of this ordinance, pawnbrokers operating within buildings are considered enclosed retail trade establishments.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Permitted use: A use by right which is specifically authorized in a particular zoning district, or permitted by right in a particular overlay district.

Perennial Stream:— a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

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 this State, any interstate body or any other legal entity.

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

Pervious Surface: Any surface that allows storm water to infiltrate the ground below, including, but not limited to: Gravel, porous pavement (such as a lattice paver), mulch, grassed areas, and forested areas.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

PILASTER: An ornamental column or post that is attached to a wall.

PILLAR: A freestanding vertical support for a roof or upper story with low proportions that may be constructed of wood or masonry, or a combination of wood and masonry.

PITCH, ROOF: The steepness of a sloped roof measured by the ratio of the vertical rise to the horizontal run.

PLAN, CONCEPT: Written and graphic documents submitted to the Planning Director for review that document the intent of a developer in a conceptual form, indicating the types, general arrangement and density of uses, extent and pattern of subdivision, and the relationship of the intended uses to surrounding tracts.

PLANNING COMMISSION: The Town of Braselton Planning Commission.

Planning and Development Director (also referred to as "Planning Director): The city staff person employed in the position of Planning and Development Director as such position is established in the Town of Braselton Code. The term Planning and Development Director, or Planning Director as used in this ordinance shall be interpreted literally to mean that authority vests in the position; provided, however, that without relinquishing said vested authority in the Planning and Development Director individually, the term Planning and Development Director in specific contexts may include staff assigned under the supervisory responsibility of the Planning and Development Director, to whom any such responsibilities of this

Ordinance may be delegated, including but not limited to the Building Official, Environmental Specialist, Code Enforcement Officer, Arborist, Landscape Architect, Senior Planner, and Planner.

Plat: A map, plan or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

PLAT, FINAL: A finished drawing or map of a subdivision or development site plan meeting all of the requirements of the Development Code of the Town of Braselton and certified as necessary for recording.

PLAT, PRELIMINARY: A tentative plan of a proposed subdivision or development meeting the specified requirements of this Article and all applicable provisions of the Development Code of the Town of Braselton, and showing the layout in sufficient detail to allow an evaluation of the proposed project.

PORCH: A covered area attached to a building that is open on at least one side and raised at least 12 inches above grade.

POST: One of a series of exposed, freestanding vertical supports for a roof or upper floor that is usually constructed of wood and of a simple shape and design.

PRE-APPLICATION CONFERENCE: An initial and informal stage of development review at which the developer may make known concept plan proposals and the Planning Director may respond and/or advise the developer concerning the development regulations and other issues related to the development code.

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

Principal Use: The primary purpose for which land or a building is used.

Prohibited Use: With respect to a particular zoning district, any use that is listed in a zoning district as prohibited or that is not listed or otherwise interpreted by the Town Planning Director as a permitted or conditional use.

Project: The entire proposed development *project* regardless of the size of the area of land to be disturbed.

PROJECT IMPROVEMENT: Site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements, as further defined by the Georgia Development Impact Fee Act, OCGA 36-71-1.

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 NOI submittal.

PROPERTY, ADJACENT: Property that is either abutting or on the opposite side of a common street, right-of-way, or easement that separates it from the subject property. Properties separated by a railroad track or freeway are not abutting or adjacent.

PUBLIC IMPROVEMENT: Any street, park, water line, sanitary drainage system or similar improvement installed to serve abutting or nearby private or public property constructed by either a private entity or a public agency and ultimately owned and maintained by a public entity.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, County, the Town of Braselton, or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Recreational vehicle: Any vehicle, including motorized homes, campers, travel trailers, and camping trailers, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with wheels to facilitate movement from place to place. This definition includes other craft used for recreational purposes such as boats with or without trailers, wave runners, and water-borne craft.

Reservoir Boundary: The edge of a water supply reservoir defined by its normal pool level.

Restaurant (24 hour) - Any public place that can be open to the public after 1:00 am or before 5:30 am that is kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being

provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Restaurant, Drive In: An eating and/or drinking establishment which caters to motor-driven vehicles business where the person being served food for consumption, as opposed to a restaurant serving exclusively inside an enclosed building.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides. Outdoor storage is prohibited in conjunction with a retail establishment, except as authorized.

Retaining wall: A wall or similar structure used at a grade change to hold soil on the up-hillside from slumping, sliding, or falling.

Rezoning Action: Action by the Mayor and Town Council of Braselton, Georgia, adopting an amendment to a zoning ordinance that has the effect of rezoning real property from one zoning classification to another, or any other action now or in the future defined under Georgia law as a zoning action.

RIGHT-OF-WAY: Land or property in public ownership for current or intended future public use as an arterial, collector, local street, alley, or multi-use trail, along with the associated sidewalks, streetlights, landscaping and utilities.

RIGHT-OF-WAY LINE: The outer edge or boundary of a public right-of-way where it abuts private property.

Riparian Zones or Riparian Environments: The areas that border streams, rivers, lakes and wetlands. Riparian zones can be floodplains, streamside forests or just plain stream banks. They are usually different from surrounding lands because they have unique soil and vegetation characteristics and are strongly influenced by water. Riparian zones are basically the interface between the water and the land and they serve many functions which make them valuable to people.

Roadway Drainage Structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by 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.

Roof: The cover of a building, including the eaves and similar projections.

Rooming house: A building where, for compensation, lodging only is provided for not more than ten (20) persons.

School for the arts: An educational use not operated by the Fulton County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by a public Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.”

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the a public Board of Education.”

School, special: An educational use not operated by a public Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by a public Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.”

SCREENING: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a specified height.

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.

Self-service storage facility: A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units.

Semi-public use: Any building, structure, or use, owned and/or operated by private utilities or private companies for a public purpose, or that is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground and overhead gas, electric, steam, or

water distribution or transmission lines or systems, including incidental wires, cables, and poles but not towers.

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel, oil accessories and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

Setback: A line demarcating that portion of the lot specified by this ordinance that must remain devoted to a yard, and the buildable portion of the lot. Between the building setbacks and the property lines, principal buildings are not permitted. Principal building setbacks and "yard" requirements are considered one and the same. See definitions of yard (front, rear, and side). In cases where buffer or landscape strips requirements are specified, said buffer or landscape strip requirements are also considered setbacks for both principal buildings and accessory buildings and structures.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

SIDELIGHT: A narrow window unit oriented vertically and placed adjacent to a door in an entranceway.

Sign Definitions:

Sign: Any words, letters, parts of letters, figures, numbers, phrases, sentences, emblems, etc. or combination thereof, by which anything is made known such as the designation of an individual firm, association, profession, business or commodity or product which are visible from any public way and used as outdoor display.

SIGN, FREESTANDING: A sign in a commercial district that is not attached to a wall, building or other structure, such as a pole sign or portable sign, but not including a directional sign, temporary sign, real estate sign or construction sign.

SIGN, INCIDENTAL: A sign providing directions or other necessary information that has a purpose secondary to the use of the lot on which it is located. Incidental signs include: a sign that contains information or a directive, such as "no parking," "entrance," "loading only," "telephone," but that contains no commercial message; a sign, such as a menu-board, that may contain a commercial message but that is not easily legible from the public right-of-way; outdoor table umbrellas; or signs incidental and integral to lawfully-located and operated vending machines, newspapers, racks, telephone booths, or similar devices.

SIGN, MARQUEE: A sign projecting from an outside wall of a building or hanging from a bracket attached to the outside wall of a building.

Area Identification Sign: A sign, free-standing or affixed to a wall which identifies a development, such as a shopping center, office or industrial park, or a residential subdivision or multiple-family project.

Area of Sign: The area of the face of the sign within a perimeter which forms the outside shape including any decorative trim or frame which forms an integral part of the display but excluding the base or necessary supports or uprights on which the sign may be placed.

Banner: A sign of lightweight fabric, plastic, or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions, or other organizations shall not be considered banners.

Beacon: Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

Canopy (or Marquee): A permanent roof-like shelter extending from part of all of a building face and constructed of some durable material such as fabric, metal, glass or plastic, except gasoline canopy.

Canopy, Fuel: A permanent roof-like shelter over fuel pumps constructed of durable material such as masonry, fabric, metal, glass and/or plastic.

Canopy Sign: Any sign attached to or constructed in or on a canopy. For purposes of this chapter, this term includes marquee sign.

Changeable Copy Board: A sign on which copy or sign panels may be changed, such as boards which changeable letter or changeable pictorial panels.



Commercial Message or Commercial Sign: Any sign, working, logo, or other visual representation that directly or indirectly identifies, names, advertises, or directs attention to a business operated for profit, or to a product, commodity, or service for sale or lease, to other commercial interest or activity, or is otherwise intended to induce the purchase of goods, commodities, products, property, or services.

Copy: The wording, designs and other advertising display on a sign surface.

Copy Area: The area in square feet of the smallest rectangle or square shape that describes the total area enclosed by the actual copy of a sign. For wall or canopy signs, the copy area limits refer to the message, not the illuminated background.

Double-face Sign: A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Dilapidated or Neglected Signs: A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating.

Façade: The exterior front of a building or structure exposed to public view.

Flags: Any fabric, plastic, or similar material containing distinctive colors, patterns, or symbols and which is used as an official symbol of any government, business, institution, or organization.

Flashing Sign: A sign erected on a free-standing frame, mast, or pole not attached to any building.

Ground Level: That elevation of the ground or adjacent street.

Ground Sign: A free-standing sign connected, attached, secured or otherwise permanently affixed to the ground. This may include monument-style signs, pole signs, billboards, or similar signs affixed to the ground.

Height of Sign: The vertical distance measured from the adjacent ground or designated area elevation to the highest point of a sign, including the sign structure

Illuminated Sign: Any sign which is lighted from within (direct) or without (indirect).

Individual Establishment: A non-residential structure containing an office, business, store, shop, facility, institution, or groups thereof where the primary access point for the employees, tenants, and customers is by a collective entryway instead of individual doors to the outside. This includes buildings with multiple tenants provided the building's principal means of access is provided by common entry points.

Interstate Visible Sign: A sign located on a legally approved parcel of land within the Interstate I-85 corridor meeting the requirements outlined herein. Said sign shall not exceed two hundred square feet in size or eighty feet in height.

Monument Sign: A sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick or stone and with a frame within which advertising panels are contained.

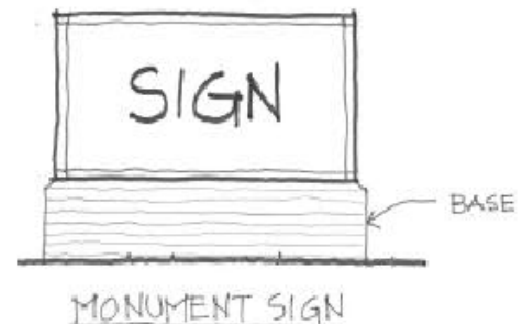
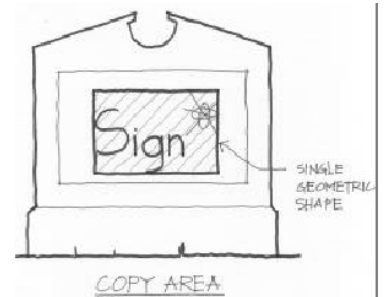
Neighborhood Marketing Sign: A temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold within the neighborhood.

Nonconforming Sign: A sign erected or otherwise in use prior to the effective date of this chapter which fall in one (1) or more respects to comply with all provisions of this chapter.

Permanent Sign: Any sign which is intended to be and is so constructed to be in a lasting and enduring condition, and in a permanent manner affixed to the ground or building.

Planned Multi-Tenant Office, Institutional, Industrial, or Shopping Center: A planned concentration of multiple business establishments with shared parking and direct external entry points (doorways) for its employees, customer and tenants in lieu of collective entrances. Retail shopping centers are included in this definition.

Pole Sign: A sign that is mounted on a freestanding pole, pylon or other support so that the bottom edge of the sign face is three feet or more above grade and is independent of any other structure.



Portable Sign: A sign that is designed to be transported, including but limited to a sign mounted or painted on a vehicle which is parked in such a manner as to serve the purpose of an advertising device, and including a sign designed to be transported by trailer or its own wheels even though such wheels may be removed and remaining chassis is attached to the ground. Delivery or service vehicles that park onsite but spend at least 75% of a typical business day offsite shall not be considered a portable sign.

Prohibited Sign: Any sign, other than a nonconforming sign, which does not comply with this chapter or is specifically restricted herein.

Public Interest Signs: Sign in the public interest erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

Real Estate for Sale, Lease or Rent: For the purposes of this Ordinance, real estate is for sale, lease or rent when the real estate is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.

Residential Identification Sign: A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of a subdivision, or on a parcel containing buildings within a planned residential development.

Roof Line: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign: Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

Rotating sign: any sign or portion of a sign that moves in a revolving or similar manner.

Subdivision: The total boundary of a tract of land that has been legally platted into five or more lots.

Subdivision Identification sign: A sign located at the vehicular entrance or exit to a platted subdivision where it access an external public roadway and located within the platted portion of the subdivision.

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

Sign: Any identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify, or convey information, including any landscaping where letters or number are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and the state or national flags. For the purpose of removal, sign shall also include all sign structures.

Sign Signature: Any structure which supports, has supported, or is designed to support a sign. A decorative cover is part of a sign structure.

Substandard Lot or Parcel: A lot or parcel that does not meet the lot area, width, or public street frontage and access requirements of the Town of Braselton Zoning Ordinance.

Temporary Advertising Device: Banners, streamers, pennants, balloons, and similar advertising devices used during special events on private property.

Temporary Sign: A sign that is temporary or transitory in nature and is constructed in a non-permanent manner.

Under-Canopy Sign: A sign suspended below the ceiling or roof of a canopy or marquee. For the purposes of this chapter, this term includes under marquee sign.

Variable Message Board: A programmable sign that provides changing information more often than once each one(1) hour period.

Wall Sign: A sign attached, erected or painted against a wall of a building, with the face parallel to the building wall and extending out not more than one (1) foot.

Window Sign: A sign installed inside a window for purposes of viewing from the outside of a building. This term does not include merchandise located in the window.

Showroom: A principal or accessory use where wholesale or retail goods are displayed.

Silt Fencing: A web of mechanically or melt bonded polymer netting, monofilament or fibers entangled to form a strong and dimensionally stable matrix to catch storm runoff and soil particles as shown in the publication Manual for Erosion and Sediment Control in Georgia (latest edition).

Silviculture: The art and science of growing forest crops.

Site Built: A structure constructed on site with approved building materials, inspected periodically during construction, and constructed according to the locally adopted building codes.

SITE DEVELOPMENT PLAN: A plan required by the Town of Braselton that provides detailed information about the layout of private land development and required public improvements prior to preparation of construction drawings for a land development that does not include subdivision of property that would otherwise be subject to a preliminary plat.

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following: A. The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures; B. Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

Soil and Water Conservation District Approved Plan: An erosion and sedimentation control plan approved in writing by the applicable Soil and Water Conservation District.

SPACING BETWEEN BUILDINGS: The horizontal distance between the closest points of two adjacent buildings including protruding eaves, overhangs, cornices, moldings, porches, railings, awnings, canopies, balconies, porches, decks, gutters, downspouts, and mechanical equipment.

Special event facility: A facility or assembly hall available for lease by private parties.

SQUARE: A landscaped public open space area that is surrounded by streets and buildings on at least 3 sides and designed for civic functions. A square contains landscaping as well as hard-surfaced areas for walking, standing or sitting, and may be furnished or decorated with fountains, monuments or works of art. Squares shall have a length-to-width ratio no greater than 3:1. 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.

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 (NPDES) 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., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or 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.

STREET TREES: Trees required to be planted by this Article or other Town ordinance including, but not limited to the Town of Braselton Development Code, that are located within the public right of way parallel to public streets and intended to provide shade, screening of parking lots, and aesthetic enhancement for street corridors.

Storm Water: Storm water runoff, snowmelt runoff and surface runoff and drainage.

Storm Water Management: The collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this ordinance. It shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

Storm Water Management Facility: Constructed or natural components of a storm water drainage system, designed to improve storm water quality and/or quantity, including, but not limited to, detention basins, retention basins, sediment basins, constructed wetlands, natural systems, oil/water separators, modular pavement, infiltration devices, and their associated pipes, swales, ditches, and culverts.

Story: That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

Stream Bank: The uppermost part of the bank, usually marked by a break in slope as defined by Department of Natural Resources (DNR) rules. Stream bank is not necessarily the water's edge.

Street: A dedicated and accepted public right-of-way, or a private street approved by the city, which affords the principal means of access to abutting properties.

Street, Half or Partial: A street that does not meet the minimum right-of-way widths as set forth in this ordinance.

Street, major: A street designated as a Federal or State Highway.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground.

STRUCTURE, ACCESSORY: A structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Where a structure is attached to the main building in a substantial manner, as by a wall or roof, such structure shall be considered part of the main building.

Structural Erosion and Sedimentation Control Practices: 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 practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*, which is expressly incorporated herein by its reference as an applicable standard hereunder.

Subdivision: Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, including any division of land involving the dedication of a new street or change in existing streets, and including re-subdivision and where appropriate to the context, relates to the process as subdividing or to the land or area subdivided.

Telecommunications facilities: All telecommunications towers, antennas, power source facilities, ventilation and cooling equipment, and shall also include, but not be limited to, personal wireless communication facilities, as defined and regulated by 47 U.S.C. § 332.

Temporary use: A use or structure is in place for only a short period of time.

Top of Bank: The mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation.

Town: The Town of Braselton has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.

Town Official: The Mayor or any Town Council member of the Town of Braselton, Georgia, or any member of the Braselton Planning Commission.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT: A development that encourages a mixture of uses including housing, supportive commercial, recreation, and civic uses designed to emphasize walking, open space, and traditional urban forms such as gridded streets, alleys, and buildings oriented to streets with front porches.

TRAIL, MULTI-USE: a corridor designed for one or more alternative forms of transportation including pedestrians, joggers, skaters, and slow-moving vehicles such as strollers, bicycles and golf carts.

TRANSOM: A narrow window unit oriented horizontally and placed above a door in an entranceway.

Trash enclosure: An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses that is not more than eight (8) feet in body width and is of any weight provided its body length does not exceed forty (40) feet.

Travel Trailer Park: Any lot on which are temporarily parked two or more travel trailers for a period of less than thirty (30) days.

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of 3 inches or more which normally attains a mature height of a minimum of 15 feet. A small species tree reaches a height at maturity of at least 15 feet. A medium tree is between 15 and 40 feet. A large tree species reaches a height of at least 40 feet at maturity.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et. seq. 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.

Undergrounding: The placement of utility lines below ground, with the removal of above-ground poles, wires and structures as applicable.

Undisturbed Buffer: A natural or enhanced vegetated area with no or limited minor land disturbances, which facilitates the protection of water quality and aquatic habitat.

Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

Utility: 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, storm water systems and railroads or other utilities identified by a local government.

Variance: A grant of relief from the requirements of this ordinance which permits construction or use in a matter otherwise prohibited by this ordinance; A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations which are dimensional in nature as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with;

- 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.

Such measures can -be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Viniculture: The cultivation and processing of wine grapes.

VISIBLE LIGHT TRANSMISSION: The percentage of light within the visible spectrum (380 to 780 nanometers) that is transmitted through glass.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

Water Quality Critical Area: The portion of the water supply watershed nearest the public water intake, where the most stringent land use limitations of this Ordinance apply.

Water Supply Watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed: The drainage area of lands upstream of a water reservoir.

Wetlands: Those areas that are inundated or saturated by surface or ground water 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.

Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

Yard: That area of a lot between the principal building and adjoining lot lines, open and unoccupied except as otherwise provided herein. The minimum required width or depth of a yard shall be determined as the horizontal distance between a lot line and minimum building setback line (see definition of Building Setback Line). (amended 7-04)

Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot.

Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building 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.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) side or rear building setback (or yard requirements) and rests directly on a side or rear lot line. A

zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.

Zoning: A legislative act representing a legislative judgment as to how the land within a city should be utilized and where the lines of demarcation between the several use zones or districts should be drawn. An exercise of local government's police power wherein the local government attempts to balance the interest of promoting the public health, safety, morality or general welfare against the property owner's right to the unrestricted use of his property.