



Planning Commission Public Hearing

Monday, April 28, 2025 at 6:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Agenda

CALL TO ORDER AND ROLL CALL OF MEMBERS:

INVOCATION:

PLEDGE OF ALLEGIANCE:

MINUTES:

- [1.](#) Approval of the Minutes from the meeting on Monday, March 31, 2025

OLD BUSINESS:

NEW BUSINESS:

- [2.](#) **PUBLIC HEARING:** Ordinance to amend Article III and Article IX of the Zoning Resolution
3. Ordinance to amend Article III and Article IX of the Zoning Resolution

ADJOURNMENT:



Planning Commission Public Hearing

Monday, March 31, 2025 at 6:00 PM

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Minutes

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

The Planning Commission met on Monday, March 31, 2025 in the Council Chambers at Dacula City Hall, Dacula, Georgia.

Chairman Mark Chandler called the meeting to order at 6:00 p.m. and conducted a roll call of the members. A quorum was present.

Members Present:

Chairman Mark Chandler
Member Myra Montalbano
Member Lisa Bradberry
Member Gene Greeson
Member Trannon Thomas

City Staff Present:

Jack Wilson, City Attorney
Courtney Mahady, Administrative Clerk
Hayes Taylor, City Planner
Dana Stump, Administrative Assistant for Planning & Zoning
Amy White, Chief Marshal

II. INVOCATION:

Mayor Trey King gave the invocation.

III. PLEDGE OF ALLEGIANCE:

Chairman Chandler led the Pledge of Allegiance.

IV. MINUTES:

1. Approval of the Minutes from the meeting on Monday, January 27, 2025

Motion to approve made by Member Greeson, Seconded by Member Bradberry.

Voting Yea: Member Montalbano, Member Bradberry, Member Greeson, Member Thomas

V. OLD BUSINESS:

None

VI. NEW BUSINESS:

- 2. PUBLIC HEARING: 2025-CD-RZ-01 & 2025-CD-SUP-01**, Applicant: Dan Rankin, Owner: Dacula Pool Properties, LLC requests rezoning from C-2 General Business District to C-3 Central Business District and Heavy Commercial District and requests a special use permit for pawn shop use. The property is located in Land Lot 302 of the 5th District and contains 1.71 acres more or less.

Motion to open the public hearing made by Member Greeson, Seconded by Member Montalbano.

Voting Yea: Member Montalbano, Member Bradberry, Member Greeson, Member Thomas

City Planner, Hayes Taylor, presented the staff case report for the rezoning and special use permit applications. The applicant is requesting to rezone the property from C-2 General Business District to C-3 Central Business and Heavy Commercial District and requests a special use permit for pawn shop use. Mr. Taylor stated staff recommend approval with staff conditions.

Applicant representative, Jesse Rankin, 2827 Peachtree Road, Ste. 300, Atlanta, Georgia 30305, stated the intended use is appropriate to further the City's 2050 Comprehensive Plan. Mr. Rankin stated the applicant is requesting approval of the applications.

No comment in favor or in opposition.

Motion to close the public hearing made by Member Greeson, Seconded by Member Thomas.

Voting Yea: Member Montalbano, Member Bradberry, Member Greeson, Member Thomas

- 3. Rezoning & Special Use Permit Applications: 2025-CD-RZ-01 & 2025-CD-SUP-01**, Applicant: Dan Rankin, Owner: Dacula Pool Properties, LLC requests rezoning from C-2 General Business District to C-3 Central Business District and Heavy Commercial District and requests a special use permit for pawn shop use. The property is located in Land Lot 302 of the 5th District and contains 1.71 acres more or less.

Motion to recommend approval with staff's recommended conditions [listed below] made by Member Greeson, Seconded by Member Thomas.

Voting Yea: Member Montalbano, Member Bradberry, Member Greeson, Member Thomas

Condition Set #1:

Land Use and Concept Plan

1. Any modifications to the existing property improvements (ex: redevelopment, paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the Planning & Development Department.
2. The site shall be limited to the following uses:
 - a. Animal Hospital or Veterinary Clinic
 - b. Bakery
 - c. Cafe
 - d. Medical Office
 - e. Professional Office

- f. Retail
 - g. Restaurant
 - h. Pawn Shop with council approved special use permit
3. The Special Use Permit shall be deemed abandoned by the Property Owner if pawn shop use ceases for more than ninety (90) days, per Article 17, Section 1706.
 4. The Special Use Permit shall be valid for a period of two years from the date of approval at which time the Special Use Permit must be reapplied for and approved by the Mayor and Council for continued use.
 5. No outdoor storage shall be permitted on site.
 6. No drive-thru or gas station uses shall be permitted.
 7. Hours of operations shall be limited to 9:00 a.m. to 9:00 p.m.
 8. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to between the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times. Sanitation services must be provided by a third-party provider.

Sign and Advertisement

9. Oversized signs or billboards shall not be permitted.
10. Should the existing monument sign be removed, future ground signage shall be limited to one monument-type sign and shall not be located within the right-of-way. The monument sign shall not exceed a maximum of 8-foot in height and shall be constructed with a brick base (minimum two feet in height) matching the materials of the buildings. Neon signs and electronic message boards shall be prohibited. The monument sign shall be indirectly lit. The monument sign shall not impede site distance along Winder Hwy. Sign location and design are subject to review and approval by the City of Dacula.
11. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.
12. Live human advertisement shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.
13. Blinking, exposed neon, electronic messaging, scrolling, portable, and inflatable signage shall be prohibited.

Landscape and Parking

14. All parking spaces shall be striped in accordance with City Development Regulations. All vehicles must be parked in a striped space on a paved surface.
15. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
16. Permeable pavement alternatives must be reviewed and approved by the City prior to development permit issuance.
17. Stormwater maintenance / bioretention areas are encouraged to include practices from the Georgia

Stormwater Management Manual green standards. The areas may include lower maintenance grass alternatives, such as Blue Star Creeper, Corsican Mint, Micro-Clover, Fescue, or native grasses, native shrubs, and native trees as approved by the City Administrator.

Condition Set #2:

Should the property be redeveloped or is no longer considered a lawful non-conforming building or use, the parcel is subject to the following conditions:

Infrastructure

1. Provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts. This requirement may be waived by the City only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.
2. All new utility lines shall be located underground.
3. The Applicant shall include the required sidewalk in accordance with the City's Development Regulations.
4. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Light source shall be high-pressure sodium. Streets lights shall be staggered, 150 feet on-center, along both sides of the roadway. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads.
5. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Light source shall be metal halide, not exceeding an average of 4.5 foot-candles of light output throughout the parking area. Other than pedestrian light fixtures which will be less than 14 feet tall, light fixtures shall be hooded. All lighting will be metal halide. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.
6. Prior to the issuance of a Development Permit, the developer must satisfy Gwinnett County Department of Transportation requirements. The Developer shall also provide a traffic impact study, as required by Article 4 of the Development Regulations. Subject to final approval by Gwinnett County Department of Transportation, the developer shall make any improvements required by the submitted traffic impact study.
7. Sidewalks shall be required adjacent to all public rights-of-way. The location of sidewalks shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. It is required that a minimum five-foot wide sidewalk connection be provided from public rights-of-way to the entrance(s) of buildings.
8. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way.

Parking & Landscaping

9. Provide non-ornamental shade trees spaced 50-feet on-center along the right of way Highway 29. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation.

Street trees shall be of one or a combination of the following species:

- a. American Hornbeam
 - b. Bloodgood Japanese Maple
 - c. Carolina Silverbell
 - d. Eastern Redbud
 - e. Georgia Oak
 - f. Japanese Zelkova
 - g. North Red Oak
 - h. Nuttall Oak
 - i. Red Maple
 - j. Shumard Oak
 - k. Southern Sugar Maple
 - l. Sweet Bay Magnolia
10. Parking lots shall be located to the side and rear yard of the primary structure and shielded from view from public right-of-way.
11. Side parking is limited to 25% of the total parking area provided. All parking lots shall be screened from view from the right-of-way with vegetation and/or fencing. Screening trees shall be selected from the tree list from condition #7 and be supplemented with understory shrubs in the absence of opaque fencing. The fence shall be black wood, black chain link or wrought iron in style. Fence / understory shrubs shall be a minimum of 42 inches in height. The parking lot screening plan is subject to the approval of the Planning & Development Department.
12. The landscaping plan shall include one (1) shade tree for every ten (10) parking spaces.

Architectural Design

13. Architectural design shall conform with the Dacula Downtown Overlay District (DOD) architectural design guidelines. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The submitted elevations should include a variety of colors, and a variation in architectural features.
14. All building exteriors shall be constructed of brick, stone, glass, or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. Mechanical, HVAC, and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split-faced block.
15. Primary building entrances shall open onto the sidewalk or a path that connects directly to the sidewalk.

VII. ADJOURNMENT:

Motion to adjourn made by Member Thomas, Seconded by Member Greeson.

Voting Yea: Member Montalbano, Member Bradberry, Member Greeson, Member Thomas

Meeting adjourned at 6:20 p.m.



MEMO

TO: City of Dacula Planning Commission /
City of Dacula Mayor and City Council

FROM: H. Hayes Taylor Jr, City Planner

DATE: April 28, 2025

SUBJECT: Amendments to Article III and Article IX of the Zoning Resolution

In light of growing interest in the development of data centers throughout the State, staff recommends that the City amend Article III and Article IX of the Zoning Resolution to include a definition and baseline rules for “data centers.” The proposed amendment to Article IX would require a special use permit for all data centers within the City limits, subjecting every application to both City Council and the Planning Commission review after public hearings. The proposed Ordinance would require that applicants coordinate with utility providers, perform a noise study prior to submittal, and that data centers are located a minimum distance from residential property lines.

Proactively including provisions for data centers will allow the City to review applications based on various factors and showcases the City’s expectations to potential applicants. Staff recommends approval of the proposed Ordinance effective immediately.



AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE III AND IX OF THE CITY OF DACULA ZONING RESOLUTION TO PROVIDE REGULATIONS RELATED TO DATA CENTERS AND FOR OTHER PURPOSES.

WHEREAS, the City has adopted and maintained a comprehensive Zoning Ordinance including definitions and provisions related to uses; and

WHEREAS, changes in development patterns, proposed land uses, infrastructure and other matters warrant reviewing and updating portions of the Zoning Resolution; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to review and evaluate the current Zoning Resolution in view of current development trends and future land use plans in and near the City; and

WHEREAS, as a part of that review process, the Planning Commission and City Council have conducted public hearings in accordance with Georgia law seeking comment on the amendments and updates to the Zoning Resolution; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and businesses within the City of Dacula to amend the Zoning Resolution as outlined herein;

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the existing Article III – Definitions and Article IX – Use Provisions Ordinance is amended as follows:

SECTION 1.

The following Definitions are hereby approved and adopted for inclusion in the City's Zoning Resolution:

Data Center. A building, dedicated space within a building, or group of structures used to house and maintain electronic hardware, computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, management, processing, or distribution of electronic data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, data management, data monitoring, and related uses. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, transformers, and other associated utility infrastructure to support operations.

The following amendments are approved and adopted:

Subsection 908(D)(8) is adopted to add provisions for data centers:

8. Data centers with a lot area of twenty (20) acres or less, provided that the following conditions are met:
 - a. Minimum Distance from Residential. Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.
 - b. Landscape strip. A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen vegetation may be substituted for landscaping at the discretion of the Director.
 - c. Enclosure.
 1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.
 2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.
 - d. Buffer.
 1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.
 2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.
 - e. Noise abatement.
 1. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:

Maximum Nighttime. Between 10:00 p.m. and 8:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

- f. Electric Substations. Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.
- g. Utility. No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:
 - 1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.
 - 2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
 - 3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.
- h. Construction Design Standards.
 - 1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.
 - 2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.

Subsection 909(D)(15) is adopted to add provisions for data centers:

15. Data center, provided that the following conditions are met:
- a. Minimum Distance from Residential. Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.
 - b. Landscape strip. A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen vegetation may be substituted for landscaping at the discretion of the Director.
 - c. Enclosure.
 - 1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.
 - 2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.
 - d. Buffer.
 - 1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.
 - 2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.
 - e. Noise abatement.
 - 2. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:

Maximum Nighttime. Between 10:00 p.m. and 8:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A)

above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

- f. Electric Substations. Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.
- g. Utility. No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:
 - 1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.
 - 2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.
 - 3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.
- h. Construction Design Standards.
 - 1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.
 - 2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.

SECTION 2

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Zoning Resolution and to produce and publish a final codified version of the Zoning Resolution with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this 1st day of May, 2025.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX
CITY ADMINISTRATOR

ARTICLE III
DEFINITIONS

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

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

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

Words used in the present tense include the future tense.

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

The word "lot" includes the word "plot" or "parcel". The word "map" or "zoning map" means the Zoning Map of Dacula, Georgia.

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

The word "shall" is always mandatory and never discretionary.

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

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Signs and fences are not to be considered as accessory buildings. A detached accessory building shall be one that does not have a common wall with the main building on the same lot.

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

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a four-hour fire wall. Any walled and roofed addition which is connected by a four-hour fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adult Entertainment Establishment. means any one or any combination of the following:

- A. Adult bookstore. An establishment having a substantial or significant portion of its stock in trade, books, printed materials, magazines or other periodicals or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising at least 5 percent of its total floor space, devoted to the sale or consisting of said printed material or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. Adult business. An establishment other than those expressly specified in this section, where employees or patrons expose specified anatomical areas or engage in specified sexual activities.
- C. Adult motion picture theater. An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- D. Adult mini-motion picture theater. An enclosed building, or enclosed or semi-enclosed room or booth within an enclosed building, with a capacity of less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas for observation by patrons therein.
- E. Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
- F. Adult video store. An establishment having a substantial or significant portion of its stock in trade, videotapes, movies, CD ROMS, or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising of least 5 percent of its net sales from said videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- G. Erotic entertainment/dance establishments. A nightclub, theater or other establishment which features live performances by dancers, entertainers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

- H. Escort bureau, introduction services. Any business, agency or persons who, for fee, commission, hire, reward, profit or other consideration furnishes or offers to furnish names or persons or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusements, or who may consort with others about any place of public resort or within any private quarters.
- I. Lingerie modeling studio. An establishment wherein a patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling lingerie or similar undergarments.

Adult Service Facility. A commercial establishment in which the patron directly or indirectly is charged a fee to engage in private, personal contact with employees, patrons, or personnel primarily for entertainment purposes, using steam rooms or other devices or equipment provided by the establishment, and that is not otherwise regulated as an Adult entertainment establishment or Massage establishment.

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

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

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

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

Automobile Graveyard. Any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Apartment. A room or suite of rooms used as a dwelling for (1) family which does its cooking therein.

Apartment House. A residential structure containing three (3) or more apartments.

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

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

"As-Built" Survey. See Record Drawing.

Basement. That portion of any building for which the finished surface of its floor meets any of the following conditions:

- A. More than six feet below grade.
- B. More than six feet below the finished ground level for more than 50 percent of the total building perimeter.
- C. More than 12 feet below the finished ground level at any point.

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

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

Block. A piece or parcel of land entirely surrounded by public streets, other than alleys.

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

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

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.

Buffer, Construction. A type of buffer which is temporary and remains in effect during the construction of a project.

Buffer, Watershed Protection. A natural or enhanced vegetated area with no or limited minor land disturbances located adjacent to perennial streams within the watershed that flows into the water supply withdrawal.

Buildable Area. The portion of a lot remaining after required yards (setbacks or buffers) have been provided.

Buildable Lot of Record. A lot or parcel of land which existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court of Gwinnett County prior to January 1, 1998, or which is shown in its entirety and present boundaries on a Final Plat or Exemption Plat duly approved under these or any previously applicable regulations providing for the subdivision of land in the City of Dacula and recorded with the Clerk to Superior Court of Gwinnett County.

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

Building Setback Line. A line across a lot parallel to a street right-of-way or other property line establishing the minimum open space to be provided between any principal building and the street or other property line. All building setback lines shall be at least as restrictive as the corresponding minimum yard setbacks required in the Zoning Resolution. On corner lots, the minimum required front yard setback shall be provided along all abutting streets.

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

Canopy. A protective covering of a roof-like structure that is free standing, for the protection from the weather elements, not for the case of human habitation, but affixed permanent to the ground. All canopies shall be located at least fifteen (15) feet from any public right-of-ways.

Cellar. See Basement.

Certificate of Occupancy. Final approval by the City for the use or occupancy of a structure for which a Building Permit was issued. A compliance approval or certificate authorized and issued by the city building inspector indicating that the use of the building or land in question is in conformity with this Resolution, or that a legal variance there from has been approved.

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

Cluster Homes. A group of single-family or multi-family housing units sharing common opens pace in an approved planned unit residential development.

City. Dacula, Georgia; or the Mayor and City Council of the City; or the City Council's designee to review and approve or comment on plans for construction, submitted to be approved under the *Dacula Development Regulations*.

City Administrator. The City of Dacula City Administrator or her/his designee.

Council. The elected officials of the City of Dacula.

City Hall. The City Hall of the City of Dacula.

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

Community Shelter. A non-profit, institutional use comprised of a building, institutional in nature, which provides overnight shelter, sleeping accommodations and services, and not otherwise mandated by the State government, for related or non-related individuals for a period of time not to exceed fifteen (15) hours every twenty-four (24) hours.

Compensation, Flood. The replacement of flood storage capacity lost as the result of floodplain encroachment.

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

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

Comprehensive Plan. A plan summarizing and illustrating the adopted goals and objectives of the City Council regarding the future location and character of anticipated land uses, transportation, and other public facilities in the City of Dacula. The term "Comprehensive Plan" includes component or functional plans for the City, including but not limited to a plan for land use (i.e., Land Use Plan) or a plan for transportation facilities.

Concept Plan. A drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project, and which may be drawn to approximate dimensions in a freehand style.

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

Condominium. A building, group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and common facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Congregate Personal Care Home. A home for individuals which offers care to sixteen (16) or more persons (See Personal Care Home).

Convalescent Home. See Nursing Care Facility.

Convenience Store. Any retail establishment offering for sale items such as gasoline, household items, newspapers and magazines, pre-baked food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption.

Council. The City Council of the City of Dacula, Georgia.

County. Gwinnett County or the appropriate Gwinnett County Department, offices affected.

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

Customary Home Occupation. An occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products and no outdoor advertising.

A. Customary home occupations may include, but are not limited to the following.

1. The accommodation of not more than two (2) boarders or roomers
2. The office of a professional person where clients do not visit the premises to receive service except as otherwise permitted within this Resolution.
3. Art studio, dressmaking, sewing, canning, or baking.
4. Teaching individual musical instruments, dance, or academic pupils, one at a time.
5. The care of not more than six (6) children for compensation.

B. A customary home occupation specifically does not include the following:

1. Dancing or band instrument instruction in groups.
2. Florists or flower shops.
3. Tearooms and restaurants.
4. Tourist homes, boarding houses, or rooming houses.
5. Beauty parlors or shops and barbershops.
6. Fish hatcheries, worm farms or bait houses.
7. Offices for real estate salesmen or brokers.
8. Convalescent and nursing care facility.
9. Kennels and animal hospitals.
10. Clinics and hospitals.
11. Retail sales.
12. Firewood sales.

Data Center. A building, dedicated space within a building, or group of structures used to house and maintain electronic hardware, computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, management, processing, or distribution of electronic data. Examples of such data include, but are not limited to, computationally-intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, data management, data monitoring, and related uses. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, transformers, and other associated utility infrastructure to support operations.

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

Density. The number of families, individuals, dwelling units or housing structures per unit of land. Gross density includes all the land within the boundaries of the particular area excluding nothing. Net density excludes street right-of-way dedications, land identified as a flood hazard area, or within any electricity or gas transmission easement or right-of-way.

Department. The City of Dacula Department of Planning and Development.

Department of Transportation. State of Georgia Department of Transportation.

Developer. Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit who directs the undertaking or purposes to undertake development activities as herein defined, whether the development involves the subdivision of the land for sale to individual users, the construction of buildings or other improvements on a single land ownership, or both.

Development or A Single Development. 1. (verb) All activities associated with the conversion of land or the expansion or replacement of an existing use to any new use intended for human operation, occupancy or habitation, other than for agricultural purposes devoted strictly to the cultivation of the land, dairying or animal husbandry. Such activities include land disturbance (clearing; clearing and grubbing the land of vegetation and stumps; or grading) and the construction of improvements such as but not limited to streets, driveways or parking areas, water or sewer mains, storm water drainage facilities, sidewalks or other structures permanently placed on or in the property. 2. (noun) Where appropriate to the context, the term "development" also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases. Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Development Agreement. A written contract between the City and a property owner or developer that specifies the System Improvements to be provided by the developer for a specific project.

Development Permit. An official authorization issued by the City permitting clearing, grubbing, grading, or

construction of storm drainage facilities, 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, (Tree Preservation/Replacement Plan), Erosion and Sediment Control Plan, Buffer and Landscape Plan, and construction drawings for streets, storm water drainage facilities, sanitary sewers, water supply facilities, and other site improvements.

Development Regulations. The Development Regulations of Dacula, Georgia which are administered by the City or its designee.

Diameter Breast Height (dbh). The diameter of a tree measured at a point 4 and 2 feet above the ground.

Drainage Improvements. Those facilities and structures intended to control and direct the passage of storm waters and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains and other piping systems, catch basins, detention ponds, and velocity dissipation devices.

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

Driveway. A vehicular access way in private ownership, other than a Private Street, which provides access primarily to only one property, or to no more than 2 single-family detached residences.

Drive-in Restaurant. Any place or premises used for the sale, dispensing, or service of food, refreshments, or beverages in automobiles, including those establishments where customers may eat or drink on the premises.

Duplex. A dwelling containing two and only two dwelling units.

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

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

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

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

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

Dwelling, Two-Family. See "Duplex."

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

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

Easement. A grant by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Egress. An Exit.

Elevated Building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Erosion Control Regulations. The City of Dacula Soil Erosion and Sediment Control Ordinance, or State of Georgia Erosion and Sediment Control Laws.

Exemption Plat. A subdivision plat drawn to standards, as contained herein, prepared in accordance with one of the exemptions provided under Article 4 of the *Dacula Development Regulations*.

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

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

Family Personal Care Home. A customary home occupation which provides a home for individuals in a family-type residence, non-institutional in character, which offers care to two through six persons (See Personal Care Home).

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

Fee Simple. A form of property ownership in which the buildings and surrounding lands are owned by the same person.

Feed Lot. Any tract of land or structure, pen or corral, where cattle, horses, sheep, goats, and swine are maintained in close quarters (average density of five (5) or more livestock animals per acre for a period exceeding six (6) months per year) for the purpose of fattening such livestock for final shipment to market.

Final Plat. A finished drawing of a subdivision showing completely and accurately all legal and

boundary information and certifications required by the *Dacula Development Regulations*.

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

Fire Marshal's Office. The Agency charged with the responsibility of enforcing the City's or Gwinnett County Fire Prevention and Protection Code, the Standard Fire Prevention Code, the National Fire Prevention Code and Georgia Handicap Laws.

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

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

Flood Hazard Area. See Floodplain.

Floodplain. Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; i.e., the 100-year frequency or base flood.

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

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

Flood, Regulatory. The flood having a one percent chance of being equaled or exceeded in any given year assuming the drainage basin is fully developed as shown on the current land use plan. Only detention that can be shown that it will remain (i.e. owned by the City) and is large enough to be included in the hydrograph routings shall be considered when determining the flood peak.

Flood Prone Area. Includes the following:

- A. Areas shown on the "Flood Insurance Rate Map" as an unstudied "A" zone.
- B. Areas shown on the "Flood Insurance Rate Map" as Zone "B" (the 500 year flood).
- C. Low lying areas which contain a watercourse and have more than 100 acres of surface drainage area above the property (i.e., areas along watercourses beyond the limits of study by FEMA).

Flood, Regulatory Elevation. The highest water surface elevation anticipated at any given point during the regulatory flood.

Floodway. The channel of a river or other watercourse and the adjacent areas that must be reserved in

order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

Floor Area Ratio. The gross floor area of all heated floor space in all buildings or structures on a lot divided by the total lot area.

Freeboard. The distance between the base flood elevation and the top of a storm water detention structure.

Frontage. The horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a dock or boat ramp or recreational structures directly associated with a public use. The term does not include long-term storage, manufacture, sales, or service facilities.

Functions of Wetlands. The beneficial role that wetlands serve, including: storage, conveyance, and attenuation of floodwater and storm water; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archeological value protection; and scenic, aesthetic, and recreational amenities.

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

Garage. An accessory building or portion of a principal building used primarily for vehicle storage.

Gas Recovery/Gas Co-generation Plant. A facility operating as an accessory use to a landfill, which extracts and utilizes landfill gases for the production of energy.

Georgia DOT. The Department of Transportation of the State of Georgia.

Generalized Wetland Map. A map that shows all wetlands within the jurisdiction of the City of Dacula, Georgia. The Generalized Wetland Map shall be a subset map of the U.S. Department of Interior - National Wetlands Inventory Maps.

Grading. The movement, removal, or addition of earth on a site by the use of mechanical equipment.

Grading Permit. An official authorization issued by the City permitting grading of a site, and may include installation of attendant storm water drainage facilities.

Ground Coverage. The area of a lot occupied by a building or buildings, but not including, paved areas, expressed as a percentage of gross area of the lot.

Groundwater. See Aquifer.

Groundwater Recharge Area. An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater (Aquifer) below the Earth's surface.

Groundwater Recharge Area District. All land within the City of Dacula which is indicated as most significant groundwater recharge areas on the Ground-water Pollution Susceptibility Map of Georgia, Hydrologic Atlas Number 20.

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

Group Personal Care Home. A home for individual persons in a residence or other type building, non-institutional in character, which offers care to seven (7) through fifteen (15) persons (See Personal Care Home).

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

Hardship. A condition of significant practical difficulty in using a lot because of physical problems relating solely to the size, shape or topography of the lot in question which are not economic difficulties and which are not self-imposed.

Hard-Surfaced Area or All-Weather Surface. An area which has been paved with asphalt or concrete confined by curbing, landscaping timbers, railroad cross-ties, brick or rock wall.

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

Hazardous Material. Any substance defined as Hazardous Waste by the Georgia Department of Natural Resources pursuant to O.C.G.A. ' 12-8-60 et seq.

Health Department. The Environmental Health Services Division of the Georgia Department of Human Resources or Gwinnett County Health Department which serves the City of Dacula.

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

High-Rise Apartment Development. A building or buildings of a least 5 stories containing multifamily dwelling units and developed in accordance with provisions of this resolution.

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

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

Home Occupation. See "Customary Home Occupation."

Hotel. A building in which lodging or boarding and lodging are provided for more than twenty (20) transient guests and offered to the public for compensation and in which ingress and egress to the from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment.

House Location Plan (HLP). A drawing showing lot information and all improvements, as outlined in Article 10 of the *Dacula Development Regulations*.

Hydric Soils. Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the Soil Conservation Service.

Hydrophytic Vegetation. Macrophytic plants tolerant of, or dependent on saturated soil conditions.

Impervious Surface. Man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Some examples are buildings, roads, driveways, parking lots, decks, swimming pools, roofs, or patios.

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

Junk. Any old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris to waste; junked dismantled to wrecked automobiles, or parts there from; or iron, steel, and other scrapped ferrous or non-ferrous materials.

Junk Vehicle. Any vehicle which is non-operable, or any vehicle which does not bear a current license plate/tag.

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

Jurisdictional Wetlands Determination. A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. ' 1344, as amended.

Jurisdictional Wetland. A wetland area that meets the definitional requirements for wetlands, as determined by the U.S. Army Corps of Engineers.

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

Kitchen Facilities. A room used to prepare food containing, at a minimum, a sink and a stove or oven.

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

Land Disturbance Permit. Any permit other than a Building Permit issued by City of Dacula that authorizes clearing or grading activities on a site or portion of a site. Said permit may be a Clearing, Clearing and Grubbing, Grading, or Development Permit as defined in the *City of Dacula Development Regulations*.

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

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

wastes which have a low potential for groundwater contamination.

Landfill, Hazardous Waste. A landfill in which hazardous waste is disposed. Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by U.S. EPA pursuant to the federal act codified as 40 C.F.R. Section 261.3 or by the Georgia Hazardous Waste Management Act.

Landfill, Industrial Waste. A commercially-operated landfill for the disposal of solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated by the U.S. EPA or the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes; electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

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

Landfill, Municipal Solid Waste. A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon. Municipal solid waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agriculture, or silvicultural operations or industrial processes or operations.

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

Landscape Strip. Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

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

Large Quantity Generator of Hazardous Waste. Any person, corporation, partnership, association, or

other legal entry that is defined as a large quantity generator by the Georgia Department of Natural Resources pursuant to O.C.G.A. ' 12-8-60 et seq. and that is regulated by the State of Georgia under that section.

Leachate Collection System. A system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

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

Liquor Store. A retail shop which sells alcoholic beverages for off-site consumption.

Loading Space. Off-street vehicle parking space reserved for bulk pickups and deliveries.

Lot. A developed or undeveloped tract of land established by plat, subdivision, or as otherwise permitted by law and in one ownership legally transferable as a single unit of land. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road or crosswalk may be included.

Lot, Area. The total area within the lot lines of a lot, excluding any street rights-of-way and any area used for a detention/retention pond.

Lot, Buildable Area of. The portion of the lot remaining after required yards have been provided. Buildings may be located within any portion of the Buildable area of a lot, except that if there are lot coverage limitations which exceed the area in required yards.

Lot, Conforming. A designated parcel, tract, or area of land which meets the lot area and lot width requirements of the *Dacula Development Regulations*, which has the amount of road frontage required by *Dacula's Development Regulations*, and which has its own independent driveway located entirely within its boundaries and connected to a public street.

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

Lot Coverage. That portion of a lot that is covered by buildings, structures, driveways, and parking areas, and other any impervious surface.

Lot, Depth. The mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.

Lot Double Frontage. A lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double frontage lot may also be referred to as a through lot.

Lot, Frontage. See Road Frontage.

Lot Interior. A lot, other than a corner lot, abutting only one street,

Lot of Record, Nonconforming. A designated parcel, tract, or area of land, legally existing at the time of enactment of *Dacula's Development Regulations* or amendment of *the Regulations* which does not meet the lot area, lot width, or public street frontage and access requirements of the *Dacula Development Regulations*.

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

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

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

Major Intersection. The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Dacula or Gwinnett County Comprehensive Plan or Road Classification Map.

Major Thoroughfare. Any public street, existing or proposed arterial or major collector, which is identified or shown in the Dacula or Gwinnett County Road Comprehensive Plan or Road Classification Map.

Manufactured Home. A dwelling which does not meet the standards of an "industrialized home", but is certified by the State of Georgia as meeting the National Manufactured Home Construction and Safety Standards and is transportable in one or more sections, which is at least ten-feet wide and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and has plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" includes the term "mobile home."

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

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

Mayor. The duly elected head of the city which presides over the City Council meetings.

Meeting. Business or office-oriented small gatherings of persons to conduct business, commerce, and related activities. A meeting shall not include a party, wedding, reunion or other Special Event as defined herein.

Mean Sea Level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the *Dacula Development*

Regulations, the term is synonymous with *National Geodetic Vertical Datum (NGVD)*.

Mobile Food Unit. A food and beverage establishment that is a motorized vehicle designed to be portable and not permanently attached to the ground.

Mobile Home. See "Manufactured Home."

Modular Home. See "Industrialized Home."

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

Motel. A building or group of buildings where lodging is provided for more than ten (10) persons and offered to the public for compensation and in which ingress or egress to and from all rooms are made through private entrances.

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

Natural Vegetated Area. An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish, or other wildlife.
- B. Outdoor recreation activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.
- C. Education, scientific research, or nature trails.
- D. Maintenance or repair of lawfully located roads, structures, and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the pervious nature of the land are minimized.
- E. Limited excavating, filling, and land disturbance necessary for the repair and maintenance of structures necessary to the permitted uses.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Resolution.

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

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

Open Space. A parcel or area of land set aside, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. Creditable open space shall not include any portion of an overhead powerline easement, stormwater detention pond which is not part of an existing or proposed permanent lake or recreation area required by the “City of Dacula Development Regulations.”

Owner. A person having a majority fee simple interest in real property, or a majority interest through any other form of ownership.

Parking Deck. An enclosed structure for parking automobiles and passenger vehicles.

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

Perennial Stream. A stream which flows throughout the entire year as indicated by a solid blue line on a USGS 7 2 minute topographic series map.

Person. An individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, estate, trust, business trust, receiver, syndicate, or other group or combination acting singularly or collectively for a common purpose, and the duly authorized agents thereof.

Personal Care Home. A residence or building composed of related or non-related individuals with one or more surrogate parents that function as a single housekeeping unit. All personal care homes shall be approved and licensed by Georgia Department of Human Resources.

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

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

Plat. A map indicating the subdivision, resubdivision or recombination of land, or survey of a tract of land giving all metes and bounds of the boundary as surveyed by a registered Land Surveyor.

Preliminary Plat. A drawing which shows the perimeter boundary, topography, lotting arrangements, street layout, and other features of a proposed subdivision, as specified in these Regulations.

Pollution Susceptibility. The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from solid waste sites or other human activity.

Pollution Susceptibility Map. Maps prepared by the Georgia Department of Natural Resources (DNR) that show relative pollution susceptibility of groundwater recharge areas. The Pollution Susceptibility Map categorizes the land areas of the state into areas of high, medium, and low groundwater pollution potential.

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

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

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

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

Public Improvements. Any improvement or facility that is to be constructed on a parcel or lot for a particular project and which was required for the issuance of the permit by these Regulations or other City of Dacula adopted Ordinances or Resolutions. Public Improvements include but is not limited to: Project Access Improvements and Stormwater Drainage improvements.

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

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

Recovered Materials Processing Facility, Accessory. Any facility utilized for the purpose of collecting household and commercial materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials whenever such use is customarily incidental to a shopping center, church, school, multi-family residential development, waste disposal facility or similar use.

Recharge Area. Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer. See also - Significant Groundwater Recharge Areas.

Recovered Materials Processing Facility, Principal. Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass,

paper and aluminum whenever such use is principal to the site.

Regulated Activity. Any activity which will, or which may reasonable be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in Article 20 Section 2004 of the Dacula Zoning Resolution and exempted in Section 404 of the Federal Clean Water Act.

Residential Shelter. A non-profit institutional use comprised of a residential building, which provides two or more beds and other facilities or services, including room and food service facilities and not otherwise mandated by State government for related or non-related individuals. Length of stay of the individuals is presumed to be of a temporary nature. A Shelter must meet the provisions of the Rules for Shelters in Gwinnett County.

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

Road. See "Street, Public".

Road, Arterial. A road/street shown as such in the Gwinnett County Comprehensive Plan, the City of Dacula Comprehensive Plan, which is on file in the City Hall of the City of Dacula, or the Gwinnett County Road Classification Map. With the principal arterial system, these roads form a rural network that links other cities, larger towns, and other traffic generators, such as major resort areas, capable of attracting travel over similarly long distances; links all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterial therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through-movement.

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

Road, Major Collectors. A road/street shown as such in the Gwinnett County Comprehensive Plan, the City of Dacula Comprehensive Plan, which is on file in the City Hall of the City of Dacula, or the Gwinnett County Road Classification Map. The primary purpose of a Collector road is to collect and distribute traffic between the Local Streets and the Major and Minor Arterial Streets and to provide access to adjacent properties. These roads, with minor collectors, primarily serve the county rather than state traffic. Consequently, more moderate speeds are typical. They serve any county seat or largertown not on an arterial route, and other traffic generators of equivalent intra county importance, such as consolidated schools, shipping points, county parks, and important mining and agricultural areas: link the latter places with nearby larger towns or cities, or arterial and freeways; and serve the more important intra county travel corridors.

Road, Minor Collectors. A road/street serving county-wide traffic, these roads should evenly collect traffic from local roads/streets and bring all developed areas within a reasonable distance of a collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with rural areas.

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

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

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

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

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

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

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

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

Sign, Billboard. A sign, which advertises or directs attention to businesses, products, services or establishments.

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

Sign, Clock. Any timepiece erected outside of any building for the purpose of advertising the business for which it is located.

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

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

- A. Real estate directional signs which may be erected from Friday 3:00 p.m. until Sunday 11:59 p.m. and shall direct traffic to a specific project. (Weekend Directional Signs).
- B. Real estate directional signs placed at intersections which direct traffic to a specific project. (Subdivision Directional Signs).

- C. Real estate directional signs referring to the sale of any individual home shall only contain the words "Home for Sale", "Home for Rent" or "Lot for Sale" with directional arrow. (Generic Directional Signs).

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

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

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

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

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

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

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

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

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

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

Sign, On-Site. An authorized sign that may be permitted on an individual lot usually used to identify the business located on the same lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

Significant Groundwater Recharge Areas. Areas mapped by DNR in Hydrologic Atlas 20 (1992 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical, natural and formation of the rock, soil type, and thickness, slope, density of lithologic contacts, geologic structure, presence of karst topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Silviculture. The art of producing, reproducing and growing a forest of distinctive stand of trees.

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

Sketch Plan. See Concept Plan.

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

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

Special Event. A one-time gathering of a group or community of persons for a special occasion including, but not limited to, a wedding, shower, a public or private party, reunion, family event or other religious or social gathering.

Special Exception. A "Special Exception" is a use listed in the Zoning Resolution as permitted if it meets stated conditions and is approved by the Dacula City Council after a public hearing

Special Flood Hazard Area. "A" zone on FIRM.

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

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or, the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement of a building shall not count as a story if the upper surface of the first floor above such basement complies with all of the following: 1) Is less than seven (7) feet above grade; 2) Is less than seven (7) feet above finished ground level for more than fifty (50) per cent of the perimeter of the building; and 3) Is less than twelve (12) feet above the ground level around the entire building perimeter.

Street. See Street, Public.

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

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

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

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

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

Street, Local Nonresidential. A surface street intended primarily to provide local access to adjacent, existing, or planned commercial or industrial development and not through traffic.

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

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

Subdivision. 1. (verb) Any division or redivision of a lot, tract or parcel, regardless of its existing or future use, into 2 or more lots, tracts or parcels. The term, "subdivision" shall mean the act or process of dividing property. 2. (noun) Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division. A tract of land which has been divided into two (2) or more lots, all fronting on a public street, and offered for sale as individual lots.

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

- A. The appraised value of the structure prior to the start of the initial repair or improvement; or,
- B. In the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Surface Treated Area. An area which has been covered with asphalt or concrete.

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

Temporary Emergency Permit. A temporary permit that may be used issued in certain circumstances specified herein.

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

Town House. See "Dwelling, Attached."

Tree. Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

Tree Diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at any point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.

Tree Protection Area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the buffer requirements of the Zoning Resolution.

Tree Preservation/Replacement Plan. A plan that identifies Tree Protection Areas, existing trees to be preserved and proposed replacement trees to be planted on a property as well as methods of tree protection to be undertaken on the site and other pertinent information.

Utility. A public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads.

Variance. A relaxation of the terms of the Dacula Zoning Resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not as a result of the action of the applicant, a literal enforcement of the Resolution would result in unnecessary and undue hardship.

Vehicle. A machine that you travel in or on, one that provides locomotion with an engine or motor that is licensed and registered for legal travel on public or private roadways to include but not necessarily be limited to a car, bus, van, truck, or motorcycle.

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

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

Watchman's Quarters. An attached or detached accessory dwelling unit for an owner/ operator or employee whereas use is limited to on-site security purposes only. Watchman's quarters shall not serve as a primary residency, be rented, or otherwise used as a dwelling.

Watercourse. A channel with a defined bed and banks, including lakes, ponds, and marshes, or State Waters as defined by State of Georgia Department of Natural Resources.

Wetland. An area that is inundated or saturated by surface water or ground water at a frequency and distribution sufficient to support, and under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marches, bogs, and similar areas.

Wetland Delineation. The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers, or an authority designated by the Corps.

Wetland Protection District. All wetlands within the jurisdiction of Dacula, Georgia which are indicated on the Generalized Wetland Map as wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation.

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

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

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

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

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

Zoning Resolution. The adopted Zoning Resolution of the City Dacula, Georgia, as amended from time-to-time.

Section 908. M-1, Light Manufacturing District.

The M-1, Light Manufacturing District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. This District limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors. The M-1, Light Manufacturing District is established to provide a location for those heavy commercial and light industrial operations which demonstrate characteristics that are able to meet comparatively rigid specifications for nuisance-free operation.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
M-1	-	43,560	100	50	50	20 ⁽¹⁾	20 ⁽¹⁾	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

Only the following permitted uses shall be allowed in the M-1 Light Manufacturing District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment b) special uses as permitted herein or c) accessory uses defined in Article III, Definitions; or other uses which are clearly similar to and consistent with the purpose of this District.

1. Agriculture and horticulture, except the raising of livestock.
2. Appliance Repair Shop.
3. Art Gallery.
4. Assembly Plant (non-durable goods).
5. Automatic Teller Machine (freestanding).
6. Automobile/Truck Rental Agency.
7. Automotive Sales Lots and associated service facilities (new or used).
8. Bakery Shop (accessory retail).
9. Baking Plants.
10. Building Materials Wholesaler.
11. Building Material Yards including milling operations.
12. Cabinet shops and furniture manufacturing.

13. Cafeteria (employee/accessory only).
14. Cold Storage Plant or commercial cold storage.
15. Contractor's Offices with no outdoor storage of equipment.
16. Crematories.
17. Depot/Passenger Terminal (bus, rail).
18. Dog kennels.
19. Farm Equipment sales and service.
20. Financial Services/Institutions.
21. Fraternal Club or Lodge.
22. HVAC Equipment Dealers.
23. Hospital/Clinic/Convalescent Home.
24. Ice Manufacturing/Packing Plant.
25. Laboratory, research and testing.
26. Machine Shop.
27. Maintenance Shop (fleet vehicles).
28. Meat Processing or packaging, except slaughtering, poultry killing, and dressing of animals shall not be allowed.
29. Medical/Dental Laboratory.
30. Mini-Warehouses/personal storage warehouses.
31. Movie Studio.
32. Museum.
33. Newspaper, printing or publishing.
34. Offices or Office Parks.
35. Office, professional/business.
36. Outdoor storage yards, other than junkyard, if they meet the following requirements:
 - a. They shall be set back at least fifteen (15) feet from any side or rear property lines.
 - b. The yard shall be screened by a solid fence at least six (6) feet high located at the edge of the storage yard.
 - c. The fifteen foot area shall be appropriately landscaped and maintained.
37. Parking deck.
38. Pest Control/Extermination Business.

39. Pharmacy (accessory).
40. Photo Processing Plant.
41. Photo Studio.
42. Plant Nursery (wholesale or retail).
43. Plastics Extrusion Plant.
44. Plumbing Equipment Dealers.
45. Printing/Bookbinding/Publishing Plant.
46. Public Buildings and Offices (Libraries, Government Offices, etc.).
47. Radio/Television Station and Transmitter.
48. Recreation Facilities/Training Center, Indoor (gymnastics schools, baseball academies, etc.).
49. Recording/Rehearsal Studio.
50. Recovered Materials Processing Facility, or Recycling Station, provided the following standards are met:
 - a. Activities shall be limited to collection, sorting, compacting and shipping.
 - b. Along the entire road frontage (except for approved access crossings), provide a 3-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
 - c. The facility shall not be located adjacent to or across the street from any property used for or zoned for single family residential use.
 - d. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
 - e. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
 - f. No outdoor storage of uncontainerized materials shall be allowed.
51. Retail Sales Showrooms and Warehouse Stores,
52. Taxi/Limousine Service.
53. Telephone Exchange Building.
54. Trade/Vocational School.
55. Truck and Bus Sales Leasing/Repair (heavy truck/tractor trailer).
56. Truck or Moving Van Rental (e.g. U-Haul, Ryder) provided such facilities comply with the following requirements:

- a. Equipment or rental vehicles shall not be parked or stored in the required front yard.
- b. The storage area for the vehicles or equipment to be rented shall be screened by a Solid fence at least six (6) feet high.
- c. The storage area shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained Truck Terminal.

57. Upholstery Shop.

58. Utility stations including water and wastewater treatment facilities, building and grounds for storage of vehicles, equipment, and materials.

59. Veterinary offices, hospitals, and laboratories.

60. Weather Service Station.

61. Wholesaling and warehousing with offices.

C. Special Exceptions:

Within the M-1 Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

- 1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

D. Special Uses:

Within the M-1, Light Manufacturing District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the City Administrator and Planning and Zoning Board and after a public hearing.

- 1. Railroad sidings for maintenance and terminal facilities for train cars or engines.
- 2. Private Kindergarten, Grade or High School.
- 3. Stadium/Concert Hall/Amphitheater (County Board of Education Schools excepted).
- 4. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:
 - a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
 - b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-

foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

5. Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.
6. Day care facilities provided they comply with all State day care and Health Department requirements.
7. Residential or community shelter.
8. **Data centers with a lot area of twenty (20) acres or less, provided that the following conditions are met:**
 - a. **Minimum Distance from Residential.** Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.
 - b. **Landscape strip.** A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen vegetation may be substituted for landscaping at the discretion of the Director.
 - c. **Enclosure.**
 1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.
 2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.
 - d. **Buffer.**
 1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.
 2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.

e. Noise abatement.

- 1. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:**

Maximum Nighttime. Between 10:00 p.m. and 8:00 a.m., the data center shall not generate noise in excess of 55 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

- f. Electric Substations.** Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.

- g. Utility.** No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:

- 1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.**
- 2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.**
- 3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.**

h. Construction Design Standards.

- 1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.**
- 2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.**

Section 909. M-2 Heavy Manufacturing/Industry District.

Intent and Purpose. The M-2 Heavy Manufacturing/Industry District provides a location for those industrial operations and processes that are not public nuisances and are not dangerous to the health, safety or general welfare of the inhabitants of the City of Dacula, Georgia. The M-2 Heavy Manufacturing/Industry District shall be located on or have ready access to a major street, as defined herein.

A. Area, Yard and Height Requirements:

Dist.	Minimum Dwelling Unit Size (Sq.Ft.)	Minimum Lot Area Size (Sq.Ft)	Minimum Width (Ft)	Setback from Right-of-Way (Ft.)		Minimum Side Yard (Ft.)	Minimum Rear Yard (Ft.)	Maximum Height (Ft.)
				Major Street (Ft.)	Interior Street (Ft.)			
M-2	-	43,560	100	50	50	20 ⁽¹⁾	20 ⁽¹⁾	40

(1) Buffer zones are required in addition to side and rear yard where an office-institutional, business, or manufacturing use abuts a Residential District.

B. Permitted Uses:

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

1. Aircraft Factory.
2. Alcoholic Beverage Plant/Distillery.
3. Assembly plant (durable goods).
4. Concrete or Masonry Plant.
5. Chemical Plant.
6. Crematory.
7. Dye Casting Works.
8. Feed Processing Facility.
9. Fertilizer Plant.
10. Manufacturing, outdoor.
11. Metal Smelting/Forging Works.
12. Railroad maintenance terminal, repair/storage yard facilities.
13. Stadium/Concert Hall/Amphitheater (County Board of Education Schools excepted).
14. Rubber/Tire/Retreading Plant.
15. Sugar Refinery.

16. Tannery - Leather Processing.

17. Wood Chipping/Shredding, and Yard Trimmings Composting Facility provided the following conditions are met:

- a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
- b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

C. Special Exceptions:

Within the M-2 Heavy Manufacturing/Industry District, the following uses may be permitted provided the applicant for such a development is granted a Special Exception subject to the approval of the Mayor and City Council.

1. Caretaker or watchman quarters as an accessory use for the purpose of securing outside storage of equipment and materials that are associated with the primary use of the business.

D. Special Uses:

In addition to the criteria for review listed in Section 1706 for a Special Use Permit, the following criteria shall also be addressed for a Special Use within the M-2 Heavy Manufacturing/Industry District:

1. The proximity of the proposed use to existing residential structures or residentially zoned property;
2. Whether the proposed use will generate pollutants of the air or water and, if so, the method proposed by the applicant for insuring that the proposed use will comply with all state and federal environmental regulations;
3. Whether the proposed use will generate excessive traffic, noise, vibration, smoke, dust, gas fumes, odors, radiation, or create a fire or explosion hazard which may be objectionable due to proximity to surrounding structures, or which will adversely affect the existing use or usability of adjacent or nearby property;
4. How neighboring properties may be affected by the height of any proposed structure; and
5. Whether the use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with surrounding land uses and would not be in conflict with the overall general objectives of the Comprehensive Land Use Plan.

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

1. Asphalt Plant.
2. Bulk Storage Tanks including natural gas or fuel storage stations. No above ground storage facilities may be located closer than 500 feet to a Residential District. All storage is to be subject to approval of the Fire Department.
3. Places of worship to include but not necessarily be limited to churches, temples, mosques, synagogues or the like located in single occupancy buildings.
4. Composting Facility.
5. Explosives Plant/Storage.
6. Petroleum Refinery/Processing Plant.
7. Paper/Pulp Mill.
8. Scrap Tire Processing Plant.
9. Solid Waste Transfer Stations.
10. Waste Incineration Facility.
11. Landfills provided the following conditions are met:
 - a. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
 - b. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
 - c. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
 - d. The entire site shall be fenced with a minimum six-foot high chain link security fence.
 - e. The landfill shall be located on or have direct private access to a road designated on the Long Range Road Classification Map as a major collector, minor arterial, major arterial or principal arterial.
 - f. The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
 - g. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards
 1. Composting, Municipal Solid Waste.

2. Composting, Yard Trimmings.
 3. Gas Recovery/Gas Cogeneration Plant.
 4. Recovered Materials Processing Facility.
 5. Solid Waste Transfer Stations.
13. A quarry for the removal of minerals and other natural materials, together with necessary buildings, machinery and appurtenances thereto, provided that:
- a. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.
 - b. The operators and owners of the quarry present to the Mayor and Council an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operations.
 - c. In the case of an existing quarry, an extension of the quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Resolution of the City of Dacula, Georgia, shall be permitted and shall not be considered a new operation provided that said extension does not extend to within one thousand (1,000) feet of a residential or commercial Zoning District boundary line.
14. Salvage Operation and Junk Yard providing the following conditions are met:
- a. The junkyard is located no closer than three hundred (300) feet to a residential or commercial Zoning District boundary line.
 - b. The junkyard is completely enclosed with a solid fence not projecting into the right-of-way of any roadway adjoining said junkyard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and other operations from view.
 - c. The junkyard is located no closer than one thousand (1,000) feet from the nearest edge of the right-of-way of any major arterial roadway, within this subpart "major arterial roadway" is defined as any roadway, street or thoroughfare within the City limits of Dacula, Georgia, having a right-of-way of one hundred (100) feet or greater.
- 15. Data center, provided that the following conditions are met:**
- a. Minimum Distance from Residential. Any data center building must be located at least 250 feet from the property line of a parcel zoned residential, property with an approved concept plan for residential use, or property developed with residential use.**
 - b. Landscape strip. A planted 50-foot-wide landscape strip shall be provided adjacent to any existing or dedicated right-of-way. Landscape plans must be reviewed and approved by the Planning & Development Director. Natural topography and existing vegetation, supplemented with new evergreen**

vegetation may be substituted for landscaping at the discretion of the Director.

c. Enclosure.

1. A six (6) foot high opaque fence shall be required along the entire perimeter of the facility.
2. All electric generators and transformers not housed inside a building or structure shall be enclosed behind a solid wall made of concrete or another equivalent sound absorbing material and must be a minimum of four (4) feet higher than the highest point on the generator. The wall shall be painted or finished with decorative or artistic concrete adhesive. Wall design and finish shall be reviewed and approved by the Director.

d. Buffer.

1. Data centers adjoining residential zoned property or property developed with residential use require a 100-foot buffer along the adjoining property line.
2. The first 50 feet along the property line shall remain in an undisturbed, natural state, except for approved fencing, access and utility improvements. The remaining buffer may be disturbed, graded, and replanted. If the buffer is disturbed, a minimum of three (3) rows of varied evergreen shrubs at least 4 feet in height at planting are required to provide screening.

e. Noise abatement.

1. The applicant must submit a noise study demonstrating that the operation of the data center will comply with the following standards:

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Maximum Daytime. Between 8:00 a.m. and 10:00 p.m., the data center shall not generate noise in excess of 65 dB(A) or 10dB(A) above ambient levels (whichever is greater), when measured at the property boundary line shared with a residential use.

Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages. Testing of backup generators is limited to the hours between 9:00 a.m. and 5:00 p.m.

- f. Electric Substations. Electric Substations are necessary accessory uses to data centers. If located on the same property as a data center, the substation shall not be located within 300 feet of an adjacent right-of-way and shall be screened from view from adjacent property lines and the right-of-way.

- g. Utility.** No utility connected data processing center shall be issued a permit until evidence has been provided by the operator that installation of the system would be feasible. Written verification from Gwinnett County Water Resources Department, the electrical provider, and other utility providers as applicable, shall state the following:

 - 1. Adequate capacity is available on the applicable utility lines and substation to ensure available capacity for the proposed use and that capacity is available to serve other needs of the surrounding community is consistent with the normal project load growth envisioned by the data center.**
 - 2. Utility supply, equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use.**
 - 3. The use will not cause electrical interference or fluctuations in line voltage on and adjacent to the operating premises.**
- h. Construction Design Standards.**

 - 1. Pitched roofs are prohibited. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building.**
 - 2. All building facades shall comply with the Architectural Design Standards within the City's Development Regulations.**