

## **Chapter 200. General Provisions**

### **Section 200-10. Purpose.**

This Title 2 is intended to implement the purposes set forth in Section 100-20, and further is enacted for the purposes of promoting the public health, safety, and the general welfare of the present and future inhabitants of Gwinnett County; of lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; protecting natural resources, facilitating the adequate provision of multi-modal transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings and other structures throughout the County; securing economy in government expenditures; and for other purposes, all in accordance with a comprehensive plan for the development of the County.

### **Section 200-20. Authority.**

This Title 2 is enacted pursuant to Gwinnett County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2; pursuant to Chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by Gwinnett County's authority to enact regulations and exercise powers granted by local laws and by the County's general police powers; and by other powers and authority provided by applicable federal, state, and local laws.

### **Section 200-30. Incorporation of Official Zoning Map.**

**200-30.1** The location and boundaries of Zoning Districts are hereby established as shown on the map entitled "Official Gwinnett County Zoning Map" which is hereby made a part of this UDO. The Official Gwinnett County Zoning Map may be amended from time to time and maintained in electronic format by the Gwinnett County Geographic Information System.

**200-30.2** Certified copies of said map shall be prepared by the Gwinnett County Department of Planning and Development.

### **Section 200-40. Division of County into Zoning Districts.**

**200-40.1** For the purposes of this Unified Development Ordinance, the unincorporated area of Gwinnett County, Georgia, is divided into Zoning Districts designated as follows:

RA-200	Agriculture-Residence District
R-LL	Single-Family Residence-Large Lot District
R-100	Single-Family Residence District
R-75	Single-Family Residence District
R-60	Single-Family Residence District
R-SR	Senior-Oriented Residence District
R-TH	Single-Family Residence Townhouse District
R-IF	Residential In-Fill District
LRR	Low-Rise Residential Multifamily District
MRR	Mid-Rise Residential Multifamily District

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HRR	High-Rise Residential Multifamily District
O-I	Office-Institutional District
C-1	Neighborhood Business District
C-2	General Business District
C-3	Highway Business District
M-1	Light Industry District
M-2	Heavy Industry District
OSC	Open Space Conservation District
TND	Traditional Neighborhood Development District
MU-N	Neighborhood Mixed-Use District
MU-C	Community Mixed-Use District
MU-R	Regional Mixed-Use District

**200-40.2 Inactive Zoning Districts.** No new zoning applications will be accepted for the inactive districts listed below, or any other inactive zoning districts in the County. In these districts, any existing or proposed development shall conform to the development and use standards established by zoning resolution for that particular parcel, or the most similar current zoning district as indicated in 200-40.2 B. below, subject to the provisions of Section 100-60 and any other applicable sections of this UDO.

A. Inactive Zoning Districts include, but are not limited to, the following:

1. MOD Modified Single-Family Development
2. CSO Conservation Subdivision Overlay District
3. CLU Cluster Subdivision Overlay District
4. R-140 Single Family Residence District
5. RL Lakeside Residence District
6. R-ZT Single Family Residence Zero Lot Line/Townhouse District (Prior to January 2005) and R-ZT Single Family Residence District (After January 2005)
7. MH Manufactured Housing
8. RM Multi-Family Residence District
9. RMD Multi-Family Residence District
10. RM-6 Multi-Family Residence District
11. RM-8 Multi-Family Residence District
12. RM-10 Multi-Family Residence District
13. RM-13 Multifamily Residence District

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14. RM-24 Multifamily Residence District
15. HS Hospital Service District
16. NS Neighborhood Shopping District
17. O-R Office-Residence District
18. OBP Office-Business Park District
19. MUO Mixed-Use Overlay District
20. MUD Mixed-Use Development District
21. Big Haynes Creek Conservation Subdivision Option

B. Similar Current Active Zoning Districts:

<u>Inactive District</u>	<u>Active District</u>
1. RL, R-140, R-100 MOD, and R-100 CLU:	R-100
2. O-R, R-75 CLU, and R-75 MOD:	R-75
3. CSO and Big Haynes Creek Conservation Subdivision Option:	OSC
4. R-ZT, and MH:	R-TH
5. Single-family detached or duplexes in RM, RMD, RM-6, RM-8, RM-10, and R-ZT:	R-IF
6. Multifamily in RM, RM-6, RM-8, RM-10, and RM-13:	LRR
7. RM-24:	MRR
8. OBP and HS:	O-I
9. NS:	C-1
10. MUO and MUD:	MU-C

**200-40.3 Split-Zoned Parcels.** No application for rezoning shall be permitted that creates a split-zoned parcel, unless otherwise authorized by this UDO or by action of the Board of Commissioners.

### Section 200-50. Interpretation of Zoning District Boundaries.

**200-50.1** Where uncertainty exists with respect to the location of the boundaries of any Zoning District in Gwinnett County, Georgia, the following rules shall apply.

- A. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a county road, a state highway,

an interstate highway or a railroad right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.

- B. Where a Zoning District boundary line divides a lot, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, unless otherwise determined by conditions of zoning.
- C. Whenever any street, alley or other public way is vacated or abandoned by official action of the County, the zoning district adjoining each side of the street, alley or public way will be automatically extended to the center of the street, alley or public way.
- D. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location shall be determined by the Director.

### **Section 200-60. Relationship to Comprehensive Plan.**

**200-60.1 Role of the Comprehensive Plan.** The Gwinnett County Unified Plan (Comprehensive Plan), consisting of its Future Development Map and related policies, as may be amended from time to time, is hereby established as the official policy of the County concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property shall be zoned in the unincorporated area of Gwinnett County.

**200-60.2 Relationship between Comprehensive Plan and Zoning.** The Gwinnett County Unified Plan (Comprehensive Plan) does not change the existing zoning districts in Gwinnett County, does not effectuate an amendment to the Gwinnett County Zoning Map, and does not itself permit or prohibit any existing land uses. Instead, the Unified Plan establishes broad planning policy for current and future land uses and should be consulted as a guideline for making decisions about applications to amend the Gwinnett County Zoning Map and text of the UDO.

Section 200-70. Reserved.

### **Section 200-80. Zoning Certification.**

Upon request, the Director shall have authority to issue written zoning certifications stating the existing zoning of a particular parcel of property. Requests to the Director shall be in writing, accurately identify the subject property as required by the Director and be accompanied by a fee established by the Board of Commissioners.

### **Section 200-90. Zoning Classification of De-Annexed Property.**

Property which has been deannexed from any municipality may be zoned for the same use for which that property was zoned immediately prior to such deannexation, provided that the County and the municipality in which the deannexed property was located have a common zoning ordinance with respect to zoning classifications. Otherwise, a public hearing, as specified in Section 270, will be conducted to establish the appropriate zoning classification for the property. Any non-conforming use shall be subject to the provisions of Chapter 260 of this UDO.

## Chapter 210. Base Residential Zoning Districts

### Section 210-10. RA-200 Agriculture-Residence District.

**210-10.1 Purpose and Intent.** This district is comprised of land having a predominantly rural character. It is the intent of the regulations of this zoning district to provide for agriculture, forestry and very low-density residential uses and to discourage the subdivision of land for urban development requiring such urban services as a public water supply and sanitary sewers.

### Section 210-20. R-LL Single-Family Residence-Large Lot District.

**210-20.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and related uses on large lots.

### Section 210-30. R-100 Single-Family Residence District.

**210-30.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and related uses.

### Section 210-40. R-75 Single-Family Residence District.

**210-40.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and related uses.

### Section 210-50. R-60 Single-Family Residence District.

**210-50.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and accessory uses on land where urban services, including public water and sewer are available.

### Section 210-60. R-SR Senior-Oriented Residence District.

**210-60.1 Purpose and Intent.** This zoning district is intended for single-family detached residences and villas and accessory uses on land where public sewerage facilities are available or can be readily obtained and where there is convenient access to collector streets, major thoroughfares, or state or interstate highways.

### Section 210-70. R-TH Single-Family Townhouse District.

**210-70.1 Purpose and Intent.** This zoning district is intended for attached townhouse dwellings and detached single-family and duplex dwellings on small lots. These developments are appropriate for smaller infill tracts or assemblages of land in areas where public sewerage facilities are available or can be readily obtained and where there is convenient access to collector streets, major thoroughfares, or state or interstate highways.

### Section 210-80. R-IF Residential In-Fill District.

**210-80.1 Purpose and Intent.** This zoning district is intended for townhouse dwellings and missing middle housing in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to local streets, collector streets, major thoroughfares, or state or interstate highways.

## **Section 210-90. LRR Low-Rise Residential Multifamily District.**

**210-90.1 Purpose and Intent.** This zoning district is intended primarily for low-rise multifamily buildings in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares, or state or interstate highways.

## **Section 210-100. MRR Mid-Rise Residential Multifamily District.**

**210-100.1 Purpose and Intent.** This zoning district is intended primarily for mid-rise multifamily dwellings where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares, or state or interstate highways.

## **Section 210-110. HRR High-Rise Residential Multifamily District.**

**210-110.1 Purpose and Intent.** This zoning district is intended primarily for high-rise multifamily dwellings in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares, or state or interstate highways.

## **Section 210-120. Dimensional Standards for Base Residential Zoning Districts.**

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<sup>1</sup>Larger minimum lot sizes may be required for lots served by septic.

<sup>2</sup> Where the rears or sides of single-family attached or detached residential buildings are oriented toward an external public street, a 40-foot-wide setback including a 10-foot-wide landscaped strip adjacent to the right-of-way shall be required between the property line and residential units.

<sup>3</sup> External property line setbacks, and also for single-family detached lots.

<sup>4</sup> For single-family detached lots only. Attached villas are subject to the conditional use requirements of this Chapter.

<sup>5</sup> Open space requirements do not apply to lots within a minor or small subdivision, or individual lots within single-family detached residential zoning districts.

<sup>6</sup> The minimum usable open space counts towards the total open space requirement.

<sup>7</sup> For attached villas only. The maximum density for detached lots shall be 4.0.

<sup>8</sup> Contextual front setbacks apply per Section 230-40.5.

#### <sup>9</sup> External property line setbacks.

## **Section 210-130. Permitted Uses within Residential Zoning Districts.**

**210-130.1** The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**P:** Permitted use.

**S:** Special use requiring a Special Use Permit subject to approval following the application procedures and requirements in Section 270-30 of the UDO.

**C:** Conditional use subject to the additional requirements in Section 210-140.

**S/C:** A Special Use Permit is required, and conditional use standards apply.

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Farmers Market (on-site products)	C										
Fishing Club or Fishing Pond	P										
Forestry and Logging	P										
Golf Driving Range	S										
Kennel or Pet Boarding	S/C										
Landscape Supply	P										
Livestock Sales Pavilion or Auction Facility	S/C										
Plant Nursery	P										
Shooting or Archery Range and similar outdoor recreation facilities	S/C										
Wild Animals, raising and keeping of	S/C										
<b>Non-Residential Uses</b>											
Land Use	RA-200	R-LL	R-100	R-75	R-60	R-SR	R-TH	R-IF	LRR	MRR	HRR
Bed and Breakfast Inn	C	S/C	S/C								
Cemetery, Family or Mausoleum	S/C	S/C	S/C	S/C							
Community Center or Cultural Facility	S/C		S/C	S/C							
Day Care Facility (adult or child)	P	P	P	P	P		C	C			
Landfill	S/C										
Place of Worship	C	C	C	C	C	C	C	C	C	C	C
Recreational Vehicle Park or Campground	S										
Residential Rehabilitation Center	S		S								
Sawmills and Logging Facility	S										
School, Private (College or University)	S		S								
School, Private (Primary and Secondary)	S/C		S/C								
Short-term Rental	C	C	C	C	C	C	C	C	C	C	C
Special Events Facility	S/C										
Utility Transmission and Monitoring Facility	S/C	S/C	S/C								
<b>Residential Uses</b>											
Land Use	RA-200	R-LL	R-100	R-75	R-60	R-SR	R-TH	R-IF	LRR	MRR	HRR
Boarding or Rooming House									C	C	C
Home Occupation	C	C	C	C	C	C	C	C	C	C	C
Dormitory	S								P	P	P
Dwelling, Accessory	C	C	C	C	C	C	C	C			
Dwelling, Cottage Court				C	C			C			
Dwelling, Duplex							C	C	C		

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Dwelling, Fourplex								C	C	C	
Dwelling, Live/Work								C	C	C	C
Dwelling, Mobile or Manufactured Home	P										
Dwelling, Multifamily									C	C	C
Dwelling, Multiplex								C	C		
Dwelling, Senior-Oriented						C					
Dwelling, Single-Family Detached	P	P	P	P	P		P	P			
Dwelling, Townhouse							C	C			
Dwelling, Triplex								C	C		
Dwelling, Villa						C	C	C			
Personal Care Home, Congregate	S/C	S/C	S/C								
Personal Care Home, Family	C	C	C								
Personal Care Home, Group	S/C	S/C	S/C								
Retirement Community, Independent Living or Continuing Care									P	P	P

### Section 210-140. Conditional Uses within Base Residential Zoning Districts.

**210-140.1 Agricultural Uses (crop or animal production).** Agricultural uses shall be subject to the following standard:

- A. Corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.

**210-140.2 Agricultural Uses (livestock).** Agricultural uses shall be subject to the following standards:

- A. In the RA-200 zoning district: The keeping of livestock shall be permitted. Corrals, stables, barns, pens, coops, chicken houses, and other similar livestock quarters shall be located no closer than 100 feet to any property line.
- B. In all other zoning districts: the raising and keeping of livestock on a parcel which contains the dwelling of the owner of the livestock is permitted, provided that the parcel is at least three acres in area and all animal quarters are located no closer than 100 feet from any property line.
  - 1. In non-agricultural residential zoning districts, the keeping of chickens on a parcel which contains the dwelling of the owner is permitted, subject to the following requirements:
    - a. The minimum lot size for the keeping of chickens shall be 10,500 square feet.
    - b. Chickens must be kept securely in an enclosed yard or six-sided pen at all times.
    - c. Minimum pen area for chickens shall be 10 square feet per chicken.
    - d. Chickens must be housed at least 20 feet from any property line, and 50 feet from any residence on an adjoining parcel.
    - e. Any structure housing chickens must be located in the rear yard.
    - f. The keeping of roosters shall be a prohibited use, for which a variance is not authorized.
    - g. The maximum number of chickens shall be as follows: Lots 10,500 square feet to 12,499 square feet: maximum of three chickens; lots 12,500 square feet to 24,999 square feet:

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maximum of five chickens; lots 25,000 square feet to 39,999 square feet: maximum of eight chickens; lots of 40,000 square feet to 2.99 acres: maximum of 10 chickens; lots three acres or larger: no maximum.

- h. Each coop shall have at least four square feet of floor space per chicken over four months old.
- i. Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter or sale.
- j. Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by State law.

### **210-140.3 Bed and Breakfast Inn.** Bed and breakfast inns shall be subject to the following standards:

- A. The operator of the establishment shall reside on the site.
- B. The use shall have a lot area of not less than 20,000 square feet. The structure shall have a minimum heated floor area of 2,500 square feet.
- C. No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 days.
- D. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
- E. Guest rooms shall not be equipped with cooking facilities.
- F. Food may be served on the premises only for overnight guests and employees of the Bed and Breakfast Inn.

### **210-140.4 Beekeeping.** Beekeeping shall be subject to the following standards:

- A. Honeybees shall not be kept on lots containing less than 10,000 square feet. No more than two colonies or hives, with only two swarms, shall be allowed per 10,000 square feet of lot area.
- B. Hives shall be marked or identified to notify visitors.
- C. No hive shall exceed 20 cubic feet in volume.
- D. No hive shall be located closer than ten feet from any property line or 25 feet from any principal building on an adjoining parcel.
- E. No hive shall be located closer than 50 feet from a public right-of-way.
- F. A constant supply of water shall be provided for all hives.
- G. A flyway barrier at least six-feet-high shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- H. Any colony or hive which becomes a nuisance as defined by state law must be removed by the owner.
- I. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps) by the owner.

### **210-140.5 Boarding or Rooming House.** Boarding or rooming houses shall be limited to no more than six non-transient boarders.

### **210-140.6 Cemetery, Family Cemetery or Mausoleum.** Cemeteries, family cemeteries and mausoleums, except when accessory to a place of worship, shall be subject to the following standards:

- A. The use shall have frontage on a street classified as a Collector or Arterial roadway or along a State Highway, and the entrance and exits shall only be from the classified street on which it fronts.
- B. The use shall be bordered by a 25-foot-wide buffer and a minimum six-foot-high decorative fence or wall along all its exterior property lines not bordering the frontage street and not extending into the required front setback. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight-feet-tall and provide an effective visual screen. A 25-foot-wide buffer and a four-foot-high

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decorative fence or wall shall be installed along the right-of-way of any abutting public street.

- C. Prior to permit approval, a site plan and a covenant for perpetual care shall be submitted to the Department of Planning and Development. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance including the fencing, landscaping, and gravesites.
- D. The covenant for perpetual care and a plat of survey delineating the limits of the use shall be recorded in the Gwinnett County Clerk of Superior Court (Deeds and Records).

**210-140.7 Community Garden.** Community gardens shall be subject to the following standards:

- A. Outdoor lighting shall be prohibited.
- B. The garden shall be within a fully fenced area.
- C. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
- D. Gardening equipment and machinery must be stored in an enclosed, secure building or shed and meet all required setbacks.
- E. Retail sales shall be prohibited.
- F. Composting is permitted on the premises if stored in a manner that controls odor, prevents insect or rodent infestation, and minimizes runoff into waterways and onto adjacent properties.
- G. The garden must maintain an orderly appearance and shall not be neglected or allowed to become overgrown or eroded.
- H. If a community garden ceases operation, and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the Director.

**210-140.8 Community Center or Cultural Facility.** Community centers or cultural facilities shall be subject to the following standards. Properties not meeting these standards shall be required to obtain a Special Use Permit.

- A. The use shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway on a site of not less than five acres with at least 250 feet of road frontage.
- B. All buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
- C. Parking shall not be permitted within the minimum required front building setback.
- D. A minimum 50-foot-wide buffer shall be provided adjacent to residentially zoned properties.
- E. The following additional uses may be permitted as accessory to a community center or cultural facility only upon approval of a Special Use Permit:
  1. Lighted outdoor ball fields, pools, or similar recreation facilities.
  2. Cemeteries or mausoleums.
  3. Day Care Centers.
  4. Private schools (K-12).

**210-140.9 Country Clubs or Golf Courses.** Country clubs or golf courses not meeting the following standards shall be required to obtain a Special Use Permit.

- A. The main clubhouse entrance shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway, unless the entrance is located internal to a planned golf course residential development.
- B. The property shall contain a minimum of ten acres and a minimum 300 feet of road frontage.
- C. Adequate off-street parking shall be provided for the use.
- D. Buildings and parking lots shall be located not less than 50 feet from any street and not less than 40

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feet from any side or rear property line.

E. Any driving ranges shall be located not less than 50 feet from any street and not less than 100 feet from any side or rear property line.

**210-140.10 Day Care Facility (adult or child).** Day care facilities shall be subject to the following standard:

A. Day care facilities are only permitted in single-family detached dwellings.

**210-140.11 Dwelling, Accessory.** Accessory dwellings shall be subject to the following standards:

A. Accessory dwellings are only permitted on lots with a single-family detached residence.

B. Detached accessory dwellings shall only be located in a rear yard, and shall be subject to the following setback requirements:

Zoning District	Minimum Side Setback	Minimum Rear Setback
RA-200 and R-LL	20 feet	40 feet
R-100	10 feet	20 feet
R-75, R-60, R-SR, R-TH	10 feet	15 feet
R-IF	5 feet	10 feet

C. No more than one accessory dwelling unit per principal dwelling unit.

D. The principal dwelling unit shall be owner-occupied.

E. The accessory dwelling unit shall not exceed 50 percent of the principal residence's heated floor area.

F. The accessory dwelling unit may be in a separate building from the principal dwelling unit or may be attached and accessible from a separate entrance.

G. If in a separate building, the height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling.

H. Detached accessory dwellings shall be constructed with the same or similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling.

I. Accessory dwelling units shall contain a full kitchen and at least one full bathroom.

J. The occupants of an accessory dwelling shall not be included in the calculation of occupancy for the principal dwelling or for the lot under the definition of a family.

K. An accessory dwelling unit shall have at least one paved off-street parking space dedicated for the use, in addition to any parking spaces for the principal dwelling unit.

L. Prior to occupancy of an accessory dwelling unit, the owner of the principal single-family dwelling shall receive a Certificate of Occupancy for the accessory dwelling.

**210-140.12 Dwelling, Cottage Court.** Cottage courts shall be subject to the following standards:

A. Cottage court developments shall be designed to accommodate a minimum of four and a maximum of 12 detached dwelling units surrounding a shared internal courtyard. Each unit shall have a minimum four-foot-deep and six-foot-wide front porch with direct access to the courtyard.

B. Front porches may encroach up to six feet into the courtyard.

C. Each dwelling unit shall have a maximum building footprint of 1,200 square feet and a maximum building height of 24 feet or 1.5 stories.

D. Courtyards shall be a minimum of 3,000 square feet in size or 600 square feet per unit, whichever is greater. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary

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events.

- E. A cottage court development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.

**210-140.13 Dwelling, Duplex.** Duplex dwellings shall be subject to the following standards:

- A. The rear facades of buildings shall not be oriented toward abutting external streets.
- B. Duplexes may be side-by-side or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Duplexes shall meet the additional following design guidelines:
  - 1. Have a minimum four-foot-deep and six-foot-wide front porch.
  - 2. Shall be designed to have the external appearance of a single-family home.
- E. Duplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 5,000 square feet.

**210-140.14 Dwelling, Fourplex.** Fourplex dwellings shall be subject to the following standards:

- A. The rear facades of buildings shall not be oriented toward abutting external streets.
- B. Fourplexes may be side-by-side and/or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Fourplexes shall meet the additional following design guidelines:
  - 1. Have a minimum four-foot-deep and six-foot-wide front porch.
  - 2. Shall be designed to have the external appearance of a single-family home.
- E. Fourplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 7,200 square feet.
  - 2. Minimum front setback: 15 feet.
  - 3. Minimum rear setback: 20 feet.

**210-140.15 Dwelling, Live/work.** Live/work dwellings shall be subject to the following standards:

- A. Each live/work unit shall contain a minimum of 1,500 square feet of heated floor area, of which the non-residential (work) portion of the unit shall be no less than 500 square feet but shall not exceed 50 percent of the unit size.
- B. The rear facades of buildings shall not be oriented toward internal or external streets.
- C. An occupational tax certificate for the non-residential (work) use shall be required. Live/work units shall not be considered home occupations.
- D. Shall be limited to professional office and personal service uses.
- E. Shall meet the parking requirements for both uses.
  - 1. Live/work units in the R-TH district shall meet the following additional requirements: Shall be limited to no more than 10 percent of total units within a townhouse development.
  - 2. Shall be limited to professional office uses only. No personal service uses shall be permitted.

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3. One additional off-street parking space shall be required for each live/work unit.
4. Shall be limited to no more than two business related visitors at any given time. Business related visitors shall be limited to the hours of 8 AM to 7 PM daily.

**210-140.16 Dwelling, Multifamily.** Multifamily dwellings shall be subject to the following standards:

- A. No more than five percent of units shall be carriage houses. Carriage houses and detached garages shall not be located adjacent to an abutting external street and shall be constructed of the same façade materials of the principal multifamily buildings.
- B. The rear facades of buildings shall not be oriented toward abutting external streets. Front facades shall have at least one direct pedestrian connection to an external sidewalk.
- C. No more than 20 percent of provided off-street parking spaces shall be located between the façade of the building and the street on which the building faces. All off-street parking areas within the front yard shall be screened from external rights-of-way with landscaping.
- D. In the MRR and HRR zoning districts, up to 20 percent of ground floor space may be utilized as non-residential uses permitted in the C-1, Neighborhood Business Zoning District.
- E. In the MRR and HRR zoning districts, all unit access above ground level shall be from interior corridors. Mechanical ventilation, breezeway, and natural ventilation openings in the exterior façade shall be prohibited.
- F. A minimum of 25 percent of units shall include usable balcony/patio space.
- G. Multifamily residential developments shall provide facilities for recycling which meet the dumpster standards of Section 230-30.13.

**210-140.17 Dwelling, Multiplex.** Multiplex dwellings shall be subject to the following standards:

- A. Shall be limited to a minimum of five units and a maximum of 16 units.
- C. Multiplexes shall be oriented toward abutting external streets or usable open space.
- D. Multiplex units may be side-by-side and/or stacked.
- E. Shall have one or more direct pedestrian connections to external sidewalks.
- F. Shall include shared open space to include shared lawns, courtyards, community gardens, roof gardens, play areas, etc. Any open space that includes structures such as play equipment, accessory structures, etc. shall be located within the rear yard.
- G. Units shall be accessed from internal corridors with mechanical ventilation. Breezeway and corridor natural ventilation openings in the exterior façade shall be prohibited.
- H. Off-street parking shall not be located within the front yard and shall be screened from external rights-of-way.
- I. Multiplexes shall meet the additional following design guideline.
  1. Facades shall be broken up horizontally, through building materials and offsets.  
In the R-IF District, shall have focused, predominant entryways with no more than two entry points or have the appearance of no more than two entry points. If located on a corner lot, no more than two entry points shall be oriented toward an external street.
- J. Multiplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  1. Minimum lot size: 8,000 square feet.
  2. Minimum front setback: 15 feet.
  3. Minimum rear setback: 20 feet.
  4. Minimum side setback: 10 feet.

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**210-140.18 Dwelling, Senior-Oriented.** Senior-oriented dwellings shall be subject to the following standards:

- A. All homes shall be limited to one-story; however, bonus rooms in attics shall be allowed.
- B. All homes shall include a minimum single-car garage.
- C. All dwellings shall incorporate ADA accessibility standards and shall include the following:
  - 1. Easy access step free feature at entrances to the unit.
  - 2. Easy passage feature requiring 32-inch wide, clear passage doorways throughout the unit.
  - 3. Easy use feature requiring wheelchair accessible bedroom(s), kitchen, entertainment area and bathroom(s), via step-free entrance.
- D. The development shall require a mandatory homeowners association. The association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b) (2) (c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:
  - 1. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older.
  - 2. Restrictions on single-family residential use only and leasing of units. No more than 10 percent of the total units shall be leased by individual owners at any one time.
  - 3. Maintenance of exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.

**210-140.19 Dwelling, Townhouse.** Townhouse dwellings shall be subject to the following standards:

- A. All townhouse dwellings shall include a minimum one-car garage that is either under the unit or detached.
- B. All rear-loaded townhouse buildings shall include a continuous walkway no less than three feet in width connecting front entrances of all dwellings to sidewalks.
- C. The fronts of buildings shall be oriented toward abutting external streets with at least one direct pedestrian connection to external sidewalks.
- D. All townhouse units shall provide a front porch, with a minimum dimension of four feet by five feet.
- E. Additional guest parking shall be provided at a ratio of 0.25 spaces per dwelling unit. Guest parking shall either be provided as on-street parallel parking or within separate off-street parking lots, and shall be distributed throughout the development.
- F. All townhouse developments shall include a minimum of 50 feet of external road frontage.

**210-140.20 Dwelling, Triplex.** Triplex dwellings shall be subject to the following standards:

- A. The rear facades of buildings shall not be oriented toward abutting external streets.
- B. Triplexes may be side-by-side and/or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Triplexes shall meet the additional following design guidelines:
  - 1. Have a minimum four-foot-deep and six-foot-wide front porch.
  - 2. Shall be designed to have the external appearance of a single-family home.
- E. Triplexes in the R-IF District shall be located on individual lots meeting the following

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additional requirements:

1. Minimum lot size: 5,000 square feet.
2. Minimum front setback: 15 feet.
3. Minimum rear setback: 20 feet.

### **210-140.21 Dwelling, Villa.** Villa developments shall be subject to the following standards:

- A. Villa buildings shall have a minimum of three dwelling units and a maximum of four dwelling units.
- B. The following setbacks shall apply to the perimeter of the development:
  1. Minimum front setback: 20 feet.
  2. Minimum side setback: 10 feet.
  3. Minimum rear setback: 20 feet.
- C. A minimum 12-foot-wide separation shall be maintained between buildings.
- D. All dwellings shall incorporate ADA accessibility standards and shall include the following:
  1. Easy access step free feature at entrances to the unit.
  2. Easy passage feature requiring 32-inch wide, clear passage doorways throughout the unit.
  3. Easy use feature requiring wheelchair accessible bedroom(s), kitchen, entertainment area and bathroom(s), via step-free entrance.
- E. The development shall require a mandatory homeowners association. The association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b) (2) (c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:
  1. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older.
  2. Restrictions on single-family residential use only and leasing of units. No more than 10 percent of the total units shall be leased by individual owners at any one time.
  3. Maintenance of exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.

### **210-140.22 Equestrian Facility, Riding Stables, or Academy.** Equestrian facilities, riding stables, or academies shall be subject to the following standard:

- A. Stables, corrals, riding rings and other similar facilities shall be located no closer than 100 feet to any property line.

### **210-140.23 Farmers Market.** Farmers markets shall be subject to the following standard:

- A. Any temporary or permanent structure for the sale of farm products shall be located no closer than 35 feet to any side or rear property line and shall be no larger than 1,000 square feet.

### **210-140.24 Home Occupation.** Home occupations shall be subject to the following standards:

- A. The home occupation shall be carried on only by those residing in the residence.
- B. No sale of items shall occur on the premises unless a Special Use Permit is granted by the Board of Commissioners.
- C. Personal services shall be provided to a maximum of two clients in the residence at any given time. Service hours shall be limited to between 8 AM to 7 PM daily. A maximum of five clients shall receive

service in any residence per day.

- D. The home occupation shall not involve group instruction or group assembly of people on the premises.
- E. There shall be no exterior evidence of the conduct of a home occupation. The home occupation shall be conducted only within an enclosed structure (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
- F. Except as contained herein, the conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase the space dedicated to on-street or off-street parking.
- G. If conducted within a dwelling unit, no more than 25 percent of the dwelling unit shall be used for conducting the home occupation. If conducted within an accessory structure, no more than 50 percent of the accessory structure shall be used for conducting the home occupation.
- H. One business vehicle used exclusively by the resident is permissible. This vehicle shall only be an automobile, pick-up truck, van, or sport-utility vehicle.

**210-140.25 Kennel or Pet Boarding.** Kennels or pet boarding shall be subject to the following standard:

- A. Dog runs, pens and other similar facilities shall be located no closer than 100 feet to any property line.

**210-140.26 Landfill.** Landfills shall meet the following standards:

- A. A minimum 200-foot-wide 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-wide 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 eight-foot-tall chain link security fence.
- E. The landfill shall be located on or have direct private access to a road classified as a major collector, minor arterial, major arterial, or principal arterial.
- F. A report detailing the phasing of the landfill and plans for closure and reclamation shall be provided prior to issuance of any permits.
- G. Sanitary landfills allowed within the Big Haynes Creek Watershed shall utilize synthetic liners and leachate collection systems.
- H. The following waste disposal activities, recycling facilities, and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the Board of Commissioners:
  1. Composting, Municipal Solid Waste.
  2. Composting, Yard Trimmings.
  3. Consumer Recycling Centers.
  4. Gas Recovery/Gas Co-generation Plant.
  5. Recovered Materials Processing Facility.
  6. Solid Waste Transfer Stations.
- I. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having

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spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.

- J. The property shall contain a minimum of 100 acres.
- K. Within the Big Haynes Creek and Alcovy River Watersheds, landfills and hazardous waste facilities are subject to the following:
  - 1. New sanitary landfills shall utilize synthetic liners and leachate collection systems.
  - 2. Hazardous waste treatment or disposal facilities are prohibited.
  - 3. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.

**210-140.27 Livestock Sales Pavilion or Auction Facility.** Livestock sales pavilions or auction facilities shall be subject to the following standards:

- A. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
- B. The property shall contain a minimum of 10 acres.
- C. Livestock sales pavilions, auction facilities, show rings or other arenas for the display, exhibition training or sale of livestock, and animal quarters shall be located no closer than 100 feet to any property line.
- D. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the use.

**210-140.28 Personal Care Home, Congregate.** Congregate personal care homes shall be located on a lot of at least one acre in size.

**210-140.29 Personal Care Home, Family.** Family personal care homes shall be located on a lot of at least one acre in size.

**210-140.30 Personal Care Home, Group.** Group personal care homes shall be located on a lot of at least one acre in size.

**210-140.31 Place of Worship.** In all residential zoning districts, places of worship shall be subject to the following standards. Residentially zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.

- A. They shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway on a site of not less than five acres with 250 feet of road frontage.
- B. The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
- C. Parking shall not be provided in the front yard.
- D. A minimum 20-foot-wide buffer shall be provided adjacent to residentially zoned properties. This buffer shall be increased to 50-feet-wide adjoining a detention pond and any church recreation facilities, such as, but not limited to an indoor gym or outdoor playground.
- E. The place of worship may utilize one manufactured building for worship services for an initial period not to exceed one year.
- F. Day Care Centers and Day Care Facilities are allowed as an accessory use. The following accessory uses may be allowed upon approval of a Special Use Permit:
  - 1. Lighted outdoor ball fields, pools, or similar recreation facilities.
  - 2. Cemeteries or mausoleums.
  - 3. Private schools (K-12).

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4. Health and social services: including out-patient clinics, transitional housing, shelters, and other similar facilities.

**210-140.32 School, Private.** Private schools shall be subject to the following standards:

- A. The use shall be located on property with direct access to a roadway classified as a collector or higher category.
- B. Minimum Lot Size (based on the highest grade level offered):
  1. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.
  2. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.
  3. High School: five acres, plus one additional acre for each 100 students based on the design capacity of the school.
- C. When adjacent to a residential zoning district, the following additional standards shall apply:
  1. A minimum 50-foot-wide natural, undisturbed buffer shall be maintained adjacent to residential zoning.
  2. Driveways and parking areas must set back at least 25 feet from side property lines and five feet from any buffer.
  3. Parking lots or outdoor lights shall not be closer than 100 feet from residences on adjacent property.
  4. Outdoor recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- D. Accessory Uses and Facilities. In addition to the accessory uses and facilities that are permitted in Chapter 230 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities.

**210-140.33 Shooting or Archery Range and similar Outdoor Recreation Facilities.** Shooting or archery ranges and similar outdoor recreation facilities shall be subject to the following standards:

- A. Outdoor shooting ranges shall be located on properties with a minimum of 20 acres.
- B. Outdoor recreation activities may include:
  1. Community or private sports practices or games,
  2. Paintball, zip lines, mudder or obstacle courses, or similar activities.
  3. Other such activities, as may be authorized at the discretion of the Director.
- C. Adequate off-street parking and restroom facilities shall be provided on-site.
- D. No buildings or facilities associated with the use shall be located closer than 100 feet to any property line. Outdoor shooting ranges shall be a minimum of 300 feet from any property line.

**210-140.34 Short-term Rental.** Short-term rentals shall be subject to the following standards:

- A. There shall be no exterior evidence that a dwelling, part of a dwelling, or a dwelling unit is being used as a short-term rental.
- B. Outdoor parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas. There shall be no parking on the street, on neighboring properties, in the yard, or in the right-of-way.
- C. The occupancy for a short-term rental shall be limited to two adults per bedroom. The total

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number of occupants of a dwelling unit must meet the definition of family provided in this UDO.

- D. The property owner or responsible property manager shall at all times maintain their contact information posted in a conspicuous location near the primary entrance to the home.

**210-140.35 Special Events Facility.** Special events facilities shall be subject to the following standards:

- A. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
- B. The property shall contain a minimum of three acres.
- C. Activities shall be limited to community or private parties, gatherings or charity events; weddings, wedding receptions; showers; business functions. Other similar events may also be included, at the discretion of the Director.
- D. Guests shall be limited to no more than 150 people (subject to fire code limitations) at any one time. During inclement weather there shall be sufficient space to safely shelter guests. Adequate, permanent restroom facilities shall be provided, which shall meet the minimum requirements of the Board of Health and building code requirements.
- E. Special event hours of operation shall be limited to between 9:00 a.m. and 11:00 p.m.
- F. Adequate off-street parking facilities shall be provided on-site.
- G. A minimum 50-foot-wide buffer shall be provided adjacent to all residentially-zoned properties.

**210-140.36 Utility Transmission and Monitoring Facility.** Utility transmission and monitoring facilities shall be subject to the following standards:

- A. Facilities shall be set back a minimum of 50 feet from rights-of-way, and the side and rear setbacks for the principal building shall apply.
- B. Facilities shall be enclosed by an opaque fence or wall. A row of evergreen trees shall be planted along the fence or wall to provide an effective year-round visual screen.
- C. Storage of vehicles and equipment outside of the fence or wall shall be prohibited.
- D. No signage shall be permitted for the facility.

**210-140.37 Wild Animals, raising and keeping of.** Any resident who raises or keeps a wild or exotic animal shall be subject to the following standards:

- A. The owner or custodian of wild or exotic animals shall obtain any and all necessary permits and meet all requirements of the State of Georgia for such activity.
- B. No animal quarters shall be located closer than 200 feet to any property line.

## Chapter 211. Base Non-Residential Zoning Districts

### Section 211-10. O-I Office-Institutional District.

**211-10.1 Purpose and Intent.** The O-I Office-Institutional District is intended to provide a location for offices, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings.

### Section 211-20. C-1 Neighborhood Business District.

**211-20.1 Purpose and Intent.** The C-1 Neighborhood Business District is intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community. The residential character of the area surrounding this district shall be of primary consideration when Rezonings, Special Use Permits or Variances to these regulations are reviewed.

### Section 211-30. C-2 General Business District.

**211-30.1 Purpose and Intent.** The C-2 General Business District is intended to provide adequate space in appropriate locations along major streets, thoroughfares and intersections for various types of business use. These uses include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. The intensity of development and uses in the C-2 General Business District is greater than in the C-1 Neighborhood Business District because it is intended to serve a greater population and to offer a wider range of goods and services.

### Section 211-40. C-3 Highway Business District.

**211-40.1 Purpose and Intent.** The C-3 Highway Business District is intended for business uses which require locations accessible to major highways and arterials that serve significant portions of the community. The C-3 district allows an intensity of development and uses that is greater than in the C-2 General Business District because it is intended to serve a greater population and to offer a wider range of goods and services. Due to the nature of the businesses permitted within the C-3 district, the zoning district should be limited to property fronting on principal arterials, major arterials or minor arterials, not indicated as residential arterials, as shown on the Long Range Road Classification Map. C-3 Districts should provide an internal transition in intensity or provide a step-down to less intensive zoning districts when adjacent to residential districts.

### Section 211-50. M-1 Light Industry District.

**211-50.1 Purpose and Intent.** The M-1 Light Industry District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit the intensity of industrial operations and processes. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of outdoor storage which is screened and situated in a side or rear yard.

### Section 211-60. M-2 Heavy Industry District.

**211-60.1 Purpose and Intent.** The M-2 Heavy Industry District provides a location for industrial operations and processes conducted both indoors and outdoors, and which due to their intensity of use, should be located on or have ready access to a major thoroughfare or State Highway, and not in close proximity to residential areas.

### Section 211-70. Dimensional Standards for Base Non-Residential Zoning Districts.

Dimensional Standard	O-I	C-1	C-2	C-3	M-1	M-2
Max. FAR	3.0	0.5	1.0	2.0	1.0	2.0
Min. Lot Size (acres) <sup>1</sup>	N/A	N/A	N/A	N/A	1	1
Min. Lot Width (ft.)	N/A	N/A	N/A	N/A	150	150

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Max. Lot Coverage (% of lot)	80	80	80	80	80	80
Min. Front Setback (ft.)	0	0	0	0	50	75
Min. Rear Setback (ft.)	0	0	0	0	50	75
Min. Side Setback (ft.)	0	0	0	0	25	35
Max. Bldg. Height (ft.)	75	35	45	60	45	45

<sup>1</sup> Larger minimum lot sizes may be required for lots served by septic.

### Section 211-80. Permitted Uses within Base Non-Residential Zoning Districts.

**211-80.1** The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**P:** A permitted use.

**S:** A special use requiring a Special Use Permit subject to approval following the application procedures and requirements in Section 270-30 of the UDO.

**C:** A conditional use subject to the additional requirements in Section 211-90.

**S/C:** A Special Use Permit is required, and conditional use standards apply.

General Commercial Uses						
Land Use	O-I	C-1	C-2	C-3	M-1	M-2
<b>Eating and Drinking Establishments, not included below</b>		P	P	P		
Brewpub		P	P	P	P	P
Restaurant, with drive-in or drive-through service			P	P		
<b>Lodging Establishments, not included below</b>	C	C	C	C		
Bed and Breakfast Inn		P	P	P		
Extended Stay Establishment			S/C	S/C		
<b>Business, Medical, or Professional Offices, not included below</b>	P	P	P	P	P	P
Automobile Brokerage Office, no storage of vehicles	C	C	C	C	C	C
Medical Laboratory	P		P	P	P	P
Radio, Recording, or Television Studio			P	P	P	P
Research and Testing Laboratory	P			P	P	P
<b>Personal Services Establishments, not included below</b>		P	P	P		
Animal Care Establishment, indoor only	P	P	P	P	P	P
Animal Care Establishment, with outdoor pens or runs		S	S	P	P	P
Appliance or Electronics Repair Establishment				P	P	P
ATM, standalone drive-up			P	P		
Bail Bonding Company				S		
Catering Service Establishment	S	S	P	P	P	P
Check Cashing/Payday Loan Establishment, principal use			S	S		
Commercial Kitchen	P	S	P	P	P	P
Day Care Center (adult or child)	P	P	P	P	S	S
Driving Instruction School				P	P	P
Locksmith Establishment			P	P	P	P

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Massage Therapy Establishment		P	P	P		
Tattoo and Body Piercing Studio			P	P		
Taxidermy Shop				S	P	P
Tutoring and Learning Center	P	P	P	P	S	S
<b>Retail Sales or Rental of Goods Establishments, not included below</b>		P	P	P		
Copy and Print Store	P	P	P	P	P	P
Department or Wholesale Store			P	P		
Discount, Dollar, or Thrift Store			S	P		
Fireworks Sales, accessory use		P	P	P		
Fireworks Sales Establishment, principal use			S	S		
Furniture Sales or Rental Store			P	P		
Garden Supply Center			P	P		
Home Improvement or Building Supply Store			P	P		
Pawn Shop				S		
Precious Metals Dealer Establishment			P	P		
Smoke, Novelty, or CBD Shop			P	P		
Swimming Pool Sales or Supply Establishment with Outdoor Display				P	P	P
<b>Entertainment and Recreation Uses</b>						
<b>Land Use</b>	O-I	C-1	C-2	C-3	M-1	M-2
<b>Indoor Entertainment and Recreation Facilities, not included below</b>	S	P	P	P	P	P
Adult Entertainment Establishment					C	C
Fitness Center	P	P	P	S	S	
Hookah/Vapor Bar, or Cigar Lounge			S/C	S/C		
Lounge or Nightclub Establishment		S	P			
Microbrewery or Microdistillery Facility	C	C	C	C		
Movie Studio	P			P	P	P
Movie Theater			P	P		
Pool or Billiards Hall			P	P		
Shooting or Archery Range, indoor		S	S	S	S	
Special Events Facility	S	S	P	P	S	S
<b>Outdoor Entertainment and Recreation Facilities, not included below</b>		S	P	S	S	S
Aircraft Landing Field, private		S	S	S	S	S
Shooting or Archery Range, outdoor				S	S	S
Recreational Vehicle Park or Campground			S	P		
<b>Civic and Institutional Uses</b>						
<b>Land Use</b>	O-I	C-1	C-2	C-3	M-1	M-2
<b>Civic, Private and Public Institutions, not listed below</b>	P	P	P	P		
Club, Lodge, or Fraternal Organization Facility	S	P	P	P	S	S
Cemetery, Family Cemetery, or Mausoleum			S/C	S/C		
Crematory, accessory use			S/C	S/C	C	
Crematory, principal use					S/C	S/C
Community Center or Cultural Facility		P	P	P	S	S
Funeral Home (without crematory)			C	C	P	
Place of Worship	P	P	P	P	P	P
School, College, Private, Trade, or similar	C	C	C	C	S/C	S/C
Shelter, Residential			S	S	S	S
<b>Hospitals and Related Healthcare Facilities, not included below</b>	P		P	P		

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Nursing Home	P	P	P	P		
Personal Care Home, Congregate	S	P	P	P		
Personal Care Home, Group	S	P	P	P		
Residential Rehabilitation Center (alcohol or drug)	S	S	S	S		
Retirement Community, Continuing Care	P	P	P	P		
Retirement Community, Independent Living	S					
<b>Residential Uses</b>						
<b>Land Use</b>	<b>O-I</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
Dwelling, Multifamily	C					
<b>Automobile, Truck, Recreational Vehicle, Motorcycle, Boat, ATV, and Related Uses</b>						
<b>Land Use</b>	<b>O-I</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
<b>Vehicle Rental and Related Services Establishments, not included below</b>	S		S	P	P	P
Heavy Truck and Heavy Equipment Establishment					S	P
Taxi or Limousine Service Establishment				P	S	S
<b>Vehicle Repair, Service, and Body Work Establishments, not included below</b>			S	P	S	S
Aircraft Hanger or Maintenance Facility					P	P
Convenience Store, with Fuel Pumps			S	P		
Emissions Inspections Establishment			S	C	C	C
Fleet Vehicle Repair Establishment					P	P
Heavy Truck or Heavy Equipment Repair Establishment					S	P
Parts and Accessories Store, without installation			P	P		
Parts and Accessories Store, with installation			S	P		
Vehicle Washing Establishment			S/C	C		
<b>Vehicle Sales and Related Services Establishments, not included below</b>			S/C	C		
Heavy Truck and Heavy Equipment Sales Establishment					P	P
<b>Industrial Uses</b>						
<b>Land Use</b>	<b>O-I</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
<b>Contractors Offices, not included below</b>				P	P	P
Carpet or Upholstery Cleaning Service Office			P	P	P	P
Heavy/Civil Construction/Logging Contractors Office with Outdoor Storage					S	P
Landscaping Contractors Office with Outdoor Storage			S	C	C	C
<b>Heavy Industrial Facilities, not included below</b>						P
Asphalt Plant						S
Composting Facility, municipal solid waste						S
Landfill						S
Poultry or Meat Slaughterhouse or Processing Plant						S
Quarry, Mine, or Borrow Pit						S
Recovered Materials Processing Facility						S/C
Salvage Operation or Junk Yard						S/C
Solid Waste Transfer Station						S
Waste Incineration Facility						S
<b>Light Industrial Facilities, not included below</b>					P	P
Ambulance or Medical Transport Company			S	P	P	P
Brewery			S	S	P	P

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Carpet or Upholstery Cleaning Service			S	P	P	P
Distillery			S	S	P	P
Stone Yard or Stone Cutting Establishment			S	S	P	P
Storage Tank, principal use					S	S
Towing or Wrecker Service Establishment					S	S
Truck Terminal or Intermodal Transfer Station					S	S
Wood or Lumber Processing Facility					S/C	C
<b>Utility and Infrastructure Facilities, not included below</b>					<b>P</b>	<b>P</b>
Data Center					P	P
Telecommunications Tower and/or Antenna	C	C	C	C	C	C
Utility Transmission and Monitoring Facility	S/C	S/C	C	C	C	P
<b>Warehouse, Wholesale, and Distribution Facilities, not included below</b>					<b>P</b>	<b>P</b>
Auction House					P	P
Landscape Supply					S	P
Plant Nursery					S	P
Self-Storage Facility				S/C	S/C	S/C
<b>Outdoor Sales, Storage and Display Uses</b>						
<b>Land Use</b>	O-I	C-1	C-2	C-3	M-1	M-2
<b>Outdoor Sales and Storage of Goods, not included below</b>			S/C	C	C	C
Automobile or Truck Storage Lot, principal use				S/C	S/C	C
Parking Structure or Lot, principal use	S	S	P	P	P	P
Outdoor Display or Sales of Merchandise	C	C	C	C	C	C

### Section 211-90. Conditional Uses within Base Non-Residential Zoning Districts.

**211-90.1 Adult Entertainment Establishment.** Adult entertainment establishments shall conform to Chapter 18, Article XI and Chapter 86, Article IV of the Gwinnett County Code of Ordinances.

**211-90.2 Automobile Brokerage Office.** Automobile brokerage offices shall be subject to the following standards:

- A. The brokerage shall be limited to office activities only.
- B. Vehicles for sale or lease shall not be delivered to, displayed, or parked on the premises at any time.
- C. Maintenance, repair, refurbishing, washing, or detailing of automobiles on the premises is prohibited.

**211-90.3 Automobile or Truck Storage Lot, principal use.** Automobile or truck storage lots shall be subject to the following standards:

- A. Storage lots for commercial vehicles, semis and/or tractor trailers shall be located on a site containing no less than 10 acres.
- B. The entire lot shall be surrounded by a 15-foot-wide buffer adjacent to any public street, a 25-foot-wide buffer adjacent to a non-residential zoning district, and a 50-foot-wide buffer adjacent to any mixed-use or residential zoning district.
- C. A security fence or wall is required enclosing the lot. The security fence or wall shall meet the requirements of Section 230-80.
- D. No outdoor sound amplification device is permitted.
- E. No inoperable or junk vehicles are permitted.

F. Outdoor lighting shall consist of cut-off luminaires that shall be directed inward so as not to direct light onto adjacent residential property. When adjacent to residentially-zoned property, outdoor light fixtures shall not exceed 35 feet in height.

**211-90.4 Cemetery, Family Cemetery or Mausoleum.** Except when accessory to a place of worship; cemeteries, family cemeteries and mausoleums shall be subject to the following standards:

- A. The cemetery shall front only on a street classified as a Collector or Arterial roadway or along a State Highway, and the entrance and exits to the cemetery shall only be from the classified street on which it fronts.
- B. The cemetery shall be bordered by a 25-foot-wide buffer and a minimum six-foot-high decorative fence or wall along all of its exterior property lines not bordering the frontage street and not extending into the required front setback. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight feet tall and provide an effective visual screen. A 25-foot-wide buffer and a four-foot-high decorative fence or wall shall be installed along the right-of-way of any abutting public street.
- C. Prior to the approval of a request to use property as a cemetery, a site plan and a covenant for perpetual care shall be submitted to the Department of Planning and Development. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance including the fencing, landscaping, and gravesites.
- D. The covenant for perpetual care and a plat of survey delineating the limits of the cemetery shall be recorded in the Gwinnett County Clerk of Superior Court (Deeds and Records).

**211-90.5 Crematory (Principal or Accessory).** Crematories as a principal or accessory use shall be subject to the following standard:

- A. The facility shall be located at least 1,000 feet from residential property lines. Distance shall be measured by a straight line without regard to intervening structures or objects, from the structure to the closest point on a boundary.

**211-90.6 Dwelling, Multifamily.** Multifamily dwellings shall be subject to the following standards:

- A. No more than five percent of units shall be carriage houses. Carriage houses and detached garages shall not be located adjacent to an abutting external street and shall be constructed of the same façade materials of the principal multifamily buildings.
- B. The rear facades of buildings shall not be oriented toward abutting external streets. Front facades shall have at least one direct pedestrian connection to an external sidewalk.
- C. No more than 20 percent of provided off-street parking spaces shall be located between the façade of the building and the street on which the building faces. All off-street parking areas within the front yard shall be screened from external rights-of-way with landscaping.
- D. All unit access above ground level shall be from interior corridors. Mechanical ventilation, breezeway, and natural ventilation openings in the exterior façade shall be prohibited.
- E. A minimum of 25 percent of units shall include usable balcony/patio space.
- F. Multifamily residential developments shall provide facilities for recycling which meet the dumpster standards of Section 230-30.13.
- G. A minimum 10 percent open space including five percent useable open space shall be provided.

**211-90.7 Emissions Inspections Establishment.** Emissions inspections establishments shall be subject to the following standards:

- A. The facility shall be located in a permanent non-combustible structure.
- B. The structure shall include a designated indoor public waiting area (minimum three fixed seats) with restrooms; or as an alternative, shall provide the required designated indoor waiting area and restrooms upon the same lot, within 500 feet of the testing facility.
- C. The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall

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also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.

- D. If constructed in an existing parking lot, the facility and stacking lanes shall not occupy any required on-site parking space or encroach into any minimum required driveway width.

**211-90.8 Extended Stay Establishment.** Extended stay establishments shall be subject to the following standards:

- A. The minimum lot size shall be two acres.
- B. Management shall be on duty 24 hours a day.
- C. No business shall operate from any guest room within the facility.

**211-90.9 Funeral Home without Crematory.** Funeral homes without a crematory shall be subject to the following standard:

- A. The facility shall be located at least 1,000 feet from residential property lines. Distance shall be measured by a straight line without regard to intervening structures or objects, from the structure to the closest point on a boundary.

**211-90.10 Hookah/Vapor Bar or Cigar Lounge.** Hookah/vapor bars and cigar lounges shall be subject to the following standards:

- A. Smoking of vapor products or hookah in any establishment that serves alcohol or food shall be prohibited.
- B. Hookah bars and lounges shall not serve patrons under the age of 21.
- C. Hookah bars and lounges shall be additionally subject to the requirements of the Smoke-free Ordinance in Article V, Chapter 38 of the Gwinnett County Code of Ordinances.

**211-90.11 Landfill.** Landfills shall be subject to the following standards:

- A. A landfill may be permitted in certain zoning districts of Gwinnett County by Special Use Permit, after a public hearing, provided the following conditions are met:
  1. A minimum 200-foot-wide natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
  2. A minimum 75-foot-wide natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
  3. 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.
  4. The entire site shall be fenced with a minimum six-foot-high chain link security fence.
  5. 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.
  6. The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
- B. The following waste disposal activities, recycling facilities and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the Board:
  1. Composting, Municipal Solid Waste.
  2. Composting, Yard Trimmings.
  3. Consumer Recycling Centers.

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4. Gas Recovery/Gas Co-generation Plant.
5. Recovered Materials Processing Facility.
6. Solid Waste Transfer Stations.

C. Within the Big Haynes Creek and Alcovy River Watersheds, landfills and hazardous waste facilities are subject to the following:

1. New sanitary landfills shall utilize synthetic liners and leachate collection systems.
2. Hazardous waste treatment or disposal facilities are prohibited.
3. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.

**211-90.12 Landscaping Contractors Office with Outdoor Storage.** Landscaping Contractors Office with Outdoor Storage shall be subject to the following standards:

- A. Outdoor storage of equipment and materials shall be allowed subject to the following restrictions and requirements:
  1. Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
  2. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
  3. Outdoor storage shall be fully screened by a solid wood fence, masonry wall or slatted chain-link fence at least 8 feet in height.
  4. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.
  5. The required 15-foot setback distance shall be landscaped to provide a year-round vegetative screen.

**211-90.13 Lodging Establishment.** Lodging establishments shall be subject to the following standards:

- A. Guest rooms shall be accessed internally to the building with no direct room access to the outside. This does not prohibit balconies on individual rooms.
- B. Each lodging establishment must provide management on duty 24 hours a day.
- C. No business may operate from any guest room within the facility.

**211-90.14 Microbrewery or Microdistillery Facility.** Microbrewery or microdistillery facilities shall be subject to the following standards.

- A. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.
- B. Outdoor placement of grain silos shall be allowed, subject to the Department of Planning and development review and approval of their appearance, signage, location and height.
- C. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.

**211-90.15 Outdoor Display or Sales of Merchandise.** Outdoor display or sales of merchandise shall be subject to approval of a Special Use Permit, with the following exceptions:

- A. Automobile, truck, and other vehicle sales facilities shall be exempt for the parking of vehicle inventory.
- B. Businesses which have obtained a valid Temporary Outdoor Activity Permit shall be exempt during the permit period.
- C. Merchandise may be displayed on the front sidewalk immediately adjacent to a retail building or immediately beneath an actively operating fuel island canopy, subject to the following restrictions and requirements:

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1. Merchandise shall be permitted only along the business' tenant bay or storefront façade.
2. Merchandise shall not block an entrance or exit to or from the building.
3. Merchandise displayed for sale shall be that which is normally found within the on-premises business.
4. Merchandise shall not be located on sidewalks that are less than six feet in depth and shall not extend beyond the limits of the sidewalk.
5. All such display or sales shall meet applicable building, fire and safety codes.

**211-90.16 Outdoor Sales and Storage of Goods.** Outdoor sales and storage of goods shall be subject to the following standards:

- A. Outdoor storage in residential zoning districts shall be governed by the Gwinnett County Property Maintenance Ordinance (PMO).
- B. In mixed-use and non-residential zoning districts (other than industrial), outdoor storage of equipment, materials and/or merchandise shall be subject to approval of a Special Use Permit.
- C. In industrial zoning districts, outdoor storage of equipment and materials shall be allowed subject to the following restrictions and requirements:
  1. Outdoor storage shall be set back at least 15 feet from any side or rear property lines. The required setback shall be landscaped to provide a year-round vegetative screen.
  2. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
  3. Outdoor storage shall be fully screened by a solid wood fence, masonry wall or slatted chain-link fence at least eight feet in height.
  4. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.

**211-90.17 Recovered Materials Processing Facility.** Recovered materials processing facilities shall be subject to the following standards:

- A. The minimum lot area for such facilities shall be two acres.
- B. Activities shall be limited to collection, sorting, compaction and shipping.
- C. Along the entire road frontage (except for approved access crossings), provide a three-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.
- D. The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.
- E. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
- F. Materials collected shall not be visible and 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.
- G. No outdoor storage of uncontainerized materials shall be allowed.
- H. Any outside storage areas shall be screened by a minimum eight-foot-high, solid wood fence, masonry wall or slatted chain-link fence. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.

**211-90.18 Salvage Operation or Junk Yard.** Salvage operations or junk yards shall be subject to the following standard:

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- A. The minimum lot area for such facilities shall be two acres.

**211-90.19 School, college, private, trade, or similar.** Private schools shall be subject to the following standards. Properties not meeting these standards shall be required to obtain a Special Use Permit:

- A. This use shall not be located except on property with direct access to a roadway designated as a collector or higher category on the latest Gwinnett County Long Range Road Classification Map.
- B. Minimum Lot Size (based on the highest grade level offered):
  - 1. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.
  - 2. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.
  - 3. High School: five acres, plus one additional acre for each 100 students based on the design capacity of the school.
- C. When adjacent to a residential zoning district, the following additional standards shall apply:
  - 1. A minimum 50-foot-wide natural, undisturbed buffer shall be maintained adjacent to residential zoning.
  - 2. Driveways and parking areas must set back at least 25 feet from side property lines and five feet from any buffer.
  - 3. Parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
  - 4. Outdoor recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- D. Accessory Uses and Facilities. In addition to the accessory uses and facilities that are permitted in Chapter 230 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities.

**211-90.20 Self-Storage Facility.** Self-storage facilities shall be subject to the following standards:

- A. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.
- B. Site access shall not be onto roadways classified as local residential streets.
- C. Outdoor speakers or sound amplification systems shall be prohibited.
- D. Dumpsters shall not be located within 150 feet of residentially-zoned properties.
- E. Provide adequate loading and unloading areas outside of fire lanes.
- F. Adequate screening via a 6-foot-tall privacy fence and vegetation shall be provided adjacent to residentially-zoned properties and subject to the review and approval of the Department of Planning and Development.
- G. Shall be indoor, climate controlled self-storage buildings without any exterior roll-up doors for individual storage units.

**211-90.21 Telecommunications Tower and/or Antenna.** Telecommunications towers and/or antennas shall be subject to the standards of Chapter 98 of the Gwinnett County Code of Ordinances.

**211-90.22 Utility Transmission and Monitoring Facility.** Utility transmission and monitoring facilities shall be subject to the following standards:

- A. Facilities shall be set back a minimum of 50 feet from rights-of-way, and the side and rear

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setback setbacks for the principal building shall apply.

- B. Facilities shall be enclosed by an opaque fence or wall. A row of evergreen trees shall be planted along the fence or wall to provide an effective year-round visual screen.
- C. Storage of vehicles and equipment outside of the fence or wall shall be prohibited.
- D. No signage shall be permitted for the facility.

**211-90.23 Vehicle Sales and Related Services Establishment.** Vehicle sales and related services establishments shall be subject to the following standards:

- A. Such establishments shall be located on lots with a minimum size of two acres.
- B. All inventory vehicles shall be located in parking spaces as specified in Section 240-20.

**211-90.24 Vehicle Washing Establishment.** Vehicle washing establishments shall be subject to the following standard:

- A. All newly constructed conveyor car washes shall install a recycled water system which captures and reuses water used in the wash or rinse cycles. A minimum of 50 percent of the water utilized shall be recycled. Car wash facilities, including hand car washes, shall utilize floor drains connected to the sanitary sewer system for collection and proper disposal of all wastewater.

**211-90.25 Wood or Lumber Processing Facility.** Wood chipping and shredding and log splitting facilities shall be subject to the following standards:

- A. Such facilities shall not be located closer than 200 feet from residentially-zoned property.
- 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 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 landscape strip. The finished side of a fence/wall shall face the exterior property lines.

## Chapter 212. Special Residential Zoning Districts

### Section 212-10. OSC Open Space Conservation District.

**212-10.1 Purpose and Intent.** The purposes of this zoning district are as follows:

- A. To encourage the development of residential communities to preserve and protect natural and environmental resources while providing safe, walkable neighborhoods and communities that include value-added amenities such as conservation space and recreational opportunities.
- B. To enhance land, water, air, and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover, and encouraging retention and conservation of natural resources in common areas.
- C. To reduce infrastructure maintenance costs as a result of efficient community design.
- D. To increase conservation space and the number of interconnected greenway trails and wildlife corridors within and among residential communities.
- E. To encourage recreation opportunities within walking distance of neighborhood residents.
- F. To preserve significant historical and archeological features.
- G. To preserve and protect contiguous conservation space within developed areas of Gwinnett County.

### Section 212-20. TND Traditional Neighborhood Development District.

**212-20.1 Purpose and Intent.** The purpose of the Traditional Neighborhood Development District (TND) is to create an innovative zoning classification that encourages a pattern of neighborhood development that will be distinguished from other residential zoning districts through a diversity of lot sizes, housing types and sizes to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that is well integrated with the County's neighborhoods, parks, civic spaces, and supportive services.

### Section 212-30. Dimensional Standards for Special Residential Zoning Districts.

Dimensional Standard	OSC	TND
Max. Density (units per acre)	2.5	8.0
Min. Lot Size (sq. ft.)	5,000	N/A
Min. Lot Width (ft.)	50	N/A
Max. Lot Coverage (% of lot)	70	80
Min. Front Setback (ft.) <sup>3</sup>	10	10
Min. Rear Setback (ft.) <sup>1</sup>	20	20 <sup>2</sup>
Min. Side Setback (ft.) <sup>1</sup>	5	5 <sup>2</sup>
Max. Bldg. Height (ft.)	35	35
Min. Project Area (acres)	10	5
Min. Open Space (% of site)	40	10
Min. Usable Open Space (% of site) <sup>4</sup>	10	5

<sup>1</sup> Where the rears or sides of single-family attached or detached residential buildings are oriented toward an external public street, a 10-foot-wide landscape strip within a 40-foot-wide setback adjacent to the right-of-way shall be required between the property line and residential units.

<sup>2</sup> Applies only to single family detached lots.

<sup>3</sup> Contextual front setbacks apply per Section 230-40.5.

<sup>4</sup> The minimum usable open space counts towards the total open space requirement.

## Section 212-40. Permitted Uses within Special Residential Zoning Districts.

**212-40.1** The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**P:** A permitted use.

**C:** A conditional use subject to the additional standards in Section 212-50.

Land Use	OSC	TND
Beekeeping	C	C
Community Garden	C	C
Day Care Facility (adult or child)	P	C
Dwelling, Accessory	C	C
Dwelling, Cottage Court		C
Dwelling, Duplex		C
Dwelling, Live/Work		C
Dwelling, Single-Family Detached	P	P
Dwelling, Townhouse		C
Home Occupation	C	C
Non-Residential Uses in the O-I and C-1 Zoning Districts		per Sec. 211-80
Short-term Rentals	C	C

## Section 212-50. Conditional Uses within Special Residential Zoning Districts.

**212-50.1 Beekeeping.** Beekeeping shall be subject to the following standards:

- A. Honeybees shall not be kept on lots containing less than 10,000 square feet. No more than two colonies or hives, with only two swarms, shall be allowed per 10,000 square feet of lot area.
- B. Hives shall be marked or identified to notify visitors.
- C. No hive shall exceed 20 cubic feet in volume.
- D. No hive shall be located closer than ten feet from any property line or 25 feet from any principal building on an adjoining parcel.
- E. No hive shall be located closer than 50 feet from a public right-of-way.
- F. A constant supply of water shall be provided for all hives.
- G. A flyway barrier at least six-feet-high shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- H. Any colony or hive which becomes a nuisance as defined by state law must be removed by the owner.
- I. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps) by the owner.

**212-50.2 Community Garden.** Community gardens shall be subject to the following standards:

- A. The garden shall not be located within any required buffer.
- B. Outdoor lighting shall be prohibited.
- C. The garden shall be within a fully fenced area. See fence regulations in Section 230-80.

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- D. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
- E. Gardening equipment and machinery must be stored in an enclosed, secure building or shed.
- F. Retail sales shall be prohibited.
- G. Composting is permitted on the premises if stored in a manner that controls odor, prevents insect or rodent infestation, and minimizes runoff into waterways and onto adjacent properties.
- H. The garden must maintain an orderly appearance and shall not be neglected or allowed to become overgrown or eroded.
- I. If a community garden ceases operation, and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the Director.

**212-50.3 Day Care Facility (adult or child).** Day care facilities shall be subject to the following standard:

- A. Day Care Facilities are only permitted in single-family detached dwellings.

**212-50.4 Dwelling, Accessory.** Accessory dwellings shall be subject to the following standards:

- A. Accessory dwellings are only permitted on lots with a single-family detached residence.
- B. Detached accessory dwellings shall only be located in a rear yard, and shall be subject to the following setback requirements:

Zoning District	Minimum Side Setback	Minimum Rear Setback
OSC	10 feet	15 feet
TND (rear-loaded lot)	5 feet	5 feet
TND (front-loaded lot)	5 feet	10 feet

- C. No more than one accessory dwelling unit per principal dwelling unit.
- D. The principal dwelling unit shall be owner-occupied.
- E. The accessory dwelling unit shall not exceed 50 percent of the principal residence's heated floor area.
- F. The accessory dwelling unit may be in a separate building from the principal dwelling unit or may be attached to the principal residence and accessible from a separate entrance.
- G. If in a separate building, the height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling.
- H. Detached accessory dwellings shall be constructed with the same or similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling.
- I. An accessory dwelling unit shall contain a full kitchen and at least one full bathroom.
- J. The occupants of an accessory dwelling shall not be included in the calculation of occupancy for the principal dwelling or for the lot under the definition of a family.
- K. An accessory dwelling unit shall have at least one paved off-street parking space dedicated for the use, in addition to any parking spaces for the principal dwelling unit.
- L. Prior to occupancy of an accessory dwelling unit, the owner of the principal dwelling shall apply for a Certificate of Occupancy for the accessory dwelling.

**212-50.5 Dwelling, Cottage Court.** Cottage courts shall be subject to the following standards:

- A. Cottage court developments shall be designed to accommodate a minimum of four and a maximum of 12 detached dwelling units surrounding a shared internal courtyard. Each unit shall have a minimum four-foot-deep and six-foot-wide front porch with direct access to the courtyard.
- B. Front porches may encroach up to six feet into the courtyard.
- C. Each dwelling unit shall have a maximum building footprint of 1,200 square feet and a maximum

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building height of 24 feet or 1.5 stories.

- D. Courtyards shall be a minimum of 3,000 square feet in size or 600 square feet per unit, whichever is greater. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.
- E. A cottage court development may be subdivided into individual lots that do not meet the minimum lot development standards and may be treated as fee-simple or condominium lots.

**212-50.6 Dwelling, Duplex.** Duplex dwellings shall be subject to the following standards:

- A. Duplexes may be side-by-side or stacked.
- B. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- C. Duplexes shall meet the additional following design guidelines:
  - 1. Have a minimum four-foot-deep and six-foot-wide front porch.
  - 2. Shall be designed to have the external appearance of a single-family home.
- D. Duplexes shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 5,000 square feet.

**212-50.7 Dwelling, Live/work.** Live/work dwellings shall be subject to the following standards:

- A. Each live/work unit shall contain a minimum of 1,500 square feet of heated floor area, of which the non-residential (work) portion of the unit shall be no less than 500 square feet but shall not exceed 50 percent of the unit size.
- B. An occupational tax certificate for the non-residential (work) use shall be required. Live/work units shall not be considered home occupations.
- C. Shall be limited to no more than 10 percent of total units within a TND development.
- D. Shall be limited to professional office uses only. No personal service uses shall be permitted.
- E. One additional on-street or off-street parking space shall be required for each live/work unit.
- F. Shall be limited to no more than one business-related visitor at any given time. Business related visitors shall be limited to the hours of 8 AM to 7 PM daily.
- G. Shall be within owner-occupied townhouses.

**212-50.8 Dwelling, Townhouse.** Townhouse dwellings shall be subject to the following standards:

- A. All townhouse dwellings shall include a minimum one-car garage that is either under the unit or detached.
- B. All rear-loaded townhouse buildings shall include a continuous walkway no less than three feet in width connecting front entrances of all dwellings to sidewalks.
- C. All townhouse units shall provide a front porch, with a minimum dimension of four feet by five feet. Additional guest parking shall be provided at a ratio of 0.25 spaces per dwelling unit. Guest parking shall either be provided as on-street parallel parking or within separate off-street parking lots, and shall be distributed throughout the development.

**212-50.9 Home Occupation.** Home occupations shall be subject to the following standards:

- A. The home occupation shall be carried on only by those residing in the residence.
- B. No sale of items shall occur on the premises unless a Special Use Permit is granted by the Board of Commissioners.
- C. Personal services shall be provided to a maximum of two clients in the residence at any given time. Service hours shall be limited to between 8 AM to 7 PM daily. A maximum of five clients shall receive service in any residence per day.

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- D. The home occupation shall not involve group instruction or group assembly of people on the premises.
- E. There shall be no exterior evidence of the conduct of a home occupation. The home occupation shall be conducted only within an enclosed structure (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
- F. Except as contained herein, the conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase the space dedicated to on-street or off-street parking.
- G. If conducted within a dwelling unit, no more than 25 percent of the dwelling unit shall be used for conducting the home occupation. If conducted within an accessory structure, no more than 50 percent of the accessory structure shall be used for conducting the home occupation.
- H. One business vehicle used exclusively by the resident is permissible. This vehicle shall only be an automobile, pick-up truck, van, or sport-utility vehicle.

**212-50.10 Short-term Rentals.** Short-term rentals shall be subject to the following standards:

- A. There shall be no exterior evidence that a dwelling, part of a dwelling, or a dwelling unit is being used as a short-term rental.
- B. Outdoor parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas. There shall be no parking on the street, on neighboring properties, in the yard, or in the right-of-way.
- C. The occupancy for a short-term rental shall be limited to two adults per bedroom. The total number of occupants of a dwelling unit must meet the definition of family provided in this ordinance.
- D. The property owner or responsible property manager shall at all times maintain their contact information posted in a conspicuous location near the primary entrance to the home.

### **Section 212-60. Additional Design and Development Standards for the OSC Open Space Conservation District.**

**212-60.1. Conservation Space Requirements.**

- A. The following areas shall not be disturbed, unless otherwise permitted by this UDO:
  1. Land within the 100-year floodplain.
  2. Stream buffers and impervious surface setback areas.
  3. Slopes greater than 40 percent.
  4. Wetlands (unless permitted by the US Army Corp of Engineers).
  5. Endangered or threatened species and/or their habitats.
  6. Archaeological sites.
  7. Cemeteries and burial grounds.
  8. Features and structures of historical importance.
  9. Peaks and rock outcroppings.
  10. Existing trails that connect to neighboring areas.
  11. Existing lakes and ponds.
- B. The following uses and activities may occur within required undisturbed conservation areas:
  1. Soft surface trails and greenways.
  2. Removal of invasive plants, non-native plants, and hazardous trees.

**212-60.2 Required Minimum Open Space Exclusions and Credits.**

- A. Open space calculations shall not include the following:

1. Area within any single-family residential lot.
2. Land area within a utility easement.
3. Land area within a public right-of-way or private street easement.

B. Open space calculations may include the following:

1. All undisturbed conservation areas.
2. Proposed permanent lakes and wet detention areas designed as amenities.
3. All common areas and amenities, except for detention pond lots.
4. Any required landscape strips on the site.

**212-60.3 Open Space Ownership.** Open space shall be owned in fee-simple by a mandatory property owner's association or other entity approved in advance by the Board of Commissioners. Open space shall be recorded by deed and plat prior to or concurrent with the recording of the first final subdivision plat. An access easement, that follows the proposed alignment of future public streets, may be recorded connecting the required open space to said final plat. Usable open space shall be deeded concurrent with the unit or phase of the final plat of which it is a part.

**212-60.4 Property Owners' Association.** The property owners' association bylaws or covenants, at a minimum, shall contain the following provisions:

- A. Governance of the association by the Georgia Property Owners' Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
- B. Responsibility for maintenance of open space.
- C. Responsibility for insurance and taxes.
- D. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
- E. Conditions and timing of transferring control of the association from the developer to the lot owners.
- F. Guarantee that the association will not be dissolved without the prior approval of the Board of Commissioners.
- G. Conservation surety language as stated in Section 212-60.6.

**212-60.5 Maintenance.** The property owners' association, or other entity approved in advance by the Board of Commissioners, shall be responsible for the continuous maintenance of buffers, open space and amenity areas.

**212-60.6 Conservation Surety.** Open space delineated on the Final Plat and required to be undisturbed per Section 212-60.1 shall be permanently protected by either one or both of the following options:

A. *Option 1. Conveyance to the Public and Subdivision Lot Owners.* A deed conveying ownership of the conservation space to the mandatory property owner's association shall be recorded and delivered prior to, or concurrent with, the approval of the Final Plat for the first phase of the subdivision. The deed, Final Plat, and the subdivision declaration of covenants shall contain, at a minimum, the following covenant:

"The conservation space conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, cleared or developed except in accordance with O.C.G.A. § 36-22-1 et seq., having the following Greenspace goals: protection of streams, floodplains and wetlands; steep slopes; woodlands, open fields and meadows; historical and archeological features, including cemeteries; significant wildlife habitats; scenic vistas; encouragement of native species; passive recreation and connectivity with nearby open spaces.

The following uses may be allowed: passive recreational amenities, such as paths, greenways community hiking, running, dog walking, bird watching, biking and similar outdoor uses.

This covenant is intended to benefit said area to the public and the use of same to the subdivision lot

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owners and residents, and it shall run in perpetuity as provided by O.C.G.A. § 44-5-60(c)."

B. *Option 2. Conveyance to Other Qualified Organizations or Entities.* Except for usable open space or open space not desired for permanent protection, Conservation Space shall be permanently protected by the:

1. Recording of a covenant or conveyance of an easement which runs in perpetuity under OCGA § 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or,
2. Conveyance of a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants under OCGA § 44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of Georgia, Gwinnett County, or authorities of the State of Georgia or Gwinnett County.
3. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement.
4. The developer shall record the necessary legal instrument to accomplish protection of the Conversation Space prior to, or concurrent with, the recording of the Final Plat.
5. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.

### **212-60.7 Public Improvements.**

#### **Streets.**

A. Streets shall be designed to:

1. Parallel and preserve existing tree lines, hedgerows, existing historic structures, and water elements.
2. Minimize alteration of natural, cultural, or historic features.
3. Minimize the acreage devoted to streets.
4. Calm traffic speeds.
5. Promote pedestrian movement.
6. Secure the view to prominent natural vistas.
7. Be aligned so that the "terminal vista" is of civic buildings or open space land, either man-made (such as greens, commons, squares, or parks) or natural.
8. Minimize crossing of Conservation Areas.

B. All streets, except for loop streets, shall terminate at other streets within the conservation subdivision. There shall be a maximum of two cul-de-sacs, which shall be approved by the Director only in cases of topographical or environmental constraints.

C. New streets shall be built in accordance with Chapter 360 of the UDO.

#### **Streetlights.**

A. Streetlights are to be provided along one side of every street and shall be a minimum of 16-feet-high and a maximum of 20-feet-high if overhanging into the street and placed no more than 160 feet apart.

#### **Sidewalks.**

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- A. Sidewalks shall be provided as required in Chapter 360 of this UDO.
- B. Public sidewalks shall create a linked network of walkways connecting all homes in the district with usable open space.

### **Street Trees and Lot Trees.**

- A. Street trees and lot trees shall be in accordance with Title 3 of this UDO.

### **Underground Utilities.**

- A. Utilities shall be located underground.
- B. For all new construction and redevelopment, utilities along public streets must be placed underground. The Director may approve an exception, if a unique technical or physical hardship makes such installation infeasible. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.
- C. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

## **Section 212-70. Additional Application Requirements for the OSC Open Space Conservation District.**

### **212-70.1 Existing Features Site Analysis Plan.**

- A. As part of the rezoning application an Existing Features Site Analysis Plan shall be prepared by an authorized registered professional, botanist, ecologist, or a biologist or a combination thereof and submitted by the applicant or developer.
- B. The purposes of the Existing Features Site Analysis Plan are to:
  1. Delineate areas that have been identified as worthy of permanent protection in conservation space because of their environmental values.
  2. Set forth the particulars of the site, including but not limited to boundary, flora and fauna ecosystems, topographic data (minimum four-foot contour intervals), existing structures and utility easements.
- C. The Existing Features Site Analysis Plan shall include at a minimum the following information:
  1. Closed boundary of the site.
  2. Flora and fauna ecosystems with their locations mapped and delineated on the plan.
  3. The date in which the flora and fauna were surveyed.
  4. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a forester, arborist, biologist, botanist, or horticulturist.
  5. Perennial and intermittent streams, FEMA designed 100-Year Flood Hazard Zones and Wetlands. The source of this information shall also be indicated.
  6. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.
  7. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth.
  8. Delineation of steep slope areas (40 percent or greater).
  9. Identification of historical, archaeological, or other significant features.
  10. The plan also shall include certification by the owner that timber harvesting activity has not occurred on the property in the previous 24 months prior to filing an application for OSC zoning.
  11. Identification of Conservation Space and other common areas.

**Section 212-80. Additional Design and Development Standards for the TND Traditional Neighborhood Development District.**

**212-80.1 Mix of Housing Types**

- A. Each TND development shall include at least three of the following housing types:
  - 1. Single-family detached dwellings.
  - 2. Duplex dwellings.
  - 3. Accessory dwelling units.
  - 4. Townhouses.
  - 5. Live/Work dwelling units.
  - 6. Cottage Courts
- B. There shall be a minimum of 25 percent and a maximum of 50 percent of any single housing type within a TND development.

**212-80.2 Building and Site Design Standards.** TND developments shall meet the following additional requirements:

- A. The rear facades of buildings shall not be oriented toward internal or external streets.
- B. All units shall have a covered minimum four-foot-deep and six-foot-wide front porch.
- C. The minimum front setback shall also serve as the maximum front setback.
- D. All TND developments shall have a minimum 10,000 square foot centrally-located common area with amenities, regardless of the required minimum open space requirement.
- E. No unit shall be located more than 1,000 feet from a common area.
- F. All single-family detached dwellings shall include a minimum two-car garage that is either attached or detached. All other dwellings shall include a minimum one-car garage that is either attached or detached.

**212-80.3 Public Improvement Standards.** All streets, driveways, alleys, sidewalks, multiuse paths, and greenways shall conform to the requirements of this UDO and the following additional standards:

- A. *Streets.*
  - 1. The street network shall form an interconnected grid pattern. Cul-de-sacs and dead-end streets shall be prohibited.
  - 2. The maximum permitted block length shall be 500 feet.
- B. *Driveways and Alleys.*
  - 1. A minimum of 75% of residential driveways shall be accessed from an alley.
  - 2. Alleys shall provide a continuous connection between two streets.
  - 3. Alleys shall be graded to ensure proper drainage, installed on a minimum four-inch gravel aggregate base with a minimum two-inch asphalt topping or other approved surface of, concrete, porous concrete, or porous asphalt.
  - 4. Joint driveways may be permitted by the Director where appropriate to allow flexible development opportunities.
- C. *Pedestrian Connectivity.*
  - 1. There shall be adequate separation of pedestrian walkways from automobile traffic within a development. Appropriate design elements or traffic calming measures, such as paving material variation or barrier (structural or spatial) shall be provided to distinguish vehicular and pedestrian access points.
  - 2. Safe, convenient, and continuous pedestrian walkways a minimum of five feet in width shall be provided throughout the development.

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### D. *Sidewalks, Multiuse Paths, and Greenways.*

1. Sidewalks shall be provided on both sides of all internal and external streets.
2. Multiuse paths, where provided, shall be designed in conformity with Title 3 of this UDO.
3. Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the most recently adopted Gwinnett Countywide Trails Master Plan and be maintained in accordance with Title 3 of this UDO and other applicable sections of the UDO. If a project abuts a greenway, then a multiuse path shall be provided to connect the greenway for pedestrian and bicyclist use. The final location of the greenways or greenway access shall be coordinated with the Department of Community Services.
4. Unless otherwise noted, areas located outside of the 100-year floodplain where greenways and multiuse paths are constructed, shall be designated as common area and be maintained by a mandatory property owner's association.

### **212-80.4 Landscaping.**

- A. A minimum five-foot-wide grassed strip shall be provided on both sides of all streets.
- B. Street trees shall be provided 40 feet on center within required grassed strips.
- C. Pedestrian lights shall be located between every other street tree (80 feet on center), unless waived by the Director due to adequate lighting from streetlights.
- D. Streetlights shall be located as required by the Department of Planning and Development and Department of Transportation.
- E. Spacing of street trees and pedestrian lights may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices as approved by the Gwinnett County Department of Transportation and the Department of Planning and Development.

### **212-80.5 Underground Utilities.**

- A. For all new construction and redevelopment, utilities along public streets must be placed underground. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.
- B. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

### **212-80.6 Maintenance of Common Areas.**

- A. The TND District shall require a mandatory property owners' association that shall be responsible for ownership, operation, insurance and maintenance of all land, facilities, buildings, and utilities within the common areas of the development that is outside individual lots and land dedicated to the county. A landscape maintenance easement shall be recorded for the grounds surrounding buildings of attached residential units and said lands shall also be maintained by the property owners' association.

## Chapter 213. Mixed-Use Zoning Districts

### Section 213-10. Mixed-Use Districts.

There are three mixed-use zoning districts, each with its distinct purpose and intent: Neighborhood Mixed-Use District (MU-N), Community Mixed-Use District (MU-C) and Regional Mixed-Use District (MU-R). The primary purpose of these districts is to promote pedestrian-oriented mixed-use developments that will facilitate a more efficient use of land and infrastructure and preserve open space, while allowing varying densities, intensities and flexibility in zoning and development requirements.

### Section 213-20. MU-N Neighborhood Mixed-Use District.

**213-20.1 Purpose and Intent.** The purpose of the Neighborhood Mixed-Use District (MU-N) is to promote complementary groupings of small-scale mixed-use buildings that are within walking distance and compatible with the surrounding neighborhood. It is the intent of this district to provide diverse housing options to accommodate multigenerational communities with a range of residential building forms, lot sizes and dwelling sizes, and neighborhood-oriented retail, services and low intensity office uses that are within convenient walking distances.

### Section 213-30. MU-C Community Mixed-Use District.

**210-30.1 Purpose and Intent.** The purpose of the Community Mixed-Use District (MU-C) is to promote complementary groupings of community-scale mixed-use buildings and activity areas along commercial corridors at locations that have adequate infrastructure and transportation access. The intent of this district is to promote diverse uses, including places of employment, shopping and commercial services, varied housing options for multigenerational communities within pedestrian and bicycle friendly mixed-use activity centers and corridors that are compatible with established surrounding neighborhoods.

### Section 213-40. MU-R Regional Mixed-Use District.

**213-40.1 Purpose and Intent.** The purpose of the Regional Mixed-Use District is to encourage the development, redevelopment, or revitalization of commercial and residential areas along major transportation corridors into vibrant, high density, pedestrian friendly, live-work-play environments that offer employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles. The intent of this district is to allow flexibility in design standards and high-density residential development in exchange for innovative and high standards inclusive of landscaping, green space, urban space, and public amenities within a distinct, unified theme that can improve the viability of the development and surrounding communities.

### Section 213-50. Dimensional Standards for Mixed-Use Zoning Districts.

Table 213-1: Dimensional Standards

Project Area Standards			Dimensional Standard				External Setbacks		
District	Minimum Area	Road Frontage	Max. Height	Max. FAR	Min. Open Space	Min. Usable Open space <sup>3</sup>	Min. Front Setback	Min. Side Setback	Min. Rear Setback
MU-N	None	40 ft.	60 ft.	1.0 FAR	10%	5%	15 ft. <sup>1,2</sup>	10 ft.	25 ft.
MU-C	3 ac.	60 ft.	75 ft.	2.0 FAR	10%	5%	0 ft.	10 ft.	25 ft.

MU-R	5 ac.	80 ft.	Varies per bonus	Varies per bonus	10%	5%	0 ft.	10 ft.	25 ft.
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<sup>1</sup> Where the backs or sides of single-family attached or detached residential units are oriented toward an external public street, a 10-foot-wide landscape strip within a 40-foot-wide setback shall be required between the property line and residential units.

<sup>2</sup> For detached single family lots. Zero (0) feet for all other uses.

<sup>3</sup> The minimum usable open space counts towards the total open space requirement.

## Section 213-60. Permitted Uses within Mixed-Use Districts.

**213-60.1** The uses set forth below shall be permitted only as listed within each corresponding zoning district and only in the manner so listed. Any use not listed within each corresponding zoning district shall be prohibited, except as contained herein. Additionally, for any use not listed below, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**213-60.2** Uses in the MU-N, Neighborhood Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-N, Neighborhood Mixed-Use District shall be permitted as allowed in the C-1, Neighborhood Business District and the O-I, Office-Institutional District.
- B. Residential uses within the MU-N, Neighborhood Mixed-Use District shall be permitted as allowed in the R-IF, Residential In-Fill District and the LRR, Low-Rise Residential Multifamily District.
- C. In addition to residential uses, a minimum five percent of the gross floor area of the entire development shall be occupied by non-residential uses as defined in Section 213-60.2.

**213-60.3** Uses in the MU-C, Community Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-C, Community Mixed-Use District shall be permitted as allowed in the C-1, Neighborhood Business District and the O-I, Office-Institutional District.
- B. Residential uses within the MU-C, Neighborhood Mixed-Use District shall be permitted as allowed in the MRR, Mid-Rise Residential Multifamily District.
- C. In addition to residential uses, a minimum 10 percent of the gross floor area of the entire development shall be occupied by non-residential uses as defined in Section 213-60.3A. A minimum of 25 percent of required non-residential uses shall be located on the ground floor of vertically mixed-use buildings. Up to 50 percent of non-residential ground floor uses within a vertically mixed-use building may be constructed as convertible space for future non-residential occupancy or constructed as live-work units.

**213-60.4** Uses in the MU-R, Regional Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-R, Regional Mixed-Use District shall be permitted as allowed in the C-1, Neighborhood Business District and the O-I, Office-Institutional District.

- B. Residential uses within the MU-R, Regional Mixed-Use District shall be permitted as allowed in the HRR, High-Rise Residential Multifamily District.
- C. In addition to residential uses, a minimum 10 percent of the gross floor area of the entire development shall be occupied by non-residential uses as defined in Section 213-60.4.A. A minimum of 50 percent of required non-residential uses shall be located on the ground floor of vertically mixed-use buildings. Up to 50 percent of non-residential ground floor uses within a vertically mixed-use building may be constructed as convertible space for future non-residential occupancy or constructed as live-work units.

**Section 213-70. Additional Development Standards within the MU-R Regional Mixed-Use District.**

- A. The Floor Area Ratio (FAR) and maximum height of development, without density bonuses, within the MU-R District shall be a minimum 1.0 FAR and a maximum 3.0 FAR and a maximum height of 75 feet, unless otherwise approved as a zoning condition by the Board of Commissioners or through bonuses outlined in this UDO.
- B. Additional bonuses as listed below may be granted by the Director or as a zoning condition by the Board of Commissioners, subject to the approval of a site-specific concept plan.

**Table 213-2: Amenities Eligible for FAR Bonus for MU-R District**

Amenities	FAR Bonus*
For each one percent of usable open space in excess of the required minimum.	Additional 0.1 FAR
For each one half-acre of contiguous area consisting of environmentally sensitive natural, undisturbed area (i.e., wetlands, floodplain, specimen trees) or culturally sensitive features that are preserved and dedicated as open space.	Additional 0.25 FAR
Structured Parking: 50 percent of minimum required. 25 percent of minimum required.	Additional 1.0 FAR Additional 0.5 FAR
For each one percent increase over the minimum amount of vertical mixed-use development.	Additional 0.25 FAR
Mixed-use development that includes at least 10 percent of units affordable to households earning between 60 percent and 120 percent of area median income.	Additional 0.5 FAR
Mixed-use development that includes at least 10 percent of units affordable to households earning between 30 percent and 60 percent of area median income.	Additional 1.0 FAR
Mixed-use development that includes office space constituting at least 40 percent of the total GFA.	Additional 0.5 FAR
Transit passenger shelter and related support facilities.	Additional 0.25 FAR
Documentation by a LEED-certified professional that the project, if constructed as proposed, meets the "Silver" standards of LEED or the standards of ASHRAE Standard 189.1 for Sustainable Design, or another comparable third-party certification program approved by the Director.	Additional 0.5 FAR
Multiuse paths located outside of the floodplain, or within the development and meeting the standards of Section 900-100. A bonus may be granted proportionately to the FAR/path ratio if more or less than 1000 feet of path is provided.	Additional 0.2 FAR

Regional stormwater management facility meeting the standards of Section 800-90.	Additional 0.75 FAR
Required usable open space designed as a contiguous green space for public gathering and related functions (i.e., pocket park, plaza, amphitheater, or greenways).	Additional 0.2 FAR
<i>These bonuses are additive and can be accumulated subject to total maximum FAR of 5.0</i>	

**Table 213-3: Maximum Allowable Building Height for the MU-R District (Subject to Approved Bonus Density)**

FAR	Building Height
0.00 — 3.00	140 ft.
3.01 — 4.00	210 ft.
4.01 — 5.00	300 ft.

### **Section 213-80. Minimum Design Standards of Mixed-Use Districts.**

All mixed-use districts MU-N, MU-C and MU-R shall comply with the applicable site related provisions contained in Title 3 of the UDO and the following additional standards.

#### **213-80.1 Open space.** Open space shall meet the following design standards:

- A. Open space shall meet all standards set forth in this UDO.
- B. Open Space shall include at least one conveniently located public gathering area or activity center with related amenities and improvements in the form of a square, green, plaza, or similar approved element that is accessible by the general public from at least three points of entry by sidewalks.
- C. Open space may include greenways or greenway access to satisfy the requirements of the most recently adopted Gwinnett Countywide Trails Master Plan.

#### **213-80.2 Connectivity.**

- A. *Interconnected network.* It is the intent of this section that the public access ways, walkways, transportation facilities, and improvements in the mixed-use district contribute to an inter-connected and continuous network providing convenient vehicular and pedestrian access to abutting properties. The design of developments and related public improvements shall provide for maximum connections for automobiles, pedestrians, bicycles, and public transportation to off-site and on-site attractions such as concentrations of employment, shopping, housing and community services, public parking, parks, and public facilities.
- B. *Vehicular connectivity.*
  1. No streets shall be longer than 500 feet without an intersection with another street or alley.
  2. Any private vehicular garages shall be served from alleys and shall not be visible from an external right-of-way.
  3. The street network shall form a connected pattern (grid system). Cul-de-sacs shall be prohibited. Street shapes should form an interconnected grid pattern. Street patterns shall also be designed to respect and follow existing terrain as much as possible to minimize earthmoving and disruption of the existing topography.
  4. New streets shall contribute to an inter-connected network and meet all of the following standards:
    - a. Location of the new street shall be reviewed and approved by the Gwinnett DOT. Such approval shall be contingent on a finding that the new street will serve a public purpose such as improving traffic safety, reducing traffic congestion, or improving vehicular and pedestrian circulation and access to major thoroughfares.
    - b. Right-of-way and design of the new street shall meet applicable requirements provided in

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this UDO.

- c. Streets shall not be gated.
- C. *Pedestrian Connectivity.*
  - 1. There shall be a minimum five-foot-wide grassed strip separating pedestrian walkways from internal streets and driveways. Appropriate design elements or traffic calming measures, such as paving material variation or barrier (structural or spatial) shall be provided to distinguish vehicular and pedestrian access points.
  - 2. Safe, convenient, and continuous pedestrian walkways shall be provided:
    - a. Between building entrances for all buildings in the same block.
    - b. Along both sides of the street frontage of all streets.
    - c. Through parking lots and parking structures at regular intervals connecting to building entrances and the public sidewalks on surrounding streets.

### **213-80.3 Public Improvements.**

- A. Sidewalks shall be provided as required in Section 360-90.
- B. Multiuse Paths shall be provided on both sides of streets classified as arterials and shall comply with Section 360-100. Eligible FAR Bonus, if applicable, may be granted by the Director for multiuse paths constructed on streets.
- C. Crosswalks and pedestrian crossing signage shall be provided consistent with the most recent edition of the Manual of Uniform Traffic Control Devices (MUTCD) and AASHTO, as per Gwinnett DOT approval.
- D. Greenway Access.
  - 1. Greenways shall be provided in accordance with the most recently adopted Gwinnett Countywide Trails Master Plan and maintained in accordance to Sections 360-110, and other applicable sections of the UDO. Final location of the greenways shall be coordinated with the Department of Community Services.
  - 2. If a project abuts a greenway, then a multiuse path shall be provided connecting to the greenway for pedestrian and bicycle use.

### **213-80.4 Access Easements and Inter-parcel Access.**

- A. Inter-parcel access, joint driveways, cross-access drives, and access easements shall be provided, as follows, except where the Director determines that they are infeasible because of topographic or other site-specific constraints:
  - 1. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between all contiguous multifamily, commercial, and office uses.
  - 2. Joint driveways and cross-access easements shall be established for all adjoining parcels.
  - 3. Roads are to be designed with a design speed of 25 mph and a two-way travel aisle, with a minimum of 22 feet to accommodate automobiles, service vehicles, and loading vehicles.
  - 4. Driveway aprons, stub-outs, and other design features or traffic calming features may be required by the Director or Gwinnett DOT to indicate cross access or service drive for traffic safety or per County standards.

### **213-80.5 Parking Management.**

- A. *Vehicle Parking.*

No more than 20 percent of the required parking for a building shall be in parking lots located between the facade of the building and the street on which the building faces. These parking lots shall be limited to two rows of parking spaces with a center drive aisle meeting the requirements of this UDO.

**213-80.6 Building Services.**

- A. Off-street loading and servicing areas shall be enclosed with a parking structure or located to the rear of all buildings and screened from public view.
- B. All retaining walls and fences shall be constructed of materials and colors that are compatible with those of the principal building facade.
- C. Access ways and loading areas used for delivery trucks, service vehicles, and driveway and loading areas for garbage trucks shall provide safe means of ingress and egress from public streets such that delivery vehicles and garbage trucks are not required to back into streets classified as arterials or collectors on the Gwinnett County Long Range Road Classification Map.
- D. All access ways and loading areas shall provide a minimum horizontal and vertical clearance of 14 feet at all points.
- E. Mechanical equipment located at ground level, roof level, or attached to buildings shall be screened from view from all streets and public rights-of-way with screening walls or landscaping.

**213-80.7 Transition Height along Exterior Boundaries.**

- A. All buildings, or portion thereof, located within 50 feet of a single-family detached residential district of lower density shall have a maximum height equal to that of the adjacent district, for the portion of the building within 50 feet of that adjacent district.

**213-80.8 Landscape, Buffers, and Tree Protection.**

- A. The purpose of landscape requirements in Mixed-Use Districts is to provide for the flexibility of design based upon the pedestrian and vehicular connectivity, the type of common space areas, architectural design, and density, while the objective is to maintain the health and well-being of the trees.
- B. Buffers and tree protection shall be in conformity with this UDO.
- C. Trees within the Mixed-Use Districts must meet street tree, parking lot tree and 16 tree density units per acre requirements. Street trees may count towards meeting the tree density units.
  - 1. Street trees.
    - a. Trees on major entry drives throughout the development shall be canopy trees.
    - b. Trees on local streets throughout the development may be canopy or small trees.
    - c. If tree wells are provided within sidewalks, a tree grate, or pavers shall be provided for each tree. Engineered soils and irrigation for each tree is required. An owner or developer shall submit to the Department the engineered soil specifications prior to issuance of development permit. Details of the tree grates are required to be on the plan.
  - 2. Parking Lot Trees.
    - a. Parking rows shall terminate with a planting island unless adjacent to a grass strip.
    - b. Landscape islands shall be provided within parking lots no farther apart than every 15 parking spaces meeting all other requirements of this UDO.
    - c. Recommendations for parking lot planting area designs:
      - i. The use of elongated planting strips that is perpendicular to the parking stalls;
      - ii. Irrigation and a long-term maintenance plan for newly planted trees and shrubs; and,
      - iii. The use of at-grade planting areas (bioswales) in parking lots to promote stormwater runoff treatment.
- D. *Screening Off-Street Parking Lots.*
  - 1. Off-street parking lots shall be screened from adjacent roadways and sidewalks by a landscape

strip consistent with Chapter 600 of this UDO.

**213-80.9 Streetscape Design.**

- A. The location and specifications of other improvements in public rights-of-way, including streetlights, bike racks, trash receptacles, benches, street trees, and landscaping, shall be as provided below:
  - 1. **Lighting.**
    - a. A unified lighting plan must be submitted with the development permit application for approval by the Department in accordance with Section 240-100 and other sections as applicable. Such lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas such as building entrances, parking, service delivery and pedestrian walkways. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties. Such lighting plan must include typical designs for shielded light fixtures, light poles, and lighting levels that are compatible with or complement the surrounding developments.
  - 2. **Pedestrian amenities.**
    - a. Public gathering areas shall be designed with appropriately scaled and thematic site furnishings or amenities such as decorative seating, planters, or water fountains. Site furnishings and amenities shall be located outside of the street right-of-way and be privately maintained.
    - b. Materials should be durable and variable in texture, color, and form. Plastic or petroleum-based resin materials are prohibited.
  - 3. Landscaping shall be separated from vehicular uses by some form of barrier such as high back concrete curb, bollards, curb stops, or other suitable permanent alternative.
  - 4. A minimum five-foot-wide strip shall be provided between the sidewalk and the curb. This strip shall be grassed when not adjacent to on-street parking and shall be constructed with pavers or similar materials approved by the Department if adjacent to on-street parking spaces.
  - 5. Street trees shall be provided at least 50 feet on center between the sidewalk and the street.
  - 6. Pedestrian lights shall be provided between every other street tree (maximum 100 feet on center) between the sidewalk and the street.
  - 7. Streetlights shall be provided as required by the Department of Planning and Development and the Department of Transportation.

**213-80.10 Utilities.**

- A. All proposed utilities located along streets in the Mixed-Use Districts, except for substations and major electric transmission lines located on separate easements, are required to be placed underground or relocated to the rear of the property so that they will be less visible from streets.

**213-80.11 Signs.** Signs for buildings with an individual use or tenant shall be permitted in accordance with the Gwinnett County Sign Ordinance.

**213-80.12 Building Design.**

- A. *Odor Scrubbing.*
  - 1. Where residential uses are located with other non-residential uses within the same building, odor scrubbing equipment shall be required of the non-residential tenant to eliminate obnoxious odor as deemed appropriate for each use.
- B. *Doors and Entrances.*
  - 1. Buildings must have a primary entrance door facing a public sidewalk and accessible to the public during business hours. Entrances at building corners may be used to satisfy this requirement.
  - 2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or

businesses.

C. *Interior Corridors.*

1. All unit access above street level shall be from interior corridors. Mechanical ventilation, breezeway, and natural ventilation openings in the exterior façade shall be prohibited.

**213-80.13 Outdoor Operations.**

- A. All uses and operations except off-street parking, off-street loading and delivery and walk-up customer service windows shall be conducted completely within enclosed buildings, except as follows:
  1. Outdoor seating for restaurants shall be subject to the supplemental use regulations of this UDO and be located outside of the street right-of-way.
  2. Outdoor display or sales of merchandise shall be subject to the supplemental use regulations of this UDO and be located outside of the street right-of-way.

**213-80.14 Property Owners' Association.**

- A. Open space, stormwater management facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owners' association or approved entity. The developer shall record the deed to the common area prior to, or concurrent with, the recording of the first final subdivision plat.
- B. The property owners' association, or other approved entity shall be responsible for the continuous maintenance and protection of buffers, common areas, and recreation areas established pursuant to this Section.
- C. At minimum, the property owners' association bylaws or covenants, shall contain the following provisions:
  1. Governance of the association by the Georgia Property Owners' Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
  2. Responsibility for maintenance of the open space or common area.
  3. Responsibility for insurance and taxes.
  4. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
  5. Conditions and timing of transferring control of the association from the developer to the lot owners.
  6. Guarantee that the association will not be dissolved without the advance approval of the Board of Commissioners.

**213-80.15 Application Process.** The mixed-use zoning map amendment process shall follow the process for zoning map amendments as prescribed in Section 270-20 with the following modifications:

- A. Each applicant for the mixed-use district shall provide evidence of the unified control of the entire parcel. During the development process, more than one owner may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the Zoning Exhibit approved for the property as a whole.

**213-80.16 Phasing Plan.** A phasing plan shall be submitted with the development permit application, and approved by the Director, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the mixed-use development over a number of years, including the sequence, timing, and responsibility for construction of each building, support facilities, infrastructure, and utilities. The revision of the phasing plan is permitted and must be approved by the Department prior to each construction phase.

**213-80.17 Other Requirements.** The applicant shall adhere to all other applicable requirements of this Ordinance and other applicable requirements of Gwinnett County. In any case where the standards and requirements of this district conflict with other provisions of the Gwinnett County Code of Ordinances, the

requirements of this district shall govern.

## **Chapter 214. Overlay Zoning Districts**

### **Section 214-10. Interpretation and Applicability of Overlay Districts.**

#### **214-10.1 Purpose and Intent.**

- A. This Chapter establishes standards that apply to the development, use, or alteration of land, buildings, and structures within the boundaries of an overlay district.
- B. The overlay districts in this Chapter contain development procedures and standards that are supplemental to other provisions of this UDO. All development and building permits for lots located within an overlay district contained in this Chapter shall meet all of the requirements of the base zoning district in which it is located, all conditions of rezoning or special use permit approvals and, in addition, shall meet the requirements of the overlay district applicable to the lot.

#### **214-10.2 Applicability.**

- A. The procedures and standards contained in the overlay districts in this Chapter apply to each application for a permit for the development, use, or alteration, or modification of any structure where the subject property lies within the boundaries of an overlay district as established by the Board of Commissioners and recorded on the Gwinnett County Zoning Maps, as they may be amended from time to time.
- B. The procedures and standards of overlay districts apply only to property within the boundaries of the overlay districts as established by the Board of Commissioners.
- C. In any case where the standards and requirements of an overlay district in this Chapter conflict with those of the base zoning district, the standards and requirements of the overlay district shall govern.
- D. In any case where the conditions of approval for rezoning or special use permit approved by the Board of Commissioners conflict with the provisions of an overlay district, the conditions shall take precedence.

**214-10.3 Map Amendments.** No change in the boundary of an Overlay district shall be authorized, except by the Gwinnett County Board of Commissioners pursuant to procedures in Chapter 270.

### **Section 214-20. Activity Center/ Corridor Overlay District.**

**214-20.1 Findings and Purposes.** The Activity Center/Corridor Overlay District is intended to enhance the viability and livability of the area surrounding major activity centers in Gwinnett County as designated by the Board of Commissioners. The purpose of the Overlay District is to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, and signage; and to promote alternative modes of transportation within the district through the provision of pedestrian and local public transit.

#### **214-20.2 Applicability.**

- A. The boundaries of the following Overlay Districts shall be as shown on the Official Zoning Map, maintained by the Department of Planning and Development, and which may be amended from time to time by the Board of Commissioners:
  1. Mall of Georgia Overlay District.
  2. Grayson/Highway 20 Corridor Overlay District.
  3. Centerville/Highway 124 Corridor Overlay District.

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4. Highway 124/324/Hamilton Mill Road Overlay District.
5. Highway 78 Corridor Overlay District.
6. Five Forks Trickum Overlay District.

B. The requirements of each Overlay District shall apply to all non-residential, townhouse, mixed-use, and multifamily properties within the Overlay District. These standards shall apply to all new construction and shall apply to the applicable and affected portions of a redeveloped site or refurbished building as determined by the Director

### **214-20.3 Design Requirements.**

A. *Transportation/Infrastructure.*

1. All new utility lines shall be located underground.
2. Sidewalks shall be required adjacent to all public rights-of-way and into and throughout attached residential developments. The location of sidewalks shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. A minimum four-foot-wide sidewalk shall connect entrances of buildings to the public rights-of-way.
3. At the following locations, sidewalks shall be constructed with an additional two-foot-deep by eight-foot-wide concrete pad, located outside of the right-of-way, designed to accommodate future pedestrian amenities such as benches, planters, and trash containers.
  - a. At intersections of the corridor with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map.
  - b. At locations along the corridor designated for a transit stop or future transit stop by Gwinnett County Department of Transportation.
  - c. At locations along the corridor designated for a school bus stop by the Gwinnett County Board of Education.
  - d. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the street.
4. Amenity pads located along an existing transit route shall include pedestrian amenities at time of installation. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.

B. *Streetlights.*

1. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Streetlights 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 Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. Specifications of light fixtures are provided in Table 214-1.

**Table 214-1: Light Fixture Requirements for Public Rights-of-Way**

<b>Fixture Head</b>	<b>Pole Type (Streetlight)</b>	<b>Max. Pole Height</b>
Cobra Head	Smooth black	40 ft.

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- C. *Greenway Access.* Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the most recently adopted Gwinnett Countywide Trails Master Plan and be maintained in accordance with Section 360-110 and other applicable sections of the UDO. If a project abuts a greenway, then a multi-use path shall be provided to connect the greenway for pedestrian and bicyclist use. Final location of the greenways or greenway access shall be coordinated with the Department of Community Services.
- D. *Landscaping Requirements.*
  - 1. Provide, at a minimum, 20 Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with this UDO. At least 50 percent of plantings shall consist of trees three inches caliper or greater.
  - 2. Landscape islands shall be provided within parking lots no farther apart than every 15 parking spaces, meeting all other requirements of this UDO.
  - 2. Provide a minimum 10-foot-wide landscaped strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots. At a minimum, landscaped strips shall be planted in accordance with this UDO.
  - 3. Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center adjacent to the street on the following roads:
    - a. *Mall of Georgia Overlay:*
      - i. Buford Drive
      - ii. Woodward Crossing Boulevard
      - iii. Mall of Georgia Boulevard
    - b. *Grayson/Highway 20 Overlay:*
      - i. Grayson Highway
      - ii. Loganville Highway
      - iii. Sugarloaf Parkway
      - iv. Webb Gin House Road
      - v. Hillside Drive
      - vi. Cooper Road/Ozora Road
      - vii. Oak Grove Road
      - viii. Hope Hollow Road
      - ix. Hoke O'Kelly Mill Road
      - x. Brand Road
    - c. *Centerville/Highway 124 Overlay:*
      - i. Scenic Highway
      - ii. Centerville Highway
      - iii. Highpoint Road
      - iv. Everson Road/Springdale Road
      - v. Bethany Church Road/Zoar Road
      - vi. Zoar Church Road
      - vii. Annistown Road/Centerville-Rosebud Road
      - viii. Campbell Road

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- ix. Lee Road
- x. Anderson-Livsey Lane
- d. Highway 124/324/Hamilton Mill Overlay
  - i. Braselton Highway
  - ii. Gravel Springs Road
  - iii. Auburn Road
  - iv. Hamilton Mill Road
- e. Highway 78 Overlay
  - i. East Park Place Boulevard
  - ii. Hewatt Road
  - iii. Highpoint Road
  - iv. Killian Hill Road
  - v. Parkwood Road
  - vi. Rockbridge Road
  - vii. Stone Mountain Highway
  - viii. West Park Place Boulevard
- f. Five Forks Trickum Overlay
  - i. Five Forks Trickum Road
  - ii. Killian Hill Road
  - iii. Rockbridge Road
  - iv. Old Tucker Road
  - v. River Drive
  - vi. Dogwood Road
  - vii. Oak Road
  - viii. Tom Smith Road
  - ix. Bowers Road

4. All street trees shall be a minimum three-inch caliper at the time of planting. Street trees shall be located between the sidewalk and back-of-curb within a minimum five-foot-wide grassed strip, or hardscape strip if adjacent to on-street parking, subject to review and approval of the Georgia or Gwinnett Department of Transportation. Street trees shall be chosen from the Tree Species List in the UDO Appendix.
5. Natural vegetation shall remain on the property until issuance of a development permit.

E. *Parking and Accessory Structures.*

1. For retail developments exceeding 125,000 square feet of gross floor area, at least ten percent of all provided parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grasspave," not to exceed 1,000 parking spaces or as approved by the Director.
2. Up to 25 percent of the provided parking spaces for any development shall be compact spaces.
3. No more than 10 percent of parking spaces shall be located between the front building line of the closest building to the right-of-way, and the right-of-way. This parking shall be limited to

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no more than one double row of parking.

4. Primary building facades and entrances closest to the right-of-way shall be located no more than 70 feet from the public rights-of-way, shall be oriented toward the street, and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.
5. Benches and trash receptacles shall be required for all multifamily, retail, and office developments adjacent to the public sidewalk, and outside of the right-of-way.
6. Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality.
7. Vending machines, if provided, shall be located within a building.

F. *Signage; Temporary Uses; Peddling.*

1. Except as contained herein, sizes and amount of signage shall not exceed the requirements of the Sign Ordinance.
2. Oversized signs are prohibited.
3. Ground signs shall be limited to monument-type signs. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building.
4. Canopy and awning signs shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.
5. Blinking, exposed neon, portable, inflatable, and temporary signage shall be prohibited.
6. Peddlers shall be prohibited.

G. *Architectural Standards.*

1. All development in the Activity Center/ Corridor Overlay District shall be in conformity with the Gwinnett County Architectural Design Standards.
2. Building plans shall be subject to review and approval of the Director prior to issuance of a building permit. Building designs that are inconsistent with these standards shall be denied. Denial of the Director's decision shall be subject to appeal pursuant to Chapter 270, Procedures, of this UDO.

### **214-20.4 Uses within the Five Forks Trickum Overlay District.**

- A. The following uses located in the Five Forks Trickum Overlay District as listed in Section 211.80 of this UDO shall be prohibited:
  1. Smoke, Novelty, or CBD Shop;
  2. Vehicle Rental and Related Services Establishments;
  3. Vehicle Repair, Service, and Body Work Establishments;
  4. Vehicle Sales and Related Service Establishments;
  5. Restaurants with Drive-In or Drive-Through.

### **Section 214-30. Venture Drive Redevelopment Overlay District.**

**214-30.1 Purpose and Intent.** The purpose of the Venture Drive Redevelopment Overlay District is to promote a mix of high-end, dense, residential housing; commercial businesses and office buildings in an urban setting while offering the residents opportunities for recreation and alternative modes of transportation. Specifically, the Overlay District is intended to:

- A. Encourage efficient land use and redevelopment plans forming a live-work-play environment that offers residents and employees the opportunity to fulfill their daily activities with minimal use of single-

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occupant vehicle trips.

- B. Allow and encourage development densities and land use intensities that will provide for productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling, and walking.
- C. Encourage the revitalization of underutilized commercial areas into pedestrian-oriented developments that provide a complementary mix of uses, including a variety of residential options, within convenient walking distance. Encourage formation of a well-designed, pedestrian-friendly activity center with high-density residential, commercial and office development that increases choices for safe living environments for the citizens of Gwinnett County.
- D. Promote development standards that incorporate the design of innovative projects providing for current and future trends in urban design, public amenities, and green space concepts.
- E. Promote a distinct, unified theme that will reinforce the branding process and improve the market attractiveness of the area for investments by the private and public sectors.
- F. Provide appropriate incentives to encourage redevelopment consistent with the Gwinnett County Unified Plan.
- G. Provide for connectivity of streets and sidewalks for improved vehicular and pedestrian circulation and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel.
- H. Encourage design that improves public safety and security.

### **214-30.2 Applicability.**

- A. The boundaries of the Venture Drive Redevelopment Overlay District shall be as shown on the Official Zoning Map, maintained by the Department of Planning and Development, and which may be amended from time to time by the Board of Commissioners.
- B. The Venture Drive Redevelopment Overlay District shall function as an overlay zoning, wherein the underlying zoning at the time of enactment of the overlay remains effective until such time as the property owner elects to proceed with a redevelopment project in accordance with Venture Drive Redevelopment Overlay District provisions. Once property is proposed for development under the requirements of the Venture Drive Redevelopment Overlay District each parcel of land remains subject to all of the terms and conditions of the Venture Drive Redevelopment Overlay and the Concept Plan approved for the property as a whole and in perpetuity.
- C. Redevelopment Overlay Exhibit reviews, and any subsequent plat approvals, land disturbance permits, development permits, and building permits for each parcel located within this district shall meet all applicable requirements of this UDO.
- D. Each applicant for a Redevelopment Project within the Venture Drive Redevelopment Overlay shall provide evidence of unified control of the entire parcel or parcel assemblage. During the development process, more than one owner may participate in the development of the approved plan provided that each parcel of land remains subject to all of the terms and conditions of the Concept Plan approved for the property as a whole.

### **214-30.3 Definitions.**

The following words, terms, and phrases shall have the following meanings when used in this ordinance:

- A. *Block Length:* The dimension of a block defined by continuous frontage between streets and/or pedestrian ways.
- B. *Block Area:* Total land area within the rights of way forming such block.
- C. *Open Space:* Usable, generally publicly available land meeting the standards of Section 214-30.10.
- D. *Pedestrian Way:* An external area permitting public accessibility to pedestrian-only traffic containing an unobstructed pedestrian path meeting all requirements of Section 214-30.9.
- E. *Sidewalk Level:* Any building floor located within 5 vertical feet of the adjacent sidewalk,

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supplemental zone, or pedestrian way.

F. *Supplemental Zone:* The area located between any sidewalk zones and/or pedestrian ways and a building façade.

### **214-30.4 Use Provisions.**

- A. Residential uses shall be in accordance with the HRR, High-Rise Residential Multifamily District as listed in Section 210-130 of this UDO.
- B. Non-Residential uses shall be in accordance with the C-1, Neighborhood Business District as listed in Section 211-80 of this UDO.

### **214-30.5 Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the Venture Drive Redevelopment Overlay District in accordance with the provisions of this UDO.

### **214-30.6 Density, Height, and Bulk Requirements.**

- A. The maximum allowable density within the Venture Drive Overlay is a 5.0 FAR.
- B. Building setbacks are established as the outer edge of the prescribed sidewalk and supplemental zones.
- C. FAR is based upon gross land area prior to the removal of land associated with proposed streets and/or pedestrian ways.
- D. On projects containing more than one block, FAR may be distributed in any manner desired so long as the total allowable FAR for the entire property is not exceeded.

### **214-30.7 Block Standards and Connectivity Requirements.**

- A. *Block sizes.* New developments shall be planned with new streets and/or pedestrian ways such that no block within the development shall contain a block frontage greater than 500 feet in one direction and 400 feet in the opposite direction without an intervening street or pedestrian way.
- B. Streets and pedestrian ways for projects containing multiple blocks may be phased with respect to traffic and pedestrian circulation needs relative to each phase. Phasing will be such to complete block as developed.

### **214-30.8 Street and Pedestrian Way Standards**

- A. *Streets.*
  1. Minimum 12-foot-wide travel lanes.
  2. Minimum eight-foot-wide parallel parking spaces on both sides of the street.
  3. Minimum 15-foot-wide sidewalks measured from back of curb consisting of minimum five-foot-wide street tree, lighting, and furniture zone and 10-foot-wide clear zone for circulation.
  4. An additional minimum five-foot-wide supplemental zone is required which may be either paved or landscaped as appropriate to the adjacent use.
  5. Streetlights 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 Department of Planning and Development and the Gwinnett County Department of Transportation.
  6. Street trees shall be spaced 50 feet on-center or grouped at 120 feet on-center adjacent to the street. All street trees shall be a minimum three-inch caliper at the time of planting. Street trees shall be located between the sidewalk and back-of-curb within a minimum five-foot-wide grassed strip, or hardscape strip if adjacent to on-street parking, subject to review and approval of the Georgia or Gwinnett Department of Transportation. Street trees shall be chosen from the Tree Species List in the UDO Appendix.
  7. Street furnishing will be provided as required by the Department of Planning and Development and the Department of Transportation.

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8. The right of way will extend to the edge of the outer clear zone on each side of the street.
- B. *Pedestrian Ways.*
  1. Will be a minimum of 45 feet in width from building-to-building facades.
  2. Will contain a minimum 30-foot-wide public zone consisting of landscape, seating, pedestrian level lighting and a minimum eight-foot-wide clear zone sidewalk.

### **214-30.9 Open Space Requirements**

- A. All development shall provide 20 percent of project area as open space.
- B. All clear zone and supplemental zone sidewalk areas may be counted as open space.
- C. The minimum 30-foot-wide public zone of pedestrian ways may count as open space.
- D. On projects containing multiple blocks the required open space may be distributed across multiple blocks or aggregated within a single block, so long as the total required open space is achieved.
- E. Open space which includes the accommodation of stormwater management as an amenitized element of the open space is allowed and encouraged.
- F. Where a development proposes to aggregate the required open space of a phased development, such open space must be built with the first phase of such a development. When a strict adherence of this requirement is deemed infeasible for site development, the Director may grant a reduction in the amount of open space required for the initial phase. Such a variance in no way relieves the obligation for the ultimate total open space requirements of the development.
- G. All areas utilized to meet the open space requirements will be generally accessible to the public and will be designed to support gathering, social interaction, dining (including outdoor areas specific to restaurants) and special events. Open spaces may be predominately paved or landscape and will be designed to facilitate adequate pedestrian circulation.
- H. All areas counted as open space must be within five feet of elevation (above or below) adjoining street/sidewalk elevations. In cases where an open space is utilized for stormwater management, the base pool elevation may be 8 feet below the adjoining street/sidewalk elevation, so long as the dimension from the edge of any adjoining public sidewalk is a minimum of 40 feet from the center of the proposed pool.

### **214-30.10 Parking Requirements.**

- A. The following parking requirements are established:

Land Use	Minimum	Maximum
Office	None	1 per 250 sq. ft.
Retail	None	1 per 300 sq. ft.
Residential	None	2 per bedroom
Hotel	None	1.5 per room

- B. On-street parking provided does not count towards maximum retail and multi-family parking.
- C. Shared parking is allowed and encouraged.
- D. No surface parking lots shall be permitted between any street and the front building line of any building.
- E. Surface parking lots shall provide internal landscape islands at the end of all parking stalls and within parking lots at least every 15 parking spaces, subject to the planting requirements of this UDO.
- F. At least one public transit shelter shall be provided along each external street with transit service, subject to the review and approval of the Georgia or Gwinnett Department of Transportation.

### **214-30.11 Architectural Requirements.**

- A. *Pedestrian Level Facades.* All building facades facing a street (public or private), or pedestrian way utilized to define specified block requirements shall be subject to the following requirements:

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1. Building facades greater than 50 feet of continuous length shall include variety in façade treatments. Treatments may be in the form of materials, textures, and window and door patterns and colors.
2. The length of a façade oriented toward a sidewalk or street without intervening fenestration shall be 20 feet.
3. All residential and/or office buildings shall provide at least one major entry via a sidewalk level lobby. The lobby door must address and be clearly visible for the adjoining sidewalk. Lobbies shall be clearly articulated.
4. All retail uses shall provide direct access to adjoining sidewalks or pedestrian ways. All entrances shall be clearly articulated.
5. All facades must contain at least 50 percent fenestration at the sidewalk level. The total building façade shall contain an overall average of 40 percent fenestration.
6. Glass for windows and doors shall utilize clear or tinted glass. Tinted glass shall have a minimum transmittance factor of 50 percent and a visible light reflectance factor of ten or less.
7. Arcades or deeply recessed retail or office facades are discouraged. Where utilized, size and spacing of arcade columns must allow clear visibility to 65 percent of the retail or office storefront from any parallel point on the sidewalk.
8. Parking structure facades shall incorporate finish materials that are consistent and complementary with the façade finish of the primary buildings.

B. *Sidewalk Level Active Uses.*

1. Active uses shall be provided along all designated streets and/or pedestrian ways.
2. The finished floor elevation of any active use will be set no greater than five feet above or below the adjacent sidewalk. Where strict adherence to this requirement cannot be achieved due to existing topographical challenges, a variance may be granted by the Director.
3. Active uses shall be a minimum of 20-feet-deep measured from the sidewalk street level building façade.
4. Sidewalk level active uses exclude storage areas and parking.
5. Queueing lanes or driveways parallel to the adjoining street are not allowed in the active use zone.
6. The following use shall be placed within a building or parking structure and are subject to the active use provisions, except at their automotive ingress and egress points:
  - a. Structures which feature fueling stations with accessory fueling pumps, service bays, and/or car washes.
  - b. Drive-through windows for any use including all areas associated with queueing.

C. *General.*

1. Each building shall display a street address number clearly visible from the public sidewalk. Said address numbers shall be a minimum of six inches in height.
2. No up-lighting shall be placed a height of less than eight feet above the required adjoining public sidewalk.
3. External storefront security grilles shall:
  - a. Be designed as to appear as part of the building architecture.
  - b. Be fully retractable.
  - c. Not be solid or opaque.
  - d. Allow visibility into the store when in use.

**214-30.12 Service, Loading, Mechanical, and Accessory Features.**

- A. All external dumpsters and trash compactors shall be located to the rear of buildings and be enclosed with decorative masonry walls and decorative gates to a height of 8 feet or located within a building or parking structure.
- B. All loading and service areas shall be located and oriented in a manner that minimizes visibility for any public or private street or pedestrian way that is utilized to meet the block requirements or located within a building or parking structure.
- C. Any mechanical and accessory features (including satellite dishes) shall be:
  - 1. Prohibited between the building and any street.
  - 2. Located on the roofs of buildings.
  - 3. Screened to a height equal to the height of the units.
  - 4. Wall mounted utility equipment shall be screened and/or painted to match the adjacent façade finish.
- D. No barbed wire, razor wire, or similar elements shall be permitted.

**214-30.13 Submittals and Approvals Process.**

- A. Any new construction and renovation of more than 60 percent of the principal structure of an existing property requires the issuance of a Special Administrative Permit (SAP) prior to the application for any demolition, land disturbance or building permit.
- B. Applicants needing an SAP shall schedule a pre-application meeting with the Director prior to the submission for any SAP. Said meeting will be scheduled within 14 days and held within 30 days of an applicant's request. The purpose of the meeting will be to:
  - 1. Ensure the applicant's understanding of the overlay requirement and approvals process.
  - 2. Inform the staff of the applicant's vision and limits of property.
- C. Requirements for the submittal of an SAP are as follows:
  - 1. Property boundary survey no more than two years old from date of application.
  - 2. Site plan indicating proposed block divisions and street/pedestrian way locations.
  - 3. Calculations of required and provided open space.
  - 4. Plans indicating all building locations and streetscape requirements.
  - 5. Design including materials for all park or plaza spaces utilized to meet open space requirements.
  - 6. Building elevation illustrating requirements set forth in Architectural Standards.
  - 7. Notification to planning for any and all variations from the standards established, whether by result of hardship or meeting the goals of the ordinance through equal or superior methods.
- D. *Review and Response.*
  - 1. Within four weeks of submittal of a complete application, the Director will establish a meeting with the applicant and present to the applicant any comments relative to the lack of compliance with the standards of the ordinance. If the Director has no comments and the application is deemed to be in compliance, an SAP will be issued on that date.
  - 2. The applicant shall make amendments to plans and resubmit as noted. If all changes are in accordance with the comments rendered in the review meeting, the Director will issue the SAP within 30 days of resubmittal.
- E. *Variations.*

The Director may grant variations from any of the standards set forth in this UDO with the exception that there will be no variations granted for use or lot size. Variations may be granted when in the opinion of

the Director:

1. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
2. The applicant proposes a solution which does not circumvent the purpose and intent of this UDO.

### **Section 214-40. Gateway 85 Overlay District.**

#### **214-40.1 Purpose and Intent.**

The purpose of the Gateway 85 Overlay District is to enhance the vitality and livability of the Gateway 85 business district. Specifically, the district is intended to:

- A. Create an attractive setting for business growth that supports the tax base, provides jobs, and promotes the district's continued success;
- B. Promote quality redevelopment that will reinforce the district's brand and improve its market attractiveness for investment;
- C. Encourage the revitalization of underutilized commercial and industrial properties;
- D. Reduce and eliminate incompatible land uses;
- E. Achieve and maintain a unified and pleasing aesthetic quality in landscaping, site planning, and signage;
- F. Establish standards for high-quality, usable open space in commercial and mixed-use projects;
- G. Promote safe and convenient vehicular, pedestrian, bicycle, and transit mobility; and
- H. Encourage design that improves public safety and security.

#### **214-40.2 Applicability.**

- A. The boundaries of the Gateway 85 Overlay District shall be as shown on the Official Zoning Map, except that this overlay does not apply to single-family detached or attached residential development.
- B. The Gateway 85 Overlay District shall function as an overlay zoning, wherein the underlying zoning district standards remain in effect and the standards of this overlay apply in addition. Whenever this overlay imposes a standard that is more or less restrictive, the requirements of this Overlay District shall govern.
- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this overlay according to Section 220-40.3.
- D. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this overlay, provided that the construction under the terms of such permit is diligently followed until its completion subject to all applicable provisions of this UDO.
- E. It is not the intent of this overlay to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this overlay shall govern.
- F. *Definitions.* The following term shall have the following meaning when used in this overlay:
  1. *Priority Corridor.* High visibility corridors that are held to a higher design standard, including:

- a. Beaver Ruin Road;
- b. Buford Highway;
- c. Crescent Drive;
- d. Dawson Boulevard;
- e. Indian Trail Road;
- f. Jimmy Carter Boulevard;
- g. Oakbrook Parkway;
- h. Rockbridge Road;
- i. Singleton Road; and
- j. South Norcross Tucker Road.

**214-40.3 Redevelopment Thresholds.**

- A. *Redevelopment thresholds.*
  - 1. *Renovations.* Renovations, alterations, adaptations, restorations, repairs, or other physical modification to a structure or portion of a structure that existed before adoption of this overlay, shall be subject to the Non-conforming Use provisions of this UDO.
  - 2. *Expansion.* Expansions to any building or use shall be subject to the provisions of this overlay with the exception of Section 214-40.5 Streetscape Standards and Section 214-40.8 Access Management.
  - 3. *Site Disturbance.* Any Site disturbance or modifications shall be subject to the provisions of this overlay with the exception of Section 214-40.8 Access Management.
  - 4. *Change of use.* Change from a use that existed before adoption of this overlay shall be subject to the provisions of this overlay with the exception of Section 214-40.5 Streetscape Standards and Section 214-40.8 Access Management.
  - 5. *Multiple thresholds.* When a proposed activity includes multiple thresholds identified in "2" through "4" immediately above, the provisions of each applicable threshold shall apply.
  - 6. *Redevelopment.* Any new development shall comply with all regulations of this overlay district.

**214-40.4 Use Provisions.**

- A. *General.* Uses shall be in accordance with the underlying zoning district, except as specifically otherwise stated in this section.
- B. *Prohibited Uses.* The following uses are prohibited in this overlay:
  - 1. Adult entertainment;
  - 2. Salvage operation or junk yard;
  - 3. Pawn shops; and
  - 4. Used tire sales as a principal use or accessory to any use.
- C. *Used automobile sales and rental use standards.* The minimum lot size shall be two acres.
- D. *Vehicle repairs.* All vehicle repairs shall be fully conducted indoors, regardless of whether the vehicle repairs are a principal or accessory use.

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- E. *Used vehicle sales.* Used vehicles shall not be displayed for sale on any premises unless the premises is used for a conforming automobile sales use, or unless such used vehicle sales is a continuation of an activity that was legally occurring on the premises on the effective date of this overlay.
- F. *Outdoor display or sales standards.*
  - 1. Prohibited outdoor displays or sales. In addition to the conditional use requirements of this UDO for outdoor storage in non-residential districts, the following are prohibited:
    - a. Outdoor display or sales of merchandise associated with a pawn shop;
    - b. Outdoor display or sales of used merchandise associated with any use;
    - c. Outdoor display of tires for sale, rental, or storage; and
    - d. Outdoor display or sales of appliances associated with any use.
- G. *Convenience Stores with Fuel Pumps.* Shall be prohibited in the C-1, Neighborhood Business District and shall require a Special Use Permit in the C-2, General Business District and C-3, Highway Business District.

### **214-40.5 Streetscape Standards.**

- A. Streetscapes shall be installed along public rights-of-way as specified in Table 214-2: Streetscape Table, except as provided in "B" immediately below for an alternative multi-use trail. Streetscapes shall include a sidewalk grassed strip adjacent to the roadway, a sidewalk, and a landscape strip at the back of the sidewalk on private property.
- B. A multi-use trail may be required instead of a sidewalk grassed strip and sidewalk where identified as a multi-use trail in the most recently adopted Gwinnett Countywide Trails Master Plan.
- C. Sidewalks shall be constructed with an additional two-foot-deep by eight-foot-wide concrete pad, located outside of the right-of-way, designed to accommodate existing or future pedestrian amenities such as benches, planters, and trash containers, at the following locations:
  - 1. At intersections of Priority Corridors with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map;
  - 2. At locations along Priority Corridors designated for a transit stop or future transit stop by Gwinnett County Department of Transportation;
  - 3. At locations along Priority Corridors designated for a school bus stop by the Gwinnett County Board of Education; and
  - 4. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the Priority Corridor.
- D. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett and/or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.
- E. All new utility lines shall be buried.

**Table 214-2: Streetscape Table**

Street Type	Sidewalk Grassed Strip	Sidewalk	Landscape Strip	Streetlights
<b>Principal Arterial, Major Arterial, Minor Arterial, Major Collector</b>	Min. 2 ft.	Min. 8 ft.	Min. 10 ft. per Section 620-20	Required
<b>Local</b>	Min. 2 ft.	Min. 5 ft.	Min. 10 ft. per Section 620-20	Required

**214-40.6 Lighting Standards.**

A. Rope lighting is prohibited, including on the interior of a building when visible from the exterior.

**214-40.7 Pedestrian Access.**

A. A walkway shall be provided from all buildings to an adjacent public right-of-way, as follows:

1. Parcels under two acres shall provide a minimum five-foot-wide walkway, except as specified in "3" immediately below.
2. Parcels two acres or larger shall provide a minimum five-foot-wide walkway and a minimum five-foot-wide grassed strip along both sides of the required walkway, except as specified in "3" immediately below.
3. Walkways and grassed strips are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
  - a. Render the parcel non-conforming with regards to parking; or
  - b. Result in a 10% or more reduction in the number of parking spaces on the parcel; or
  - c. Require the construction of retaining walls, site grading, site excavation, or site fill; or
  - d. Is determined by the Director to be infeasible because of topographic or other site-specific constraints.
4. The required or provided walkway surface shall be hardscape but shall not be asphalt.

**214-40.8 Access Management.**

A. Driveways shall not be located on a Priority Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor, except where the Director determines it is infeasible due to conflicts with adjacent land uses.

**214-40.9 Building Design.**

A. *Foundation plantings.* All building foundations along a Priority Corridor shall conform to these standards, except as provided for in "3" immediately below:

1. All portions of foundations that extend more than one foot above finished grade shall be screened from Priority Corridors with continuous evergreen or semi-evergreen shrubs;
2. At the time of installation, the screening shall be at least one foot in height and reach a height of three feet within three years of planting; and foundation plantings are not required adjacent to ground floor commercial storefronts when said plantings would obstruct views into the commercial establishments, subject to approval of the Director.

**214-40.10 Screening.**

A. *Wall-mounted equipment.* Wall-mounted equipment shall be screened from Priority Corridors as follows:

1. Wall-mounted equipment located on any surface shall be screened from Priority Corridors by

- an opaque fence or wall, or landscaping;
- 2. The screening design shall be compatible with the principal building in terms of texture, quality, material, and color; and
- 3. Screening shall be of a height equal to or greater than the height of the mechanical equipment being screened.

**214-40.11 Site Accessories.**

- A. *Fences and walls.* This section applies to all fences and walls, regardless of whether they are intended to satisfy screening requirements.
  - 1. Chain link fencing is prohibited, except in M-1 and M-2 zoning districts and only when the chain link fencing is not visible from a Priority Corridor.
  - 2. Barbed wire, razor wire, or similar elements are prohibited, except in M-1 and M-2 zoning districts and only when not visible from any street.
  - 3. Any wall or fence which extends into the front yard shall be ornamental or decorative and either constructed as:
    - a. A solid wall faced in brick, stucco, or stacked stone wall; or
    - b. As a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).
  - 4. When fences or walls are located within the streetscape landscape strip listed in Section 214-40.5, they shall be set back at least five feet from the public right-of-way to provide landscaping between the fence and the sidewalk.
- B. *Shopping cart corrals.* Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality. Shopping cart storage shall be screened from view from the parking lot.

**214-40.12 Common Area.**

- A. At least five percent of the site area of all new non-industrial developments over 10 acres in size shall be provided as common area as required by this section.
- B. Required common area shall be provided outdoors and appropriately improved as a pedestrian amenity and/or for aesthetic appeal.
- C. Common area may be met in one contiguous open area or in multiple open areas on a parcel; however, to receive credit, the area shall be at least 20 feet in width and length, and at least 50 percent of the required amenity space shall be located in one contiguous open area.
- D. All Common area, other than rooftop areas shall be located at grade.
- E. Common Area may be roofed provided it is part of the common area facilities and it is not enclosed.
- F. Common area shall not be parked or driven upon, except for emergency access and permissible temporary events.
- G. In calculating the minimum common area requirement, the following or similar facilities may be included:
  - 1. Ground-level common area facilities such as sidewalks/walkways, swimming pool, playground, sport court, dog park, garden, community garden, park, green pavilion, seating area or plaza, landscape areas, bio-retention areas (when designed as an amenity), pond/lakes, and water features.
  - 2. Upper-level common area facilities such as a common balcony, rooftop deck or rooftop garden.
  - 3. Required zoning buffers and required stream buffers shall not be considered common area.

## **Section 214-50. Innovation Overlay Zoning District.**

### **214-50.1 Purpose and Intent.**

The purpose of the Innovation Overlay Zoning (IOZ) District is to promote sustainable, environmental stewardship; to facilitate a knowledge community including medical, agricultural, and environmental research uses, and a mix of housing options; and to provide civic space and parks; entertainment and hospitality amenities; and businesses and entrepreneurial space in a cohesively designed setting. The IOZ District encourages opportunities for recreation and alternative modes of transportation throughout the district. The entirety of the district is conceived as a place where a focus on people and ideas creates special environments. The district shall be guided by a series of unifying principles:

- A. Respect for the natural contour of the land;
- B. Provide a diversity of housing types;
- C. Create highly collaborative environments supportive of programming for the arts, music, and education;
- D. Inspire settings where people can feel, touch, experience and create the future; and
- E. Promote access to a wide variety of people, companies, and institutions.

Specifically, the IOZ District is intended to:

- A. Allow for a range of innovation and research facilities, and the broad exchange of ideas between residents and employees;
- B. Promote a framework for innovative design solutions with respect to environmental resources and functions within the landscape;
- C. Allow development that will support and benefit from alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling, and walking;
- D. Support the clustering of land uses and development patterns that support pedestrian circulation;
- E. Encourage formation of pedestrian-friendly activity centers with residential, commercial, and office development that incorporate safe living environments for the residents of Gwinnett County;
- F. Promote development standards that incorporate the design of innovative projects providing for current and future trends in urban design, public amenities, and green space concepts;
- G. Provide a distinct district that will improve the market attractiveness of the area for investments by the private and public sectors;
- H. Provide appropriate guidelines to encourage development consistent with the 2040 Unified Plan, as amended;
- I. Provide for connectivity of streets, multipurpose trails, and sidewalks for improved vehicular and pedestrian circulation and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel; and
- J. Provide for the integration and preservation of open space which incorporates a multiuse trail system that provides connectivity within the district and to the larger region, when possible.

### **214-50.2 Applicability.**

- A. The boundaries of the Innovation Overlay Zoning District shall be as shown on the Official Zoning Map, maintained by the Department of Planning and

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Development.

- B. The Innovation Overlay Zoning District shall function as an overlay zoning, wherein the underlying zoning at the time of enactment of the overlay remains effective. Whenever this overlay imposes a standard that is more restrictive or less restrictive, the requirements of this Overlay District shall govern per the redevelopment thresholds in Section 214-50.4.
- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this Overlay according to Section 214-50.4.
- D. It is not the intent of this Overlay to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this Overlay shall govern.
- E. All properties located in the Rowen Innovation Subdistrict shall be developed in conformity with the Rowen Design Guidelines, adopted by the Board of Commissioners on September 27, 2022, incorporated herein by reference, including any amendments thereto.

### **214-50.3 Reserved.**

### **214-50.4 Redevelopment Thresholds and Nonconforming Uses.**

- A. Renovations, expansions, and site disturbance of any structure or site existing before the adoption of this Overlay shall be subject to the provisions of Chapter 260 Non-Conformation Uses, of this UDO, with the following exceptions:
  1. *Renovation.* Renovations to a structure, or portion of a structure, that existed before adoption of this Overlay in the Rowen Innovation Subdistrict shall apply if they impact 60 percent or more of a building.
  2. *Expansion.* Expansions to any building or use by more than 10 percent shall be subject to the provisions of this Overlay.
  3. *Site Disturbance.* Site disturbance greater than 5,000 square feet shall be subject to the provisions of this Overlay.

### **214-50.5 Use and Development Standards.**

The Rowen Innovation Subdistrict is intended to accommodate a critical mass of innovation and research facilities representing a wide range of industries.

- A. *Permitted Uses.*
  1. Low and medium density research and office uses limited to research, professional office, and some incidental assembly; and
  2. High density mixed use.
- B. *Prohibited Uses.* The following uses shall be prohibited:
  1. Adult Establishments
  2. Ambulance or Medical Transport Company
  3. Appliance Repair Shop
  4. Automobile Brokerage
  5. Automobile, Truck, Motorcycle, ATV, Recreational Vehicle or Marine Related Uses including any establishment selling, installing, repairing, or servicing vehicles in any manner, including:

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- a. Accessories Sales and Installation
- b. Auction
- c. Brokerage
- d. Customization, Modification, and Rebuilding
- e. Emissions Inspections
- f. Parts Store
- g. Rental (unless as an accessory use to a hotel and located entirely within a parking structure)
- h. Repair or Lubrication
- i. Sales and Related Service
- j. Tire Sales and/or installation
- k. Washing and/or Detailing
- 6. Bail Bonding Company
- 7. Bank or Financial Service with Drive-through
- 8. Blood Plasma Donation Center
- 9. Building Materials Sales
- 10. Carpet and Upholstery Cleaning Service
- 11. Cement, Concrete, or Masonry Plant
- 12. Cemetery or Mausoleum
- 13. Check Cashing or Payday Loan Facilities
- 14. Contractor's Office with Outdoor Storage
- 15. Convenience Stores with Fuel Pumps
- 16. Driving Instruction
- 17. DUI School
- 18. Electronics Waste (e-waste) Collection/Recycling
- 19. Funeral Home
- 20. Golf Driving Range
- 21. Ice Vending Machines, Bulk
- 22. Janitorial and Maid Services
- 23. Kennel or Pet Boarding
- 24. Lawn Treatment Service
- 25. Manufactured Building or Mobile Home Sales
- 26. Lawn and Garden Equipment Sales and Service
- 27. Outdoor Sales and Storage
- 28. Pawn Shop
- 29. Recreational Vehicle Park or Campground
- 30. Restaurant with drive-in or drive-through service

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31. Self-Storage or Mini-Warehouse Facility
32. Shooting and Archery Ranges and similar outdoor recreation facilities
33. Shooting Ranges, indoor
34. Smoke Shop or Novelty Shop
35. Sports Training Facility, outdoor
36. Standalone ATM
37. Standalone Parking Lots
38. Stone Yard and Stone Cutting
39. Swimming Pool Sales and Supply Stores
40. Taxi or Limousine Service
41. Title Loan Facility

C. *General District Requirements.* All development and/or redevelopment of property within the district shall adhere to the Rowen Design Guidelines, per Section 214-50.2. E, with the exception of the standards outlined below.

1. Development of individual sites with the Rowen Innovation Subdistrict shall be developed according to the applicable character area in which they are located, as indicated in the Rowen Design Guidelines. The development of these sites shall meet the following minimum standards:
  - a. Low Density Office/Research Character Area:
    - i. Maximum Site Coverage: 60 percent
    - ii. Density: Maximum 0.9 Floor Area Ratio (FAR)
    - iii. Maximum Building Height: Five stories
  - b. Medium Density Office/Research Character Area:
    - i. Maximum Site Coverage: 75 percent
    - ii. Density: Maximum 1.25 Floor Area Ratio (FAR)
    - iii. Maximum Building Height: Eight stories
  - c. Village Character Area:
    - i. Density: Maximum 2.5 Floor Area Ratio (FAR)
    - ii. Maximum Building Height: Eight stories

D. *Submittal and Approval Process.*

1. Special Administrative Permit (SAP) Required: Applicants shall submit an SAP application on forms provided by the Department of Planning and Development prior to submittal of a land development or building permit application.
2. SAP applicants shall schedule a pre-application meeting with the Director prior to the submission of an SAP application on forms provided by the Department of Planning and Development. The purpose of the meeting will be to:
  - a. Ensure the applicant's understanding of the Overlay requirement and approvals process.
  - b. Inform the staff of the applicant's plan for developing the property.
3. Minimum submittal requirements for an SAP application are as follows:
  - a. Official approval documentation from the Rowen Architectural Guidance and Design Review Board.
  - b. Approved plans, building elevations, and other documents approved by the Rowen Architectural Guidance and Design Review Board.
  - c. Any other required information to demonstrate compliance with this overlay district and the Rowen Design Guidelines.

- d. Any other requirements determined necessary by the Department of Planning and Development.
- 4. SAP application review procedures, include:
  - a. Upon acceptance of a complete application, the Department of Planning and Development shall review the submitted application and provide a list of comments to the applicant.
  - b. The applicant shall make amendments to plans and resubmit, as noted.
  - c. A meeting with the applicant may be requested, if necessary, to discuss any application deficiencies.
  - d. Once the application is approved, an SAP shall be issued which is required prior to submittal of a land development application.
- 5. The Director may grant variations from any of the standards set forth in this UDO with the exception that there will be no variations granted for use or lot size. Variations may be granted when in the opinion of the Director:
  - a. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
  - b. The applicant proposes a solution which does not circumvent the purpose and intent of this UDO.

### **Section 214-60. Gwinnett Place Overlay District.**

#### **214-60.1 Purpose and Intent.**

The purpose of the Gwinnett Place Overlay District is to enhance the vitality and livability of the former Gwinnett Place site by encouraging redevelopment of the area. Specifically, the district is intended to:

- A. Promote the vision for the redevelopment of the former mall site and surrounding area as envisioned in the Gwinnett Place Mall Equitable Redevelopment Plan, the Gwinnett Place Mall Site Revitalization Strategy, and the Gwinnett County Unified Plan.
- B. Promote and improve the market attractiveness of Gwinnett Place for investment by the private and public sectors.
- C. Provide a range of high quality and aesthetically compatible housing options to accommodate a variety of housing needs within the County.
- D. Encourage the revitalization of underutilized commercial areas and large areas of surface parking into pedestrian-oriented developments that provide a complementary mix of uses, including a variety of residential options, within convenient walking distance.
- E. Allow and encourage development densities and land use intensities that will provide for productive use of active transportation modes such as transit, bicycling, and walking.
- F. Promote a range of usable and interconnected open spaces including parks, plazas, multimodal trails, and squares that contribute to the redevelopment of the site and the creation of a sense of place and community for residents.
- G. Provide connectivity of street and sidewalk networks for enhanced transit, vehicular, and pedestrian circulation thereby reducing the dependence on automobiles and providing opportunities for alternative modes of travel.
- H. Encourage design that is harmonious and orderly to secure the redevelopment of Gwinnett Place through these regulations.

#### **214-60.2 Applicability.**

- A. The boundaries of the Gwinnett Place Overlay District shall be as shown on the Official Zoning Map, maintained by the Department of Planning and Development, and which may be amended from time to time by the Board of Commissioners.
- B. The Gwinnett Place Overlay District shall function as an overlay zoning, wherein the standards of this overlay apply in addition to those of the underlying zoning. Whenever this overlay imposes a standard that is in conflict with the provisions of any other statute or conditions of zoning approval, the requirements of the Overlay District shall govern.
- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this overlay, subject to Section 214-60.4 Redevelopment Thresholds.
- D. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued provided that the construction under the terms of such permit is diligently followed until its completion, or a lawful permit application has been accepted before the effective date of this overlay as detailed in Section 100-50 of this UDO.

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### **214-60.3 Definitions.**

The following words, terms, and phrases shall have the following meanings when used in this overlay:

- A. Active uses: Space within a building serviced by plumbing, heating, and electricity and limited to uses permitted within this overlay.
- B. Overlay, this: The Gwinnett Place Overlay District.
- C. Pedestrian way: An area external to any building or structure permitting unrestricted public accessibility to pedestrian-only traffic containing an unobstructed pedestrian path meeting the requirements of Section 214-60.7.
- D. Stub-out: A shortened thoroughfare which is intended to provide connectivity at some point in the future and which provides all necessary easements for such connectivity.
- E. Underlying zoning district: The base zoning district applicable to a parcel shown on the official zoning map.

### **214-60.4 Redevelopment Thresholds.**

- A. Redevelopment thresholds.

- 1. *Renovations.* Renovations, alterations, adaptations, restorations, repairs, or other physical modification to a structure or portion of a structure that existed before adoption of this overlay shall be subject to the provisions of Chapter 260 of this UDO, unless the requirements of "2" through "4" immediately below otherwise apply.
- 2. *Expansion.* Expansions to any building or use in which the floor area is increased by at least 25 percent of the existing floor area shall be subject to the provisions of this overlay, with the exception of Section 214-60.7 Street and Pedestrian Way Standards.
- 3. *Site Disturbance.* Site disturbance or modifications shall be subject to the provisions of Section 214-60.8 of this overlay.
- 4. *Change of use.* Change from a use that existed before adoption of this overlay shall be subject to the provisions of this overlay with the exception of Section 214-60.7 Street and Pedestrian Way Standards.
- 5. *Multiple thresholds.* When a proposed activity includes multiple thresholds identified in "2" through "4" immediately above, the provisions of each applicable threshold shall apply.

### **214-60.5 Use Provisions.**

- A. *General.* Uses within the Gwinnett Place Overlay are as listed below.
- B. *Permitted Residential Uses.* Permitted residential uses within this overlay shall be those uses listed in the HRR district in Section 210-130 of this UDO, including all applicable conditional use standards. Residential uses contained within the Ring Road loop as shown in Appendix A shall follow the use provisions for the MU-R, Regional Mixed Use District as outlined in Section 213-60 of this UDO. This requirement may be waived by the Director only if it is demonstrated not to circumvent the purpose and intent of the Gwinnett Place Mall Equitable Redevelopment Plan, Gwinnett Place Mall Site Revitalization Strategy, and the Gwinnett County Unified Plan.
- C. *Permitted Nonresidential Uses.* Permitted nonresidential uses within this overlay shall be those uses listed in the C-1 district in Section 211-80 of this UDO.

### **214-60.6 Density, Height, and Bulk Requirements.**

- A. There shall be no maximum FAR in this Overlay.
- B. A minimum FAR of 1.0 is required for all new development, with the exception of parcels located within the Ring Road Loop as indicated on Exhibit A which shall have a minimum FAR of 2.0, except as follows:
  - 1. Additional floor area is being added to an existing structure; or
  - 2. All existing floor area is demolished to create a vacant lot; or
  - 3. Parks and open space is the principal use of the lot.
- C. There shall be no maximum height limit within this Overlay. All new one-story buildings shall have a minimum first floor façade height of 24 feet.
- D. Buildings shall be setback from the back of the required sidewalk a maximum of 10 feet.

### **214-60.7 Street and Pedestrian Way Standards.**

- A. *Streets.*

- 1. New streets shall be incorporated and constructed as indicated on the New Roadways map in Appendix A, unless

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granted a variation by the Director in accordance with Section 214-60.13. When conditions exist which would prohibit the construction of new streets in accordance with the New Roadways map, alternative locations for roadways may be considered by the County. Such alternative locations shall require approval from the Department of Planning and Development and the Department of Transportation.

2. Streets shall be designed in accordance with the roadway design standards for future development type "Urban High" as outlined in the 2045 Unified Plan. Alternative standards for the design of streets may be permitted upon approval from the Department of Planning and Development and the Department of Transportation.
3. Developments shall extend streets or pedestrian ways to adjoining property in a manner that facilitates their future extension.
4. Cul-de-sacs or dead-end streets are prohibited with the exception of stub-outs reserved for future connections.

B. *Pedestrian ways.*

1. Pedestrian ways shall be incorporated and constructed as indicated on the New Roadways map in Appendix A.
2. Pedestrian ways shall be designed in accordance with the design standards in Appendix B. Alternative standards for the design of pedestrian ways may be permitted upon approval from the Department of Planning and Development and the Department of Transportation.
3. In addition to the design standards, pedestrian ways shall incorporate landscaping, seating, and pedestrian level lighting subject to review and approval by the Director.

C. With approval from the Director, streets and pedestrian ways for projects containing multiple blocks may be phased with respect to traffic and pedestrian circulation needs relative to each phase. Phasing must be such to complete the block as developed.

### **214-60.8 Streetscape Standards.**

- A. Streetscapes shall be installed along all public and private rights-of-way as specified in Table 214-3: Streetscape Standards. Trees selected for planting shall be a species listed in the Gwinnett County Streetscape Tree Species List. Trees shall be planted to avoid conflict with utilities. This may include the installation of impermeable rigid tree root barriers, as determined by the County.
- B. Bio-retention areas within sidewalk grassed strips are permitted subject to the review and approval of the Director.
- C. A multi-use trail may be required instead of a sidewalk where identified as a multi-use trail in the current version of the Gwinnett Countywide Trails Master Plan adopted by the Board of Commissioners.
- D. All existing and new utility lines shall be buried.
- E. Streetscape Lighting. Required lights shall conform to the following:
  1. Streetlights shall be provided as required by the Department of Planning and Development and the Department of Transportation.
  2. Pedestrian lights shall be provided at regular intervals of 80 feet on center between every other street tree within the sidewalk grassed strip.

**Table 214-3: Streetscape Standards**

<b>Street Type</b>	<b>Sidewalk Grassed Strip</b>	<b>Sidewalk/Multi-use Trail</b>	<b>Tree Spacing</b>
<b>Type A and B</b>	Min. 6 ft.	Min. 8 ft.	40 feet on center
<b>Type C and D</b>	Not required adjacent to building Min. 6 ft. adjacent to park	Min. 16 ft. (adjacent to building) Min. 8 ft. (adjacent to park)	40 feet on center <sup>1</sup>
<b>Type E<sup>2</sup></b>	Not required	Varies, 12-24 ft.	40 feet on center <sup>3</sup>
<b>Type F</b>	Not required	Min. 12 ft.	40 feet on center <sup>3</sup>
<b>Type G</b>	Min. 6 ft.	Min. 12 ft.	40 feet on center <sup>3</sup>

1- Trees are to be provided in the sidewalk adjacent to a building with tree wells at least four feet in width and eight feet in length.

2- Type E streets are pedestrian ways.

3- Trees are to be provided in the sidewalk with tree wells at least four feet in width and eight feet in length.

**214-60.9 Parking and Loading.**

A. *Vehicular Parking.*

1. There shall be no minimum required parking within this overlay.
2. Maximum parking shall be as follows:
  - a. Residential uses:
    - i. Two spaces for every dwelling with two or fewer bedrooms.
    - ii. 2.5 spaces for every dwelling with more than two bedrooms.
  - b. Nonresidential uses:
    - i. As provided in Chapter 240.
3. Shared parking between uses is allowed and encouraged.
4. No surface parking lots shall be permitted between any street and any building.
5. Surface parking lots may be constructed of alternative paving methods designed to mitigate stormwater, subject to the approval of the Director.
6. Off-street parking spaces provided within a parking structure or on-street parking shall not be subject to maximum parking requirements.
7. Electric vehicle charging shall be required as provided in Section 240-140.

B. *On-street Parking.*

1. Newly created on-street parking on public or private streets shall meet the following standards:
  - a. Parking spaces shall be a minimum of eight feet in width and 20 feet in length.
  - b. A bulb-out shall be provided for every four on-street parking spaces.
  - c. Bulb-outs shall be at least 10 feet in length and must be planted with at least one tree. Trees must be a minimum of three inches caliper at the time of planting. Trees shall be planted to avoid conflict with utilities. This may include the installation of impermeable rigid tree root barriers, as determined by the County.
  - d. When on-street parking is provided, sidewalk landscape strips may be replaced with hardscape material, provided that all required trees are planted with area sufficient to accommodate future growth.

C. *Bicycle Parking.*

1. Bicycle parking shall be provided as follows:
  - a. At least one bicycle parking space shall be provided for every 30 vehicular parking spaces.
  - b. In no instance shall any building provide less than two bicycle parking spaces or be required to provide more than 30 bicycle parking spaces.
  - c. Bicycle parking shall be located within 50 feet of the primary entrance of a building or as close as the nearest vehicular parking space, whichever is less.
  - d. Multifamily residential structures with more than 10 units must provide long-term bicycle parking areas for residents.
    - i. One long-term bicycle parking space must be included for every 10 units. No more than 30 spaces shall be required.
    - ii. Parking areas must be provided in an enclosed bicycle storage locker, a room within a building, or within a parking structure. Such areas shall be secure, weather resistant, and provided with lighting at all hours.
    - iii. Parking areas shall be located on the ground floor and shall be accessible to building occupants from public streets, multi-use trails, or public entrances and walkways without the use of stairs or elevators.

D. *Parking structures.* In addition to the standards of Section 230-110.10, the following shall apply to all parking structures.

1. Parking structures shall be designed to minimize the impacts of such structures at street level. These structures shall be placed behind buildings if possible.
2. Parking structures shall be no taller than the principal building.
3. When a parking structure fronts a Type A, Type C, or Type G roadway, its ground story shall have active uses as detailed in Section 214-60.11C.
4. Where any portion of structured parking is visible from a street it must be screened so that cars and ramps are not visible from ground level view from the adjacent street or sidewalk. Screening includes:
  - a. Evergreen trees, vines, or landscaping that is physically attached to the parking structure; or

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- b. A facade having the appearance of a horizontal storied building; or
- c. A combination of "a" and "b" above.
- d. Similar or alternative means of screening may be used subject to approval by the Director.

E. *Loading.*

- 1. Loading areas for new buildings shall not be located along a street-facing facade and shall be located to the rear of buildings.
- 2. When provided, loading areas must be screened with the following:
  - a. A wall or fence at least 8 feet in height and compatible with the principal building in terms of texture, quality, material, and color; or
  - b. Evergreen plant material that can be expected to reach a height of eight feet with a spread of four feet within three years of planting. Material should be staggered to provide the maximum screening at mature height.
- 3. A self-closing gate with an architectural finish compatible with the principal structure in terms of texture, quality, material, and color must be installed to screen openings into loading areas.

F. *Driveways and access.*

- 1. Driveways shall be spaced at least 200 feet apart.
- 2. Driveways shall be no more than 24 feet in width for two-way entrances and 12 feet for one-way entrances.
- 3. All sidewalk paving materials shall continue across any intervening driveway at the same prevailing grade and cross-slope as the adjacent sidewalk.
- 4. No driveway shall be permitted on an arterial street or Type C Roadway when access can be provided from another street.
- 5. Driveways shall be perpendicular to the street. Parking areas or driveways, except for a driveway to reach a side or rear yard or on-site parking facility, are not permitted between the sidewalk and the front of the building.

### **214-60.10 Landscaping and Screening.**

A. *General.* Walls and fences required by this section shall conform to the following:

- 1. Walls and fence surfaces shall consist of one or more of the following: stained poured-in place concrete, architectural block, brick, stone, cast-stone, stucco, prefinished metal, or painted or stained wood.
- 2. Walls and fences shall not be faced in any of the following: chain link fencing (with or without slats), concrete masonry units, unpainted or unstained wood, repurposed pallets, garbage, repurposed vehicles, plastic, canvas, netting, or corrugated metal.
- 3. Barbed wire, razor wire, or similar elements are prohibited.

B. *Parking lot landscaping.* All parking lots shall meet the landscaping standards of the UDO and the following additional standards:

- 1. Landscaped areas within the interior of the parking area may be designed as bio-retention areas, using inwardly draining swales without curbs, in lieu of raised planting areas surrounded by curbs, provided that each parking space provides a wheel stop and provided that depressed areas adjacent to driving aisles are surrounded by painted lines or flush curbing to separate landscaping from driving aisles.
- 2. The use of native plant and landscape materials is encouraged. Refer to the Appendix of this UDO for appropriate landscape materials.

C. *Foundation plantings.* All building facades along a street or pedestrian way shall conform to these standards, except as provided in "3" immediately below:

- 1. All portions of foundations that extend more than 12 inches above finished grade shall be screened with continuous evergreen or semi-evergreen shrubs.
- 2. At the time of installation, the screening shall be at least 1 foot in height and reach a height of three feet within three years of planting.
- 3. Foundation plantings are not required adjacent to ground floor commercial storefronts when said plantings would obstruct views into the commercial establishments, subject to approval of the Director.

D. *Service areas.* Service areas shall be screened in all locations as follows:

- 1. Trash and recycling collection and other similar service areas, when not located within a parking structure, shall be located to the side or rear of buildings and shall not be between a building and the street.
- 2. Trash and recycling collection and other similar service areas, when not located within a parking structure, shall be screened on three sides by an opaque wall and on the fourth side by an opaque gate at least 6 feet in height. The

gate shall be self-locking and maintained in good working order.

3. The screening design shall be compatible with the principal building in terms of texture, quality, material, and color.

E. *Roof-mounted equipment.* Roof-mounted equipment shall be screened from adjacent streets as follows:

1. Roof-mounted equipment shall be set back at least 10 feet from the edge of the roof and screened from ground level view from the abutting parcel or street.
2. New buildings shall provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground level view.
3. For existing buildings with no or low parapet walls, roof mounted equipment shall be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

F. *Wall mounted and ground mounted equipment.* All wall mounted and ground mounted equipment shall meet the standards of Section 230-110.

G. *Maintenance of landscaping.* The property owner is responsible for maintaining all required landscaping and screening in good health and condition.

**214-60.11 Open Space.**

- A. All development shall provide at least 15 percent of the net lot area as open space.
- B. The following may be used to satisfy open space requirements:
  1. Pedestrian Ways.
  2. Parks, squares, plazas or similar elements intended for public use and accessible by the general public by adjacent sidewalks or pedestrian ways.
  3. Outdoor dining areas adjacent to a public street or pedestrian way.
  4. Outdoor amenity space or common space for residents or occupants.
  5. Rooftop decks, balconies, porches, or patios.
  6. Green roofs designed to mitigate stormwater runoff.
  7. Stormwater management facilities when designed as a publicly accessible amenity by a registered landscape architect.
- C. The following shall not be used to satisfy open space requirements:
  1. Areas used for vehicles, except for incidental service, maintenance, or emergency access.
  2. Stormwater management facilities, except when designed as a publicly accessible amenity by a registered landscape architect.
- D. Open Space shall include at least one conveniently-located publicly-accessible open space area, with related amenities and improvements, in the form of a square, green, park, plaza, or similar approved element that is accessible by the general public from multiple points of entry along adjacent sidewalks.
- E. Each square foot of publicly accessible open space provided, including but not limited to squares, greens, parks, and plazas, shall count as two square feet of open space when the following requirements are met:
  1. The finished ground surface of the open space is located at the same grade as the adjacent sidewalk.
  2. A minimum of 25 percent of the open space perimeter abuts and is directly accessible from the sidewalk along a street or pedestrian way.
  3. The open space must be accessible to the public and may not be intended solely for residential use.
- F. On projects containing multiple blocks the required open space must be met for each individual block.

**214-60.12 Building Design.**

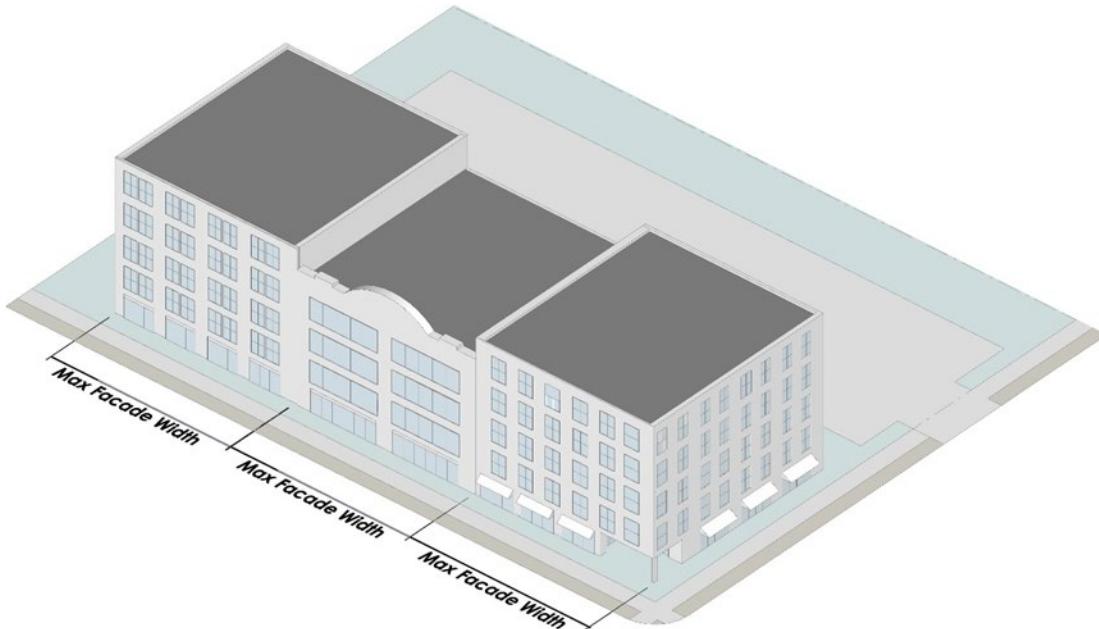
- A. This section applies to all new buildings, additions to existing buildings, and any change to a building facade except for ordinary maintenance and repairs.
- B. Architectural requirements. In addition to the architectural requirements of Section 230-110 for each applicable building type, the following design standards shall apply within this overlay:
  1. All new building facades along a street or pedestrian way shall use one of the following to divide the facade into vertical divisions with a maximum facade width of 100 feet, measured along the base of the facade, as illustrated in the figure:
    - a. A change of facade material and window systems from grade to roof, and change of building height of at least

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one story; or

- b. A change in facade composition and/or architectural style from grade to the roof; or
- c. An open space or pedestrian passage with a minimum width of 10 feet and a minimum depth of 30 feet.
- d. Similar means intended to convey the impression of separate buildings.

Change in color alone, setback alone, or any combination of the two shall not be used to satisfy this requirement.



**Figure 214-60.12: Maximum facade with illustration**

- 2. In addition to the above, building facades greater than 200 feet in length shall be articulated with recesses a minimum of 25 feet in depth and 25 feet in width, or with a break in the building facade of at least 25 feet in width which opens into an interior courtyard or plaza.
- 3. Facades shall provide visual divisions between the ground story and second story through architectural means such as courses, awnings, or a change in materials.
- 4. Facades shall delineate all stories above the ground story with windows, belt courses, balconies, cornice lines or similar architectural detailing.
- 5. Each building facade along a street or pedestrian way shall provide fenestration as follows:
  - a. Fenestration shall mean the minimum percentage of window and door glass that must cover a given facade. It shall be calculated based on facade area and by floor.
  - b. Residential uses shall provide at least 15 percent fenestration on all stories.
  - c. Nonresidential uses shall provide at least 60 percent fenestration on the ground story and at least 20 percent fenestration on upper stories.
  - d. The length of facade without intervening fenestration shall be no more than 20 feet.
  - e. Glass for windows and doors shall utilize clear or tinted glass. Tinted glass shall have a maximum transmittance factor of 70 percent and a visible light reflectance factor of ten or less.
- 6. All multifamily residential or office buildings shall provide at least one major ground story lobby entrance. Lobbies shall be clearly articulated within the building design.
- 7. Buildings with residential uses adjacent to a sidewalk or pedestrian way shall have individual entrances to such units which are directly accessible from the sidewalk or pedestrian way.

C. *Ground story.*

- 1. The ground story of all buildings shall be no more than five feet above or below the adjacent sidewalk or pedestrian way.
- 2. The ground story of all buildings along any public or private street or pedestrian way shall contain active uses a

minimum depth of 20 feet.

D. *Pedestrian Access.* All buildings must include a street-facing pedestrian entrance. Said entrance shall be operable to residents at all times and operable to customers, visitors, and employees during business hours.

1. A walkway shall be provided from all buildings and building entrances to any adjacent public or private right-of-way, pedestrian way, multi-use trail, or publicly accessible park or open space.
2. The walkway shall be a minimum of five feet in width.
3. Walkways are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
  - a. Create a hardship due to the construction of retaining walls, site grading, site excavation, or site fill; or
  - b. Is determined by the Director to be infeasible because of topographic or other site-specific constraints.
4. Where a building has frontage on both a street and a pedestrian way, a pedestrian entrance is required along both frontages.

### **214-60.13 Submittal and Approval Process.**

A. Applicants shall submit a Special Administrative Permit (SAP) application on forms provided by the Department of Planning and Development prior to the submittal of a land development or building permit application.

B. Applicants shall schedule a pre-application meeting with the Director (or designee) prior to the submission of an SAP application. The purpose of the meeting will be to:

1. Ensure the applicant's understanding of the Overlay requirements and approval process.
2. Inform the staff of the applicant's plan for developing the property.

C. All submittals for an SAP application shall provide the following:

1. Property boundary survey drawn by a registered land surveyor no more than two years prior to the date of application.
2. Site plan indicating compliance with all requirements of this overlay, including:
  - a. Locations of all buildings.
  - b. Calculation and location of provided open space.
  - c. Locations of new streets or pedestrian ways.
  - d. Streetscape standards.
3. Proposed design of any publicly accessible open space used to satisfy the requirements of this Overlay.
4. Building elevations illustrating compliance with Section 214-60.12 and 230-110, as applicable.
5. A written request for any variations as provided for in part E of this section.

D. SAP Review and Response.

1. Within four weeks of acceptance of a complete application, the Department of Planning and Development shall provide a list of comments to the applicant relative to the lack of compliance with the standards of the ordinance. If the Department of Planning and Development has no comments and the application is deemed to be in compliance, an SAP will be issued.
2. The applicant shall make amendments to plans and resubmit as noted. If all changes are in accordance with the comments provided, the Department of Planning and Development will issue the SAP within four weeks of resubmittal.

E. The Director may grant variations from any of the standards set forth in this UDO with the exception that there will be no variations granted for use or lot size. Variations may be granted when in the opinion of the Director:

1. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
2. The applicant proposes a solution which does not circumvent the purpose and intent of this UDO.

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### Appendix A

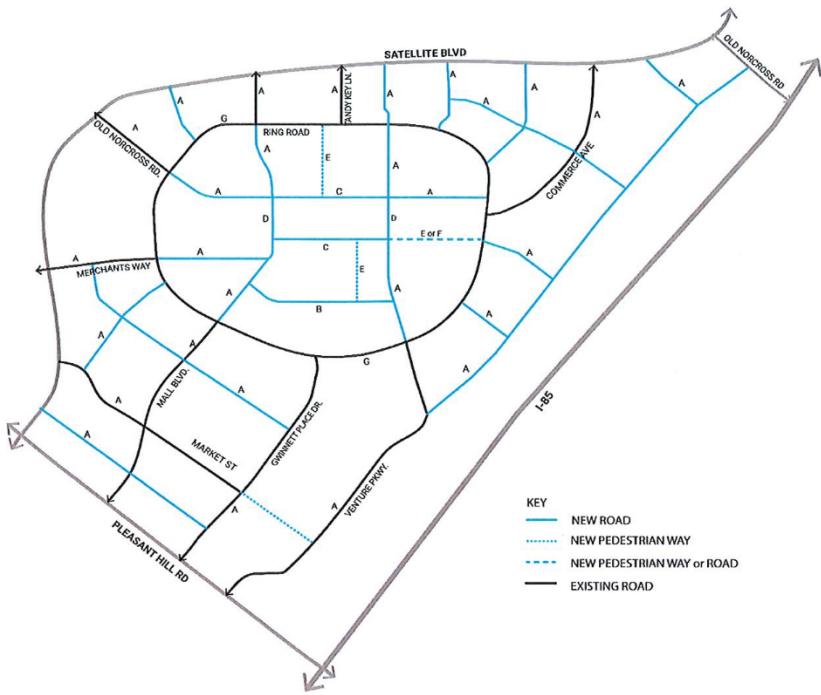


Table 214.5 Streetscape Standards

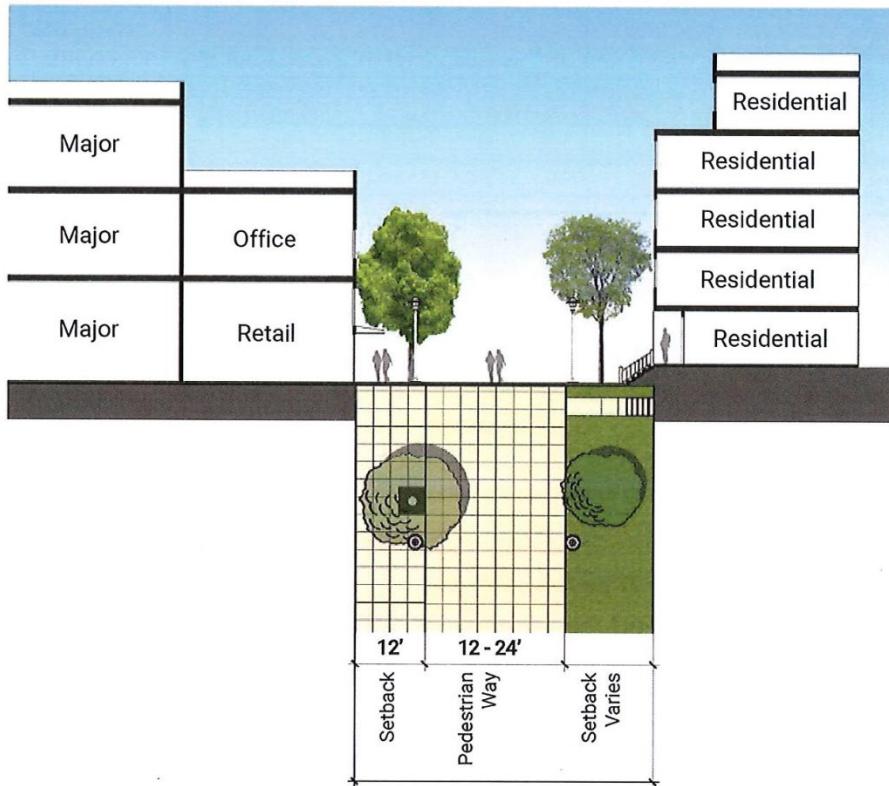
Street Type	Sidewalk Landscape Strip	Sidewalk/Multi-use Trail	Tree Spacing
Type A and B	Min. 6 ft.	Min. 6 ft.	40 feet on center
Type C and D	Not required adjacent to building Min. 6 ft. adjacent to park	Min. 16 ft. (adjacent to building) Min. 8 ft. (adjacent to park)	40 feet on center <sup>1</sup>
Type E <sup>2</sup>	Not required	Varies, 12-24 ft.	40 feet on center <sup>3</sup>
Type F	Not required	Min. 12 ft.	40 feet on center <sup>3</sup>
Type G	Min. 6 ft.	Min. 12 ft.	40 feet on center <sup>3</sup>

1- Trees are to be provided in the sidewalk adjacent to a building with tree wells at least 4 feet in width and 8 feet in length.

2- Type E streets are pedestrian ways.

3- Trees are to be provided in the sidewalk with tree wells at least 4 feet in width and 8 feet in length.

## Appendix B



### Section 214-70. Civic Center Overlay District.

**214-70.1 Findings and Purposes.** The Civic Center Overlay District is intended to enhance the viability and livability of the areas shown on the Civic Center Overlay Map. The purpose of the Overlay District is to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, and signage; and to promote alternative modes of transportation within the district through the provision of pedestrian and local public transit.

**214-70.2 Applicability.** The requirements of the Overlay District shall apply to all non-residential, townhouse, mixed-use, and multifamily properties within the unincorporated areas as shown on the Civic Center Overlay Map. These standards shall apply to all new construction and shall apply to the applicable and affected portions of a redeveloped site or refurbished building as determined by the Director.

#### 214-70.3 Design Requirements.

- A. *Transportation/Infrastructure.*
  - 1. All new utility lines shall be located underground.
  - 2. Sidewalks shall be required adjacent to all public rights-of-way and into and throughout attached residential developments. The location of sidewalks shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. A minimum four-foot-wide sidewalk shall connect entrance(s) of buildings to the public rights-of-way.
  - 3. At the following locations, sidewalks shall be constructed with an additional two-foot by eight-foot concrete pad, located outside of the right-of-way, designed to accommodate future pedestrian amenities such as benches, planters, and trash containers.
    - a. At intersections of the corridor with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map.

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- b. At locations along the corridor designated for a transit stop or future transit stop by Gwinnett County Department of Transportation.
- c. At locations along the corridor designated for a school bus stop by the Gwinnett County Board of Education.
- d. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the street.

4. Amenity pads located along an existing transit route shall include pedestrian amenities at time of installation. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.

B. *Streetlights.*

- 1. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Streetlights 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 Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. Specifications of light fixtures are provided in Table 214-4.

**Table 214-4: Light Fixture Requirements for Public Rights-of-Way**

Fixture Head	Pole Type (Streetlight)	Max. Pole Height
Cobra Head	Smooth black	40 ft.

- 2. Refer to Section 240-100 for lighting in parking lot requirements.

C. *Greenway Access.* Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the most recently adopted Gwinnett Countywide Trails Master Plan and be maintained in accordance with Section 360-110 and other applicable sections of the UDO. If a project abuts a greenway, then a multi-use path shall be provided to connect the greenway for pedestrian and bicyclist use. Final location of the greenways or greenway access shall be coordinated with the Department of Community Services.

D. *Landscaping Requirements.*

- 1. Provide, at a minimum, 20 Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with this UDO. At least 50 percent of plantings shall consist of trees three inches caliper or greater. Landscape islands shall be provided within parking lots no farther apart than every 15 parking spaces, meeting all other requirements of this UDO.
- 2. Provide a minimum 10-foot-wide landscaped strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots. At a minimum, landscaped strips shall be planted in accordance with this UDO.
- 3. Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center adjacent to the street on the following roads:
  - a. Sugarloaf Parkway
  - b. Satellite Boulevard
  - c. Duluth Highway
  - d. Old Peachtree Road
  - e. Meadow Church Road
  - f. North Brown Road
- 4. All street trees shall be a minimum three-inch caliper at the time of planting. Street trees shall be located between the sidewalk and back-of-curb within a minimum five-foot-wide grassed strip, or hardscape strip if adjacent to on-street parking, subject to review and approval of the Georgia or Gwinnett Department of Transportation. Street trees shall be chosen from the Tree Species List in the UDO Appendix.
- 5. Natural vegetation shall remain on the property until issuance of a development permit.

E. *Parking and Accessory Structures.*

- 1. For retail developments exceeding 125,000 square feet of gross floor area, at least ten percent of all

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provided parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grasspave," not to exceed 1,000 parking spaces or as approved by the Director.

2. Up to 25 percent of the provided parking spaces for any development shall be compact spaces.
3. No more than 10 percent of parking spaces shall be located between the front building line of the closest building to the right-of-way, and the right-of-way. This parking shall be limited to no more than one double row of parking.
4. Primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way, shall be oriented toward the street, and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.
5. Benches and trash receptacles shall be required for all multifamily, retail, and office developments adjacent to the public sidewalk., and outside of the right-of-way.
6. Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality.
7. Vending machines, if provided, shall be located within a building.

F. *Signage; Temporary Uses; Peddling.*

1. Except as contained herein, sizes and amount of signage shall not exceed the requirements of the Sign Ordinance.
2. Oversized Signs are prohibited.
3. Ground signs shall be limited to monument-type signs. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building.
4. Canopy and awning signs shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.
5. Blinking, exposed neon, portable, inflatable, and temporary signage shall be prohibited.
6. Peddlers shall be prohibited.

G. *Architectural Standards.*

1. All development in the Civic Center Overlay District shall be in conformity with the Gwinnett County Architectural Design Standards.
2. Building plans shall be subject to review and approval of the Director prior to issuance of a building permit. Building designs that are inconsistent with these standards shall be denied. Denial of the Director's decision shall be subject to appeal pursuant to Chapter 270, Procedures, of this UDO.

H. *Satellite Boulevard/Sugarloaf Parkway Suboverlay District*

1. *Purpose.* The purpose of the Satellite Boulevard/Sugarloaf Parkway Suboverlay District is to enhance the vitality and livability of the Satellite Boulevard/Sugarloaf Parkway area by encouraging redevelopment of the area.
2. *Applicability.*
  - a. The boundaries of the Satellite Boulevard/Sugarloaf Parkway Suboverlay District shall be as shown on the Official Zoning Map, maintained by the Department of Planning and Development, and which may be amended from time to time by the Board of Commissioners.
  - b. The Satellite Boulevard/Sugarloaf Parkway Suboverlay District shall function as a suboverlay zoning, wherein the standards of this suboverlay apply in addition to those of the underlying zoning and the Civic Center Overlay District. Whenever this suboverlay imposes a standard that is in conflict with the provisions of any other statute or conditions of zoning approval, the requirements of the suboverlay shall govern.
  - c. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered in conformance with this suboverlay.
  - d. Each applicant for development within the Satellite Boulevard/Sugarloaf Parkway Suboverlay shall provide evidence of the unified control of the entire parcel or parcel assemblage. During the development process, more than one owner may participate in the development of the approved plan provided that each parcel of land shall remain subject to all the terms and conditions of the Concept Plan approved for the property as a whole.

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- e. Nothing in this suboverlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued provided that the construction under the terms of such permit is diligently followed until its completion, or a lawful permit application has been accepted before the effective date of this suboverlay as detailed in Section 100-50 of this UDO.
- 3. *Use Provisions.*
  - a. *General.* Uses with the Satellite Boulevard/Sugarloaf Parkway Suboverlay District are as listed below.
  - b. *Permitted Residential Uses.* The following residential uses shall be permitted within this suboverlay, subject to the applicable standards of Section 210-140 of this UDO:
    - i. Dwelling, live/work.
    - ii. Dwelling, multifamily.
    - iii. Dwelling, townhouses.
      - a) No more than 25 percent of the residential units shall be townhouses.
  - c. *Permitted Nonresidential Uses.* Permitted nonresidential uses within this suboverlay shall be those uses listed in the C-1 district in Section 211-80 of this UDO.
  - d. All multifamily development shall be in accordance with the MU-R, Regional Mixed-Use District as listed in Section 213-60.4 of this UDO.
- 4. *Density, Lot Coverage, Height, and Bulk Requirements.*
  - a. The maximum allowable density within this suboverlay is 3.0 FAR. Additional bonus as listed in Section 213-70.B. may be granted by the Director, subject to the approval of a site-specific concept plan.
  - b. The maximum allowable lot coverage is 80 percent.
  - c. The maximum allowable height is 75 feet.
  - d. Buildings shall be setback from the back of the required sidewalk a maximum of 15 feet.
- 5. *Open Space.*
  - a. All new development and/or expansion in which the floor area is increased by at least 25 percent of the existing floor area shall provide at least 15 percent of the lot area as open space.
  - b. The following may be used to satisfy open space requirements:
    - i. Parks, squares, plazas or similar elements intended for public use and accessible by the general public by adjacent sidewalks.
    - ii. Outdoor dining areas adjacent to a public street.
    - iii. Outdoor amenity space or common space for residents or occupants.
    - iv. Rooftop decks, balconies, porches, or patios.
    - v. Green roofs designed to mitigate stormwater runoff.
    - vi. Stormwater management facilities when designed as a publicly accessible amenity by a registered landscape architect.
  - c. The following shall not be used to satisfy open space requirements:
    - i. Areas used for vehicles, except for incidental service, maintenance, or emergency access.
    - ii. Stormwater management facilities, except when designed as a publicly accessible amenity by a registered landscape architect.
  - d. Open space shall include at least one conveniently-located publicly-accessible open space area, with related amenities and improvements, in the form of a square, green, park, plaza, or similar approved element that is accessible by the general public from multiple points of entry along adjacent sidewalks.

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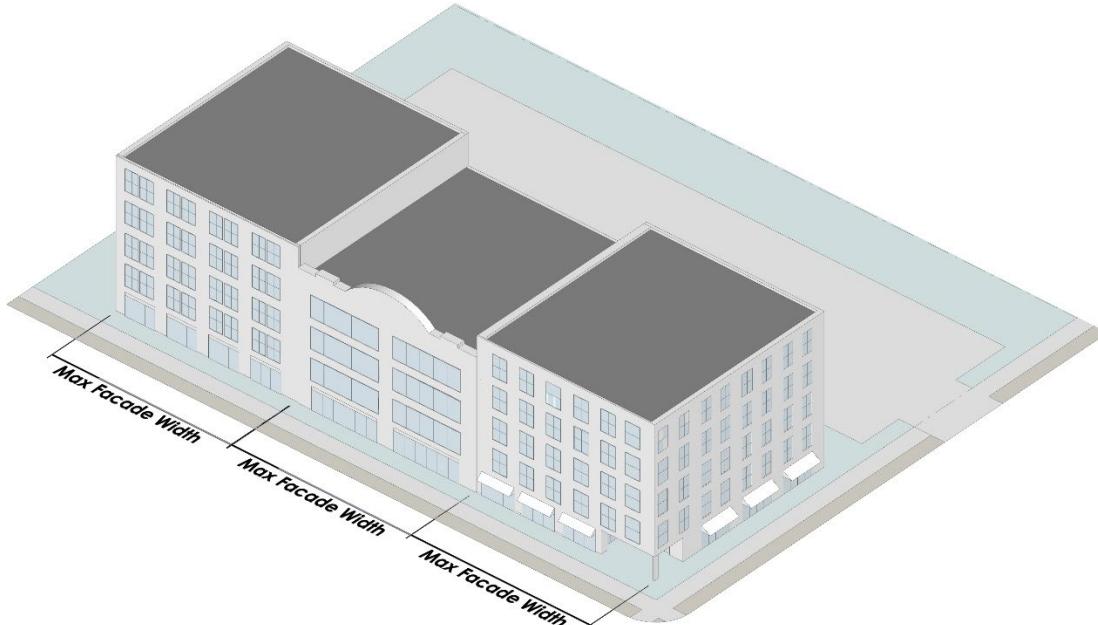
- e. Each square foot of publicly accessible open space provided, including but not limited to squares, greens, parks, or plazas, shall count as two square feet of open space when the following requirements are met:
  - i. The finished ground surface of the open space is located at the same grade as the adjacent sidewalk.
  - ii. A minimum of 25 percent of the open space perimeter abuts and is directly accessible from the sidewalk along a street.
  - iii. The open space must be accessible to the public and shall not be intended solely for residential use.
  - iv. The open space must be amenitized for the use by the occupants, invitees, guests of the development and the public.
- f. On projects containing multiple blocks the required open space must be met for each individual block.

6. *Building Design.*

- a. This section applies to all new buildings, additions to existing buildings, and any change to a building facade except for ordinary maintenance and repairs.
- b. Architectural requirements. In addition to the architectural requirements of Section 230-110 for each applicable building type, the following design standards shall apply within this suboverlay:
  - i. All new building facades along a street shall use one of the following to divide the facade into vertical divisions with a maximum facade width of 100 feet, measured along the base of the facade, as illustrated in the figure below:
    - a) A change of facade material and window systems from grade to roof, and change of building height of at least one story; or
    - b) A change in facade composition and/or architectural style from grade to the roof; or
    - c) An open space or pedestrian passage with a minimum width of 10 feet and a minimum depth of 30 feet.
    - d) Similar means intended to convey the impression of separate buildings.

Change in color alone, setback alone, or any combination of the two shall not be used to satisfy this requirement.

**Figure 214-70.3: Maximum facade with illustration**



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- ii. In addition to the above, building facades greater than 200 feet in length shall be articulated with recesses a minimum of 25 feet in depth and 25 feet in width, or with a break in the building facade of at least 25 feet in width which opens into an interior courtyard or plaza.
- iii. Facades shall provide visual divisions between the ground story and second story through architectural means such as courses, awnings, or a change in materials.
- iv. Facades shall delineate all stories above the ground story with windows, belt courses, balconies, cornice lines or similar architectural detailing.
- v. Each building facade along a street shall provide fenestration as follows:
  - a) Fenestration shall mean the minimum percentage of window and door glass that must cover a given facade. It shall be calculated based on facade area and by floor.
  - b) Residential uses shall provide at least 15 percent fenestration on all stories.
  - c) Nonresidential uses shall provide at least 60 percent fenestration on the ground story and at least 20% fenestration on upper stories.
  - d) The length of facade without intervening fenestration shall be no more than 20 feet.
  - e) Glass for windows and doors shall utilize clear or tinted glass. Tinted glass shall have a maximum transmittance factor of 70 percent and a visible light reflectance factor of ten or less.
- vi. All multifamily residential or office buildings shall provide at least one major ground story lobby entrance. Lobbies shall be clearly articulated within the building design.
- vii. Buildings with residential uses adjacent to the sidewalk shall have individual entrances to such units which are directly accessible from the sidewalk.

c. **Ground Story.**

- i. The ground story of all buildings shall be no more than five feet above or below the adjacent sidewalk.
- ii. The ground story of all buildings along any public or private street shall contain active uses within a minimum depth of 20 feet.

d. **Pedestrian Access.** All buildings must include a street-facing pedestrian entrance. Said entrance shall be operable to residents at all times and operable to customers, visitors, and employees during business hours.

- i. A walkway shall be provided from all buildings and building entrances to any adjacent public or private right-of-way, multi-use trail, or publicly accessible park or open space.
- ii. The walkway shall be a minimum of five feet in width.
- iii. Walkways are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
  - a) Create a hardship due to the construction of retaining walls, site grading, site excavation, or site fill; or
  - b) Is determined by the Director to be infeasible because of topographic or other site-specific constraints.
- iv. Where a building has two frontages, a pedestrian entrance is required along both frontages.

7. **Phasing.** Mixed-use construction shall be sequenced in accordance with a project build-out schedule submitted for review as part of the building permit and approved by the Department of Planning and Development. Project proposals shall adhere to the following sequencing requirements:

- a. Building permits for up to 50 percent of the residential square footage as shown on the site plan as required by Section 214-70.3H.8. may be issued prior to commencing any non-residential construction.

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b. Building permits for 51 to 79 percent of the residential square footage as shown on the site plan as required by Section 214-70.3H.8. shall only be issued after the issuance of building permits for at least 25 percent of non-residential square footage as shown on the master plan and commencement of said non-residential construction.

c. Building permits for the final 20 percent of residential square footage as shown on the site plan as required by Section 214-70.3H.8. shall only be issued after the issuance or the Certificate of Occupancy for at least 80 percent of the non-residential square footage as shown on the master plan.

d. Any of the above-mentioned requirements may be adjusted or waived by the Director, as long as the applicant provides a binding assurance that the remaining major use types shown in the master plan will be built.

### 8. *Submittal and Approval Process.*

a. Any new construction and renovation of more than 25 percent of the principal structure of an existing property requires the issuance of a Special Administrative Permit (SAP) prior to the application for any demolition, land disturbance or building permit.

b. Applicants shall schedule a pre-application meeting with the Director or designee prior to the submission of an SAP application. The purpose of the meeting will be to:

i. Ensure the applicant's understanding of the suboverlay requirements and approval process.

ii. Inform the staff of the applicant's plan for developing the property.

c. All submittals for an SAP application shall provide the following:

i. Property boundary survey drawn by a registered no more than two years old from date of application.

ii. Site plan indicating the compliance with all requirements of this suboverlay, including:

a) Locations of all buildings.

b) Calculation and location of provided open space.

c) Locations of new streets.

d) Streetscape standards.

iii. Proposed design of any publicly accessible open space used to satisfy the requirements of this suboverlay.

iv. Building elevations illustrating compliance with Section 214-70.3H.6. and 230-110, as applicable.

v. A written request for any variations as provided for in part e. of this section.

#### d. *SAP Review and Response.*

i. Within four weeks of acceptance of a complete application, the Department shall provide a list of comments to the applicant relative to the lack of compliance with the standards of the ordinance. If the Department has no comments and the application is deemed to be in compliance, an SAP will be issued.

ii. The applicant shall make amendments to plans and resubmit as noted. If all changes are in accordance with the comments provided, the Department will issue the SAP within four weeks of resubmittal.

e. The Director may grant variations from any of the standards set forth in this UDO with the exception of use or lot size. Variations may be granted when in the opinion of the Director:

i. The strict adherence to a provision creates a hardship due to topographical or site conditions, or

ii. The applicant proposes a solution which does not circumvent the purpose and intent of this UDO.

## Chapter 230. Standards Applying to All Districts

### Section 230-10. Permitted and Special Uses.

**230-10.1** The uses established by each zoning district within this UDO shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**230-10.2** Any use not listed in a particular zoning district shall be prohibited in that zoning district, unless it is a non-conforming use lawfully established prior to the effective date of the ordinance or amendment that rendered it legally non-conforming. See Chapter 260 Non-Conforming Uses.

**230-10.3** Restrictions on the location of telecommunication facilities in certain zoning districts are provided in the Gwinnett County Telecommunications Tower and Antenna Ordinance.

**230-10.4** Restrictions on the location and operation of adult establishments are provided in Article XI of Chapter 18 of the Gwinnett County Code of Ordinances.

**230-10.5** Restrictions on the location and operation of temporary outdoor activities are provided in Chapter 265 of this UDO.

**230-10.6** All uses identified in this UDO are intended to mean: 1) terms as may be specifically contained in the definitions section of this ordinance; and 2) to have the commonly accepted definitions contained in the most recent edition of the Complete Illustrated Book of Development Definitions.

### Section 230-20. Conditional Use Standards.

#### 230-20.1 Purpose and Intent.

- A. The purpose of the Conditional Uses in this UDO is to provide more specific standards for certain uses for which additional use restrictions, site development and/or design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, promote the health, safety and welfare of the community and meet the intent of the Gwinnett County Unified Plan.
- B. These standards apply to specific uses in all zoning districts (unless otherwise noted) and shall be enforced by the Department.
- C. Any use that is regulated by this UDO and is authorized in a zoning district shall be developed in conformity with the applicable Conditional Use Standards for that use provided. No permit shall be issued for a use, building or structure that does not conform to applicable Conditional Use provisions; except that, where any requirement of the Conditional Use Standards conflicts with a condition of rezoning, special use permit or other action of the Board of Commissioners, the condition shall prevail.

### Section 230-30 Accessory Use, Building, and Structure Standards.

**230-30.1** All accessory buildings, structures, and uses shall also be subject to other sections of this UDO, but not limited, to the Conditional Use Standards.

**230-30.2** All accessory buildings, structures and uses of land shall be clearly subordinate to and supportive of the principal use and located on the same lot as the principal use to which they are accessory.

**230-30.3** Accessory buildings or structures shall not be erected on a lot prior to the time of construction of the principal building to which it is accessory, unless otherwise authorized by the Director.

**230-30.4** Accessory buildings or structures shall not be utilized unless the principal structure on that lot is occupied, unless otherwise authorized by the Director.

**230-30.5** If a principal building is removed from a property, all accessory buildings or structures on that property shall be removed within 180 days unless a new principal building is constructed.

**230-30.6** No accessory uses or structures except driveways and individual mailboxes shall be located within the public right-of-way. Landscaping, unless required by this UDO, shall not be located within the public right-of-way unless approved by Gwinnett County Department of Transportation.

**230-30.7** All accessory buildings or structures shall be located in the rear or side yard unless explicitly stated otherwise in this section.

**230-30.8** Accessory buildings, structures or uses shall not be allowed in a front yard except those permitted by this UDO.

**230-30.9** Except as provided herein, accessory structures shall be located no closer than five feet to all property lines. Accessory buildings shall meet the following minimum setback requirements adjacent to all property lines:

**Table 230-1: Accessory Building Setback Requirements**

**The following setbacks shall apply to accessory buildings, unless otherwise specified in this UDO:**

Accessory building size, in area	Minimum setbacks
0 - 500 sq. ft.	5 ft.
Over 500 sq. ft.	10 ft.

**230-30.10** Driveways, concrete patios, sidewalks, and fences may be located along a property line.

**230-30.11** In all zoning districts, the following accessory uses and structures shall be allowed in front and side yards: fences, walls, gates and gatehouses, signs, mailboxes, covered mail kiosks, sidewalks, walkways, driveways, parking pads, parking lots, parking decks, EV charging stations with canopies, lampposts, flagpoles, basketball goals adjacent to driveway, birdbaths, birdhouses, arbors, trellises, landscaping, and similar features. In the RA-200 zoning district, provided the lot is a minimum of three acres in size, the following shall also be allowed in front and side yards: barns and stables, silos, animal quarters, and agricultural buildings that are customarily related to commercial farming.

In all non-residential zoning districts, the following shall also be allowed in front yards, as applicable: fountains, statues, and similar decorative features; gasoline pumps and canopies; cart corrals; vacuum stands and canopies, and similar features.

**230-30.12** In all residential zoning districts, except RA-200, the following standards shall apply to all accessory buildings:

- A. Accessory buildings greater than 120 square feet in floor area shall be subject to the following standards:
  1. Exterior walls shall be finished with materials and/or colors similar to that of the principal building.
  2. Internal floors shall be a solid surface and constructed with materials such as, but not limited to, concrete or wood. Gravel and dirt floors are prohibited.
  3. Building height shall not exceed the maximum height permitted by the zoning district or the height of the principal building, whichever is less.
- B. The maximum cumulative total gross square footage of all accessory buildings allowed on a property shall be no more than 50 percent of the gross square footage of the principal building unless a variance is approved by the Zoning Board of Appeals.
- C. Accessory buildings shall not be used for any commercial operation whether permanent or part-time or for any type of human habitation except as part of an approved accessory dwelling, as provided in this

UDO.

- D. Accessory buildings shall not be used for the storage of hazardous materials, waste products or putrescent materials.
- E. No commercial vehicles, as defined by this UDO, shall be stored inside an accessory building located within a residential zoning district.

**230-30.13 Dumpsters.** Dumpsters shall be permitted subject to the following standards:

- A. *Location.* Dumpsters shall be located in the rear or side yard. Dumpsters are not allowed in front yards. Dumpsters, including the enclosure structure, shall be located a minimum of five feet from property lines and buffers.
- B. *Pad.* Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. The size of the pad shall not be less than 10 feet wide by 20 feet long.
- C. *Screening.* Dumpsters that are not inside a building shall be surrounded by a minimum six-foot-tall opaque enclosure with access via an opaque metal gate. Dumpster enclosures shall be constructed from brick or masonry materials, unless located on industrially zoned property and not visible from the street or an adjoining residential property. In this case, dumpsters may be screened with a wooden fence.
- D. *Lid and Plug.* Dumpsters shall be required to have lids and are prohibited from connecting to sanitary sewer utilities or the stormwater system.
- E. Construction dumpsters for construction material and debris are permitted only for 30 days or with an active building permit and are exempt from screening requirements.

**230-30.14 Flagpoles.** In all districts, flagpoles shall be permitted as accessory structures subject to the following standards:

- A. Shall be setback from property lines a distance equal to the height of the flagpole or greater.
- B. Each lot or parcel shall be allowed a maximum of three flagpoles.
- C. Flagpoles shall be 20 feet in height or less in residentially zoned districts and 80 feet in height or less in non-residentially zoned districts.

**230-30.15 Drive-through Service Windows.** Drive-through service windows shall meet the standards for Section 240-80, Stacking Lanes for Drive Through Facilities or Service Windows, and the additional following standards:

- A. Each drive-through service window is allowed one additional incidental sign adjacent to the drive-through window that shall not exceed 24 square feet in area.
- B. No outdoor speakers shall be employed within 100 feet of any residential use.

**230-30.16 Collection Bins.** Collection bins shall be permitted subject to the following standards:

- A. Permit required; dates of issuance, expiration.
- 1. It shall be unlawful to erect, place, maintain, or operate any collection bin in unincorporated Gwinnett County without first obtaining a permit issued by Gwinnett County.

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2. A permit issued under this Section shall be valid for one year and renewable for one-year periods thereafter.
3. Collection bins owned and/or operated by one person or entity for the benefit of permit applications for another person or entity require the contact information for both entities.

B. *Fee required.* The Fee for the Initial Application and Renewal Applications shall be \$250.00. The Sticker Fee shall be \$25.00. These fees shall remain in effect unless otherwise modified by the Gwinnett County Department of Planning and Development's Fee Schedule.

C. *Qualifications of Permittee and Form of Application.* In order to qualify as a Permittee under this Section, an applicant must either be (1) an organization exempt from taxes under 26 U.S.C. § 501(c)(3) of the United States Internal Revenue Code, and in good standing with the State of Georgia; (2) a business organization in good standing with the State of Georgia; or (3) a natural person. The application for a collection bin permit shall include the following information from the applicant:

1. If the applicant claims to be a qualified nonprofit organization; (1) a copy of the determination letter issued by the Internal Revenue Service stating that the applicant is an organization exempt from taxation under Internal Revenue Code, 26 U.S.C. § 501(c)(3); and (2) a certificate of good standing issued by the Office of the Georgia Secretary of State. If the applicant is a business organization not exempt from taxation, a certificate of good standing issued by the Office of the Georgia Secretary of State. A certificate of good standing must not be older than three months at the time of application for a permit.
2. Name, address, and telephone number of the contact person of the applicant who will agree in writing to be available by telephone between the hours of 8 a.m. to 5 p.m., Monday through Friday, to receive and respond to complaints or other inquiries regarding the permitted collection bin.
3. Name, address, and telephone number of a person who is authorized by the owner or operator of the collection bin to accept service of process and to accept citations issued by the County on behalf of the applicant for violations of this Section.
4. Written and signed consent from the Site Host or the Lawful Occupant, if applicable, to place the collection bin on the property, including name, address, and telephone number of the Site Host or Lawful Occupant and the name, address, and telephone number of the person authorized by the Site Host or Lawful Occupant to accept service of process and to accept citations issued by the County on behalf of the Site Host or Lawful Occupant. A copy of the lease, rental agreement, or other instrument between the Site Host or Lawful Occupant and the Permittee shall be sufficient to satisfy this requirement provided that the lease, rental agreement, or instrument contains the name, address, and telephone number information required above.
5. Permittee must provide proof to Gwinnett County of a Certificate of Liability Insurance of at least \$1 million covering the liability of the Permittee arising out of the placement and maintenance of a collection bin.
6. Permittee must provide a closed boundary survey and a site plan drawn to scale which will indicate the zoning of the property, indicate if there are zoning or overlay conditions on the proposed Site, and show the location of any and all existing bins on the Site; show, and label the dimensions of the proposed bin; show the footprint of the principal building for the Site; show and label the front, rear, and side building setbacks on the Site; label concrete or asphalt surfaces; label landscape and planter areas; label and dimension all buffers (if applicable); show and identify adjacent public streets and rights-of-way; provide a dimension of the distance between the collection bin and the public right-of-way; and any other information deemed necessary by the Director.

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7. In addition to the information listed in this Section, the application shall be made on the form provided by the Gwinnett County Department of Planning and Development.
8. Applications which are not complete when submitted shall be returned to the applicant with a list of items that are missing from the application.
9. A complete Collection Bin Permit Application meeting all of the requirements set forth in Subsections (C)(2), (C)(3), and (C)(6) of this section, which is submitted to the Gwinnett County Department of Planning and Development with the required application fee, shall be approved or denied within thirty (30) days of its receipt. Any complete application not approved or denied within 30 days shall be deemed to be approved.

D. *Proof of Permit.* Gwinnett County shall provide the Permittee with one permit Sticker for each approved permit. The permit Sticker shall be placed in a conspicuous place on the front of the collection bin that is installed on the permitted property. Gwinnett County will provide replacement Stickers for (\$25.00) should the original Sticker become damaged, fall off, or disappear.

E. *Management, Maintenance; Requirements.*

1. Permittee must maintain the aesthetic presentation of each collection bin including fresh paint, readable signage, and general upkeep.
2. Permittee must provide the County and Site Host or Lawful Occupant a telephone number for requests to respond to collection bin maintenance complaints.
3. Permittee must respond to complaints within 48 hours of receiving said complaint from the County by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. This response may be via telephone and should include a time frame for resolving the complaint.
4. Permittee must remove graffiti within 48 hours following receipt of notice of its existence by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
5. If a collection bin becomes damaged or vandalized, it shall be repaired, replaced, or removed within five days of receipt of notice of such condition by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
6. Permittee shall clearly post on its collection bin that no items shall be left outside the collection bin and Permittee shall remove any materials, trash, or other debris placed outside the collection bin within 48 hours following receipt of notice of its existence by telephone during regular business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
7. Collection bins shall have a receiving door that can be closed so that only an authorized representative of the owner may access the items deposited in the collection bin.

F. *Location and Placement of Collection Bins.*

1. On parcels of land which constitute 10 acres or less, there shall be no more than two collection bins per parcel of land.
2. On parcels of land greater than 10 acres, the Director shall have the discretion to allow for one additional collection bin per every two additional acres of land, provided, however, that all bins are separated by at least 500 feet.
3. Collection bins shall only be permitted as an accessory use on developed property which is zoned C-1, C-2, C-3, M-1, or M-2; or on the premises of a church or school, consistent with all applicable ordinances and policies, within any zoning district. Collection bins located on County-owned properties shall meet the requirements of subsection (C) 6.

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4. Collection bins shall not be located on property if the principal structure is vacant.
5. Collection bins shall not be placed in a right-of-way and shall be placed no closer to any adjacent right-of-way than 50 feet or the front or side building plane of the principal structure located on the site, whichever is greater.
6. Collection bins shall be placed on the Site in a manner that does not impede vehicular or pedestrian traffic flow.
7. Collection bins shall not be placed in designated parking spaces or reduce the number of parking spaces below the minimum number required by the Unified Development Ordinance, any other Gwinnett County Ordinance, or state law.
8. Collection bins shall be placed on a concrete or asphalt surface.
9. Collection bins shall not be placed within any landscape strip, landscaped parking lot island, any type of buffer, or within five feet of a zoning buffer.
10. Collection bins shall not be placed on sidewalks.
11. Collection bins shall not be placed within the sight triangle, as defined in The Complete Illustrated Book of Development Definitions, Fourth Edition, and its subsequent revisions, of any intersection and shall not interfere with on-site traffic circulation.
12. Collection bins located at public libraries shall meet the above requirements.

G. *Information and Label Requirement for all Bins.* Every collection bin shall display the following information in boldface letters at least two inches high located on the front of the collection bin and directly underneath the deposit door or on the deposit door:

1. The name, address, telephone number, and the Internet Web Address of the Permittee.
2. Each bin shall meet the requirements set forth by the State of Georgia as found in Title 43, Chapter 17 of the Official Code of Georgia Annotated.

H. *Size, Appearance, and Screening of Bins.*

1. Collection bins shall not cover a ground surface area in excess of five feet by five feet, nor be more than seven feet in total height.
2. The exterior of collection bins shall be of neutral, or earth tone color schemes. High-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited; however, the use of black color for lettering and accent use is not prohibited provided, however, the majority of the bin shall not be black in color.
3. Collection bins shall be surrounded by a three-sided opaque enclosure not less than six feet in height, with an open side facing away from any public road. Collection bin enclosures shall have a finish consistent with the finish materials of the building facade.

I. *Violations and Penalties.*

1. In addition to any other penalties or remedies prescribed for ordinance violations pursuant to the Official Code of Georgia Annotated and this Unified Development Ordinance, Sections 120-60, 120-70, and 120-80, any person, corporation, company, or entity who places a collection bin on property prior to receiving a permit shall be subject to a penalty of \$300 for each violation.

2. In addition to any other penalties or remedies prescribed for ordinance violations pursuant to the Official Code of Georgia Annotated and this Unified Development Ordinance, Sections 120-60, 120-70, and 120-80, if a Permittee is found to have violated any provision of this Section, after notice and opportunity to cure the alleged violation, the Permittee shall be subject to a penalty of \$250.00 for each violation, including but not limited to the following violations:
  - a. Failure to adequately respond to maintenance request;
  - b. Failure to maintain collection bins as set forth in Section C (5) above;
  - c. Failure to adhere to collection bin placement and removal provisions; or as set forth in Section C (6) above;
  - d. Failure to adhere to all permit requirements.
3. If a Permittee is found to have violated the provisions of Section 230-130.4(C) and ignores mitigation on more than three occasions in a calendar year, the Permittee shall, in addition to all penalties set forth in this Section along with those allowed by the Official Code of Georgia Annotated, be deemed ineligible to place, use, or employ a collection bin, and apply for any renewal permits for collection bins, within the County for a period of one year, and the County may require removal of any or all of such Permittee's collection bins upon 30 days advance notice.

J. *Liability; protections.* The Site Host or Lawful Occupant will be held harmless by the Permittee for the removal of an unauthorized collection bin or where removal is necessary to comply with zoning ordinances.

**230-30.17 Outdoor Seating.** Outdoor seating for restaurant service shall be permitted subject to the following standards:

- A. No outdoor seating associated with a sidewalk café shall be used for calculating seating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment nor shall the additional seats be used to claim any exemption from any other requirement of any county or state code or ordinance.
- B. The perimeter of the outdoor seating area shall be delineated using non-permanent fixtures such as railings, planters, decorative chains, or other similar decorative fixtures.
- C. Tables, chairs, umbrellas, canopies, awnings, and other similar fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
- D. Design, materials, and colors shall be compatible with the abutting building for all locations, and any applicable design guidelines.
- E. Outdoor seating abutting a public sidewalk shall be subject to the following additional development standards:
  1. A minimum six-foot-wide unobstructed pedestrian path shall be maintained parallel along the sidewalk connecting to any abutting businesses.
  2. A minimum six-foot-wide unobstructed pedestrian path shall be maintained to connect the building entrances to the sidewalk or curb line of the abutting street.

#### **Section 230-40. Application of Dimensional Standards.**

**230-40.1** Proposed structures exceeding the height limitations established by the zoning districts contained within this UDO, and which have not been granted approval by the Board of Commissioners through a concurrent

variance, shall be subject to a variance by the Zoning Board of Appeals. The height limitations of this Section shall not apply to:

- A. Cupolas, weathervanes, chimneys, parapets and similar architectural features, or satellite dishes or other necessary mechanical rooftop appurtenances, which extend 12 feet, or less, above the allowable building height.
- B. Steeples, domes, belfries, or ornamental towers which are 100 feet in height, or less.
- C. Barns, silos, and similar agricultural structures which are 35 feet in height, or less within the RA-200 zoning district.
- D. Water towers, smokestacks, conveyors, derricks, and similar industrial structures which are 75 feet in height, or less.
- E. These exclusions shall not apply in the vicinity of airports where Federal Aviation Administration runway protection zone standards shall apply.

### **230-40.2 Minimum Lot Size.**

- A. Lots shall meet the minimum lot size and minimum lot width established by each zoning district within this UDO. In addition, no lot served by a septic tank shall have a lesser area than that approved by the Environmental Health Section for safe drinking water and septic tank operation.
- B. For a lot fronting on a cul-de-sac, lot width shall be measured along a straight line tangent and perpendicular to the midpoint of the minimum required curved front setback line.

**230-40.3 Reduction in Lot Dimensions.** No lot shall be reduced in size so that the minimum lot size established by each zoning district within this UDO is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose or for unbuildable lots such as those used exclusively for subdivision identification signage, entrance or landscape features, common areas, mail kiosks, or stormwater facilities.

**230-40.4 Substandard Lots of Record.** Any lot of record existing at the time of the adoption or amendment of the UDO, that has an area or width that is less than is required by the UDO, may be used, subject to the following exceptions and modifications.

- A. *Adjoining Lots.* When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of the UDO and such lots, individually, have an area or width that is less than is required by the UDO, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located and are required to be combined.
- B. *Individual Lot Not Meeting Minimum Lot Size Requirements.* Except as set forth below in 230-40.4A., in any Zoning District in which single family detached dwellings are permitted, any lot of record existing at the time of adoption or amendment of the UDO which has an area, width or depth less than that required by the UDO may be used as a building site for a single family detached dwelling.

### **230-40.5 Contextual Front Setback Requirements for Single-Family Detached Residential Lots.**

- A. The front setback requirements of the UDO shall not apply for a new single-family detached residential dwelling on any lot where the average depth of the front setbacks of existing buildings on adjoining lots located wholly or partially within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front setback.

- B. The minimum front setback for such lot shall be within the range of depths of the front setbacks of the above referenced buildings.
- C. These provisions shall not apply to properties located within the RA-200 zoning district.

**230-40.6 County Approvals that are Required.** All County approvals that are required for the use of the land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted with a request for a development permit, building permit, or a certificate of occupancy.

**230-40.7 Temporary Buildings.** A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period upon issuance of a building permit for the temporary building(s).

**230-40.8 Industrialized Buildings.**

- A. After the effective date of this UDO, all newly installed industrialized buildings in Gwinnett County are subject to the requirements of this UDO, the State of Georgia Industrialized Buildings Act O.C.G.A. Title 8, Chapter 2, Article 2, Part 1 and "Rules of the Commissioner of Community Affairs, 110-2 Industrialized Buildings".
- B. Industrialized buildings shall conform to all requirements of the UDO and other applicable codes of Gwinnett County and the State of Georgia. The installation of an industrialized building shall require zoning certification and a building permit. Industrialized buildings shall conform to the Gwinnett County Architectural Design Standards as outlined in Section 230-110 that are otherwise applicable to such buildings or uses in accordance with this UDO.
- C. Prior to approval of a building permit, the installer shall provide to the Department a site plan and a set of building design plans to show compliance of each industrialized building unit with this UDO. Evidence of approval by the Georgia Department of Community Affairs shall also be provided.
- D. Transportation of industrialized buildings or components on the streets and highways of Gwinnett County shall be in accordance with applicable requirements of the Georgia State Highway Patrol.
- E. Prior to relocation of an existing building that was constructed in an industrialized fashion but does not bear the insignia of approval of the Commissioner of the Department of Community Affairs required for new industrialized buildings, the owner of such building shall apply for and receive certification of the Department of Community Affairs as provided in Section 110-2-11 of the Rules of the Commissioner of the Department of Community Affairs.

**Section 230-50. Minimum Space between Dwelling Units.**

The minimum distance between dwelling units shall be 10 feet measured at the closest points between the two structures, excluding building projections such as cornices, eaves, steps, handrails, gutters, and downspouts, except where a greater distance is required by the Gwinnett County Construction Code.

**Section 230-60. Permitted Encroachments upon Required Setbacks.**

**230-60.1** Cornices, eaves, chimneys, landings, enclosed porches, bay windows, or other similar architectural features may extend into the required front, side, and rear setbacks provided such extensions do not exceed three feet. Unenclosed decks and porches, steps, and landings may extend into the minimum required side or rear setback, but no closer than five feet from any property line. Unenclosed decks and porches, steps, and landings may extend into the minimum required front setback provided that such extensions do not exceed 10 feet and are located at least five feet from the front property line.

**230-60.2** Canopies, covered entrances or walkways for non-single-family residential uses may extend into the required side or rear setbacks provided such extensions do not exceed three feet. Such features may extend into the front setback provided such extensions are no closer than 15 feet from the front property line.

**230-60.3** Electric vehicle charging station canopies and canopies over fuel pump islands or over pedestrian walkways may extend into any setback provided such extensions are at least five feet from any property line.

**Section 230-70. Street Access**

**230-70.1** No buildable lot shall be created that does not have access to either a public street, a publicly approved street, publicly maintained street, or private street.

## **Section 230-80. Fences and Retaining Walls.**

**230-80.1 Maximum Fence Height.** No fence shall exceed four feet in height within a front yard or eight feet in height in any other location, except as provided in Section 230-80.2.

### **230-80.2 Maximum Fence Height Exceptions.**

- A. A fence that encloses an approved stormwater management facility shall be a maximum of six-feet-high.
- B. A fence enclosing a sports court shall be a maximum of 12-feet-high within the required rear or side setback.
- C. A fence or wall enclosing an industrial use shall be a maximum of 6-feet-high within the front yard.
- D. Through lots may have a fence up to six-feet-high within the front yard without driveway access.
- E. Subdivision entrance features shall be a maximum of 10-feet-high. Perimeter walls and fences along an external street shall be a maximum of six-feet-high.

### **230-80.3 Fence Design Standards.**

- A. Any fence which extends into the front yard on a residential property less than three acres in area shall be constructed of brick, stone, wood, wrought-iron-style, or split rail.
- B. Any fence which extends into the front setback on a non-residential property shall be constructed of brick, stone, wood, or wrought-iron-style and shall be located outside of the required landscape strip, internal to the property.
- C. No fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard, except when property contains a minimum of three acres and is used for agricultural purposes or is industrially zoned.
- D. Electric and barbed wire fences shall be prohibited except on lots three acres or larger which meet or exceed the minimum requirements for raising and keeping of livestock or industrially zoned properties.
- E. Exposed concrete blocks, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items shall be prohibited as fence material.
- F. Posts shall be anchored in concrete and for privacy fencing shall face inward to the subject property.
- G. Temporary chain link security fences up to eight-feet-high may be erected to surround a non-single-family residential property up to 30 days prior and 30 days following completion of demolition, rehabilitation, or new construction.

**230-80.4 Maximum Retaining Wall Height.** No retaining wall shall exceed four feet in height within 10 feet of the front property line.

### **230-80.5 Retaining Wall Design Standards.**

- A. Walls visible from an adjoining property shall be tiered so that no single tier is taller than 20 feet.
- B. Retaining walls visible from the public right-of-way shall be constructed of decorative concrete modular block or shall be faced with stone, brick, or textured cement masonry.

## **Section 230-90. Protection of Existing Cemeteries.**

### **230-90.1 Development Standards Adjacent to Cemeteries.**

- A. When a development site contains an existing cemetery, a minimum four-foot high wrought-iron style

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or brick/stone fence and a 25-foot-wide grassed strip shall be provided adjacent to the cemetery.

- B. When a development site is adjacent to an existing cemetery, a minimum 25-foot-wide undisturbed buffer shall be maintained from the nearest boundary of the cemetery.
- C. In instances where a cemetery includes an existing fence, the existing fence may be considered to satisfy the fencing requirement in Section 230-90.1A.

### Section 230-100. Standards for Zoning Buffers.

#### 230-100.1 Zoning Buffer Requirements.

- A. All property zoned for non-residential use shall provide and maintain a zoning buffer along any rear and side property lines abutting a residential zoning district.
- B. All zoning buffers shall meet the planting and maintenance standards for permanent buffers as outlined in Title 3 of this UDO.
- C. All proposed improvements including, but not limited to, pavement, driveways, dumpsters, parking facilities, or retaining walls shall be located a minimum of five feet from any buffer.
- D. Buffers shall meet the minimum width requirements for dissimilar districts as shown in Table 230-2 “Table of Minimum Buffer Requirements” as provided in this Section or as required by a condition of zoning, special use permit, or variance approval. Where conflicts exist between the standards of this section and a condition of approval, the stricter requirement shall apply.

**Table 230-2: Table of Minimum Buffer Requirements**

Zoning District of New Development	Adjacent Zoning District								
	Single-Family Detached Residential <sup>1</sup>	R-TH	R-IF	Multi-Family Residential <sup>2</sup>	TND	Mixed-Use <sup>3</sup>	Commercial <sup>4</sup>	O-I	Industrial <sup>5</sup>
Single-Family Detached Residential <sup>1</sup>	None	None	None	None	None	None	None	None	None
R-IF	None	None	None	None	None	None	None	None	None
R-TH	35 ft <sup>6</sup> .	None	None	None	None	None	None	None	None
Multi-Family Residential <sup>2</sup>	50 ft.	30 ft.	10 ft.	None	10 ft.	None	None	None	None
TND	40 ft.	None	None	None	None	None	None	None	None
Mixed-Use <sup>3</sup>	75 ft.	30 ft.	None	None	10 ft.	None	None	None	None
C-1	50 ft.	20 ft.	10 ft.	10 ft.	30 ft.	10 ft.	None	None	None
C-2	75 ft.	30 ft.	20 ft.	20 ft.	40 ft.	20 ft.	None	None	None
C-3	85 ft.	40 ft.	30 ft.	30 ft.	50 ft.	30 ft.	None	None	None
O-I	50 ft.	20 ft.	10 ft.	10 ft.	30 ft.	10 ft.	None	None	None
M-1	75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	30 ft.	30 ft.	None
M-2	100 ft.	100 ft.	50 ft.	50 ft.	50 ft.	50 ft.	30 ft.	30 ft.	None

<sup>1</sup> RA-200, R-LL, R-100, R-75, R-60, R-SR, and OSC (Inactive Districts: CSO, CLU, MOD, R-140, RL, R-ZT)

<sup>2</sup> LRR, MRR, and HRR (Inactive Districts: MH, MHS, RM, RMD, RM-6, RM-8, RM-10, RM-13, RM-24)

<sup>3</sup> MU-N, MU-C, and MU-R (Inactive Districts: MUO, MUD)

<sup>4</sup> C-1, C-2, and C-3 (Inactive Districts: O-R, HS, NS, OBP)

<sup>5</sup> M-1 and M-2

<sup>6</sup>Single-family detached residential is exempt.

## Section 230-110. Architectural Design Standards

**230-110.1 Purpose.** The purpose of these Architectural Design Standards is to enhance the viability and livability of Gwinnett County and encourage pleasing aesthetic design quality in architecture. The Architectural Design Standards promote high quality and aesthetically attractive development and construction in Gwinnett County and establish the basic requirements for architectural and associated landscape components.

**230-110.2 Applicability.** The Gwinnett County Architectural Design Standards shall apply to all buildings and structures constructed in unincorporated Gwinnett County. Wherever the provisions and/or conditions of a zoning case and the requirements of these standards impose a more restrictive, greater, or higher standards, the requirements of the strictest requirement shall prevail.

**230-110.3 Architectural Design Review.** Buildings and structures not requiring an Architectural Design Review, as indicated below, shall adhere to the following:

- A. Building elevations shall be included in the construction plans submitted for a building permit and shall include a finish legend that specifies each product style name and color for all exterior materials and finishes.
- B. Alternate building designs may be granted upon review by the Director. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain design compatibility with surrounding buildings and community features. The Director may authorize a review of an Alternative Architectural Review by the Planning Commission. Such Alternative Architectural Reviews shall be submitted on forms provided by and as directed by the Department.

**230-110.4 Special Architectural Design Areas.** Certain buildings and structures shall adhere to special review and design requirements.

- A. Buildings and structures within the following areas, or meeting the following thresholds, shall be subject to the following additional review procedures and additional design standards throughout this Section of the UDO:
  1. Those located in an Activity Center/Corridor Overlay Zoning District
  2. Those located in a Mixed-Use Zoning District
  3. Those located in a Multifamily Residential Zoning District
  4. Any new building or structure exceeding 100,000 square feet of gross floor area, regardless of location
- B. Additional review procedures include:
  1. Color elevations of all sides of each building shall be included in the construction plans submitted for a building permit and shall include a finish legend that specifies each product manufacturer, product style name and color for all exterior materials and finishes.
  2. An architectural design guide illustrating building and site accessory design elements and features shall also be submitted with the construction plans.
- C. Alternate building designs may be granted upon review by the Director. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain design compatibility with surrounding buildings and community features. The Director may authorize a review of an Alternative Architectural Review by the Planning Commission. Such Alternative Architectural Review shall be submitted on forms and as directed by the Department.

**230-110.5 Building Design for Parcels with Zoning Conditions.** Building designs required by zoning conditions as specified by the Board of Commissioners shall be subject to review and approval of the Department, prior to the issuance of a building permit.

- A. Whereas a parcel that is subject to zoning conditions and the Architectural Design Standards of this

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section, the most stringent design condition/standard of each regulation shall apply to the building design.

B. The Director may approve a modification request, pertaining to the designated parcel zoning conditions, to allow alternate façade design and materials provided the building design modification proposes composition and façade finish materials of a quality which exceeds the parcel zoning conditions requirements. Any design modification request pertaining to parcel zoning conditions denied by the Director shall be submitted by application to obtain a Change in Conditions by the Board of Commissioners.

### **230-110.6 Architectural Design Standards for Non-Residential Buildings.**

A. *Design Composition.*

1. Existing industrial or warehouse buildings constructed prior to the adoption of these standards are exempt.
2. Building designs shall incorporate façade treatments with a composition of materials, textures, and window and door patterns and colors. Building designs shall integrate at least one material change and color variation averaged over each façade. Buildings with facades longer than one hundred 100 feet shall have an articulated façade that incorporates at least one significant modulation that includes a plan offset and/or color and texture change.
3. The appearance and materials of the rear and side walls shall be similar to and compatible with the front of the building. Generally, the primary exterior materials incorporated on the front of the building shall be incorporated on all sides.
4. Building designs shall incorporate a composition of façade features. Features include, but are not limited to, columns, storefront, windows, piers, pilasters, changing rooflines, plan offsets, cornice tower elements, architectural patterns and texture, cupolas, and dormers.
5. Buildings with greater than four stories shall incorporate at least one significant color change, material change, or architectural feature on either the lower story or upper story.
6. Building facade elevation colors shall be neutral, earth tone, and natural finish.
7. The use of business identity colors may be allowed as part of an entrance feature subject to review by the Director.
8. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screens shall be a material consistent with the adjacent building or permanent vegetative landscaping.
9. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
10. Electrical and gas meters on buildings shall be painted to blend with the surrounding wall.
11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building systems equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment with building materials that complement the building facade.
12. PTAC wall units on buildings located in Special Architectural Design Areas shall incorporate ornamental louvers or screens.
13. Modular buildings with permanent foundation connection shall have an exterior façade of fiber cement panels which resembles horizontal siding or textured stucco finish. Metal façade panels are prohibited.
14. Portable buildings shall be prohibited.

B. *Design Materials.*

1. Building façade finishes shall be permanent durable materials.
2. Smooth face concrete masonry units are prohibited.
3. Textured face concrete masonry shall not exceed 25 percent of the non-fenestration surface area of any building facade.

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4. Architectural smooth and industrial ribbed metal panels may be allowed subject to review by the Director.
5. Low temperature refrigeration buildings may have insulated metal panels subject to review by the Director.
6. Buildings in zoning districts that allow industrial classified buildings with industrial factory occupancies may have precast concrete or tilt-up concrete panels with textured coating finish.
7. Concrete panels shall have a design pattern of architectural reveals and/or insets.
8. The building facades shall incorporate a minimum of two colors.
9. Vinyl siding is prohibited.
10. Exposed plywood/OSB/pressed wood sheathing is prohibited.
11. Exterior burglar bars and steel roll-down curtains are prohibited.
12. Exposed neon, LED or other types of exposed bulb accent lighting shall be prohibited. Light emitting graphic features or signage located on interior walls or bulkheads shall be located a minimum of eight feet behind the exterior glass façade.
13. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.
14. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
15. Equipment screens for roof mounted units and appliances shall be a finish and color consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.
16. Under “glow” lighting of fabric, vinyl, or translucent material awnings is prohibited.

### **230-110.7 Architectural Design Standards for Multifamily Residential Buildings.**

#### *A. Design Composition.*

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, windows, doors, balconies, pilasters, changing rooflines, plan offsets, cornice, porch entrances, tower elements, architectural patterns and texture, cupolas, and dormers. The maximum wall length without façade features shall not exceed 30 feet.
2. Building design shall incorporate a minimum two foot plan offset and/or a color change every 100 feet.
3. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade.
4. The appearance and materials of the rear and side walls shall be similar to and compatible with the front of the building. Generally, the primary exterior materials incorporated on the front of the building shall be incorporated on all sides.
5. Building designs with greater than four stories shall incorporate at least one significant color change, material change, or architectural feature on either the lower story or upper story.
6. Building façade elevation colors shall be neutral, earth tone, and natural finish.
7. Buildings located in Special Architectural Design Areas shall incorporate ornamental louvers or screens on PTAC wall units.
8. Exterior burglar bars and steel roll-down curtains are prohibited.
9. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screening shall not resemble mechanical louvers.
10. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screening shall not resemble mechanical louvers.
11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building systems equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment. Screening shall not

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resemble mechanical louvers.

B. *Design Materials.*

1. Building walls shall incorporate brick, cast stone, and/or stone for at least 30 percent of the non- fenestration façade area in the first and second story. Exposed basement walls shall be considered as part of the first story.
2. Smooth face concrete masonry units are prohibited.
3. Exposed plywood/OSB/pressed wood sheathing is prohibited.
4. Architectural smooth and industrial ribbed metal panels may be allowed subject to review by the Director.
5. Exposed neon, LED or other types of exposed bulb accent lighting shall be prohibited, unless otherwise authorized by this UDO.
6. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.
7. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
8. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.

**230-110.8 Architectural Design Standards for Attached Residential Buildings.**

A. *Design Composition.*

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, architectural windows, balconies, pilasters, changing rooflines, cornice, ornamental roof brackets, porch entrances, tower elements, material patterns, cupolas, and dormers.
2. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade.
3. Setbacks and/or roof lines shall be varied so that no more than three adjoining dwelling units within a single building shall have the same front setback or roof line.
4. Allowed building elevation colors shall be neutral, earth tone, and natural finish.
5. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
6. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
7. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building systems equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment.

B. *Design Materials.*

1. Front building walls shall incorporate brick, cast stone, and/or stone for at least 50 percent of the non- fenestration facade area.
2. Concrete masonry units, metal wall panels and industrial metal siding are prohibited.
3. Exposed plywood/OSB/pressed wood sheathing is prohibited.
4. Exposed neon, LED or other types of exposed bulb accent lighting is prohibited.
5. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.
6. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately

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7. in front of the equipment units. Screening shall not resemble mechanical louvers.
7. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.

### **230-110.9 Architectural Design Standards for Detached Residential Buildings.**

#### **A. *Design Composition***

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, architectural windows, balconies, pilasters, changing rooflines, cornice, ornamental roof brackets, porch entrances, tower elements, material patterns, cupolas, and dormers.
2. Building designs shall incorporate neutral, earth tone, and natural finish colors.

#### **B. *Design Materials.***

1. Concrete masonry units, metal wall panels, and metal siding are prohibited.

### **230-110.10 Architectural Design Standards for Parking Decks and Structures.**

#### **A. *Design Composition.***

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, pilasters, tower elements, ornamental grilles, ornamental wall screens, plan offsets, and architectural material patterns.
2. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade. Buildings with facades longer than 100 feet shall an articulated façade that incorporates at least one significant modulation that includes a plan offset, color change, and/or texture change.
3. Parking decks and structures in Special Architectural Design Areas must maintain architectural compatibility with the adjacent principal buildings.
4. Exterior facades shall incorporate ornamental or solid guardrail designs.
5. Building façade elevation colors shall be neutral, earth tone, and natural finish.
6. Accent colors for unique façade design features may be allowed subject to the review of the Director.
7. Facades facing public streets or private driveways shall incorporate landscape areas immediately in front of the parking structure.
8. Openings for ventilation, service, or emergency access located in the façade of the first level must be decorative and shall be designed as an integral feature of the overall façade design.
9. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
10. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building systems equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment.

#### **B. *Design Materials.***

1. The front, sides, and rear facades of parking decks and structures shall have a primary composition of brick, stone, architectural pre-cast concrete, and/or formed concrete with textured finish that relates and is compatible to the finishes of the adjacent principal building.
2. Backlit translucent wall panels shall be prohibited.

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3. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade, or provide vegetative landscape screening immediately around the units.
4. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
5. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.
6. Under "glow" lighting of fabric, vinyl, or translucent material awnings shall be prohibited. Screening shall not resemble mechanical louvers.

### **230-110.11 Architectural Design Standards for Commercial and Non-residential Canopy Structures.**

#### *A. Design Composition.*

1. Canopy designs shall incorporate neutral, earth tone, and/or natural finish colors that matches the adjacent principal building.
2. Canopy design may include one six-inch height horizontal feature featuring a business color.
3. Other business identity color features and graphics may be allowed as signage.
4. All under canopy lighting for gas/service islands must be fully recessed fixtures.

#### *B. Design Materials.*

1. Columns shall have full height brick, stone, stucco, and/or architectural wood case with a finish that complements the finish of the principal adjacent building. Columns shall be a minimum of 12 inches by 12 inches plan size.
2. Exposed rough timber columns may be allowed subject to review by the Director.
3. The vertical fascia panels shall be an opaque material. Backlit translucent panels shall be prohibited. The color of the vertical façade panels shall match the main color of the adjacent principal building.

### **230-110.12 Architectural Design Standards for Commercial, Non-residential, and Multifamily Miscellaneous Site Structures.** Miscellaneous site structures include, but are not limited to, trash enclosures, shopping cart corrals, and vending/self-service machines.

#### *A. Design Standards for Commercial, Non-residential, and Multifamily Miscellaneous Site Structures.*

1. Dumpsters shall be screened from view on all sides with an opaque wall and gate. Dumpster enclosures screen walls shall have a finish consistent with the finish materials of the building façade. Screen walls shall be a minimum of six-feet-high and shall be at least equal in height to the height of the dumpster.
2. Trash receptacles shall be screened from view on all sides with an opaque wall or decorative fence. Trash enclosures shall have a finish consistent with the finish materials of the building façade. The screen wall or fence shall be at least equal in height to the height of the trash receptacles.
3. Shopping cart corrals, located in parking lots, shall have decorative side rails and posts with at least 50 percent infill screen. Shopping cart corrals located directly at the facade of the building shall be screened with an opaque decorative masonry wall at least equal in height to the height of the carts.
4. Vending/self-service machines shall not be located directly in front of glass/window storefront areas. The vending machines shall not exceed the ratio of one vending machine per 25 linear feet of tenant store frontage.

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### 230-110.13 Architectural Design Standards Color and Finish Chart.

#### A. *Definition of Colors and Materials*

1. Neutral – Colors that have a low (less than 50 percent) color value and low (less than 50 percent) color saturation intensity.
2. Color value (also known as lightness or luminosity) is the measure of the relative lightness or darkness of a color.
3. Color saturation is the measure of the intensity of a color.
4. Earth Tone – Colors that draw from a color palette of browns, tans, warm grays, greens, oranges, whites, and some reds, and some blues. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.
5. Natural Finish – Colors and patterns that naturally occur in wood grain textures or stone without a tinted finish.

**Table 230-3: Color and Finish Chart**

The following chart represents, but is not limited to, typical and common building finishes.

Brick	Natural clay colors or paint finish earth tone and neutral colors.
Stone	Natural finish colors.
Stucco/EIFS	Earth tone and neutral colors.
Tilt-up Concrete	Earth tone and neutral colors of textured coating finish.
Pre-cast Concrete	Concrete with earth tone and/or neutral color coating or architectural concrete with exposed aggregate finish.
Metal Panels	Earth tone and neutral colors. Metal panels with simulated natural finish may be allowed subject to review by the Director.
Ceramic Accent Tile	Earth tone and neutral colors. Tile with simulated natural finish may be allowed subject to review by the Director.
Standing Seam Metal Roof	Colors shall be earth tone, neutral, dark green, silver, black, dark metallic bronze, or beige, and/or aged copper.
Standing Seam Metal Awnings	Colors shall be earth tone, neutral, dark green, silver, black, dark metallic bronze, or beige, and/or aged copper.
Fabric Awnings	Colors shall be earth tone, neutral, dark green, and/or black. Alternative colors may be utilized provided that the awnings and other alternative color features do not exceed 10 percent of any single façade surface area. Graphic stripes or non-object graphics may be allowed subject to the review of the Director.

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Canopy Fascia Panels	Earth tone and neutral colors – colors shall be consistent with features/colors of the principal adjacent building.
Slate or Stone Shingles	Natural stone finish color.
Architectural Roof Tiles	Natural terra cotta or slate color.
Dimensional Shingles	Shingles with slate or natural stone color appearance.
Wood Shakes	Natural Finish.
Wood Siding & Fiber Cement Siding and Panels	Earth tone, neutral, and natural finish colors for the main field and accents.
High Pressure Laminate (HPL)	Earth tone and neutral colors. HPL panels with simulated natural finish may be allowed subject to review by the Director.

## Chapter 240. Off-Street Parking Standards

### Section 240-10. General Requirements.

#### 240-10.1 Purpose and Intent.

- A. To ensure that the development and redevelopment of property provides safe and adequate parking for automobiles and bicycles for the convenience and safety of all residents, employees, visitors, and shoppers, including persons with disabilities.
- B. To provide design standards for parking facilities and driveways that minimize harm to motorists and private property, provide adequate emergency vehicle access, and to protect the safety and capacity of public streets.
- C. To ensure that the number of off-street parking spaces does not impact adjacent residential areas from encroachment of commercial parking into neighborhood streets.
- D. To minimize the impacts of stormwater runoff from off-street parking facilities due to erosion and pollution of water bodies.

**240-10.2 Applicability.** Vehicle and bicycle parking shall be in accordance with this Chapter of the UDO.

#### 240-10.3 Parking surfaces.

- A. In any non-residential district, the parking of any vehicle on other than a paved surface, or other system approved by the Director, is prohibited.
- B. In a residential district, except RA-200 as an agricultural or residential use, the parking of any motor vehicle except on a hard-surfaced driveway or in a carport or garage with hard-surfaced flooring is prohibited. Any recreational vehicle or non-motor vehicle shall only be parked in the side or rear yard on a paved surface or approved porous or grassed paving system. Any recreational vehicle or non-motor vehicle may be parked in the front yard for loading and unloading purposes for no more than 48 hours. Any vehicles parked in the side or rear yard not in a carport or an enclosed structure must be parked at least 10 feet from the property line. Vehicles or equipment used for agricultural purposes with three or more acres are exempt from hard surface requirements if parked outside of the required front setback.
- C. Maximum allowable paved parking or hard surface area in the front yard of single-family residential development, excluding walkways and required sidewalks:
  1. Single-family attached development: driveways for adjoining units shall be separated by at least a four-foot-wide grassed strip, unless the units have shared driveways.
  2. Single-family detached development: not more than 35 percent.

#### 240-10.4 Application for Additions, Renovations, and Change in Use.

- A. Additional parking and loading space is required for each addition or renovation to a building or use which results in a gross floor area increase of 500 square feet or more. Residential uses are exempt from this provision provided that the addition or renovation does not increase the number of families.
- B. Whenever a change in use occurs for all or a portion of a building, off-street parking must be provided to accommodate the new use.

**240-10.5 Prohibited Uses.** No parking areas shall be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless permitted by the zoning district in which the area is located.

## Section 240-20. Parking Space Requirements.

**240-20.1 Minimum Parking Space Requirements.** The minimum number of parking spaces shall be determined based on the spaces required for principal uses from the Table of Minimum Parking Requirements, unless the development qualifies for a reduction in minimum parking requirements as provided in Section 240-30 or is located within a zoning district that does not require minimum parking. There shall be no minimum required parking within mixed-use developments. Where parking requirements for any use are not specifically defined in the Table of Minimum Parking Requirements, such requirements shall be determined by the Director based upon the most comparable use specified herein, and other available data.

**240-20.2 Maximum Parking Requirements.** Maximum parking requirements are established in order to promote efficient use of land, enhance urban form, encourage alternate modes of transportation, provide for better pedestrian movement, reduce the amount of impervious surface and protect air and water quality.

### 240-20.3 Required area for each parking space.

- A. Each automobile space shall be a minimum of 9 feet wide and 18 feet deep for perpendicular spaces. Angled parking spaces shall be a minimum of 9 feet wide and 20 feet deep. Parallel parking spaces shall be a minimum of 9 feet wide and 22 feet deep. All spaces are measured from face-of-curb.
- B. Compact parking spaces shall be a minimum of 8.5 feet wide and 16.5 feet deep as measured from the face-of-curb and shall be clearly marked as compact spaces. Up to 15 percent of the overall parking spaces for non-single-family residential development shall be in the form of compact spaces.
- C. Alternative surfaces used for parking and approved by the Director which do not require curb and gutter, shall be a minimum of 9.5 feet wide and 18.5 feet deep as measured from the terminating edge.

**TABLE 240-1: Minimum and Maximum Parking Requirements.**

Use/Development Category	Minimum Parking Spaces	Maximum Parking Spaces
Adult Entertainment Establishments	1 per 400 sq. ft.	1 per 25 sq. ft.
Boarding or Rooming House	1 per 4 beds	1 per 3 beds
Civic, Private, and Public Institutions	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Community Garden	None	5 spaces
Commercial Kitchen	1 per 500 sq. ft.	1 per 300 sq. ft.
Convenience Store with fuel pumps	1 per 500 sq. ft.	1 per 300 sq. ft.
Data Center	1 per 5,000 sq. ft.	1 per 3,000 sq. ft.
Day Care Center or Facility, all types	1 per 500 sq. ft.	1 per 300 sq. ft.
Dwelling, single-family detached, cottage court, duplex, townhouse, villa	2 per dwelling	4 per dwelling
Dwelling, live/work, triplex, fourplex, multiplex, multifamily	1.5 per dwelling	2.5 per dwelling
Dwelling, multifamily (age restricted)	1 per dwelling	2 per dwelling
Eating and Drinking Establishment	1 per 200 sq. ft.	1 per 100 sq. ft.
Equestrian Facility	1 per 10 stables	1 per 2 stables

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Funeral Home	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Golf Course	15 per 9 holes	25 per 9 holes
Golf Driving Range	1 per tee box	1.5 per tee box
Hospital or Related Healthcare Facility	1 per 4 beds	1 per 2 beds
Indoor Entertainment or Recreation Facility	1 per 500 sq. ft.	1 per 200 sq. ft.
Industrial Facility	1 per 3,000 sq. ft.	1 per 1,500 sq. ft.
Kennel	2 spaces	20 spaces
Lodging Establishment	0.5 per unit	1.5 per unit
Medical or Research and Testing Laboratory	1 per 2,000 sq. ft.	1 per 500 sq. ft.
Office, Business, Medical, or Professional	1 per 500 sq. ft.	1 per 250 sq. ft.
Outdoor Recreation and Entertainment	1 per 3,000 sq. ft. of the gross site area	1 per 1,000 sq. ft. of the gross site area
Personal Care Home, all types	1 per 4 beds	1 per 2 beds
Personal Services Establishment	1 per 500 sq. ft.	1 per 300 sq. ft.
Place of Worship	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Plant Nursery and Landscape Supply	1 per 5,000 sq. ft. of the gross site area	1 per 2,500 sq. ft. of the gross site area
Public Assembly	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Retirement Community, Continuing Care; Nursing Home	1 per 4 beds	1 per 2 beds
Retirement Community, Independent Living	1 per dwelling	2 per dwelling
Sales or Rental of Goods Establishments, freestanding or retail center	1 per 500 sq. ft.	1 per 300 sq. ft.
School, college, private, trade or similar	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Self-storage facility	2 for office, plus 1 per 6,000 sq. ft.	2 for office, plus 1 per 3,000 sq. ft.
Shelter, all types	1 per 4 beds	1 per 2 beds
Theater	1 per every 4 people allowed to occupy the building	1 per 3 people allowed to occupy the building
Vehicle or Truck Rental	1 per 400 sq. ft.	1 per 200 sq. ft.
	No min. for inventory	No max. for inventory
Vehicle Repair, Service, and Body Work Establishment	1 per 300 sq. ft.	1 per 200 sq. ft.
Vehicle Sales	1 per 500 sq. ft.	1 per 200 sq. ft.
	No min. for inventory	No max. for inventory
Vehicle Washing Establishment, full-service, includes vacuum spaces	1 per 500 sq. ft., plus 4 stacking spaces per line	1 per 300 sq. ft., plus 10 stacking spaces per line
Vehicle Washing Establishment, self-service	1 within each wash bay	2 per wash bay
Warehouse, Wholesale, and Distribution Facilities	1 per 3,000 sq. ft.	1 per 1,500 sq. ft.

## **Section 240-30. Alternative Compliance with Parking Requirements.**

**240-30.1 Off-site Parking.** If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than 500 feet from a main entrance to the principal use. In this situation the applicant shall submit with the application for a building permit or an occupancy permit an instrument duly executed and acknowledged which accepts as a condition for the issuance of a building permit or an occupancy permit the permanent availability of such off-street parking spaces to serve the principal use.

**240-30.2 On-street Parking.** Buildings and uses directly adjacent to on-street parking located within a right-of-way may count such spaces towards the minimum required parking at a ratio of 0.5 spaces per on-street parking space provided.

**240-30.3 Structured Parking.** If off-street parking is provided wholly within a parking structure, there shall be no maximum parking requirement.

**240-30.4 Pervious Parking Surface.** The maximum number of parking spaces may be increased by up to 10 percent over the maximum parking requirement if such parking is provided on a pervious parking surface that has been approved by the Director.

## **Section 240-40. Parking Structures.**

**240-40.1** Non-residential, mixed-use, and multifamily residential developments exceeding 1,200 overall parking spaces shall be required to provide at least 50 percent of their overall parking total within a decked or underground parking structure. A building height increase of one vertical foot is permitted for each one vertical foot of parking placed under a structure. Single-family detached residential or townhouse components of mixed-use developments shall not be subject to this requirement.

**240-40.2** Parking structures shall conform substantially with the Architectural Design Standards for façade and elevation. Each parking structure facade over two levels above street level and facing a public street shall be screened from view by "liner buildings" providing pedestrian-oriented activities at least 20 feet in depth that are continuous along the ground floor except for driveway entrances.

## **Section 240-50. ADA Parking.**

Off-street parking shall comply with ADA standards and Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multifamily and non-residential uses.

## **Section 240-60. Construction and Dimensional Requirements of Parking Areas.**

**240-60.1 Layout.** Except for single family detached dwellings, townhouse dwellings, and duplex dwellings, and triplex dwellings, all off-street parking areas for more than five vehicles shall be constructed and maintained in accordance with the following requirements:

- A. All parking areas shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.
- B. Adequate interior driveways shall connect each parking space with a public right-of-way or private street. The design of driveways and parking aisles shall conform with all requirements of this UDO.
- C. Bumper stops shall be installed to separate each parking space from sidewalks, rights-of-way, adjacent properties and landscape strips to prevent overhangs or encroachments. Where required, bumper stops shall be a minimum of six-inches-high and six-inches-wide. Bumper stops shall be constructed of concrete, stone, or approved equal, and be permanently secured to the pavement surface.

### **240-60.2 Pedestrian Circulation.**

- A. Parking lots containing 100 spaces or more shall incorporate pedestrian access corridors into their design.

- B. Pedestrian corridors shall include five-foot-wide sidewalks with two-foot-wide grassed strips along one side of primary driveways. The pedestrian corridors shall connect parking areas directly with buildings and adjacent public streets. These corridors shall not apply to vehicle sales lots.
- C. Where pedestrian corridors cross a driveway, they shall be constructed as a raised, flat hump with a height of four inches and a six-foot-wide top with five-foot-wide ramps and marked as a crosswalk.
- D. Parking spaces shall not be located more than 100 feet from any pedestrian corridor.

**240-60.3 Improvement of off-street parking lots.**

- A. Parking lots shall be graded to ensure proper drainage, installed on a minimum four-inch gravel aggregate base with a minimum two-inch asphalt topping or other approved surface of, concrete, porous concrete, or porous asphalt. An approved porous concrete, porous asphalt or grassed paving system may be permitted for surplus parking. Spaces with surfaces of modular block or grass shall be located on the outside perimeter of a parking lot.
- B. Each parking space, except for approved grassed paving systems, shall be clearly marked by a painted stripe no less than three-inches-wide running the length of each of the sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot. Single family detached dwellings, townhouse dwellings, duplex dwellings, and triplex dwellings are exempt from this provision.
- C. *Maintenance and Appearance:* Parking lots shall be maintained in good condition, free of potholes, faded paving markings, weeds, dust, trash and debris. Porous paving and grass paving systems shall be maintained to function as designed.

**Section 240-70. Driveways.**

**240-70.1 Interior driveways.**

- A. Interior driveways shall connect each parking space with a public right-of-way or private street.
- B. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub with appropriate cross-access easements shall be required between all contiguous multifamily, commercial, and office uses. This requirement may be waived by the Director only if it is demonstrated that an inter-parcel connection is not feasible due to existing site conditions, traffic safety, or topographic concerns.
- C. Interior driveways, without parking, shall be a minimum of 10 feet wide for one-way traffic, and 22 feet wide for two-way traffic. Interior driveways, with parking, shall be a minimum of 12 feet wide for one-way traffic, and 24 feet wide for two-way traffic. Any driveways that are determined to be essential fire access shall be a minimum of 20 feet in total width.
- D. Interior driveways providing primary access to loading/unloading zones or loading docks for truck traffic shall be a minimum of 14 feet wide per travel lane.
- E. Interior driveways surrounding gasoline pumps shall be no more than 50 feet wide, as measured from the base of the gasoline pump islands to the face-of-curb.

**240-70.2 Single-family detached dwelling, townhouse dwelling, duplex dwelling, and triplex dwelling residential driveways.**

- A. The minimum driveway width shall be 10 feet.
- B. The minimum driveway depth for front-loaded garages shall be 18 feet, measured from the garage door or edge of the driveway to the back of the sidewalk or right-of-way, whichever is closer.
- C. The driveway depth for alley-loaded garages shall be up to five feet or at least 18 feet, measured from the edge of the alley.

**Section 240-80. Stacking Lanes for Drive-through Facilities or Service Windows.**

**240-80.1** A driveway and stacking lane are required for any drive-through window, bank drive-through, ATM standalone structure, or drop-off or pick-up area. These stacking lanes shall not interfere with circulation of

the lot or free movement or access to parking spaces.

**240-80.2 Stacking Spaces.** The following general standards shall apply to all stacking spaces:

- A. Each drive-through lane shall provide adequate stacking space for a minimum of five cars per lane from the point of ordering outside of the required through-lane providing circulation around the building or service facility.
- B. Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions.
- C. Stacking spaces shall be a minimum of 12 feet in width along curved segments.

**240-80.3 Drive-through Lanes.** The following general standards shall apply to all drive-through lanes:

- A. Drive-through lanes shall be separated by striping or curbing from off-street parking areas, loading areas, and service areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- B. Drive-through lanes shall be a minimum of 10 feet wide and parallel the entire length for the drive-through service area.
- C. Drive-through lanes shall be a minimum of 12 feet wide along curved segments.
- D. Drive-through lanes shall be delineated from traffic aisles, through lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- E. Entrances to drive-through lanes shall provide a minimum length to keep awaiting vehicles outside of the nearest intersection and/or public right-of-way.
- F. Drive-through lanes shall be designed to prevent circulation congestion, both on-site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
- G. Drive-through lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. An emergency by-pass or exit shall be provided prior to the drive-through pick-up window and/or drive-up service location.
- H. Service areas and drive-through lanes shall be set back at least five feet from all lot lines and roadway right-of-way lines.

## **Section 240-90. Landscaping in Parking Lots.**

Parking lots shall be designed with landscape areas, in accordance with Title 3 of this UDO.

## **Section 240-100. Lighting in Parking Lots and Pedestrian Areas.**

**240-100.1 Non-residential and Multifamily Development.** The following lighting standards shall apply:

- A. All lighting fixtures designed or placed to illuminate any portion of a parking area and its perimeter shall meet the following requirements:
  1. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop Dish Refractors are prohibited.
  2. Light source shall be Light Emitting Diodes (LED). Alternate light sources shall be submitted to the Director for approval. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of sight.
  3. The minimum mounting height for a parking lot pole fixture is 12 feet. Refer to Table 240-3 for maximum mounting height.
  4. The maximum height for a pedestrian walkway pole is 14 feet.
  5. The average level of illumination as shown in Table 240-2 shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
  6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.

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7. All site lighting shall be designed so that the minimum and maximum levels of illumination as measured in foot-candles at any one point meets the standards shown in Table 240-2.

B. All lighting fixtures designed or placed so as to provide decorative accent lighting for an outdoor courtyard, activity plaza, or outdoor dining patio shall be exempt from these requirements.

**Table 240-2: Illumination Levels**

Location or Type of Lighting	Minimum Level at Single Point (foot-candles)	Maximum Average Level (foot-candles)	Maximum Level at Single Point <sup>1</sup> (foot-candles)
Non-residential Parking Lots	0.6	4.5	10.0
Multifamily Parking Lots	0.2	2.0	10.0
Fuel Canopies	10.0	15.0	25.0
Security Entrances Safety	0.6	10.0	15.0
ATM Locations	0.6	15.0	25.0
Walkways, Access Drives,	0.2	2.0	10.0
Loading and Unloading Areas	0.2	4.5	10.0
Landscaped Areas	0.0	0.5	5.0

**Table 240-3: Light Fixture Requirements for Parking Areas**

Location	Fixture Head (Parking Lot)	Pole Type (Parking Lot)	Pole Type (Pedestrian)
Mall of Georgia and Civic Center Overlay District <sup>1</sup>	Box Head	Smooth Black (50' max.)	Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director)
Grayson/Hwy 20, Centerville/Hwy 124, Hamilton Mill/Hwy 124 & 324 Overlay District/Corridor, Five Forks Trickum Road Overlay District, Highway 78 Corridor Overlay District <sup>1</sup>	Box Head	Smooth Black (35' Max.)	Smooth or Fluted Black (14' Max)
Venture Drive Redevelopment Overlay District <sup>1</sup>	Box head	Smooth (35' Max.) (Colors subject to approval by the Director)	Smooth or Fluted (14') (Colors subject to approval by the Director)
Gateway 85 Overlay District <sup>1</sup>	Box head	Smooth (35' Max.) (Colors subject to approval by the Director)	Smooth or Fluted (14') (Colors subject to approval by the Director)
Mixed Use Districts (MU-N, MU-C) <sup>1</sup>	Box head	Smooth Black (35' Max.)	Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director)
Mixed Use District (MU-R) and High-Rise Residence District (HRR) <sup>1</sup>	Box Head	Smooth Black (35' Max.)	Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director)
Other County Areas <sup>1</sup>	Box Head	Smooth Black (35' Max.)	Smooth or Fluted Black (14' Max)

<sup>1</sup>Maximum levels for high security areas shall be 12.0 foot-candles. Examples of high security areas include entrances and exits of buildings and ATM machines.

- C. Exceptions to site lighting standards:
  - 1. Security lighting activated by motion sensor.
  - 2. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
  - 3. Security lighting less than 2.0 average foot-candles.
- D. Site Lighting Plans shall be submitted to the Department prior to issuance of a development permit, or building permit if no site development is proposed, or prior to the installation or replacement of any site lighting which shall indicate the following:
  - 1. Location and mounting information for each light.
  - 2. Illumination calculations showing light levels in foot candles at points located on a 10-foot-center grid, including an illustration of the areas masked out per the requirements above regarding points of measurements.
  - 3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and number of lumens.
  - 4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.
  - 5. An illumination summary, including the minimum average and maximum foot-candle calculations ("array values") and the total number of array points (points used on the 10-foot-grid calculations).

### **Section 240-110. Restricted Vehicles in Parking Areas.**

**240-110.1** In any non-single-family residential zoning district, delivery/service vehicles and vehicles displaying advertising must be parked within the side or rear yard and shall not be parked within the front yard.

**240-110.2** Except as permitted in Section 240-10.3 in all residential zoning districts, the parking of the following vehicles is prohibited: limousines, taxis, box trucks, flatbed trucks with specialized equipment or greater than a 350 or 3500 series truck, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments, pull behind cement mixers, bucket trucks, buses, earth moving machinery, semi-trailers, and open or enclosed trailers greater than 20 feet in length. Vehicles used for agricultural purposes on residential property with three acres or more are permitted if parked outside the required front setback.

**240-110.3** Notwithstanding the above provisions of Section 240-110, in all residential zoning districts, the parking of the following vehicles is permitted:

- A. An automobile, pick-up truck, van, or SUV used to provide daily transportation to and from work except those vehicles that fall under the requirements for Section 210-140.22 Home Occupation.
- B. A commercial vehicle that is parked temporarily in conjunction with construction under a valid permit or a commercial service.

### **Section 240-120. Off-Street Loading Standards.**

#### **240-120.1 Purpose and Intent.**

- A. To ensure that off-street loading facilities and driveways are adequate to protect the safety and capacity of public streets.
- B. To ensure that the design and location of off-street loading facilities do not have a negative impact on adjacent property or surrounding residential areas.

**240-120.2 Application.** Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area shall be provided in accordance with this section of the UDO. Loading docks may be

used to meet this requirement.

**240-120.3 Minimum number of spaces.** Off-street loading spaces shall be provided as follows:

**Table 240-120: Off-Street Loading Space Requirements.**

Type of Use	Gross Floor Area (Sq. Ft.) or Units	Loading Spaces Required
Retail Sales of Goods Establishment, freestanding	0 to 19,999;	None
	20,000 to 49,999;	One
	50,000 to 250,000;	Two
	Over 250,000	Three
Retail Sales of Goods Establishment, retail center	0 to 19,999;	None
	20,000 to 49,999;	One
	50,000 to 100,000;	Two
	Each additional 100,000	One
Multifamily	50 units or less;	None
	51 to 200 units;	One
	More than 200 units	Two
Office; Hospital or Related Healthcare Facility; Lodging Establishment	0 to 49,999;	None
	50,000 to 100,000;	One
	More than 100,000	Two
Manufacturing, Warehouse, Wholesale, and Distribution Facility	Up to 14,999;	One
	15,000 to 39,999;	Two
	40,000 to 65,000;	Three
	Each additional 80,000	One
Recycling Center	N/A	Two

**240-120.4 Location of off-street loading spaces.**

- All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve or on an adjacent lot where shared with the use occupying said adjacent lot.
- Each required off-street loading space shall have access to a street or alley that provides safe and adequate ingress and egress for trucks.

**240-120.5** Areas reserved for off-street loading, in accordance with the requirements of this UDO, shall not be reduced in area or changed to any other use unless the permitted use that is served, is discontinued or modified; except where equivalent loading space is provided and approved by the Director.

**Section 240-130. Construction and Dimensions of Off-street Loading.**

**240-130.1 Required dimensions for each loading space.** Each loading space shall be a minimum of 12 feet wide and 30 feet deep, except that for warehouse, wholesale and distribution facilities, loading spaces shall be a minimum of 12 feet wide and 50 feet deep.

**240-130.2** Loading areas shall provide adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than four percent. The loading area shall not exceed a grade of two percent.

**240-130.3 Paving.** All required loading areas shall be paved with asphalt, concrete, or other materials subject to approval by the Director. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

**240-130.4 Screening.** Loading areas shall be screened from public view with vegetative or non-vegetative material such as an opaque fence, wall, or evergreen trees and shrubs or a combination thereof. Screening requirements can be found in Title 3 of this Ordinance.

## **Section 240-140. Electric Vehicle Charging Equipment.**

**240-140.1** Non-residential, mixed-use, and multifamily developments which exceed 50 parking spaces shall provide at least one electric vehicle charging station (pedestal) for each 50 parking spaces provided.

**240-140.2** Compliance with this subsection is required for redevelopment projects where site work and/or repaving of existing parking areas and driveways (greater than 50 parking spaces) exceeds 50% of the existing parking area impervious surface..

**240-140.3** Charging spaces may be counted as part of minimum required parking spaces but shall not be counted against the maximum parking.

**240-140.4** No more than one of the required charging spaces shall be located in spaces required for ADA accessibility.

## **Section 240-150. Bicycle Parking.**

**240-150.1** All non-residential, mixed-use, and multifamily developments shall provide bicycle parking spaces consistent with each of the standards below:

- A. *Non-residential development.* One bicycle parking space for every 30 automobile parking spaces. No single development shall provide less than two bicycle parking spaces or be required to provide more than 30 bicycle parking spaces.
- B. *Mixed-use and Multifamily development.* One bicycle parking space for every 15 multifamily dwelling units. No single development shall be required to provide more than 30 bicycle parking spaces. The required spaces shall be provided within a secure indoor area for long-term storage.
- C. Bicycle racks shall be anchored to a concrete pad and shall be located outside of the street right-of-way, in a well-lighted area, no more than 150 feet from the primary entrance of the building.

## Chapter 245. On-Street Parking Standards

### Section 245-10. General Requirements.

#### 245-10.1 Purpose and Intent.

- A. To ensure that the development and redevelopment of property provides safe and adequate parking for automobiles and bicycles for the convenience and safety of all residents, employees, visitors, and shoppers, including persons with disabilities.
- B. To provide design standards for parking facilities and driveways to minimize harm to motorists and private property, provide adequate emergency vehicle access, and to ensure the provision of safe effective and efficiently designed public streets.
- C. To ensure that the number of on-street parking spaces does not impact adjacent residential areas from encroachment of commercial parking into neighborhood streets.
- D. To minimize the impacts of stormwater runoff from on-street parking facilities causing erosion and pollution of water bodies.

#### 245-10.2 Applicability.

- A. On-street parking may be used on Gwinnett County maintained public streets and shall be limited to local streets internal to development.
- B. On-street parking shall be subject to Gwinnett County Department of Transportation and the Director.
- C. Individual businesses shall not designate any one on-street parking space for exclusive use by their patrons.

### Section 245-20. Parking Space Requirements.

**245-20.1** Parking areas shall comply with all ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses.

**245-20.2** A maintenance agreement for on-street parking shall be authorized between the owner/developer and the Department of Transportation prior to development permit issuance.

**245-20.3** On-street parking shall be constructed to the street standards as established in this UDO and maintained in accordance with GCDOT Standards and further maintained so as not to create any hazards with traffic flow on the adjacent street. A mandatory property owners association shall be established. The property owner's association shall be responsible for the maintenance of any on-street parking in the development. A maintenance responsibility statement for on-street parking shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for on-street parking.

## **Chapter 260. Non-Conforming Uses**

### **Section 260-10. Determination of Non-Conforming Status.**

#### **260-10.1 Determination of Non-Conforming Status.**

- A. The burden of proving a nonconformity was lawfully established rests entirely with the subject property owner.
- B. A preponderance of evidence must be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence must also indicate that the nonconformity has been continuous, and that the situation has not lost its nonconforming status. Examples of reliable evidence include occupational tax certificates; building permits; zoning compliance permits; city/county billing records; utility billing records; assessment, tax or rent records; and directory listings.
- C. The Director shall determine whether adequate proof of nonconforming status has been provided by the subject landowner.

### **Section 260-20. Continuance of Non-Conforming Uses.**

#### **260-20.1 Continuance of Non-Conforming Uses.**

- A. The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:
  1. Extended to occupy a greater area of land.
  2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure.
  3. Reestablished after discontinuance for 12 months.
  4. Changed to another non-conforming use.

### **Section 260-30. Continuance of Non-Conforming Buildings and Features.**

#### **260-30.1 Continuance of Non-Conforming Buildings.**

- A. A non-conforming building existing at the time of the enactment or amendment of this Ordinance may be retained except as follows:
  1. No building other than a single-family detached dwelling shall be enlarged, or altered except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
  2. No building other than a single-family detached dwelling shall be rebuilt, altered, or repaired after damage exceeding 50 percent of the replacement cost of the above-ground structure at the time of destruction, except in conformity with this Ordinance, provided that such damage

occurred as a result of fire, flood, wind, earthquake, or other natural disaster.

**260-30.2 Continuance of Non-Conforming Development Features.**

- A. A nonconforming development feature may remain except as otherwise expressly stated in this UDO, but the nature and extent of nonconforming site features shall not be increased except as otherwise expressly stated in this UDO.
- B. No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the UDO, but changes may be made which result in the same or a lesser degree of nonconformity, subject to compliance. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

**Section 260-40. Buildings and Structures Where Construction Has Begun.**

**260-40.1** To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, or a subdivision development plan or final subdivision plat was lawfully approved, prior to the effective date of the UDO or amendment thereto, provided:

- A. Such permit or approval has not by its own terms expired prior to such effective date.
- B. Actual building construction is commenced prior to the expiration, or valid renewal, of such permit or approval.
- C. Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

**Section 260-50. Prior Authorization.**

Variances, Zoning Map Amendments, and Special Use Permits lawfully authorized and granted and conditions of such approvals or occurring prior to the effective date of this Title 2 shall continue to be enforced provided the terms and conditions of said authorization are followed.

## **Chapter 265. Temporary Outdoor Activity Uses**

### **Section 265-10. General Requirements and Restrictions.**

- A. The following requirements and restrictions apply to all temporary outdoor activities:
  - 1. All activities governed by this chapter shall require a temporary outdoor activity permit which is issued by the Department. The Department shall collect a fee for the issuance of such permits per the adopted fee schedule.
  - 2. All activities governed by this chapter shall require an Occupation Tax Certificate, which is issued by the Department, as required by the Gwinnett County Code of Ordinances.
  - 3. Written permission from the property owner, if not the applicant, shall be obtained and submitted by the applicant to the Department prior to the issuance of a temporary outdoor activity permit.
  - 4. All activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress, pedestrian movement, and parking.
  - 5. No display shall be erected or installed, nor shall any activities take place, within 20 feet of a county or state right-of-way.
  - 6. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
  - 7. All temporary signage shall meet the requirements of the Gwinnett County Sign Ordinance.

### **Section 265-20. Temporary Outdoor Sales.**

- A. In addition to the provisions of Section 265-10, temporary outdoor sales activities shall be subject to the following standards:
  - 1. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
  - 2. Temporary outdoor sales activities shall only be permitted within non-residential zoning districts and mixed-use zoning districts with non-residential uses.
  - 3. A temporary outdoor activity permit for temporary outdoor sales shall not be issued on parcels of land that are less than one acre in size.
  - 4. Multiple temporary outdoor activity permits for temporary outdoor sales shall not be simultaneously issued for a single parcel of land.
  - 5. Temporary outdoor sales activities shall be conducted on a paved surface and not on grassed or landscaped areas.
  - 6. Temporary outdoor sales activities shall be prohibited on vacant parcels.
  - 7. No more than four temporary outdoor activity permits for temporary outdoor sales shall be permitted per calendar year per parcel of land.

8. Each temporary outdoor sales activity shall be limited to a maximum of five consecutive days, except holiday activities as indicated in this Chapter.

### **Section 265-30. Temporary Outdoor Events.**

- A. In addition to the provisions of Section 265-10, temporary outdoor events shall be subject to the following standards:
  1. No more than three temporary outdoor activity permits for outdoor events shall be permitted per calendar year per parcel of land.
  2. Each temporary outdoor event shall be limited to a period not to exceed 14 consecutive days or 26 calendar days.
  3. A temporary outdoor activity permit for temporary outdoor events shall not be issued on parcels of land that are less than one acre in size.
  4. No temporary sanitary facility or trash receptacle shall be located within 100 feet of a property zoned for residential use, excluding those in a mixed-use development.
  5. All event parking must be accommodated on-site on a paved surface or through a shuttle service to an off-site parking area.

### **Section 265-40. Temporary Outdoor Holiday Activities.**

- A. In addition to the provisions of Section 265-10, temporary outdoor holiday activities, shall be subject to the following standards:
  1. A temporary outdoor activity permit for holiday activities shall not be issued on parcels of land that are less than one acre in size.
  2. Multiple temporary outdoor activity permits shall not be simultaneously issued on a parcel of land containing less than five acres.
  3. The activity shall be permitted for 30 consecutive days due to the seasonal nature of such activities.
  4. Pumpkin sales shall be permitted from September 15 through October 31 due to the seasonal nature of such sales.
  5. Christmas tree sales shall be permitted between November 1 and December 31 due to the seasonal nature of such sales.
  6. Holiday carnivals shall be permitted as temporary holiday activities so long as no structure or equipment is located within 100 feet of any single-family residential property line.
  7. No more than four temporary outdoor activity permits for holiday activities shall be permitted per calendar year per parcel of land.

### **Section 265-50. Mobile Food Service Units.**

#### **265-50.1 Exemptions from Temporary Outdoor Activity Permit Requirements.**

- A. Mobile food service units may operate with the written approval of the property owner in the following zoning districts and locations without issuance of a temporary outdoor activity permit:
  1. Gwinnett Entertainment District: the buildings and property currently known as the Infinite Energy Center, including any future development as envisioned on the Infinite Energy Center Master Plan 2015.
  2. Any commercial development having at least 750,000 square feet of commercial space.
  3. Property zoned MU-R Regional Mixed-Use District.
- B. Mobile food service units shall be permitted in association with a Temporary Outdoor Event or Holiday

Activity without a separate permit, regardless of location.

**265-50.2 Standalone Temporary Activity Permit Requirements.**

- A. In addition to the provisions of Section 265-10, mobile food service units shall be subject to the following standards:
  - 1. Shall be limited to properties zoned for office, commercial, and mixed-use development and shall only be located on a lot containing a principal building.
  - 2. Shall be located at least 100 feet from the main entrance of any eating or drinking establishment.
  - 3. No mobile food service unit shall conduct business or operate within 50 feet of the public right-of-way unless otherwise invited or permitted.
  - 4. A mobile food service unit shall maintain documentation of permission from the property owner to operate on the premises while in operation.
  - 5. A mobile food service unit shall not create sounds, play music, or make announcements to call attention to the mobile food service either while traveling on the public rights-of-way or when the unit is stationary. At all times the mobile food service units shall comply with the County's noise control requirements set forth in Article III of Chapter 38 of the Gwinnett County Code of Ordinance.
  - 6. Mobile food service units shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
  - 7. Mobile food service units shall comply with all state, federal and local health and safety regulations and requirements, shall comply with all provisions of the Gwinnett County Code of Ordinances, and shall obtain and maintain any and all licenses required by any other health, or governmental organization or entity having jurisdiction over this subject matter.
  - 8. No more than four temporary outdoor activity permits for mobile food units shall be permitted per calendar year per parcel of land. This limitation shall not apply to office developments without restaurants on-site.
  - 9. Each temporary outdoor sales activity permit for a mobile food unit shall be limited to a maximum of three consecutive days.

**Section 265-60. Inspections.**

The Director is hereby authorized to inspect the temporary outdoor activity for compliance with the provisions of this article.

## Chapter 270. Procedures.

### Section 270-10. Administration and Legislative Bodies.

The provisions of this Title 2 of the UDO shall be administered by the Department, in association with and in support of the Planning Commission, Zoning Board of Appeals, and Board of Commissioners, as described herein.

### Section 270-20. Zoning Ordinance Text and Map Amendments.

#### 270-20.1 Zoning Ordinance and Official Zoning Map Amendment Procedure.

- A. The Zoning Ordinance (as contained in Titles 1 and 2 of this UDO), including the Official Zoning Maps, may be amended from time to time by the Board of Commissioners, but no text or map amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.
- B. If the Planning Commission fails to submit a report within 30 days of its first meeting after it has received an amendment request complete in all respects, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment. However, the Planning Commission may table or continue the hearing on the matter to a specific future date and time in accordance with Section 270-25.B.

#### 270-20.2 Public Hearing Required; Required Notice of Public Hearing.

- A. Before the Planning Commission submits a report or the Board of Commissioners enacts or denies an amendment, they shall each hold a public hearing thereon, and the Board of Commissioners shall hold any additional public hearings required by law.
- B. At least 15 but not more than 45 days prior to the date of each such hearing, the Board of Commissioners shall cause to be published within a newspaper of general circulation within the territorial boundaries of Gwinnett County, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing. In addition, the notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
- C. A sign containing the information outlined above shall be placed in a conspicuous location on the property at least 15 days but not more than 45 days prior to the date of the hearing. A sign shall be erected at or near the right-of-way line (near the center of the frontage). Such sign shall not interfere with the sight distance at any intersection or driveway. The Director may require the placement of signs at multiple locations for large acreage tracts or sites with multiple road frontages.
  1. The zoning map amendment sign shall contain the following information: location of the property, the present zoning of the property, the proposed zoning of the property, proposed use, and the date, time, and location of the public hearing.
  2. The special use permit and change in conditions sign(s) shall contain the following information: location of the property, proposed use, and the date, time, and location of the public hearing.
- D. In addition to the notices outlined above, the applicant shall give notice of the proposed zoning action by first class mail to all property owners of record within 1,000 feet of the subject property as shown by Gwinnett County tax records. Such notice shall be mailed at least 15 days prior to the first

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Planning Commission public hearing and shall include: letter of intent, applicant/contact person, vicinity map, site plan, zoning action case number, and the date, time, and place of the public hearings. A certificate of mailing from the U.S. Postal Service must be submitted to the Planning Division a minimum of 15 days prior to the first scheduled public hearing. Failure to timely submit the certificate of mailing will result in an administrative hold by the Department.

### **270-20.3 Public Participation.**

- A. Public Participation is required for any Zoning Map Amendment, Change-in-Conditions, or Special Use Permit application meeting the following thresholds:
  1. Any of the following Zoning Amendment Applications:
    - a. Those resulting in the creation of more than 10 new residential lots and/or units.
    - b. Those resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
    - c. Those resulting in more than 10,000 square feet of land disturbance.
  2. Any of the following Special Use Permit Applications:
    - a. Those resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
    - b. Those resulting in more than 10,000 square feet of land disturbance.
  3. Any of the following Change-in-Conditions Applications:
    - a. Those resulting in the creation of more than 10 additional residential lots and/or units.
    - b. Those resulting in the construction of more than 5,000 square feet of additional non-residential buildings and/or additions to buildings.
    - c. Those resulting in more than an additional 10,000 square feet of land disturbance.
    - d. Those requesting any increase in building height, reduction of any building setback from an external property line, reduction of buffers, changes to the architecture of exterior facades, change in use or mixture of uses, or major changes to approved site plans as determined by the Director.
- B. The Public Participation process consists of the following two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.
  1. *Public Participation Plan Required.* All applications requiring public participation are required to create and submit a Public Participation Plan which must be filed simultaneously with the application. The plan shall be implemented prior to the first public hearing. The minimum standards for the plan are as follows:
    - a. Identification of all property owners within 1,000 feet of the site. Written notice shall be mailed by the applicant to all property owners a minimum of 14 days prior to the meeting.
    - b. A summary of methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time, subject to review and approval by the Director, and notify all interested parties, as identified above, of the purpose, place, and time of the meeting. The applicant may schedule additional meetings as deemed necessary to ensure that interested parties have adequate opportunity to participate in the process.

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- c. The applicant or representative thereof shall attend this meeting and provide an opportunity for dialogue with interested parties.
- d. Applicant's schedule for completion of the Public Participation Plan.

2. *Public Participation Report Required.* All applications requiring public participation are required to provide a Public Participation Report to the Department no later than 35 calendar days prior to the Planning Commission hearing. This report shall be made a part of the official file and will be provided to the Planning Commission and the Board of Commissioners. The minimum standards for the report are as follows:
  - a. Provide a list of all parties that were contacted, the methods of notification that were used, a copy of the notification letters, and a certificate of mailing from the U.S. Postal Service.
  - b. Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (Attach meeting notices, letters, etc.)
  - c. Provide the number of people who participated in meetings held to discuss an application with sign-in sheets.
  - d. A summary of concerns and issues expressed by interested parties.
  - e. A summary of the applicant's response to these concerns and issues.

**270-20.4 Initiation of Amendments.** Applications for zoning map amendments may be initiated by resolution of the Board of Commissioners, or by motion of the Planning Commission, Director, or by petition of any property owner addressed to the Board of Commissioners. Amendments to the text of the UDO may be initiated by resolution of the Board of Commissioners, or by motion of the Planning Commission, or Director. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

**270-20.5 Limitation on Permits.** Once a map amendment is initiated by the Board of Commissioners, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, or for a variance or Special Use Permit for the affected property shall be accepted for processing or acted upon until final action is taken by the Board of Commissioners on the proposed map amendment. Provided, however, that if the Board of Commissioners does not take final action on the proposed map amendment within six months from the date of initiation, permit, variance and Special Use Permit applications shall again be accepted and reviewed pursuant to existing zoning. And further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed zoning district.

**270-20.6 Standards Governing the Exercise of Zoning Power.** The Board of Commissioners finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

- E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

**270-20.7 Impact Analysis.** If a proposed amendment is for the rezoning of property, then:

- A. The initiating party, if a party other than the Board of Commissioners, shall be required to file, with its application for amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 270-20.6, above. Such a zoning proposal and analysis shall be a public record.
- B. The Department shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 270-20.6 above.
- C. The Department shall make a written record of its investigation and recommendations, and this record shall be a public record.
- D. The Planning Commission shall, with respect to each such zoning proposal, investigate and make a recommendation based on their investigation, the Department's evaluation, and information presented during the public hearing, which includes the consideration of the matters enumerated in Section 270-20.6 above. The Department shall make a written record of the Planning Commission recommendation, and this record shall be a public record.

**270-20.8 Action by Board of Commissioners.** Following its public hearing the Board of Commissioners may:

- A. Approve the proposed amendment as presented;
- B. Approve the proposed amendment with conditions;
- C. Approve a similar or less intense use (including special uses), with or without conditions, if the proposed amendment is for the rezoning of property;
- D. Deny the proposed amendment in whole or in part;
- E. Deny the proposed amendment without prejudice, which means the action will not appear in any future staff case reports related to a zoning application impacting the property;
- F. Remand the matter back to the Planning Commission for reconsideration;
- G. Table final action to a future regularly scheduled business session or public hearing, or table the final action indefinitely.

**270-20.9 Plans and Other Documents Showing Proposed Use and Impact Required.** An application for an amendment to create or extend a Zoning District shall be accompanied by a site plan at scale and such other plans, elevations or additional information as the Director and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional information may include without limitation traffic studies developed in accordance with Gwinnett County Department of Transportation Guidelines utility studies, and drainage studies. All application requirements must be satisfied as outlined in the Department's Procedures and Instructions for Rezoning, Change-in-Conditions, and Special Use Permit Applications.

**270-20.10 Change in Conditions of Zoning.** Changes to the conditions of an approved rezoning or special use permit shall be subject to the same application, review, and approval process as a new application, including the payment of relevant fees.

**270-20.11 Appeals of a Zoning Ordinance Text and Map Amendment Decision.** Appeals of a decision by the Board of Commissioners to approve or deny an amendment may be taken in the manner provided by law.

**270-20.12** If plans are not implemented within specified time limits, the following action may be taken:

- A. For any zoning map amendment for which the Board of Commissioners is not the applicant, and upon which property no development permit, building permit, or certificate of occupancy has been issued within 12 months of the date of approval of said amendment, the Board of Commissioners may review the zoning district classification of the property and determine whether it shall be continued or initiated for rezoning.
- B. Such properties shall first be reviewed by the Planning Commission, which shall make such findings and recommendations as it deems appropriate.

**270-20.13 Concurrent Variances.** In cases where an applicant is proposing a zoning map amendment and where the applicant files an application to obtain a variance at the same time of filing an application for zoning map amendment, the variance application may be processed simultaneously. Granting of concurrent variances shall be subject to compliance with the applicable Standards Governing Exercise of the Zoning Power, as determined by Section 270-20.6.

## **270-25 Public Hearing Rules of Procedure.**

- A. Exercise of zoning power shall conform to the standards expressed in the Unified Development Ordinance, as amended from time to time, and Section 270-20.6.
- B. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except if, in the judgment of a majority of the quorum of the Planning Commission or Board of Commissioners, as applicable, special circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- C. If there are multiple applications for the same property, including applications to rezone property from one zoning classification to another pursuant to Section 270-20, applications for a Special Use Permit pursuant to Section 270-30, applications for a concurrent variance pursuant to Section 270-20.13, or applications for a change in conditions to a previously approved rezoning or special use permit, a single public hearing covering all applications shall be held.
- D. Prior to the presentation of zoning matters, the Chairperson of the Planning Commission or Board of Commissioners, as applicable, shall make an announcement that may include, but not be limited to, the following:
  1. A reminder that the public hearings are being held at an official public meeting at which important business is conducted, and a request that audience members refrain from applause and all other extraneous remarks and cooperate to maintain an orderly meeting.
  2. A request that individuals intending to make a comment in support or opposition to any of the matters take a seat toward the front of the auditorium before the item they wish to address occurs on the agenda.
  3. A request that individuals provide their name and address for the public record when they come to the microphone.
  4. Instructions for the placement of any maps, photos, or other items to be viewed by the commissioners.
  5. Notice that the clerk will be keeping time with 10 minutes allocated for presentation in support and 10 minutes in opposition and that questions from commissioners will not take away from presentation time.

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- E. At least five calendar days prior to the first hearing on an application, any person wishing to speak in opposition to said application who has made campaign contributions aggregating \$250.00 or more to a commissioner within the two-year period immediately preceding the filing of said application, must have provided a written disclosure of campaign contributions in accordance with O.C.G.A. Title 36, Ch. 66 (O.C.G.A. § 36-67A-1 et seq.). A similar disclosure is required of applicants and representatives of applicants at the time an application is filed.
- F. All hearings held by the Planning Commission and Board of Commissioners shall be conducted in accordance with the following rules of procedure:
  1. The Chairperson or presiding member of the Planning Commission or Board of Commissioners, as applicable, shall open a public hearing for each matter that requires a public hearing.
  2. The Chairperson or presiding member may call for a presentation by the Department that includes the recommendation of the Department and Planning Commission, if applicable, on each such matter. Following the Department presentation, the commissioners may ask the Department questions pertinent to the application.
  3. The Chairperson or presiding member shall then call for parties in interest on the matter who shall have privilege on the floor. The parties shall identify themselves by name, address, and affiliation with any business or organization which would be relevant to the matter being considered.
  4. Proponents shall speak first; opponents shall speak second. All comments and questions from the parties in interest shall be directed to the commissioners. Proponents and opponents shall generally be provided ten minutes per side to present data, evidence, and opinions in support of their position. The Chairperson or presiding member shall have the power and discretion to expand the period of time for presentation if, in the Chairperson's or presiding member's judgment, circumstances surrounding the matter warrant such action and any such expansion is granted equally to the proponents and opponents. The applicant may request that any unused portion of the allotted time be reserved for rebuttal. In the event that there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time period.
  5. In the event that an official who represents a municipality or an agency of federal, state, or local government wishes to speak on an agenda item, such official representative may be heard at the time established on the agenda for such matter and subject to the time limits set by the Chairperson. Such time shall not reduce the time otherwise allotted to the proponents or opponents to present their public comments.
  6. Should the commissioners ask questions of an opponent, proponent or an official, the time taken to respond to questions will not take away from presentation time.
  7. The Chairperson or presiding member shall call for questions from the commissioners to the proponents or opponents immediately after their individual presentation and before moving to the next speaker.
  8. When the allotted public hearing time period is complete or there are no additional speakers to address the commissioners during the allotted time period and questions or comments by the

commissioners have been concluded, the Chairperson or presiding member shall close the public hearing and call for a motion for action on the issue and a second of the motion. The Chairperson or presiding member shall then call for discussion of the matter and voting thereon.

9. Once discussion has begun, no further comment or presentation shall be made by parties in interest unless a commissioner has a specific question for a party in interest or the Department, or the Chairperson or presiding member deems further comment to be appropriate or germane to the issues surrounding the matter.
10. Authorized action by the Planning Commission and Board of Commissioners shall consist of any of the actions specified in this UDO.

G. The rules of procedure governing public hearings shall be made available in written form to the public in the Department, the office of the Board of Commissioners and at public hearings.

### **Section 270-30. Special Use Permits.**

**270-30.1 Purpose.** The purpose of a Special Use Permit is to provide a process for review of a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration, and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses.

**270-30.2 Authority.** The Board of Commissioners shall take final action on applications for Special Use Permits in accordance with the procedures, standards, and limitations of the UDO. In order to accommodate these special uses, the Special Use Permit allows the Board of Commissioners to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth in this UDO and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All Special Use Permit applications shall be for a specific development proposal and use. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

**270-30.3 Special Use Permit Procedure.** The application and review process for a Special Use Permit, including all public notice and public hearing requirements and procedures, shall be the same as those contained in Section 270-20 and Section 270-25, herein. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. All application requirements must be satisfied as outlined in the Department's Procedures and Instructions for Rezoning, Change-in-Conditions, and Special Use Permit Applications.

**270-30.4 Staff Analysis and Recommendation.** The Staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20, herein. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings.

**270-30.5 Public Hearing Required.** The public hearing process, impact analysis and application of the Standards Governing the Exercise of Zoning Power for a Special Use Permit shall be the same as those contained in Section 270-20, herein.

**270-30.6 Action by the Board of Commissioners.** When considering a Special Use Permit application, the Board of Commissioners shall consider the policies and objectives of the Unified Plan and Future Development Map, particularly in relationship to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially in regard to but not limited to traffic, storm drainage, impacts

to the usability of adjacent and nearby properties, and compatibility of land use activities. Following its public hearing the Board of Commissioners may:

- A. Approve the proposed special use as presented;
- B. Approve the proposed special use with conditions;
- C. Deny the proposed special use in whole or in part;
- D. Deny the proposed amendment without prejudice, which means the action will not appear in any future staff case reports related to a zoning application impacting the property;
- E. Remand the matter back to the Planning Commission for reconsideration;
- F. Table final action to a future regularly scheduled business session or public hearing, or table the final action indefinitely.

**270-30.7 Special Uses Within or Accessory to a Dwelling.** An application for a Special Use Permit in a residential zoning district where the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

- A. The special use shall operate within the dwelling on the property or, if approved by the Board of Commissioners, in an accessory structure.
- B. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the Board of Commissioners.
- C. The owner of the property or business shall occupy the property and shall operate any business associated with the special use.

**270-30.8 Change in Conditions or Modification of a Special Use Permit.** Changes to the conditions or modification of an approved Special Use Permit shall be subject to the same application, review, and approval process as a new application, including the payment of relevant fees.

**270-30.9 Development of an Approved Special Use.**

- A. The issuance of a Special Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.
- B. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.

**270-30.10 Compliance with Special Use Permit Requirements.** The Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions.

**270-30.11 Appeal of a Special Use Permit Decision.** Appeals of a decision by the Board of Commissioners to approve or deny a Special Use Permit application may be taken in the manner provided by law.

**270-30.12 Designated Official for Appeals.** The County Attorney is hereby authorized to accept service of any appeal of a quasi-judicial decision on behalf of the Board of Commissioners, during normal business hours, at the regular offices of the County Attorney.

**270-30.13 Concurrent Variances.** In cases where an applicant is proposing a special use permit and where the applicant files an application to obtain a variance at the same time of filing an application for a Special Use

Permit, the variance application may be processed simultaneously. Granting of concurrent variances shall be subject to compliance with the applicable Standards Governing Exercise of the Zoning Power, as determined by Sec. 270-20.6.

### **Section 270-40. Conditional Approvals.**

**270-40.1** In adopting an amendment to the Official Zoning Map, or approving a Special Use Permit, the Board of Commissioners may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the districts involved and to further the goals and objectives of the Unified Plan.

**270-40.2 Conditions of Approval.** Conditions of approval shall:

- A. Only be valid if they are included in the motion approving the amendment for adoption;
- B. Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the text of the UDO or the Official Zoning Maps;
- C. Be continually in effect, or for the period of time specified in the amendment;
- D. Be required of the property owner and all subsequent owners as a condition of their use of the property;
- E. Be interpreted and continually enforced by the Director in the same manner as any other provision of this UDO; and
- F. Where any condition conflicts with a UDO requirement, the stricter requirement shall apply unless otherwise indicated in this UDO.

**270-40.3 Violations of Conditions.** Notwithstanding any other remedies available in this UDO and under local and state law, violations of conditions imposed pursuant to this Section 270-40 shall be handled in accordance with Chapter 120.

### **Section 270-50. Withdrawal of Application.**

**270-50.1** Once an application for an amendment to the Official Zoning Map, Change-in-Conditions, Special Use Permit, or Variance has been made, the applicant may withdraw such application up to three business days prior to the day of the Planning Commission Public Hearing or Zoning Board of Appeals Public Hearing.

**270-50.2** An application shall not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline, all applications shall be considered by the Board of Commissioners or Zoning Board of Appeals, as appropriate, and shall receive final action, unless having been administratively withdrawn for cause by the Department.

### **Section 270-60. Lapse of Time Requirement for Reapplication.**

The following shall apply to the reapplication for a Zoning Map Amendment, Change-in-Conditions, Special Use Permit or Variance.

**270-60.1** No application or reapplication for any zoning map amendment, Change-in-Conditions, or Special Use Permit affecting the same land or any portion thereof shall be acted upon within six months from the date of last action by the Board of Commissioners.

No application or reapplication for the same type of variance affecting the same land or any portion thereof shall be acted upon within six months from the date of last action by the Zoning Board of Appeals.

**270-60.2** Administrative variances, as outlined in Section 270-120, shall not be subject to this time lapse requirement.

### **Section 270-70. Zoning Board of Appeals.**

**270-70.1 Authority.** The Zoning Board of Appeals shall have the authority granted by enabling ordinance approved by the Board of Commissioners of Gwinnett County, Georgia, on September 17, 1985, and as may be amended from time to time.

**270-70.2 Membership and Appointment.** The Zoning Board of Appeals shall consist of five members residing within Gwinnett County, appointed by the County Commissioners of Gwinnett County. One member of the Zoning Board of Appeals may be a member of the Planning Commission. No other member of the Zoning Board of Appeals shall simultaneously hold any employment or elected office within the Gwinnett County Government which is inconsistent with his or her duties on the Zoning Board of Appeals.

#### **270-70.3 Terms of Office.**

- A. The term of office of each member of the Zoning Board of Appeals shall be for one year, or thereafter until his successor is appointed and qualified. Members may be reappointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- B. Members shall be removable for cause by the Board of Commissioners of Gwinnett County upon written charges and after a public hearing.
- C. Any member of the Zoning Board of Appeals shall be disqualified to act upon a matter in which the member has an interest.

**270-70.4 Officers.** The Zoning Board of Appeals shall elect one of its members, other than the member of the Planning Commission, as Chairperson and one member as Vice-Chairperson. The Chairperson and Vice-Chairperson shall serve for one year or until reelected or until successors are elected. The Department shall serve as the Secretary of the Zoning Board of Appeals.

**270-70.5 Procedure.** The Zoning Board of Appeals shall adopt rules of procedure. Meetings of the Zoning Board of Appeals shall meet on a regular schedule as determined by the Department and at the call of the Chairperson and at such other times as the members of the Zoning Board of Appeals may determine. The Chairperson or, in his absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

#### **270-70.6 Powers of the Zoning Board of Appeals.**

- A. The Zoning Board of Appeals shall have the following powers:
  1. To hear and decide appeals of determination made by the Director in the enforcement of this UDO.
    - a. In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of Title 2 of the UDO, reverse decisions or determinations from which the appeal is taken and, to that end, shall have all the powers of the Director from whom the appeal is taken and may issue or revoke or direct the issuance or revocation of a Building or other permit.
  2. To authorize variances from the terms of Title 2 and applicable sections of Title 3 of the UDO.

## **Section 270-80. Appeals to the Zoning Board of Appeals.**

**270-80.1** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved by any decision of the Director.

- A. Such appeal shall be taken within 15 days after the written decision of the Director by filing with the Department and Director a Notice of Appeal specifying the grounds thereof.
- B. The Director shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. A public hearing shall be held by the Zoning Board of Appeals within 60 days of the receipt of an appeal.

**270-80.2** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application and notice to the Director for good cause shown.

## **Section 270-90. Variances to the Zoning Board of Appeals.**

**270-90.1 Authority.** Unless otherwise provided for in the UDO, the Zoning Board of Appeals shall have authority to grant variances from the requirements of Title 2, and applicable standards in Title 3, in accordance with the standards and procedures as set forth in this UDO.

**270-90.2** The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the UDO would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.

**270-90.3 Initiation.** A written petition for a variance is to be initiated by the owner of the subject property or the authorized agent of the owner of the property for which relief is sought. Applications shall be filed on forms and with required exhibits as provided by the Department and shall not be considered accepted unless complete in every respect.

**270-90.4 Application Procedures.** An application for a variance shall be filed with the Department, accompanied by a non-refundable fee, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application. The application shall be in such form and shall contain at a minimum the following information and documentation:

- A. Name, address, telephone number, and email address of each owner and applicant, if not owner.
- B. Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
- C. The size of the subject property.
- D. The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
- E. The specific provision of Title 2 from which a variance is requested.
- F. A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the UDO and the Unified Plan.
- G. Any other requirements requested by the Department.

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**270-90.5 Staff Report.** The staff of the Department shall conduct a site inspection and shall prepare an analysis of each application for variance. The staff report shall be presented in written form to the Zoning Board of Appeals at least seven days prior to the scheduled hearing date.

### **270-90.6 Public Hearing Procedures.**

- A. Before the Zoning Board of Appeals acts upon an application for a variance, it shall hold a public hearing thereon.
- B. The notice of the time, place and purpose of such hearing shall be published at least 15 but not more than 45 days prior to the hearing in the official organ/of the County. Written notice of the time, place and purpose of the hearing shall also be mailed to the owner of the property that is the subject of the application at least 15 days but not more than 45 days prior to the hearing. At the hearing, any party may appear in person or by agent or attorney.
- C. In addition, a sign shall be erected at least 15 days but not more than 45 days in a conspicuous place on the property which shall contain information as to the variance applied for and the time and place of hearing.
- D. The rules of procedure of meetings are as follows:
  1. The Chairperson shall call the matter before the Zoning Board of Appeals.
  2. The Chairperson shall then call parties in interest that shall have privilege on the floor after appearing before the Zoning Board of Appeals and identifying themselves by name, address, and affiliation with any business or organization, which would be relative to the matter being considered.
  3. Applicants and proponents shall speak first, and opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Zoning Board of Appeals. Neither applicants and proponents, nor opponents, shall generally have more than five (5) minutes total to present their interest and the Chairperson shall have the power to restrict or expand the period of time for presentations if, in his or her judgment, circumstances surrounding the matter may warrant such action.
  4. The Chairperson shall call for questions from the Zoning Board of Appeals to the proponents or opponents immediately after their individual presentations.
  5. The Chairperson shall then call for discussion of the matter by the Zoning Board of Appeals and the voting thereon. Once discussions by the Zoning Board of Appeals have been called for, no further comment or presentation shall be made by parties in interest unless a Zoning Board of Appeals member has a specific question for a party in interest, or the Chairperson deems further comment to be appropriate and germane to the issues surrounding the matter before the Zoning Board of Appeals.
  6. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of a majority of the Zoning Board of Appeals members, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
  7. The Zoning Board of Appeals may table a vote on a specific matter to a specified future date and time after a public hearing.

### **270-90.7 Standards for Granting Variances.**

- A. *Granting Variances.* The Zoning Board of Appeals shall not grant a variance unless evidence is presented supporting conclusions that the variance meets one or more of the following criteria:

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1. The strict adherence to a provision creates a hardship due to topographical or site conditions, or
2. The applicant proposes a solution which does not circumvent the purpose and intent of this UDO.

B. *No variance shall be authorized to:*

1. Allow a structure or use not authorized in the applicable zoning district.
2. Allow a density or intensity of development that is not authorized within such district.
3. To decrease the minimum lot size authorized by the applicable zoning district.
4. Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a Special Use Permit by the Board of Commissioners.
5. Permit the expansion or enlargement of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, or non-conforming use requiring a Special Use Permit.
6. Permit the re-establishment of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, or non-conforming use requiring a Special Use Permit where such use has lapsed.

C. The Zoning Board of Appeals may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.

**270-90.8 Standards for Considering Appeals of Administrative Decisions.** In considering whether to uphold an administrative decision, the Zoning Board of Appeals shall consider the following criteria:

- A. Whether the official acted within the scope of their authority.
- B. Whether the decision was based on an erroneous finding of material fact.
- C. Whether the decision was based on the standards set forth in this UDO and whether the standards were properly applied or the official making the decision acted in an arbitrary manner in making the decision.
- D. Whether the official adhered to the plain language of this UDO in making the decision, or if the language is determined to be ambiguous, whether or not the decision satisfies the intent of this UDO.

### **Section 270-100. Burden of Proof in Appeals and Variances.**

**270-100.1 Requirements.** It shall be the responsibility of an applicant seeking relief to present facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the UDO.

**270-100.2 Review.** It is the duty of the Zoning Board of Appeals to review such facts and evidence in light of the intent of the UDO to balance the public health, safety, and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO on the applicant's property.

### **Section 270-110. Appeals to Decisions of the Zoning Board of Appeals.**

**270-110.1** Any person or persons seeking an appeal from a final decision of the Zoning Board of Appeals shall appeal to Superior Court in the manner provided by law.

**270-110.2** Appeals from a final decision of the Department made pursuant to the provisions of Section 270-80 shall be to the Zoning Board of Appeals in accordance with Section 270-110. Decisions made by the Zoning Board of Appeals shall be final. All Appeals of decisions made by the Zoning Board of Appeals shall be made pursuant to Section 270-110.1.

**270-110.3** The Director is hereby authorized to approve or issue any form or certificate necessary to perfect any petition described in Title 5 of the Official Code of Georgia Annotation for review of lower judicatory bodies and is further authorized to accept service of any such petition on behalf of the Zoning Board of Appeals, during normal business hours, at the regular offices of the Department. The County Attorney is hereby authorized to accept service of an appeal to a decision of the Zoning Board of Appeals on behalf of the Zoning Board of Appeals,

during normal business hours, at the regular offices of the County Attorney

### **Section 270-120. Administrative Variances.**

**270-120.1** The Director shall have the power to grant variances from the certain development standards as established in Title 2 of the UDO where, in his/her opinion, the intent of the ordinance can be achieved, and equal performance obtained by granting a variance.

**270-120.2** The authority to grant such variances shall be limited to variances from the following requirements:

- A. *Required Front Porch.* Variance not to exceed one foot in depth and/or one foot in width.
- B. *Required Minimum Front Setback for a Principal Structure.* Variance not to exceed 10 feet.
- C. *Required Minimum Side Setback for a Principal Structure.* Variance not to exceed five feet. No side setback shall be reduced to less than five feet.
- D. *Required Minimum Rear Setback for a Principal Structure.* Variance not to exceed 10 feet. No rear setback shall be reduced to less than five feet.
- E. *Required Minimum Lot Width.* Variance not to exceed 10 percent of the minimum required lot width.
- F. *Required Maximum Lot Coverage.* Variance not to exceed five percent of the maximum required lot coverage.
- G. *Required Minimum Side Setback for Substandard Lots of Record.* Variance to reduce the side setback to the minimum amount necessary for a reasonable dwelling. No side setback shall be reduced to less than five feet.
- H. *Required Minimum Side or Rear Setback of an Accessory Structure including Accessory Dwelling Units.* Variance not to exceed five feet. No setback shall be reduced to less than five feet.
- I. *Maximum Fence Height.* Variance not to exceed one foot in the front yard, two feet in any other yard, and up to three feet in one yard on a corner lot with two front yards.
- J. *Maximum Retaining Wall Height.* Variance not to exceed two feet in the front yard within 10 feet of a front property line.
- K. *Required Parking.* Variance not to exceed 10 percent of the minimum parking requirement for the use.
- L. *Required Minimum Off-Street Loading Spaces.* Variance not to exceed one space. At least one off-street loading space shall be provided.
- M. *Maximum Building Height.* Variance not to exceed five feet.
- N. *Minimum Zoning Buffer Width.* Variance not to exceed 25 percent of the minimum required buffer width.
- O. *Required Usable Balcony/Patio Space.* Variance to reduce the required usable balcony/patio space to no less than 20 percent.

### **270-120.3 Application Procedures.**

- A. *Application form and Documentation.* Applications for administrative variances shall be in such a form and contain such information and documentation as shall be prescribed by the Department, but shall contain at least the following:

1. Name and address of the applicant.
2. Legal description of the subject property.
3. Size of the subject property.
4. A statement of the hardship imposed on the applicant by the UDO and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

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5. A non-refundable application fee shall accompany the application, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application.
- B. *Standards for Issuance of Administrative Variances.* In deciding whether to grant an application for an Administrative Variance, the Department shall consider all the applicable standards provided in Title 2 of this UDO.