

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**ORDINANCE ENTITLED:** Gwinnett County Unified Development Ordinance

**READING AND ADOPTION:** September 22, 2015

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte Nash, Chairman	YES	YES
Jace Brooks, District 1	YES	YES
Lynette Howard, District 2	YES	YES
Tommy Hunter, District 3	YES	NO
John Heard, District 4	YES	YES

On motion of COMM. HOWARD, which carried 4-1 the Code of Ordinances of Gwinnett County is hereby amended by repealing Article II, "Temporary Outdoor Activity," of Chapter 18 of the Code of Ordinances in its entirety and amending Appendix A, the "Unified Development Ordinance" by inserting a new section 100.50.0 in Chapter 110 of Title 1 and inserting a new Chapter 265, entitled "Temporary Outdoor Activities," in Title 2 of the Unified Development Ordinance.

**WHEREAS**, the Unified Development Ordinance contains regulations governing zoning and land use, development and permitting, landscape requirements and architectural guidelines, as well as procedures for the administration and application of those regulations; and

**WHEREAS**, by careful review of the rules and requirements contained therein and in Article II of Chapter 18 of the Gwinnett County Code of Ordinances, it has become evident the Unified Development Ordinance could be logically amended to incorporate provisions related to temporary outdoor activities; and

**WHEREAS**, the Gwinnett County Board of Commissioners desires that the Unified Development Ordinance provide appropriate and logical regulation of land use, zoning, development and permitting; and

**WHEREAS**, the Unified Development Ordinance was adopted by the Gwinnett County Board of Commissioners on February 25, 2014; and

**WHEREAS**, the Unified Development Ordinance provides that the text, tables and drawings thereof may be amended from time to time by the Board of Commissioners following submission of certain items to the Municipal-Gwinnett Planning Commission for review and recommendation; and

**WHEREAS**, the Board of Commissioners finds that the following amendment to the Unified Development Ordinance promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Gwinnett County; and

**NOW, THEREFORE, BE IT ORDAINED** that the Gwinnett County Board of Commissioners hereby repeals Article II, "Temporary Outdoor Activity," of Chapter 18 of the Gwinnett County Code of Ordinances in its entirety and amends Appendix A, the "Unified Development Ordinance" by inserting a new section 100.50.0 in Chapter 110 of Title 1 and inserting a new Chapter 265, entitled "Temporary Outdoor Activities," in Title 2 of the Unified Development Ordinance as set forth in Exhibit A which is attached hereto.

**BE IT FURTHER RESOLVED** that all regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash  
Charlotte J. Nash, Chairman

Date Signed: 9/29/15

ATTEST:

By: Diane Kemp  
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Theresa A. Cox  
Theresa Cox, Senior Assistant County Attorney

## EXHIBIT A

**That Title 1, Chapter 110, Subsection 110-50 Definitions by Category/Chapter, is amended by inserting a new subsection 110-50.0 as follows:**

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

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

*Agriculture oriented recreational uses* shall include Christmas tree/pumpkin lots, hayrides, corn-mazes, petting zoos, and pony rides.

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

*Holiday activities* shall mean seasonal activities associated with federally-recognized holidays and Halloween.

*Temporary outdoor activity* shall mean for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises and shall also include agriculture oriented recreational uses. The term shall include the sale of farm produce, carnivals, or the sale of Christmas trees from property which is vacant or which contains a separate and distinct primary use. Temporary outdoor activities shall occur in non-enclosed areas.

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

**That Title 2 is amended by inserting a new Chapter 265, “Temporary Outdoor Activities,” as follows:**

### **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, agriculture oriented recreational uses, and holiday activities:
  1. All activities governed by this chapter shall require a temporary outdoor activity permit which is issued by the Department of Planning and Development. The department of planning and development shall collect a fee for the issuance of such permit.
  2. All activities governed by this chapter shall require an occupation tax certificate, which is issued by the licensing and revenue manager unless such license, business or entity already holds an occupation tax certificate.

3. Written permission from the property owner shall be obtained and submitted by the applicant to the Gwinnett County Department of Planning and Development 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 or occupy required off-street parking spaces.
5. Mobile food services and the preparation of food onsite shall not be permitted as separate stand-alone temporary outdoor activities.
6. No display shall be erected or installed, nor shall any activities take place, within 50 feet of a county or state right-of-way.
7. Display tables may be used.
8. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
9. Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this article.

Section 265-20. Temporary Outdoor Activities.

- A. In addition to the provisions of Section 265-10, temporary outdoor activities other than agriculture oriented recreational uses and holiday activities shall adhere to the following provisions:
  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 activities shall be permitted only within the county's C-2 and C-3 zoning districts.
  3. A temporary outdoor activity permit shall not be issued on parcels of land that are less than two acres in size.
  4. No structure or covering shall be erected as a part of a temporary outdoor activity.
  5. Multiple temporary outdoor activity permits shall not be simultaneously issued on a parcel of land containing less than five acres.
  6. Temporary outdoor activities shall be conducted on a paved surface and not on grassed or landscaped areas.
  7. No evidence of the temporary outdoor activity shall remain on a parcel of property for more than 12 consecutive hours of any calendar day.
  8. Temporary outdoor activities shall be permitted for a period not to exceed 20 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity, unless noted otherwise.

Section 265-30. Agriculture Oriented Recreational Uses

- A. In addition to the provisions of Section 265-10, agriculture oriented recreational uses shall adhere to the following uses:
1. Agriculture oriented recreational uses shall be permitted with the county's C-2, C-3, and RA-200 zoning districts.
  2. The activity shall be permitted for 90 consecutive days due to the seasonal nature of such activities.
  3. Pumpkin sales shall be permitted from September 15 through October 31 due to the seasonal nature of such sales.
  4. Christmas tree sales shall be permitted between November 1 and December 31 due to the seasonal nature of such sales.
  5. Carnivals shall be permitted as agriculture oriented recreational uses so long as no structure or equipment is located within 500 feet of any residential property line.
  6. Agriculture oriented recreational uses may have one (1) banner per frontage. Any such banner may be no more than 32 square feet in area. In addition to one (1) banner per frontage, any permitted agriculture oriented recreational uses may have up to two (2) inflatable devices which are used to attract attention. Due to the temporary nature of these uses, any permitted agriculture oriented recreational use with banners or inflatables in accordance with this section shall not be in violation of any overlay district regulations.
- B. Agriculture oriented recreational uses located in an RA-200 zoning district shall meet the following additional criteria:
1. Agriculture oriented recreational use permits shall not be issued on parcels of land that are less than five acres in size.
  2. Operation must close at 11:00 P.M.
  3. No public address system or loud speakers shall be permitted.
  4. Any structure or associated activity must be a minimum of 50 feet from any adjoining residentially zoned property.
  5. Portable restroom facilities must be provided and must be located a minimum of 100 feet from any adjoining residentially zoned property.
  6. The project access must be from an existing, paved county maintained road.

Section 265-40. Holiday Activities.

- A. In addition to the provisions of Section 265-10, holiday activities, not meeting the definition of agriculture oriented recreational uses, shall adhere to the following uses:
1. Holiday activities shall be permitted only within the county's C-2 and C-3 zoning districts.
  2. A temporary outdoor activity permit for holiday activities shall not be issued on parcels of land that are less than two acres in size.

3. Multiple temporary outdoor activity permits shall not be simultaneously issued on a parcel of land containing less than five acres.
4. The activity shall be permitted for 30 consecutive days due to the seasonal nature of such activities.

Section 265-50. Inspection.

The Director of the Department of Planning and Development, or his designee, is hereby authorized to inspect the temporary outdoor activity for compliance with the provisions of this article.