

Department of Planning and Development

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MEMORANDUM

To: Department of Planning and Development Staff
From: Kathy S. Holland, Director 
Subject: Amendment to the Unified Development Ordinance,
Effective December 19, 2017
Date: January 9, 2017

The Gwinnett County Board of Commissioners approved an amendment to Title 1 and Title 2 of the Unified Development Ordinance (UDO) effective December 19, 2017 regarding accessory building requirements.

Summary of Key Changes

Definitions (Section 110-40):

- Revise the definition for *Accessory Building and Accessory Dwelling*.

Accessory Building, Structure and Use Standards (Section 230-120):

- Revise location of accessory building and structure to rear yard only.
- Clarify that accessory buildings and structures permitted and constructed prior to effective date in side yards may remain.
- Add setback requirements that are based on size of accessory building and structure.
- In RA-200 zoning district structures are permitted in front yards, provided lot is three acres or more.
- Maximum cumulative total sq. ft. allowance is based on lot size.
- Special Use Permit required for any accessory building cumulative total over 1,000 sq. ft. in area.
- Add:
 - Storage of commercial vehicle in accessory building is prohibited.
 - Accessory buildings greater than 120 sq. ft. are subject to design guidelines.

Supplemental Use Standards (General Requirements) (Section 230-130.4.E.):

- Removed Special Use Permit requirement. Metal buildings over 120 sq. ft. are prohibited.

Building/Structure Height Measurements and Exceptions (Section 230-30):

- Revise height limitations:
 - From 20 ft. to 12 ft. for cupolas, weathervanes, chimneys, parapets and other similar architectural features or satellite dishes or other necessary mechanical rooftop appurtenances which extend above the allowable building height.
 - From 75 ft. to 35 ft. for barns, silos and similar architectural structures within the RA-200 zoning district.

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A detailed listing of all the changes in the amendment (UDOA2017-00001) may be found on our website at:

www.gwinnettcounty.com/Departments/PlanningandDevelopment/UnifiedDevelopmentOrdinance

If you have any questions concerning your project please contact a Planner at 678.518.6000.

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Gwinnett County Unified Development Ordinance

ADOPTION DATE: December 19, 2017

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

Name	Present	Vote
Charlotte J. Nash, Chairman	YES	YES
Jace Brooks, District 1	YES	YES
Lynette Howard, District 2	YES	YES
Tommy Hunter, District 3	YES	YES
John Heard, District 4	YES	YES

On motion of **Commissioner Hunter**, which carried **5-0** the Code of Ordinances of Gwinnett County is hereby amended by amending Appendix A, the "Unified Development Ordinance" by amending Subsections 110-40, 230-30, 230-120, and 230-130 in Chapter 110 of Title 1 and Chapter 230 of 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, it has become evident that the Unified Development Ordinance could be enhanced by revising the Definitions and Standards regulating Accessory Buildings and Structures; 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;

NOW, THEREFORE, BE IT ORDAINED that the Gwinnett County Board of Commissioners hereby repeals and replaces portions of Subsections 110-40, 230-30, 230-120, and 230-130 in Chapter 110 of Title 1 and Chapter 230 of 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: 1/5/18

ATTEST:

By: Diane Kemp
County Clerk/Deputy County Clerk



APPROVED AS TO FORM:

By: Melanie F. Wilson
S. Van Stephens, Chief Assistant County Attorney

1 **Section 110-40. General Definitions**

2
3 **Accessory Building:** A building detached from a principal building on the same lot and
4 customarily incidental to the principal building or use including but not limited to detached
5 garages, carports and utility buildings, sheds, gazebos, or barns.

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7 **Accessory Dwelling:** A separate additional housing unit (including kitchen, sleeping and
8 bathroom facilities), detached from the principal residential building, on a single-family lot.

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

11 **Section 230-30. Building/Structure Height Measurements and Exceptions.**

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14 230-30.1 Proposed structures exceeding the height limitations contained herein, and
15 which have not been granted approval by the Board of Commissioners through a
16 related zoning action, shall be subject to a Variance by the Zoning Board of
17 Appeals. The height limitations of this Section shall not apply to:

18
19 A. Cupolas, weathervanes, chimneys, parapets and similar architectural
20 features, or satellite dishes or other necessary mechanical rooftop
21 appurtenances, which extend 12 feet, or less, above the allowable building
22 height.

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24 B. Steeples, domes, belfries or ornamental towers which are 100 feet in height,
25 or less.

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27 C. Barns, silos and similar agricultural structures which are 35 feet in height, or
28 less within the RA-200 zoning district.

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30 D. Water towers, smokestacks, conveyors, derricks, and similar industrial
31 structures which are 75 feet in height, or less.

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33 E. Flagpoles which are 80 feet in height, or less.

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35 All other structures, except buildings, which are 50 feet in height, or less.

36 **Section 230-120. Accessory Building, Structure and Use Standards.**

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39 230-120.1 Accessory uses shall also be subject to other sections of this Chapter 230.

- 41 230-120.2 All accessory buildings, structures and uses of land shall be clearly subordinate to
 42 and supportive of the principal use and located on the same lot as the principal
 43 use to which they are accessory.
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- 45 230-120.3 All accessory buildings or structures shall be located in the rear yard unless
 46 explicitly stated otherwise in this section. Nothing in this subsection shall be
 47 deemed to require the removal of any previously permitted and constructed
 48 accessory building or structure that was properly permitted and constructed in
 49 the side yard of the principal structure.
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- 51 230-120.4 No accessory uses or structures except driveways and individual mailboxes shall
 52 be located within the public right-of-way. Landscaping shall not be located within
 53 the public right-of-way unless approved by Gwinnett County Department of
 54 Transportation.
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- 56 230-120.5 Accessory buildings, structures or uses shall not be allowed in the side yard of a
 57 corner lot that faces a public street, except those permitted within a front yard.
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- 59 230-120.6 Accessory buildings or structures shall not be erected on a lot prior to the time of
 60 construction of the principal building to which it is accessory.
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- 62 230-120.7 Accessory buildings or structures shall not be utilized unless the principal
 63 structure is also occupied.
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- 65 230-120.8 Except as provided herein, accessory buildings and structures shall observe the
 66 following setback requirements adjacent to all property lines and right-of-way:
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- | | | |
|----|----------------------------------|-----------------|
| 68 | i. Up to 100 square feet in area | 5-foot setback |
| 69 | ii. 101 to 300 square feet | 10-foot setback |
| 70 | iii. 301 to 500 square feet | 15-foot setback |
| 71 | iv. Over 500 square feet | 20-foot setback |
- 72
- 73 230-120.9 Driveways, fences and walls may be located up to a property line.
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- 75 230-120.10 In all zoning districts, the following accessory uses and structures shall be
 76 allowed in front yards: fences, walls, gates and gatehouses, signs, mailboxes,
 77 covered mail kiosks, sidewalks, walkways, driveways, parking pads, parking lots,
 78 parking decks, lampposts, flagpoles, birdbaths, birdhouses, arbors, trellises, and
 79 landscaping.
 80
- 81 In the RA-200 zoning district, provided the lot is a minimum of three acres in size,
 82 the following shall also be allowed in front yards: barns and stables, silos, animal

83 enclosures and agricultural buildings that are customarily related to commercial
84 farming.

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86 In all residential zoning districts, except RA-200, the following shall also be
87 allowed in front yards: basketball goals adjacent to driveways.

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89 In all non-residential zoning districts, the following shall also be allowed in front
90 yards, as applicable: fountains, statuary and similar decorative features; gasoline
91 pumps and canopies; cart corrals; vacuum stands and canopies; donation
92 collection boxes in compliance with the requirements of Section 230-130 of this
93 UDO.

94
95 **230-120.11 In all districts, satellite dish antennas shall be permitted as accessory structures**
96 **subject to the following restrictions:**

97
98 A. Located only in rear yards, unless it can be documented that reception is
99 impaired by such a location. In this case, an antenna would be permitted in a
100 side yard, but not a front yard.

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102 B. Satellite dish antennae larger than 18 inches in diameter shall not be located
103 on the roof of a residential building.

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105 **230-120.12** Except as provided herein, any variation from the requirements in this section
106 shall require a variance to the Zoning Board of Appeals as specified in Section
107 270-100 of the Unified Development Ordinance.

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109 **230-120.13 In all residential zoning districts, except RA-200, the following requirements**
110 **shall apply to all accessory buildings:**

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112 A. The maximum cumulative total square footage of all accessory buildings shall
113 be based on lot size as follows:

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115 i. Lots under 10,500 square feet 120 square feet in area
116 ii. Lots 10,501 square feet to 0.99 acre 500 square feet in area
117 iii. Lots 1.00 acre to 1.99 acres 650 square feet in area
118 iv. Accessory buildings on lots 2.00 acres and larger shall not exceed 50% of
119 the square footage of the principal structure, up to a maximum 1,000
120 square feet in area.

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122 B. Accessory buildings shall not be used for any commercial operation whether
123 permanent or part-time or for any type of human habitation except as part
124 of an approved accessory dwelling, as provided in Section 230-100 and
125 subject to the requirements of Section 230-120.

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- C. Accessory buildings shall not be used for the storage of hazardous materials, waste products or putrescent materials.
- D. No commercial vehicles as delineated in Section 240-110 shall be stored inside an accessory building located within a residential zoning district.
- E. Accessory buildings greater than 120 square feet in floor area shall abide by the following design guidelines subject to review and approval of the Director of Planning and Development:
 - i. Exterior walls shall be finished with brick or stone or with materials and colors similar to that of the principal building.
 - ii. 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.
 - iii. Roofing materials and colors shall match that of the principal building. Roof pitch shall be commensurate with the roof pitch of the principal building.
 - iv. Building height shall not exceed 12 feet.
- F. A Special Use Permit shall be required for any accessory building or cumulative total of accessory buildings over 1,000 square feet in area.

230-120.14 **Dumpsters**

- A. Location. Dumpsters shall be located in the rear or side yard a minimum of 5 feet from side and rear property lines. Dumpsters are not allowed in front yards. Dumpsters, including the enclosure structure, shall be located a minimum of 5 feet from a buffer.
- 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 30 feet long.
- C. Screening. Dumpsters that are not inside a building shall be surrounded by an opaque enclosure not less than 6 feet in height with access via an opaque gate. Dumpster enclosures shall have a finish consistent with the finish materials of the building façade and conform substantially with the UDO Design Guidelines.
- D. Lid & Plug. Dumpsters shall be required to have lids and are prohibited from connecting to sanitary sewer utilities.

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- E. Overlay District. Additional requirements for dumpsters located in Overlay Districts can be found in Section 220-30.3.E.; Section 8.0.0 of the Architectural Design Standards for Accessory Structures and Site Accessories; and the UDO Design Guidelines, General Design.

- F. Construction Dumpster. Dumpsters for construction and debris materials are allowed for 30 days or with an active building permit and are exempt from screening requirements.

Section 230-130. Supplemental Use Standards.

230-130.4 Supplemental Use Standards (General Requirements).

The rules, requirements and restrictions listed in this section apply to all such accessory uses and/or structures, regardless of their location or underlying zoning, unless otherwise noted.