



To: Department of Planning and Development Staff

From: Kathy S. Holland  
Director

A handwritten signature in black ink, appearing to read "Kathy S. Holland", written over a horizontal line.

Date: December 9, 2019

Re: Amendment to the Unified Development Ordinance – effective November 19, 2019

The Gwinnett County Board of Commissioners approved an amendment to the Unified Development Ordinance (UDO), Title 1: Administration, Title 2: Land Use and Zoning, and Title 3: Development and Permitting related to accessory structures, microdistilleries, and other provisions, effective November 19, 2019.

### Summary of Key Changes

The amendment:

- Replaces references throughout the UDO to the “2030 Unified Plan” with the “Unified Plan,” which is defined as the Unified Plan most recently adopted by the Board of Commissioners.
- Removes parking structure clearance requirement, which conflicted with the ADA and International Building Code (*Section 240-40.1*).
- Creates headings for sections related to mobile food service units and inspections of temporary outdoor activities (*Sections 265-50 and 265-60*).
- Updates regulations related to accessory structures by
  1. Reorganizing and clarifying existing provisions.
  2. Adding a provision to require occupancy of a principal building prior to use of an accessory building or structure, and to require demolition of an accessory structure within 180 days after the primary structure has been demolished (*Section 230-120.5*).
  3. Creating a table to clearly outline setback requirements (*Table 230.1*).
  4. Establishing prohibited sizes for accessory structures based on lot size in residential zoning districts outside of RA-200 (*Table 230.2*).
  5. Creating a table to display, based on lot size, the size of accessory structures permitted by right, with a ZBA variance, and with an SUP, and the size of accessory structures prohibited (*Table 230.2*).
  6. Consolidating all provisions related to flagpoles in *Section 230-120.14*.

- Updates the UDO to allow microdistilleries by
  1. Providing a definition for microdistillery; *Section 110-40.*
  2. Including microdistillery on the UDO Table of Permitted and Special Uses; *Section 230-100, Table 230.4.*
  3. Establishing supplemental use standards for microdistilleries consistent with requirements for microbreweries: to require a Special Use Permit for facilities larger than 30,000 sq. ft., regulate placement of grain silos, and ensure screening of spent grain containers; *Section 230-130.3.*

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

**ORDINANCE ENTITLED:** An Ordinance amending Sections Title 1, Title 2, and Title 3 of the Unified Development Ordinance of Gwinnett County

**READING AND ADOPTION:** NOVEMBER 19, 2019

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

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<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Tommy Hunter, District 3	Absent	Absent
Marlene M. Fosque, District 4	Yes	Aye

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On motion of Commissioner Brooks, which carried a 4-0 vote, the Unified Development Ordinance of Gwinnett County, Title 1: Administration, Title 2: Land Use and Zoning, and Title 3: Development and Permitting are hereby amended.

**WHEREAS**, pursuant to Article IX, Section II, Paragraphs I, III and IV of the Georgia Constitution, the County is authorized to enact laws and exercise powers to regulate development for the benefit of the citizens of unincorporated Gwinnett County; and

**WHEREAS**, accessory structures provide recreation to residents, while microdistilleries contribute jobs and entertainment to the community; and

**WHEREAS**, reasonable regulations, such as setbacks, square footage limits, and others help to protect the quality of life of residents; and

**WHEREAS**, limitations on the zoning districts in which microdistilleries may be constructed help protect the quality of life of residents; and

**WHEREAS**, the Board of Commissioners finds that it is in the best interest of Gwinnett County to adopt the recommended amendments to the Unified Development Ordinance to revise accessory structures regulations, allow microdistilleries in appropriate zoning districts, and update other provisions.

**NOW, THEREFORE, BE IT ORDAINED** that the Unified Development Ordinance of Gwinnett County, Title 1: Administration, Title 2: Land Use and Zoning, and Title 3: Development and Permitting are hereby amended as set forth in **Exhibit A** which is attached hereto.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Ordinance shall be effective upon adoption.

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

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash

Charlotte J. Nash, Chairman

ATTEST:

By: Diane Kemp  
Diane Kemp, County Clerk



APPROVED AS TO FORM:

By: Melanje F. Wilson (Seal)  
Melanje F. Wilson  
Senior Assistant County Attorney

**EXHIBIT A**

*Title 1, Section 100-20.1 is deleted in its entirety and replaced with a new section to read as follows:*

100-20.1 To guide and regulate the orderly growth, development, redevelopment, and preservation of Gwinnett County in accordance with the adopted Gwinnett County Unified Plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people,

*Title 1, Section 100-90.4A is deleted in its entirety and replaced with a new section to read as follows:*

- A. The Planning Division and its Director of the Division shall perform the following duties:
1. Accept and process applications and make recommendations regarding amendments to the Gwinnett County Unified Plan and its related maps.
  2. Maintain current land use maps and files of all amendments to the Gwinnett County Unified Plan, Future Development Map and related maps and policies.
  3. Prepare, compile, and recommend land use, transportation and other resource and facility plans to the Board of Commissioners.
  4. Prepare recommendations on all zoning amendments for consideration by the Board of Commissioners, and generally provide for the application, noticing and hearing requirements of the amendment process.
  5. Prepare and maintain records of amendments to Title 1 and Title 2 of this Ordinance, and make the most recently adopted version available to the public within a reasonable length of time.
  6. Prepare and maintain the Official Zoning Map, maintain accurate records of zoning map amendments, and make the most recently adopted version available to the public within a reasonable length of time.
  7. Prepare and maintain data, maps or other information regarding population, employment and economic characteristics of the County and land development activities, economic development, including subdivisions and building permits.
  8. In response to a written request by the property owner or owner's authorized agent, issue a statement identifying the current zoning of a parcel of land. The fee for such a zoning certification shall be established by the Board of Commissioners.

9. The Director of the Planning Division or the designee shall serve as secretary to the Gwinnett County Planning Commission, shall take and prepare its minutes and shall forward the minutes to the Board of Commissioners.

*Title 1, Section 110-40 General Definitions, is amended by updating and inserting the following defined terms:*

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

**Accessory Structure:** A structure detached from a principal building located on the same lot and customarily incidental to the principal building or use including but not limited to swimming pools, tennis courts, and basketball goals.

**Microbrewery:** A small scale establishment in which craft beer or malt beverages are manufactured or brewed. Microbreweries may sell to the public through wholesalers or directly to the consumer through carry-out package and/or on-site tap-room or tasting room sales.

**Microdistillery:** A small scale establishment in which distilled spirits are manufactured. Microdistilleries may sell to the public through wholesalers or directly to the consumer through carry-out package and/or on-site tasting room sales.

**Primary Conservation Area:** This category of common area includes surface water bodies, wetlands designated by the National Wetlands Inventory, 100-year floodplain as identified on Federal Insurance Rate Maps, stream and wetland buffers, steep slopes exceeding 40 percent, areas of exposed rock, private cemeteries and burial grounds, and areas containing archaeologically or historically significant structures or sites as identified in the Gwinnett County Unified Plan along with their related contextual areas.

**Scenic views:** Those geographic areas containing visually significant or unique natural features, as identified in the Gwinnett County Unified Plan.

**Secondary Conservation Area:** This category of common area includes land other than primary conservation area that is located in water supply watersheds, aquifer recharge areas that are identified in the Gwinnett County Unified Plan, significant habitat areas as identified in the Gwinnett County Unified Plan, soils unsuitable for septic tanks, prime agricultural soils, slopes greater than 25 percent but less than 40 percent, mature hardwood forest, meadows, farm fields, pastures, greenways, trails, and other areas with scenic views.

**Street, Arterial:** A Principal Arterial, Major Arterial, or Minor Arterial street as defined and designated in the Gwinnett County Unified Plan.

**Street, Collector:** A street shown as such in the Gwinnett County Unified Plan, which is on file in the office of the Gwinnett County Department of Planning and Development. The primary purpose of a Collector Street is to collect and distribute traffic between the Local Streets and the Major and Minor Arterial Streets and to provide access to adjacent properties.

**Street, Major Arterial:** A street shown as such in the Gwinnett County Unified Plan, which is on file in the office of the Gwinnett County Department of Planning and Development. The primary purpose of a Major Arterial Street is to carry longer trip length segments and larger volumes of traffic to, from and through the County.

**Street, Major Intersection:** The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as designated by the Gwinnett County Unified Plan.

**Street, Minor Arterial:** A street shown as such in the Gwinnett County Unified Plan, which is on file in the office of the Gwinnett County Department of Planning and Development. The primary purpose of a Minor Arterial Street is to carry medium length trip segments and moderate volumes of traffic to, from and through the County.

**Street, Principal Arterial:** A street shown as such in the Gwinnett County Unified Plan, which is on file in the office of the Gwinnett County Department of Planning and Development. The primary purpose of a Principal Arterial Street is to carry very long trip length segments and very large volumes of traffic to, from and through the County.

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

**Unified Plan:** Gwinnett County's Unified Plan most recently adopted by the Board of Commissioners and on file with the Gwinnett County Planning and Development Department.

*Title 1, Section 110-50.3 is amended by updating the following defined term:*

**Future Conditions Hydrology:** The flood discharges associated with the drainage basin being fully developed as shown on Gwinnett County's Unified Plan. Only detention that can be shown that it will remain (i.e. owned by County) and is large enough to be included in the hydrograph routings shall be considered when determining the flood peak. No consideration of projected future construction of flood detention structures or projected

future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation shall be given.

*Title 2, Section 200-60 is deleted in its entirety and replaced with a new section to read as follows:*

**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 Maps, 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 Maps and text of the UDO.

*Title 2, Section 210-80.2 is deleted in its entirety and replaced with a new section to read as follows:*

210-80.2 **Applicability.** The TND District is appropriate in the Predominantly Residential Character Areas shown on the Future Development Map in the Gwinnett County Unified Plan.

*Title 2, Section 210-90.2 is deleted in its entirety and replaced with a new section to read as follows:*

210-90.2 **Applicability.** The R-SR District is appropriate in the residential character areas of the Future Development Map of the Unified Plan.

*Title 2, Section 210-200.2 is deleted in its entirety and replaced with a new section to read as follows:*

210-200.2 **Applicability.** Developments requesting rezoning to the MU-N district should be located in Community Mixed-Use Character Areas identified in the Unified Plan.

*Title 2, Section 210-210.2 is deleted in its entirety and replaced with a new section to read as follows:*

210-210.2 **Applicability.** Developments requesting rezoning to the MU-C District should be located in Regional Activity Center and Community Mixed-Use Character Areas identified in the Unified Plan.

*Title 2, Section 210-220.2 is deleted in its entirety and replaced with a new section to read as follows:*

210-220.2 **Applicability.** Developments requesting rezoning to the MU-R District should be located in Regional Activity Center or Workplace Center Character Areas identified in the Unified Plan.

*Title 2, Section 220-40.1.G is deleted in its entirety and replaced with a new section to read as follows:*

- G. Provide appropriate incentives to encourage redevelopment consistent with the Gwinnett County Unified Plan.

*Title 2, Section 230-30.1 is deleted in its entirety and replaced with a new section to read as follows:*

230-30.1 Proposed structures exceeding the height limitations contained herein, and which have not been granted approval by the Board of Commissioners through a related zoning action, 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.

Title 2, Section 230-100, Table 230.4 (Table of Permitted and Special Uses) is amended by updating the following use:

**Table 230.4**

Uses	Suppl. Regs.	RA-200	C-1	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
<b>Industrial and Manufacturing Uses</b>										
Microbrewery/Microdistillery	Y			P	P	P	P	P	P	P

Title 2, Section 230-120 is deleted in its entirety and replaced with a new section to read as follows:

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

- 230-120.1 All accessory buildings, structures, and uses shall also be subject to other sections of this Chapter 230 including, but not limited, to the Supplemental Use Standards.
- 230-120.2 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.
- 230-120.3 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.
- 230-120.4 Accessory buildings or structures shall not be utilized unless the principal structure on that lot is occupied.
- 230-120.5 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.
- 230-120.6 No accessory uses or structures except driveways and individual mailboxes shall be located within the public right-of-way. Landscaping shall not be located within the public right-of-way unless approved by Gwinnett County Department of Transportation.
- 230-120.7 All accessory buildings or structures shall be located in the rear yard unless explicitly stated otherwise in this section.

230-120.8 Accessory buildings, structures or uses shall not be allowed in the side yard of a corner lot that faces a public street, except those permitted within a front yard.

230-120.9 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 Structure Setback Requirements**

Accessory structure size, in area	Required setback distance
0 – 120 sq. ft.	5 ft.
121 – 300 sq. ft.	10 ft.
301 – 500 sq. ft.	15 ft.
Over 500 sq. ft.	20 ft.

230-120.10 Driveways and fences may be located up to a property line.

230-120.11 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, lampposts, flagpoles, basketball goals adjacent to driveway, birdbaths, birdhouses, arbors, trellises, and landscaping. 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, statuary and similar decorative features; gasoline pumps and canopies; cart corrals; vacuum stands and canopies.

230-120.12 **In all residential zoning districts, except RA-200, the following requirements shall apply to all accessory buildings:**

- A. Accessory buildings greater than 120 square feet in floor area shall abide by the following design guidelines:
  - 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 as measured from average grade level to average height of a pitched roof.

B. The maximum cumulative total square footage of all accessory buildings allowed on a property shall be based on lot size, and may require a variance from the Zoning Board of Appeals or a Special Use Permit from the Board of Commissioners, as indicated in table 230.2 below.

**Table 230.2: Size of Permitted and Prohibited Accessory Buildings**

<b>Lot size</b>	<b>Accessory Buildings Permitted</b>	<b>Accessory Buildings Permitted with Variance from Zoning Board of Appeals</b>	<b>Accessory Buildings Permitted with Special Use Permit</b>	<b>Prohibited Accessory Buildings</b>
Less than 10,500 sq. ft.	120 sq. ft.	121 – 500 sq. ft.	Not available	Greater than 500 sq. ft.
10,500 sq. ft. - 0.99 acres	500 sq. ft.	501 – 1,000 sq. ft.	Not available	Greater than 1,000 sq. ft.
1.00 – 2.99 acres	650 sq. ft.	651 – 1,000 sq. ft.	1,001 – 1,300 sq. ft.	Greater than 1,300 sq. ft.
3 acres or greater	Up to 50% of square footage of principal structure, up to 1,000 sq. ft.	Greater than 50% of square footage of principal structure, up to 1,000 sq. ft.	Greater than 1,000 sq. ft.	No maximum

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 Section 230-100.

D. Accessory buildings shall not be used for the storage of hazardous materials, waste products or putrescent materials.

- E. No commercial vehicles as delineated in Section 240-110 shall be stored inside an accessory building located within a residential zoning district.

**230-120.13 Dumpsters**

- 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 5 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 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 metal gate. Dumpster enclosures shall have a finish consistent with the finish materials of the building façade and shall conform substantially with the UDO Design Guidelines 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.
- D. Lid & 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 in a single-family residential zoning district are permitted only for 30 days or with an active building permit and are exempt from screening requirements. Dumpsters in a single-family residential zoning district for any other purpose are otherwise prohibited.

**230-120.14 In all districts, flagpoles shall be permitted as accessory structures subject to the following restrictions:**

- 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 which are 20 feet in height or less in residentially zoned districts or 80 feet in height or less in non-residentially zoned district.

230-120.15 Nothing in Section 230-120 shall be deemed to require the removal of any previously permitted and properly constructed accessory building or structure.

230-120.16 Except as provided herein, any variation from the requirements in this section shall require a variance to the Zoning Board of Appeals as specified in Section 270-100 of the Unified Development Ordinance.

*Title 2, Section 230-130.1 is deleted in its entirety and replaced with a new section to read as follows:*

**230-130.1 Purpose and Intent.**

- A. The purpose of these Supplemental Use Standards is to supplement Section 230-100, Permitted and Special Uses, by providing 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 Chapter and is authorized in a zoning district shall be developed in conformity with the applicable Supplemental Use Standards for that use provided in this Chapter. No permit shall be issued for a use, building or structure that does not conform to applicable provisions of this Chapter; except that, where any requirement of the Supplemental Use Standards conflicts with a condition of rezoning, special use permit or other action of the Board after adoption of the UDO, the condition shall prevail.

*Title 2, Section 230-130.3 is amended by deleting the existing Supplemental Regulation for Microbrewery in its entirety, and replacing it with the following:*

**Microbrewery/Microdistillery.**

Microbreweries and Microdistilleries shall be subject to the following standards.

1. In commercial and mixed-use zoning districts, such facilities shall not exceed a gross floor area of 30,000 square feet unless a Special Use Permit is granted by the Board of Commissioners.

2. 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.
3. Outdoor placement of grain silos shall be allowed, subject to the Director's review and approval of their appearance, signage, location and height.
4. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.

*Title 2, Section 240-40 is deleted in its entirety and replaced with a new section to read as follows:*

- 240-40.1 Non-residential, mixed-use, and multifamily residential developments exceeding 1,500 overall parking spaces shall be required to provide at least 25 percent of their overall parking total within a decked or underground parking structure. A building height increase of 1 vertical foot is permitted for each 1 vertical foot of parking placed under a building. Single-family residential or townhouse component(s) 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. A Type 1 landscape strip is required per each building elevation facing public streets.

*Title 2, Section 265-50 is amended by adding a new section title:*

**265-50 Mobile Food Service Units**

*Title 2, Section 265-60 is amended by adding a new section title:*

**265-60 Inspections**

*Title 2, Section 270-40.1 is deleted in its entirety and replaced with a new section to read as follows:*

- 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 district(s) involved and to further the goals and objectives of the Unified Plan.

*Title 2, Section 270-100.7.A.7 is deleted in its entirety and replaced with a new section to read as follows:*

7. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the Gwinnett County Unified Plan.

*Title 2, Section 270-130.2.E is deleted in its entirety and replaced with a new section to read as follows:*

- E. Buffers - the dimensions or screening treatment of a buffer as required under Chapter 610 may be reduced by no more than 50 percent where the Gwinnett County Unified Plan recommends a more compatible land use on the neighboring property than that for which said property is actually zoned, or in other situations where the intent of the required buffer can be equally or otherwise achieved; provided, however, that no buffer required as a condition of zoning shall be modified.

*Title 3, Section 330-10.1.C.1 is deleted in its entirety and replaced with a new section to read as follows:*

1. A grading permit, which may include clearing and grubbing, may be issued prior to approval of a development permit, as provided under Chapter 330-20 of this UDO. A grading permit may also be issued for earth borrow or storage, where no development or construction is proposed or imminent, based on approval of a grading plan, Soil Erosion, Sedimentation and Pollution Control Plan, and hydrology study, consistent with the requirements of Chapter 400, the zoning category of the site, and the provisions of the Gwinnett County Unified Plan (as applicable). A specimen tree survey, a Specimen Tree Concept Plan, and a Tree Preservation and/or Replacement Plan may be required as specified under Chapter 630 of this UDO. If clearing of the required tree density units is proposed, a performance bond and a development performance agreement may be required prior to issuance of permit to guarantee tree replacement will occur in future phases.

*Title 3, Section 630-20.3.B is deleted in its entirety and replaced with a new section to read as follows:*

- B. Residential recreation areas, individual multifamily residential and attached townhomes (not on individual lots), and non-residential projects (not involving the subdivision of the property) may not be allowed to undertake activities limited to clearing, or clearing and grubbing only, without approval of a Tree Preservation and/or Replacement Plan. Additional areas may be designated by the Department to remain undisturbed as may be reasonably required with consideration given to the

proposed use of the property, as well as adjacent properties, in accordance with the Gwinnett County Unified Plan.

*Title 3, Section 1000-10.3.E is deleted in its entirety and replaced with a new section to read as follows:*

- E. Watercourse easements. Drainage easements shall be provided where a development is traversed by or contains a watercourse, impoundment, detention facility, improved channel, floodplain, natural stream or channel. It shall conform substantially to the flooding limits of the 100-year storm based on fully developed conditions per the Gwinnett County Unified Plan, but shall be no less than 20 feet in width.