gwinnettcounty

Unified Development Ordinance

TITLE 2: **LAND USE & ZONING**

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 health, safety, morals, convenience, order, prosperity 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; facilitating the adequate provision of 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 the Zoning Districts are hereby established as shown on the set of maps entitled "Official Gwinnett County Zoning Map" which are hereby made a part of this UDO. The Official Gwinnett County Zoning Map may be amended from time to time and shall be kept in the office of the Gwinnett County Department of Planning and Development where they shall be maintained and made available for public inspection.

200-30.2 Certified copies of said maps shall be prepared by the Gwinnett County Department of Planning and Development, Planning Division.

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
RLL	Single-Family Residence Large Lot District
R-100	Single-Family Residence District
R-75	Single-Family Residence District
OSC	Open Space Conservation District
R-60	Single-Family Residence District
MH	Manufactured Housing
TND	Traditional Neighborhood Development District
R-SR	Senior Oriented Residence District

R-TH	Single-Family Residence Townhouse District
RM-13	Multifamily Residence District
RM-24	Multifamily Residence District
HRR	High Rise Residence District
O-R	Office-Residential District
O-I	Office-Institutional District
C-1	Neighborhood Business District
C-2	General Business District
C-3	Highway Business District
MU-N	Neighborhood Mixed-Use District
MU-C	Community Mixed-Use District
MU-R	Regional Mixed-Use District
M-1	Light Industry District
M-2	Heavy Industry District

Section 200-50. Interpretation of Zoning District Boundaries.

200-50.1 **Location and Boundaries of Zoning Districts.**
The location and boundaries of the Zoning Districts are hereby established as shown on the set of maps entitled "Official Gwinnett County Zoning Maps" which are hereby made a part of this UDO

200-50.2 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 is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the centerline of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.

C. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than 100 feet beyond the Zoning District boundary line.

200-50.3 In the case of a through lot fronting on two approximately parallel streets that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.

Section 200-60. Relationship to Comprehensive Plan.

200-60.1 **Role of the Comprehensive Plan.**
The Gwinnett County 2030 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 2030 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.

Section 200-70. Incorporation of UDO Design Guidelines.

200-70.1 The Director is authorized to administer and interpret the UDO Design Guidelines included in the UDO Appendix and adopted as a part of this UDO. These guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, and street and site furniture.

200-70.2 In the case that any provision of Title 2 Land Use and Zoning, or Title 3 Land Development, conflicts with those of the UDO Design Guidelines, the provisions of Title 2 and Title 3 shall govern.

Section 200-80. Incorporation of Gwinnett County Architectural Design Standards.

200-80.1 The Director is authorized to administer the Gwinnett County Architectural Design Standards included in the UDO Appendix and adopted as a part of this UDO. Development proposed under Title 2 of the UDO shall be consistent with these standards as applicable.

200-80.2 No building permits shall be approved in zoning districts with Architectural Design Standards requirements unless the Director finds that the architectural design conforms to the Gwinnett County Architectural Design Standards.

Section 200-90. Zoning Certification.

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

Section 200-100. Zoning Classification of De-Annexed Property.

Undeveloped property which has been de-annexed from any municipality or other county will be subject to the same zoning district, including any conditions established prior to annexation. However, if the zoning district within Gwinnett County cannot be determined from existing records or by the Director, a public hearing, as specified in Section 270-20 will be conducted to establish the appropriate zoning classification for the property. Any lawfully developed, de-annexed property shall be zoned to the nearest compatible zoning district in which the use is permitted. Any non-conforming use may continue to operate for a period not to exceed five years from the date of de-annexation.

Chapter 210. Base 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.

210-10.2 **Permitted Uses.**
Uses permitted in the RA-200 District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-10.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the RA-200 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-10.4 **Special Uses.**
Special uses may be permitted in the RA-200 District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-10.5 **Property Development Standards.**
Property in the RA-200 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site-related provisions of Title 3 of the UDO and the following additional standards:

A. **The development of lots in this district is permitted with septic tanks if public sewer is not available. All septic tank installations are subject to the approval of the Environmental Health Section.**

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

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

210-20.2 **Permitted Uses.**
Uses permitted in the R-LL District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-20.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-LL District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-20.4 **Special Uses.**
Special uses may be permitted in the R-LL District in accordance with Section 230-100 Table of Permitted Uses and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to Supplemental Use Standards established in Section 230-130 of the UDO.

210-20.5 **Property Development Standards.**
Property in the R-LL District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts, the applicable site related provisions of Title 3 of the UDO, and the following additional standards:

A. **The development of lots in this district is permitted with septic tanks if public sewer is not available. All septic tank installations are subject to the approval of the Environmental Health Section.**

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.

210-30.2 **Permitted Uses.**
Uses permitted in the R-100 District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-30.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-100 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-30.4 **Special Uses.**
Special uses may be permitted in the R-100 District in accordance with Section 230-100 Table of Permitted Uses and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to Supplemental Use Standards established in Section 230-130 of the UDO.

210-30.5 **Property Development Standards.**
Property in the R-100 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts, the applicable site related provisions contained in Title 3 of the UDO, and the following additional standards:

A. **The development of lots in this district is permitted with septic tanks if public sewer is not available. All septic tank installations are subject to the approval of the Environmental Health Section.**

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.

210-40.2 **Permitted Uses.**
Uses permitted in the R-75 District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-40.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-75 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-40.4 **Special Uses.**
Special uses may be permitted in the R-75 District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to Supplemental Use Standards established in Section 230-130 of the UDO.

210-40.5 **Property Development Standards.**
Property in the R-75 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts, the applicable site related provisions of Title 3 of the UDO and the following additional standards:

A. **The development of lots in this district is permitted with septic tanks if public sewer is not available. All septic tank installations are subject to the approval of the Environmental Health Section.**

Section 210-50. OSC Open Space Conservation District.

210-50.1 **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 utilize Gwinnett County's Open Space and Greenway Master Plan, maintained by the Department of Community Services, by increasing 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.

210-50.2 **Applicability.**

This district is to be used primarily when the intent is to preserve conservation space. For properties which are submitted for rezoning to OSC, the applicant shall declare the intent to preserve conservation space at the time of application. The application shall be accompanied by an Existing Features Site Analysis Plan, and a map that clearly indicates what is found on site according to the Existing Features Site Analysis Plan. The OSC district shall not be used on property that has been timber harvested within 24 months prior to adoption filing an application for OSC zoning.

210-50.3 **Permitted Uses.**

Uses permitted in the OSC District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-50.4 **Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the OSC District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO

210-50.5 **Special Uses.**

Special uses may be permitted in the OSC District in accordance with Section 230-100 Table of Permitted Uses and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to Supplemental Use Standards of Section established in Section 230-130 of the UDO.

210-50.6 **Conservation Space Requirements.**

A. Areas of significance as identified on the Existing Features Site Analysis Plan (Section 210-50.17) shall be delineated as either primary or secondary conservation space.

B. Primary conservation space is required to be covered by a provision of permanent protection and shall include 100-year floodplain, stream buffer zones, slopes greater than 40 percent, wetlands, endangered or threatened species or their habitat, archaeological sites, cemeteries or burial grounds. See also the definition for primary conservation space.

C. Secondary conservation space areas are features recommended and desirable for conservation space designation and may be covered by the provisions for permanent protection and include important historic sites, existing healthy, native forests of at least one contiguous acre, scenic viewsheds, peaks and rock outcroppings, prime agriculture lands consisting of at least 5 contiguous acres, and existing trails that connect the tract to neighboring areas. See also the definition for secondary conservation space

D. The following uses may be allowed within the primary conservation space: passive recreational amenities, paths, greenways, minimal parking spaces (pervious surfaces encouraged), and picnic and restroom facilities.

E. The following activities may be allowed in primary conservation space: removing invasive or non-native exotics; removing hazardous trees that threaten public safety; constructing paths for passive recreation activities such as, but not limited to, community hiking, running, dog walking, bird watching, biking and similar outdoor activities.

F. In addition to the uses allowed in primary conservation space the following uses may be allowed in secondary conservation space: active recreational amenities such as swimming pool, tennis courts, and club house; pocket parks, neighborhood greens, and squares.

G. In addition to the activities allowed in primary conservation space, the following activities may be allowed in secondary conservation space: active recreational activities associated with a swimming pool, tennis courts, and clubhouse.

210-50.7 **Conservation Space Exclusions.**

A. Residential yards.

B. Proposed permanent lakes that may be used for wet detention. No more than 50 percent of land area located within a proposed permanent lake may be credited.

C. One hundred percent of land area located within an existing lake may be credited.

D. Impervious surfaces in recreation areas shall not be credited, excluding trails which shall be credited.

E. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited.

F. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities shall not be credited.

210-50.8 **Conservation Space Ownership.**

Conservation 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. Conservation 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 conservation space to said final plat. "Pocket Parks" and/or "Neighborhood Greens" shall be deeded concurrent with the unit or phase of the final plat of which it is a part.

210-50.9 **Property Owner's Association.**

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

A. Governance of the association by the Georgia Property Owner's 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 the conservation 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 210-50.11.

210-50.10 **Maintenance.**

The property owner's association, or other entity approved in advance by the Board of Commissioners, shall be responsible for the continuous maintenance of buffers, conservation space and recreation areas.

210-50.11 **Conservation Surety.**

Conservation space delineated on the Final Plat and required to be in a primary conservation area 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 OCGA § 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: active recreational amenities; passive recreational amenities, such as paths, greenways, and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed 15 percent of the conservation space).

This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity as provided by OCGA § 44-5-60(c)."

B. Option 2. Conveyance to Other Qualified Organizations or Entities.

Except for "Pocket Parks" or "Neighborhood Greens," developed recreation areas or Secondary Conservation Areas 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 Conservation 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.
6. Secondary Conservation Areas may also be covered by the same permanent protection options.

210-50.12 **Property Development Standards.**

Property in the OSC District shall be developed in accordance with Section 230-10 of the UDO, Dimensional Standards of Zoning Districts, the applicable site related provisions of Title 3 of the UDO, and the following additional standards:

A. The minimum parcel area for which the OSC district is permitted shall be 10 acres.

B. Minimum conservation space is 25 percent of total project acreage prior to subdivision. All conservation space shall be comprised of primary conservation area and secondary conservation area.

C. Primary conservation space shall comprise a minimum of 15 percent of the total conservation space and shall be protected as required by federal and state regulations and Section 210-50.11.

D. The maximum amount of land disturbance within the primary conservation area shall be 10 percent, and the maximum amount of impervious surface shall be five percent.

E. The maximum amount of land disturbance within the secondary conservation space shall be 15 percent, and the maximum amount of impervious surface shall be 10 percent.

F. Constructed facilities shall not exceed 15 percent of the total conservation space.

G. Area contained within a residential lot shall be exclusive of the 100-year floodplain, wetlands, stream buffers, required buffers, and slopes exceeding 25 percent.

H. Density of an OSC development shall be computed based on the Method of Density Calculation in Section 230-20 and include secondary and primary conservation space.

I. Maximum density: 2.5 dwelling units per acre, except as authorized to be increased in Table 210.1 below.

Table 210.1: Density Bonus for OSC.

Percent Common Area	Density Bonus
26 – 27%	0.12 dwellings/acre
28 – 29%	0.13 dwellings/acre
29 – 30%	0.14 dwellings/acre
30 – 31%	0.15 dwellings/acre
31 – 32%	0.16 dwellings/acre
32 – 33%	0.17 dwellings/acre
33 – 34%	0.18 dwellings/acre
35 – 36%	0.19 dwellings/acre
37 – 38%	0.20 dwellings/acre
38 – 39%	0.21 dwellings/acre
39 – 40%	0.22 dwellings/acre
41 – 42%	0.23 dwellings/acre
42 – 43%	0.24 dwellings/acre
44 – 45%	0.25 dwellings/acre
46% or above	0.50 dwellings/acre
Density bonus is additional units allowed above the "base" density of the development.	

J. Parking shall be as provided in Chapter 240.

K. Grassed areas on dwelling lots shall be sodded and areas devoid of sod shall be mulched with materials such as pine straw or bark mulch.

210-50.13 **Buffer and Transition Areas.**

A. Each OSC zoned development that abuts property that is zoned for agricultural or single-family residential use shall provide one of the following forms of transition to adjacent zoning districts:
   1. A 50-foot conservation space strip (dedicated to the property owner's association) adjacent to RA-200, R-140 or R-100 zoned property, or;
   2. A 25-foot conservation space strip (dedicated to the property owner's association) adjacent to R-75 zoned property (except modified, cluster, CSO or OSC), or;
   3. Developed with lots that are equal in minimum lot width, lot size, and rear building setback as the adjacent zoning district.

B. Each OSC zoned development shall provide a street frontage buffer adjacent to all right-of-ways of the exterior streets in one of the following forms:
   1. 50 feet in width (not part of any building lot). The street frontage buffer shall remain natural and undisturbed except for entrance features, necessary street construction activities, right of way crossings and corner right-of-way miters or radii. If the required street frontage buffer is sparsely vegetated, it shall be replanted at a width no less than 25 feet to provide an effective visual screen which shall incorporate, in addition to the plantings, berms and fences with brick or stacked stone columns with a minimum spacing of 30 feet. All Street Frontage Buffer landscape plans shall be submitted to the Director for review and approval. The street frontage buffer may be counted towards Conservation Space calculations.

210-50.14 **Public Improvements.**

Streets.

A. The street network shall form a connected pattern (grid system), with a minimum of cul-de-sacs which shall be approved by the Director only in cases of topographical hardship. Street shapes should be varied with loop streets, curving crescents, eyebrows, ovals, and courts providing visual interest and traffic calming effects. Approved cul-de-sac streets may be no longer than 600 feet in length. Street patterns shall be designed to respect and follow existing terrain as much as possible, to minimize earthmoving and disruption of the existing topography. 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 Conservation Space land, either man-made (such as greens, commons, squares, or parks) or natural.
   8. Minimize crossing of Primary Conservation Areas.

B. All streets, with the exception of loop streets, shall terminate at other streets within the conservation subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the OSC zoned property, where practicable.

C. New streets shall be built in accordance with Chapter 900 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.

A. Sidewalks shall be provided as required in Section 900-90 of Title 3 of this UDO.

B. Public sidewalks shall create a linked network of walkways connecting all homes in the district with parks and other Conservation Space land areas.

Street Trees and Lot Trees.

A. Street trees and lot trees shall be in accordance with the requirements of Chapter 600 through Chapter 640 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, physical, or economic 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 right-of-ways or easements located at the outer edge of street right-of-ways.

210-50.15 **Architectural Standards/ Design.**

Refer to conditions of zoning and the Gwinnett County Architectural Design Standards in the UDO Appendix.

210-50.16 **Application Process.**

The OSC rezoning process shall follow the process for rezoning as prescribed in Section 270-20 with the following modifications:

A. All such rezoning applications shall be accompanied by a Zoning Exhibit and an Existing Features Site Analysis Plan. The Zoning Exhibit and Existing Features Site Analysis Plan shall provide all information necessary to demonstrate that it achieves the criteria provided in Section 210-50.

B. If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing the parcels in substantial conformity with the Zoning Exhibit including any modifications or conditions approved by the Board of Commissioners pursuant to its deliberations on the application.

C. Zoning Exhibit approval shall not constitute entitlement to permits.

210-50.17 **Zoning Exhibit.**

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

A. A location map indicating existing zoning on the site and the adjacent properties.

B. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetlands, topography, and primary and secondary conservation space.

C. Specifications, calculations and applicable percentages for conservation areas, density calculations, lot sizes, gross and net acreage, dwelling units and parking.

D. Color elevations of front, sides and rear of all typical units, including proposed building materials, building heights, and any other structures.

E. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and the Architectural Design Standards in the UDO Appendix.

210-50.18 **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 4-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 (25 percent or greater). Slopes greater than 25 percent shall be undisturbed except for vegetation needed to deter erosion.
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 Primary Conservation Space, Secondary Conservation Space and other common areas.

210-50.19 The Zoning Exhibit and the Existing Features Site Analysis Plan together form the basis by which conservation space is to be set aside as permanently protected; and by which lot layout, street locations, and infrastructure locations are to be designed.

210-50.20 **Concept Plan.**
A Concept Plan must be submitted and approved by the Director after the rezoning process and prior to submittal of an application for a Development Permit. The purpose of the Concept Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The Concept Plan shall be developed in substantial conformance with the Zoning Exhibit and the Existing Features Site Analysis Plan approved by the Board of Commissioners, along with any conditions added, according to the plan and plat guidelines listed in Chapter 320.

210-50.21 **Building Plans.**
Prior to issuance of a building permit for any occupied structure to be located within an OSC District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the requirements of the Architectural Design Standards. The Director shall have the authority to review and approve building plans for conformity with the requirements of Section 210-50 and the UDO Design Guidelines.

210-50.22 **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.

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

210-60.1 **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.

210-60.2 **Permitted Uses.**
Uses permitted in the R-60 District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-60.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-60 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-60.4 **Special Uses.**
Special uses may be permitted in the R-60 District in accordance with Section 230-100 Table of Permitted Uses and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to Supplemental Use Standards established in Section 230-130 of the UDO.

210-60.5 **Property Development Standards.**
Property in the R-60 District shall be developed in accordance with Section 230-10 of the UDO, Dimensional Standards of Zoning Districts, the applicable site related provisions of Title 3 of the UDO, and the following additional standards:

A. **The subdivision development shall have a minimum land area of at least five contiguous acres.**

B. **Dwellings shall include double-car garages and where garages are front entry, driveways shall be 16 feet in width. On cul-de-sac lots driveways may taper from 16 feet at the right-of-way line to the street pavement, but a minimum 16 foot by 35 foot paved parking area must be provided.**

C. **Provide a minimum 40-foot building setback adjacent to exterior streets. The setback may be reduced to 30 feet if a berm, landscaping, fence, or wall is provided adjacent to the exterior street(s).**

D. **All grassed areas on dwelling lots shall be sodded.**

Section 210-70. MH Manufactured Housing.

210-70.1 **Purpose and Intent.**
This zoning district is intended exclusively for the placement of manufactured homes and mobile homes in an environment that will provide pleasant and satisfactory living conditions and, at the same time, will not produce adverse effects upon neighboring properties.

210-70.2 **Permitted Uses.**
Uses permitted in the MH District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-70.3 **Property Development Standards.**
Property in the MH District shall be developed in accordance with Section 230-10, Dimensional Standards of Zoning Districts, the applicable provisions of Title 3 of the UDO and the following additional standards:

A. Location and requirements.
A Manufactured Housing District shall front for a sufficient distance to provide safe access upon a State Highway or a Major Collector Street or greater as defined by the Gwinnett County Long Range Road Classification Map, or a local access road paralleling an expressway and shall have access and egress only on such road.

B. Street access requirements.
The entrance road to a Manufactured Housing District development shall have a minimum right-of-way width of 60 feet with a minimum pavement width of 28 feet. The entrance road shall have a turning radius from the highway of at least 30 feet and the entrance road shall extend at least 100 feet into the Manufactured District development.

C. Size.
A Manufactured Housing District development shall have a minimum buildable area of at least 15 contiguous acres.

D. Density.
A Manufactured Housing District development shall have a density of not more than six manufactured lots per buildable acre.

E. Recreation and Other Community Facilities.
Not less than 8 percent of the gross area of the Manufactured Housing District development shall be devoted to recreation and other community use facilities. Each recreation space shall have a minimum area of 10,000 square feet.

Section 210-80. TND Traditional Neighborhood Development District.

210-80.1 **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.

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 2030 Unified Plan.

210-80.3 **Permitted Uses.**

Uses permitted in the TND District are listed in Section 230-100 Table of Permitted and Special Uses, provided that they comply with Section 230-130 Supplemental Use Standards.

210-80.4 **Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the TND District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-80.5 **Special Uses.**

A. Special uses may be permitted in the TND District in accordance with Section 230-100, Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards of Section 230-130.

210-80.6 **Land Use Mix.**

Each TND development shall include a mix of land uses, as indicated in Table 210.2.

A. The intent of allowing these nonresidential uses is to create a small node of retail and commercial services primarily for the convenience and amenity of residents of the TND District. Nonresidential development must be compatible with the residential component of the development, and in general conformance with the Architectural Design Standards and Design Guidelines for Traditional Neighborhood Development.

Table 210.2: Authorized Percentages of Total Land Uses for TND.

Land Use	Percentage of Gross Land Area	
	Minimum	Maximum
Residential Uses	70 %	100%
Civic Uses	0%	15%
Commercial/Retail or Office Uses	0%	15%

210-80.7 **Property Development Standards.**

Property in the TND District shall be developed in accordance with Section 230-10, the applicable provisions of Title 3 of the UDO, the applicable site related provisions of Title 3 of the UDO, and the following additional standards:

A. Parcel Area.

The minimum parcel area for which the TND district is permitted shall be 7 acres

B. Density.

Maximum density in a TND District shall not exceed a density of 8.0 dwelling units per total acres, except as authorized to be increased in accordance with the Density Bonus as described herein. Accessory dwellings are not included in density calculations. Accessory dwellings are not permitted to be subdivided from the principal lot which it is accessory to.

1. Density Bonus

Developments that contain more than the minimum common area as required in Section 210-80.7.c.1 are permitted an increase in the maximum residential density as authorized in Table 210.3.

Table 210.3: Amenities Eligible for Bonus Density.

Site Amenities	Bonus Density[1]
21 – 25% common area	Additional 0.4 dwellings/acre
26 – 30% common area	Additional 0.8 dwellings/acre
31 – 35% common area	Additional 1.2 dwellings/acre
Over 35% common area	Additional 1.6 dwellings/acre
All dwelling units are located within 1,000 feet from a common area, as measured from property lines, the shortest distance in straight line to a common area.	Additional 0.2 dwellings/acre
A minimum of 50 percent of common area shall be used for passive parks, greenways, multiuse paths, squares or greens.	Additional 0.2 dwelling/acre
[1] These bonuses are additive and can be accumulated subject to total maximum density of 10 dwelling units per acre.	

C. Common area.

Common area in the TND District shall meet the following additional provisions:

1. The minimum common area required is 20 percent and shall be computed from gross acreage of the project area and shall be designated on a recorded plat as permanent common area for the use of the residents, workers, patrons and visitors to the development.
2. The minimum required common area shall not include any land area that is within 100-year floodplain or wetland areas. Additional common area included for the purpose of obtaining density bonus may include up to 50 percent of the 100-year floodplain and wetland areas on the development site.
3. Each common area must comprise a contiguous area of at least 3,000 square feet
4. Villas and townhouses must be adjacent to, or directly across the street from a common area such as a public park, green or square.
5. A system of pedestrian pathways consisting of sidewalks or multiuse paths shall be provided linking each lot containing one or more dwelling units to at least one common area.
6. Common area may include multiuse paths, and greenways or greenway access to satisfy the requirements of the Gwinnett County Open Space and Greenways Master Plan.

D. Buffers.

Buffers shall be provided as required by Chapter 610.

E. Mix of Housing Options.

1. This district provides for a diversity of housing types. Each TND development shall include at least three of the lot size categories shown in Table 210.4.

Table 210.4: Categories of Lot Sizes Authorized in TND District.

1. Single-family detached dwellings on large lots (≥9,500 sq. ft.)
2. Single-family detached dwellings on mid-size lots (7,500 – 9,499 sq. ft.)
3. Single-family detached dwellings on small lots (5,000 – 7, 499 sq. ft.)
4. Townhouses or villas (2,000 – 5,999 sq. ft)

210-80.8 **Building Standards.**

Building Types.

A. Non-residential structures and live/work units shall have similar or compatible architectural design elements as the adjacent residential structures.

B. Architectural design elements shall be in accordance with the Architectural Design Standards and in substantial conformity with the applicable UDO Design Guidelines.

C. Maximum building length: 200 feet for non-residential structures and townhouse buildings.

210-80.9 **Dimensional Standards.**

A. All dwelling units and non-residential units shall meet the dimensional standards as listed in Table 210.5 Dimensional Standards for TND Districts and Table 210.6 Heated Floor Area Requirements for TND District.

Table 210.5 Dimensional Standards for TND Districts

Uses	Max. Height	Density	Front Set-back [1]	Side Setback [1]	Rear Set-back	Maximum Impervious Surface
Detached dwellings	35 ft.	8-10 d.u./ac. (varies per bonuses)	5 -15 ft.	5 -15 ft.	20 ft.	75%
Attached townhomes, villas, live/ work units within residential structure	35 ft.		5 -15 ft.	5-15 ft.	20 ft.	80%
Civic, commercial, live/ work within non-residential structure	45 ft		5 -15 ft.	5-15 ft.	20 ft.	80%
[1] Front or side setbacks are permitted within the range of 5 feet to 15 feet, unless abutting classified streets. Lots abutting a classified arterial or collector street shall have a minimum setback of 20 feet.						

Table 210.6 Heated Floor Area Requirements for TND District.

Minimum Floor Area (Residential)					
Dwelling	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
Attached	450 sq. ft.	600 sq. ft.	800 sq. ft.	1,150 sq. ft.	1,200 sq. ft.
Detached	600 sq. ft.	750 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	1,450 sq. ft.
Maximum Floor Area					
Detached Dwelling	Accessory Dwelling	Live/Work	Office	Civic	Retail/ Commercial
5,000 sq. ft.	700 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	25,000 sq. ft.	10,000 sq. ft.

210-80.10 **Public Improvement Standards.**

All streets, driveways, alleys, sidewalks, multiuse paths and greenways shall conform to Chapter 900, Infrastructure, Streets, Sidewalks, Multiuse Paths, Greenways and the following additional provisions:

A. Streets.

1. The street network shall form an interconnected grid pattern. Cul-de-sacs shall be minimized, and may only be allowed following review and approval by the Director due to unusual site conditions such as steep topography, streams, lakes, floodplain, wetlands or stream crossings, safety hazards, or other unusual property development or access constraints. Street shapes should be varied with loop streets, curving crescents, eyebrows, ovals, and courts providing visual interest and traffic calming effects. Approved cul-de-sac streets shall be no longer than 600 feet in length. Street patterns shall be designed to respect and follow existing terrain as much as possible, to minimize earthmoving and disruption of the existing topography.
2. No streets may be longer than 600 feet without an intersection with another public street, or an alley.

B. Driveways and Alleys.
1. Alleys shall be designed in substantial conformity with the UDO Design Guidelines and Section 900-140.
2. Blocks that are longer than 600 feet may be broken by an alley.
3. Location of alleys or driveways within the proximity of street intersections, collector and arterial streets are subject to the approval of Gwinnett Department of Transportation.
4. If a block contains a majority of lots less than 60 feet in width, individual lot access for that block shall be from an alley, not a street.
5. Alleys serving four or more occupied structures shall provide a continuous connection between two streets.
6. Alleys shall be graded to insure proper drainage, installed on a minimum 4-inch gravel aggregate base with a minimum 2-inch asphalt topping or other approved surface of, concrete, porous concrete or porous asphalt.
7. 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 shall be provided:
   a. Between entrances for all non-residential buildings in the same block.
   b. Along both sides of the streets.
   c. Through parking lots and parking structures.

D. Sidewalks, Multiuse Paths and Greenways.
1. Sidewalks shall be provided as required in Section 900-90.
2. Multiuse paths, where provided, shall be designed in substantial conformity with Section 900-100.
3. Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the Gwinnett County Open Space and Greenway Master Plan and be maintained in accordance with Section 900-100 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. 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.

210-80.11 **Parking.**

A. The minimum number of required off-street parking spaces shall be as provided in Chapter 240 Off-Street Parking Standards or in accordance with the following standards, whichever is lower:
1. One parking space is required for each 400 square feet of gross floor area of non-residential use.
2. One and one half (1.5) parking spaces are required for each residential dwelling unit.

B. The number of required off-street parking spaces may be reduced in equal number by the number of on-street parking spaces as provided in Chapter 245, On-Street Parking, or by a shared parking agreement as described in Section 240-30, Reduction in Minimum Parking Requirements.

C. All off-street parking shall be located to the side or rear of the principal buildings within TND District and screened from residential districts per Section 620-80, No Access Easement Screening Requirements, and the UDO Design Guidelines. Off-street parking in the front yard is not permitted.

D. The Director may grant an administrative variance to reduce by no more than 30 percent the number of required parking spaces for uses that are located along pedestrian walkways and are within 1,320 feet of a designated public transportation stop.

E. All uses that are required to provide off-street parking spaces for motorized vehicles also shall provide bicycle racks within 100 feet of the principal entrance of the building (out of public right of way) that it serves in accordance with the UDO Design Guidelines.

210-80.12 **Landscaping.**

A. Street trees shall be provided in required landscaped strips adjacent to all streets.

B. Spacing of street trees and streetlights 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.

C. No street tree or streetlight shall be placed within 10 feet of another tree, streetlight, or utility pole, or within 5 feet of a fire hydrant.

D. Landscape strips shall be located on both sides of all streets served by commercial and civic uses except alleys.

E. Off-street parking lots shall be screened from adjacent roadways and sidewalks by a Type 3 landscape strip as described in the UDO Design Guidelines.

F. All landscaping in common areas shall be installed and maintained in accordance with the requirements of Chapter 620.

210-80.13 **Streetlights.**

Streetlights shall be provided on all streets and be in substantial conformity with the UDO Design Guidelines.

210-80.14 **Underground Utilities.**

A. For all new construction and redevelopment, utilities along public streets must be placed underground. The Director may approve an exception, if a unique technical, physical, or economic hardship makes such installation infeasible. 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 right-of-ways or easements located at the outer edge of street right-of-ways.

210-80.15 **Maintenance of Common Areas.**

A. The TND District shall require a mandatory property owner's 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 aforementioned property owners association.

B. The location and specifications of other improvements including bike racks, trash receptacles, benches, street trees, landscaping, bike lanes, signage, and street lights, shall be out of public right of way as provided in the UDO Design Guidelines.

210-80.16 **Property Owner's Association.**

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

A. Governance of the association by the *Georgia Property Owner's Association Act* (OCGA § 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 the 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 advance approval of the Board of Commissioners.

210-80.17 **Application Process.**

The TND rezoning process shall follow the same process for rezoning as prescribed in Section 270-20 with the following modifications:

A. All such rezoning applications shall be accompanied by a Zoning Exhibit. The Zoning Exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in this Section 210-80.

B. If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Zoning Exhibit, including any modifications or conditions approved by the Board pursuant to its deliberations of the application.

C. Zoning exhibit approval shall not constitute entitlement to permits.

D. Each applicant for the TND District shall provide evidence of the unified control of the entire parcel. During the development process, more than one builder 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.

210-80.18 **Zoning Exhibit.**

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

A. A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.

B. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on-street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetlands, topography and common space.

C. Specifications, calculations and applicable percentages for common area, density calculations, lot sizes, gross and net acreage, dwelling units, parking and land use categories.

D. Color elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

E. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and the Architectural Design Standards in the Appendix of this document.

F. Conceptual Signage Plan.

210-80.19 **Phasing Plan.**

A phasing plan shall be submitted with the Concept Plan, 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 TND 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 Director prior to each construction phase.

210-80.20 **Concept Plan.**

A Concept Plan must be submitted and approved by the Director after the rezoning process and prior to submittal of an application for a Development Permit. The purpose of the Concept Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The Concept Plan shall be developed in substantial conformance with the Zoning Exhibit approved by the Board of Commissioners, along with any conditions added thereto by the Board, according to the plan and plat guidelines listed in Chapter 320.

210-80.21 **Building Plans.**
Prior to issuance of a building permit for any occupied structure to be located within a TND District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the requirements of the Architectural Design Standards. The Director shall have the authority to review and approve building plans for conformity with the requirements of Section 210-80 and the UDO Design Guidelines.

210-80.22 **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.

Section 210-90. R-SR Senior Oriented Residence District.

210-90.1 **Purpose and Intent.**

A. This district is intended for single-family detached and/or villa-style attached residential and accessory uses of a medium density on land served by a sanitary sewerage system. The R-SR district is designed to serve the housing needs of senior residents.

B. R-SR developments shall be intended for occupancy by persons 55 years of age and older. At least 80 percent of the occupied units shall be occupied by at least one person who is 55 or older as per the HOA bylaws and covenants.

210-90.2 **Applicability.**
The R-SR District is appropriate in the residential character areas of the Future Development Map of the 2030 Unified Plan.

210-90.3 **Permitted Uses.**
Principal uses and structures permitted in the R-SR District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130 in of this UDO.

210-90.4 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-SR District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-90.5 **Special Uses.**
Special uses may be permitted in the R-SR District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-90.6 **Property Development Standards.**

R-SR single-family dwellings shall meet the dimensional requirements of Section 230-10, the applicable site related provisions of Title 3 of the UDO and the following additional standards:

A. Detached homes within R-SR shall meet the following requirements:
   1. Maximum density: Four units per acre.
   2. Minimum lot area: 5,000 square feet.
   3. Average lot width: 50 feet.
   4. Minimum front setback: 20 feet, except front-facing garages shall be setback a minimum of 25 feet behind sidewalks.
   5. Minimum side setback: 5 feet.
   6. Minimum rear setback: 25 feet.

B. Attached villas within R-SR shall meet the following requirements:
   1. Maximum density: Six units per acre.
   2. Lot Area: No Minimum.
   3. Lot Width: No Minimum.
   4. Internal Road Frontage: No Minimum.
   5. External Road Frontage For Overall Development: 50 feet.
   6. Minimum unit width: 40 feet.
   7. Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and a 10-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.
   8. The following setbacks apply to the perimeter of the development:
      a. Front setback: 50 feet.
      b. Side setback: 20 feet.
      c. Rear setback: 20 feet.

C. Landscaping:
   1. A minimum of 50-foot landscaped building setback shall be provided adjacent to abutting exterior streets. The landscaped setback shall incorporate a 25 foot landscaped buffer with a six foot in height fence or wall consistent with the Design Guidelines in the UDO Appendix. Alternate decorative fence materials may be utilized, subject to review and approval of the Director.
   2. At least one 2-inch caliper street tree shall be planted at least every 35 feet along both sides of internal street(s).
   3. All grassed areas shall be sodded.

210-90.7 **Architectural Standards/ Design.**

A. Refer to the Architectural Design Standards in the Appendix of the UDO.

B. All dwellings shall be limited to single-story; however, bonus rooms over garages shall be allowed.

C. All dwellings shall contain double-car garages.

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. Attached villas shall have a minimum of three units and a maximum of four units per building. A minimum number of two unit villas may be approved by the Director to address specific topographic issues.

210-90.8 **Public Improvement Standards.**

All local streets in a R-SR District, except for alleys, shall be constructed per public street standards, and shall be designed in conformity with the UDO Design Guidelines as follows:

A. Local Streets per the UDO Design Guidelines.

B. Alleys per the UDO Design Guidelines.

C. Multiuse paths, when provided, shall be designed in conformity with the UDO Design Guidelines and Section 900-100 of the UDO.

D. Street Network Standards.
   1. Cul-de-sacs are prohibited, except where approved following review and approval by the Director or their designees because of unusual site conditions such as steep topography, streams, lakes, floodplains, wetlands or stream crossings, safety hazards, or other unusual property development or access constraints.
   2. An interconnected grid pattern is required unless the Director waives this requirement in conformity with the UDO Design Guidelines.
      a. Blocks that are longer than 600 feet (measured inside right-of-way) must be broken by an alley.

E. Driveways and Alleys.
   1. No residential driveways shall be permitted on collector or arterial streets.
      a. If a block contains a majority of lots less than 60 feet in width, individual lot access for that block shall be from an alley, not a public street.
   2. Alleys serving four or more occupied structures shall provide a continuous connection between internal streets.
   3. Project access shall not be located within 150 feet of the centerline of an intersecting collector or arterial street.
   4. Alleys shall be in substantial conformance with the UDO Design Guidelines.
   5. Joint driveways may be approved by the Director where appropriate to allow flexible development opportunities.

F. Streetlights.
   Streetlights shall be provided on all neighborhood streets.

210-90.9 **Underground Utilities.**

A. For all new construction and redevelopment, utilities along streets must be placed underground. The Director may approve an exception, if a unique technical, physical, or economic hardship makes such installation infeasible. 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 right-of-ways or easements located at the outer edge of street right-of-ways.

210-90.10 **Mandatory Homeowner's Association Required.**

A. The R-SR District 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 may be leased by individual owners at any one time.
   3. Exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.
   4. Maintenance of detention ponds, common areas and entrance features.

210-90.11 **Application Process.**
The R-SR rezoning process shall follow the same process for rezoning as prescribed in Section 270-20 with the following modifications:

A. All such rezoning applications shall be accompanied by a Zoning Exhibit. The Zoning Exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in this Section 210-90.

B. If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Zoning Exhibit, including any modifications or conditions approved by the Board pursuant to its deliberations on the application.

C. Zoning exhibit approval shall not constitute entitlement to permits.

210-90.12 **Zoning Exhibit.**
As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

A. A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.

B. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetlands, topography and common space.

C. Specifications, calculations and applicable percentages for common area, density calculations, lot sizes, gross and net acreage, dwelling units, and parking.

D. Color elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

E. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and with the Architectural Design Guidelines in the Appendix of the UDO.

210-90.13 **Concept Plan.**
A Concept Plan must be submitted and approved by the Director after the rezoning process and prior to submittal of an application for a Development Permit. The purpose of the Concept Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The Concept Plan shall be developed in substantial conformance with the Zoning Exhibit approved by the Board of Commissioners, along with any conditions added thereto by the Board, according to the plan and plat guidelines listed in Chapter 320.

210-90.14 **Building Plans.**
Prior to issuance of a building permit for any occupied structure to be located within a R-SR District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the requirements of the Architectural Design Standards. The Director shall have the authority to review and approve building plans for conformity with the requirements of Section 210-90 and the UDO Design Guidelines.

210-90.15 **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.

Section 210-100. R-TH Residence Townhouse District.

210-100.1 **Purpose and Intent.**
This zoning district is intended primarily for townhouse dwellings with a maximum density of 8 units per acre 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.

This zoning district is intended exclusively for townhouse dwelling units, villas, residential dormitories, customary accessory uses and structures for development after January 2005. Residential dormitories will only be permitted adjacent to Georgia Gwinnett College property and will be for the exclusive use of students and/or staff of the college.

210-100.2 **Permitted Uses.**
Uses permitted in the R-TH District are listed in the Table of Permitted and Special Uses found in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-100.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the R-TH District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120, Accessory Use Standards of the UDO.

210-100.4 **Special Uses.**
Special uses may be permitted in the R-TH District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-100.5 **Property Development Standards.**
Property in the R-TH District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

210-100.6 **Architectural Standards/Design.**
All development in the R-TH District shall be in conformity with the Gwinnett County Architectural Design Standards and be in substantial conformity with the UDO Design Guidelines.

For developments prior to January 2005, refer to the UDO: Appendix of Inactive Zoning Districts.

A. **Within the R-TH Single-Family Residence Townhouse District, the following requirements shall be met:**
   1. Maximum density: Eight units per acre;
      Residential dormitories shall be limited to a maximum of 90 beds per acre.

   2. Lot Area – No Minimum for townhomes or villas;
      Minimum 3 acres for residential dormitories.

   3. Lot Width – No Minimum for townhomes or villas;
      Minimum 100 feet for residential dormitories.

   4. Internal Road Frontage – No Minimum.

   5. External Road Frontage For Overall Development – 50-feet.

   6. Minimum unit width:
      a. 22 feet for double-car garage townhomes.
      b. 18 feet for single-car garage townhomes.
      c. 40 feet for villas.

7. Maximum height: 35-feet for townhomes or villas;
   Four stories for residential dormitories.

8. Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.

9. External yard requirements:
   a. Front yard: 50-Feet
   b. Side yard: 40-Feet
   c. Rear yard: 40-Feet

10. Provide three or more off-street parking spaces per dwelling unit for townhomes and villas. At least 80 percent of required parking areas for overall development must be located directly in the front or rear of the dwelling units. The balance of the parking spaces may be located in a parking facility separated from the units. All townhome and villas units shall require at least single-car garages.

    Residential Dormitories shall have a minimum of one parking space per bed and a maximum of 1.5 parking spaces per bed. Parking decks shall be allowed for residential dormitories. The maximum parking space allowance may be exceeded in any amount when a parking deck and/or underground parking structure is constructed to accommodate at least 50 percent of the maximum parking allowance. Excess parking may be shared with the adjacent school facilities.

11. All grassed areas shall be sodded.

12. Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.

13. A minimum of three and maximum of eight, dwelling units shall be allowed in each row of townhouses. Villas shall have a minimum of three units and a maximum of four units per building.

14. All utilities shall be placed underground.

15. A 50-foot wide landscaped setback shall be provided along all exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).

B. Concept Plan Review.

The purpose of the concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Director of Planning and Development shall review plans for compliance with concept plan review criteria. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Board of Commissioners. Through the rezoning process, the Board of Commissioners may condition approval of an R-TH request to a specific concept plan, or require a future site plan review by the Planning Commission.

The following exhibits shall be prepared by design professionals, such as planners, engineers, architects, or landscape architects, and submitted to the Department of Planning and Development. No application for an R-TH district shall be accepted for processing without these required exhibits.

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than 1 inch equals 100 feet, including the following information:
   a. Lot lines and setbacks;
   b. Topography with contour intervals greater than 20 feet;
   c. Lakes, ponds and floodplains and the sources of floodplain data;
   d. Stormwater detention areas;
   e. Recreation facilities (if applicable);
   f. Location of typical off-street parking.
3. Color elevations of front, sides and rear of all typical units, including proposed building material, and any other structures such as recreation buildings.
4. Information indicating the following:
   a. Gross and net acreage (see definition of net density);
   b. Lot sizes (typical dimensions and square footage);
   c. Amount of common open space in square feet (if applicable);
5. Such other architectural and engineering data as may be required to evaluate the project.

Section 210-110. RM-13 Multifamily Residence District.

210-110.1 **Purpose and Intent.**

This zoning district is intended primarily for multifamily dwellings with a maximum density of 13 units per acre 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.

210-110.2 **Permitted Uses.**

Uses permitted in the RM-13 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-110.3 **Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the RM-13 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-110.4 **Special Uses.**

Special uses may be permitted in the RM-13 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-110.5 **Property Development Standards.**

Property in the RM-13 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions of Title 3 of the UDO.

210-110.6 **Architectural Standards/ Design.**
All development in the RM-13 District shall be in conformity with the Gwinnett Architectural Design Standards and in substantial conformity with the UDO Design Guidelines, Section 6.

Section 210-120. RM-24 Multifamily Residence District.

210-120.1 **Purpose and Intent.**
This zoning district is intended primarily for multifamily dwellings with a maximum density of 24 units per acre 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.

210-120.2 **Permitted Uses.**
Uses permitted in the RM-24 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-120.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the RM-24 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-120.4 **Special Uses.**
Special uses may be permitted in the RM-24 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-120.5 **Property Development Standards.**
Property in the RM-24 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions of Title 3 of the UDO.

210-120.6 **Architectural Standards/Design.**
All development in the RM-24 District shall be in conformity with the Gwinnett County Architectural Design Standards and with the UDO Design Guidelines.

Section 210-130. HRR High-Rise Residence District.

210-130.1 **Purpose and Intent.**
This zoning district is intended to allow for high-rise residential development and associated uses in a mixed-use environment.

210-130.2 **Applicability.**

A. This district may only be permitted on tracts of land or assemblages of land located adjacent to or having immediate access to major thoroughfares, where infrastructure is available to support the intensity of such a use, and with immediate access to major shopping, office or transit connections, within a Regional Mixed-Use or Preferred Office Character Area as designated on the Gwinnett County Future Development Map.

B. Applications for rezoning not located within a Regional Mixed-Use or Preferred Office Character Area shall not be accepted for processing by the Department of Planning and Development.

210-130.3 **Permitted Uses.**

A. Within an approved HRR District, residential uses as set forth in the Table of Permitted and Special Uses in Section 230-100 shall constitute a minimum of 60 percent of the GFA of a high-rise residential structure exclusive of any gross building space devoted to parking.

B. Office, retail, and service uses may occupy up to 40 percent of the gross square footage of the high-rise structure exclusive of any gross building space devoted to parking. Such uses shall be limited to those set forth in the Table of Permitted and Special Uses in Section 230-100.

210-130.4 **Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the HRR District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-130.5 **Special Uses.**

Special uses may be permitted in the HRR District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-130.6 **Property Development Standards.**

A. Property in the HRR District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions of Title 3 of the UDO.

B. Maximum project density.
The Board of Commissioners shall establish maximum project density on a case-by-case basis at the time of rezoning. The Board of Commissioners may increase building height on a case-by-case basis.

210-130.7 **Architectural Standards Design.**

All development in the HRR District shall be in conformity to the Gwinnett County Architectural Design Standards and with the UDO Design Guidelines.

210-130.8 **Application Process.**

The HRR rezoning process shall follow the same process for rezoning as prescribed in Section 270-20 with the following modifications:

A. All such rezoning applications shall be accompanied by a Zoning Exhibit. The Zoning Exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in this Section 210-130.

B. If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Zoning Exhibit, including any modifications or conditions approved by the Board pursuant to its deliberations on the application.

C. Zoning exhibit approval shall not constitute entitlement to permits.

210-130.9 **Zoning Exhibit.**

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

A. A location map indicating existing zoning on the site and the adjacent properties.

B. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, off-street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetlands, topography and common space.

C. Specifications, calculations and applicable percentages for common space, density calculations, gross and net acreage, and parking.

D. Scaled architectural elevations of the proposed high rise structure and any proposed accessory structure (i.e. parking garage, recreation buildings, etc).

E. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and the Architectural Design Standards in the Appendix of the UDO.

210-130.10 **Concept Plan.**
A Concept Plan shall be submitted and approved by the Director after the rezoning process and prior to submittal of an application for a Development Permit. The purpose of the Concept Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The Concept Plan shall be developed in substantial conformance with the Zoning Exhibit approved by the Board of Commissioners, along with any conditions added thereto by the Board, according to the plan and plat guidelines listed in Chapter 320.

210-130.11 **Building Plans.**
Prior to issuance of a building permit for any occupied structure to be located within an HRR District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the requirements of the Architectural Design Standards. The Director shall have the authority to review and approve building plans for conformity with the requirements of Section 210-130 and the UDO Design Guidelines.

210-130.12 **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.

Section 210-140. O-R Office-Residence District.

210-140.1 **Purpose and Intent.**

A. The purpose of the O-R zoning district is to provide standards for the orderly transition and conversion of single-family and duplex residential structures to live-work, office, or institutional.

B. The intent of the O-R District is to provide for the economic reuse of existing single-family and duplex residential structures, while maintaining the residential character of the existing structures and the surrounding neighborhood.

C. The reuse of these structures shall be limited to low-intensity uses that would not create undue traffic safety problems or incompatibilities with adjacent residential property.

210-140.2 **Applicability.**
This zoning district is applicable to existing single-family and duplex residences facing a major thoroughfare that no longer have a viable use for solely residential occupancy. It is also applicable to conversion of an existing residential use to a low-intensity office or institutional use in order to provide an orderly transition in intensity between an existing commercial use abutting along one boundary and an abutting residential zoning district within the same block. In this way, the O-R district is intended to stabilize the neighborhood and prevent further propagation of strip commercial zoning along a thoroughfare.

210-140.3 **Permitted Uses.**
Uses permitted in the O-R District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-140.4 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the O-R District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-140.5 **Special Uses.**

Special uses may be permitted in the O-R District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-140.6 **Property Development Standards.**

A. Property in the O-R District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts, the applicable site related provisions of Title 3 of the UDO, the UDO Design Guidelines and the following additional standards:
   1. Two adjacent lots may be combined, along with their related buildings, driveways and parking lots where the combination improves the site and building design.

B. Access management.
   1. Driveway locations to be reviewed and coordinated with the Department of Transportation.

C. Buffer Standards.
   1. Nonconforming structures shall be removed from all required buffer areas.
   2. Side yard: Provide a 10 foot wide buffer outside of a 6 foot high opaque fence or wall abutting a residential zoning district.
   3. Rear yard: Provide a 20 foot wide buffer outside of a 6 foot high opaque fence or wall abutting a residential zoning district.

D. Building Standards.
   1. All development within the O-R District shall be in conformity with the Architectural Design Standards.
      a. New or rehabilitated structures shall have a compatible residential character with the adjacent residential buildings on the same block in terms of similar building materials and types and pitch of roof (gable, hip, mansard, flat).
      b. Existing structures remaining on the site may be enlarged, but shall retain their existing residential character in terms of building materials, entry features, porches, building height, proportions, types of roof, roof slope, dormers, and the types and sizes, proportions of fenestration, and doorways.

E. Parking requirements.
   1. Shared parking.
      a. When two or more uses are connected with shared driveways, then shared parking reductions may be approved by the Director in accordance to Section 240-30 Reduction in Minimum Parking Requirements.
   2. Location of parking.
      a. No more than two parking spaces may be provided in the front yard of each lot. All other required parking shall be in the side or rear yard.
   3. Lighting of parking lots.
      a. Lighting fixtures for parking lots shall be no more than 16 feet in height and shall be directed away from abutting residential property.

F. Sidewalks.
   1. Sidewalks and landscape strips shall be provided along the entire street frontage.
   2. Sidewalks shall connect to existing sidewalks of adjacent properties.
   3. Sidewalks shall be provided connecting the occupied buildings with the sidewalk along the street and parking areas to building entrances.

G. Signs.
   Signage in the O-R District shall be provided as described in the Gwinnett County Sign Ordinance.

H. Limit on Accessory Activities.
1. Accessory activities such as loading, unloading supplies and materials shall be limited to business hours (9:00am to 5:00pm Monday through Friday, except state and federal Holidays).
   a. On-site storage must be located within a fully enclosed structure and shall be limited to no more than ten percent of the principal gross building space. The cumulative total of all accessory buildings shall not exceed 10 percent of the principal building area. On-site storage buildings are subject to the provisions of Section 230-120 Accessory Use Standards.

I. Code compliance.
Change from residential to non-residential use requires compliance with the Gwinnett County Construction Code for commercial construction.

210-140.7 **Application Process.**
The O-R rezoning process shall follow the same process for rezoning as prescribed in Section 270-20, Zoning Ordinance Text and Map Amendments, with the following modifications:

A. **All such rezoning applications shall be accompanied by a Concept Plan. The Concept Plan shall provide all information necessary to demonstrate that it achieves the criteria provided in this section.**

B. **If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Concept Plan, including any modifications or conditions approved by the Board pursuant to its deliberations on the application.**

C. **Rezoning exhibit shall not constitute entitlement to permits.**

210-140.8 **Zoning Exhibit.**
A. **As part of the application for rezoning, an exhibit shall be submitted that includes the following information:**
1. A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.
2. A plan showing applicable details, to include lots; streets and right-of-ways; setback lines, existing buildings and structures to remain or be demolished; proposed new buildings and entrances; existing and proposed driveways, parking lots, dumpsters, fences, sidewalks, retaining walls and other structures; trees, buffers and landscaping; preliminary floor plans and elevations for proposed renovations indicating use of proposed building materials; stormwater management facility, drainage easements and floodplain.
3. Information indicating the following:
   a. Proposed uses and tenants;
   b. Dimensions and square footage of lots;
   c. Heated floor areas of existing and proposed buildings; and,
   d. Number of off-street parking spaces and method of calculation of need for off-street parking spaces.

210-140.9 **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.

Section 210-150. O-I Office-Institutional District.

210-150.1 **Purpose and Intent.**
This zoning district is established to provide a location for offices, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings.

210-150.2 **Permitted Uses.**
Uses permitted in the O-I District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-150.3 **Accessory Uses and Structures.**

A. Accessory uses and structures shall be permitted in the O-I District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

B. If an office building, hotel or motel as a principal use includes one or more accessory uses from the categories of Retail Trade, Accommodation and Food Services, Arts, Entertainment and Recreation, or Other Services, the total floor area of accessory uses may not exceed 15 percent of the total floor area of the building.

210-150.4 **Special Uses.**

Special uses may be permitted in the O-I District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-150.5 **Property Development Standards.**

Property in the O-I District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

210-150.6 **Limit on Accessory Activities.**

A. Accessory activities such as loading, unloading supplies and materials shall be limited to business hours (9:00am to 5:00pm Monday through Friday, except state and federal Holidays).

1. On-site storage must be located within a fully enclosed structure and shall be limited to no more than ten percent of the principal building area and five percent of the total lot area. On-site storage buildings are subject to the provisions of Section 230-120 Accessory Use Standards.

Section 210-160 C-1 Neighborhood Business District.

210-160.1 **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.

210-160.2 **Permitted Uses.**

Uses permitted in the C-1 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-160.3 **Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the C-1 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-160.4 **Special Uses.**

Special uses may be permitted in the C-1 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-160.5 **Property Development Standards.**

Property in the C-1 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

Section 210-170. C-2 General Business District.

210-170.1 **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.

210-170.2 **Permitted Uses.**
Uses permitted in the C-2 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-170.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the C-2 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-170.4 **Special Uses.**
Special uses may be permitted in the C-2 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-170.5 **Property Development Standards.**
Property in the C-2 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

Section 210-180. C-3 Highway Business District.

210-180.1 **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.

210-180.2 **Permitted Uses.**
Uses permitted in the C-3 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-180.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the C-3 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-180.4 **Special Uses.**
Special uses may be permitted in the C-3 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-180.5 **Property Development Standards.**
Property in the C-3 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

Section 210-190. 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. In all three districts, mixed-uses are permitted both vertically (in one structure) and horizontally (in multiple structures).

Section 210-200. MU-N Neighborhood Mixed-Use District.

210-200.1 **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 for 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.

210-200.2 **Applicability.**
Developments requesting rezoning to the MU-N district should be located in Community Mixed-Use and Corridor Mixed-Use Character Areas identified in the 2030 Unified Plan.

210-200.3 **Permitted Uses.**
Uses permitted in the MU-N District are listed in the Table of Permitted and Special Uses in Section 230-100, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-200.4 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the MU-N District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-200.5 **Special Uses.**
Special Uses may be permitted in the MU-N District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-200.6 **Minimum specifications for development of the MU-N Neighborhood Mixed-Use District.**

A. **Include at minimum two or more major land use categories chosen from the permitted uses listed in Section 230-100 provided that no single land use category shall constitute less than 20 percent of the development gross floor area.**
   1. Retail, services and professional uses shall be the primary uses of the ground floor of vertically mixed use buildings to encourage walkability and pedestrian orientation.
   2. Residential uses are permitted within both horizontally or vertically mixed use buildings with a maximum density of eight dwelling units/acre (project acreage).

Section 210-210. MU-C Community Mixed-Use District.

210-210.1 **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.

210-210.2 **Applicability.**
Developments requesting rezoning to the MU-C District should be located in Regional Mixed Use, Community Mixed-Use and Corridor Mixed-Use Character Areas identified in the 2030 Unified Plan.

210-210.3 **Permitted Uses.**
Uses permitted in the MU-C District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses, provided that they comply with the Supplemental Use Standards of Section 230-130.

210-210.4 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the MU-C District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-210.5 **Special Uses.**
Special Uses may be permitted in the MU-C District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-210.6 **Minimum specifications for development of the MU-C Community Mixed-Use District.**

A. **Include at minimum two or more major land use categories chosen from the permitted uses listed in Section 230-100 provided that no single land use category shall constitute less than 20 percent of the development gross floor area.**
   1. Retail, services and professional uses shall be the primary uses of the ground floor of vertically mixed use buildings to encourage walkability and pedestrian orientation.
   2. Residential uses are permitted within both horizontally or vertically mixed use buildings with a maximum density of 10 dwelling units/acre (project acreage).

Section 210-220. MU-R Regional Mixed Use District.

210-220.1 **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.

210-220.2 **Applicability.**
Developments requesting rezoning to the MU-R District should be located in Regional Mixed-Use or Preferred Office Character Areas identified in the 2030 Unified Plan.

210-220.3 **Permitted Uses.**
Uses permitted in the MU-R District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-130.

210-220.4 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the MU-R District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-220.5 **Special Uses.**
Special Uses may be permitted in the MU-R District in accordance with Section 230-100 Table of Permitted and Special Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-220.6 **Minimum Specifications for development of the MU-R Regional Mixed-Use District.**

A. The Floor Area Ratio (FAR), maximum height and density of the residential uses within MU-R District shall be 0.4 FAR, 45 feet in maximum height and a maximum of eight dwelling units/acre, unless otherwise approved by the Director or as a zoning condition by the Board of Commissioners.

B. Additional bonuses as listed in Table 210.7, Amenities Eligible for FAR Bonus for MU-R District, may be granted by the Director or as a zoning condition by the Board, subject to the approval of a site specific concept plan, to increase the above FAR, height and density for the development to the allowable maximum as shown in Table 210.8, Maximum Allowable Building Height and Residential Density for MU-R District.

C. Include at minimum two or more major land use categories chosen from the permitted uses listed in Section 230-100 provided that no single land use category shall constitute less than 20 percent of the gross floor area.
   1. Retail, services and professional uses shall be the primary uses of the ground floor of vertically mixed use buildings to encourage walkability and pedestrian orientation.
   2. Residential uses are permitted within both horizontally or vertically mixed-use buildings with a maximum density of 8 dwelling units/acre except as follows:

Table 210.7: Amenities Eligible for FAR Bonus for MU-R District

Amenities	FAR Bonus*
For each 1 percent of common area in excess of the required minimum.	Additional 0.1 FAR/each 1% over
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 conservation space.	Additional 0.25 FAR/ each ½ acre tract.
Structured Parking: 50% of minimum required. 25% of minimum required.	 Additional 1.0 FAR Additional 0.5 FAR
Mixed-use development that includes a minimum of 14 dwelling units per acre of land, and constructed in the same building with office, institutional, commercial, or retail uses.	Additional 0.5 FAR
Mixed-use development that includes office space constituting at least 40 percent of the total GFA.	Additional 0.5 FAR
Mixed-use development assembled from at least three properties, each containing one acre or more.	Additional 0.3 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.	Additional 0.25 FAR
Multiuse paths located outside of the floodplain, on minor collector or local streets, or within the development and meeting the standards of Section 900-100. 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/1000 feet path
Regional stormwater management facility meeting the standards of Section 800-90.	Additional 0.75 FAR
Within the required common areas, at least 50 percent of the area is developed into a contiguous green space for public gathering and related functions (i.e. pocket park, plaza, amphitheater, or greenways).	Additional 0.2 FAR
These bonuses are additive and can be accumulated subject to total maximum FAR of 5.0	

Table 210.8: Maximum Allowable Building Height and Residential Density for MU-R District
(Subject to Approved Bonus Density)

FAR	Building Height	Residential Density
0.41 – 1.00	5 stories and 75 ft.	32 dwelling units/net acre
1.01 – 2.00	10 stories and 140 ft.	48 dwelling units/net acre
2.01 – 3.00	15 stories and 210 ft.	64 dwelling units/net acre
3.01 – 4.00	20 stories and 260 ft.	80 dwelling units/net acre
4.01 – 5.00	25 stories and 300 ft.	96 dwelling units/net acre

Section 210-225. 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.

210-225.1 **Common area.**

At least 15 percent of the net project acreage (total acreage of the project excluding 100-year floodplain and wetland areas) shall be designated on a recorded plat as permanent common area for the use of the residents, workers, patrons and visitors to the development.

A. Common areas shall meet the standards set forth in this section and the UDO Design Guidelines for Public Spaces.
B. Depending on the scale of the development, the common area 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. Common area may include greenways or greenway access to satisfy the requirements of the Gwinnett County Open Space and Greenways Master Plan.

210-225.2 **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 may be longer than 600 feet without an intersection with another street or alley.
2. The street network shall form a connected pattern (grid system), with a minimum of cul-de-sacs approved by the Director only in cases of topographical hardship. Street shapes should be varied with loop streets, curving crescents, eyebrows, ovals, and courts providing visual interest and traffic calming effects. Approved cul-de-sac streets may be no longer than 600 feet in length. Street patterns shall be designed to respect and follow existing terrain as much as possible to minimize earthmoving and disruption of the existing topography.
3. 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 this Section 210-225 and Chapter 360 of this UDO.
   c. Access to the new street shall not be gated.

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 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.

210-225.3 **Public Improvements.**

A. Sidewalks shall be provided as required in Section 900-90.

B. Multiuse Paths shall be provided on one side of streets classified as arterials and shall comply with Section 900-100. Eligible FAR Bonus, if applicable, may be granted by the Director for multiuse paths constructed on all streets, except arterials, and any other locations within the development in accordance to Table 210.7.

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 Gwinnett County Open Space and Greenway Master Plan and maintained in accordance to Sections 900-110, 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.

210-225.4 **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 adjacent non-residential properties on arterials or major collectors designated on the Gwinnett County Long Range Road Classification Map;
2. Joint driveways and cross-access easements shall be established for non-residential tracts wherever feasible along streets classified as arterials or major collectors on the Gwinnett County Long Range Classification Map;
3. Roads are to be designed with a design speed of 25 mph and a two-way travel aisle, with a minimum of 20 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.

210-225.5 **Parking Management.**

A. Vehicle Parking.
1. The minimum number of required off-street parking spaces shall be as provided in Chapter 240 or in accordance to the following standards, whichever is lower:
   a. One parking space is required for each 400 square feet of gross floor area of non-residential use.
   b. One and one half (1.5) parking spaces are required for each residential dwelling unit.
   c. The number of required off-street parking spaces may be reduced in equal number by the number of on-street parking, spaces as provided in Chapter 245, On-Street Parking, or by a shared parking agreement as described in Section 240-30, Reduction in Minimum Parking Requirements.
2. All off-street parking must be located to the side or rear of the principal buildings within MU-N and MU-C Districts and screened from residential districts per Section 620-80, No Access Easement Screening Requirements, and the UDO Design Guidelines. Off-site parking in the front yard is not permitted within MU-N and MU-C Districts. In MU-R, 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.

B. Bicycle Racks.
   1. All uses that are required to provide off-street parking spaces for motorized vehicles also shall provide bicycle racks consistent with each of the standards below:
      a. Uses that require more than 100 off-street parking spaces for motorized vehicles shall provide at least one bicycle rack space for every 50 parking spaces required for motorized vehicles.
      b. No single building shall be required to provide more than 20 bicycle rack spaces.
      c. Bicycle racks shall be located outside of the street right-of-way, in a well-lighted area, no more than 100 feet from the intended use area or building.

C. Transit-oriented Development Parking.
   1. The Director may grant an administrative variance to reduce by no more than 20 percent the number of required parking spaces for uses that are located along pedestrian walkways and within 1,320 feet of a fixed public transportation stop.

210-225.6 **Building Services.**

A. Off-street loading and servicing areas shall be located to the rear of all buildings or screened from public view by a Type 4 Landscape Strip as described in the UDO Design Guidelines.

B. Walls 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 and roof level shall be screened from view from all streets and public right-of-ways with screening walls or landscaping consistent with the Architectural Design Standards and the UDO Design Guidelines.

F. Dumpsters shall be screened as provided in the Architectural Design Standards.

210-225.7 **Transition Height along Exterior Boundaries.**

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

B. All buildings, or portions thereof, located beyond the initial 50 feet from a lower residential district shall have a setback at 45 degree angle, measured from the height of 35 feet, and 50 feet from the property line common with such residential district and as illustrated in the UDO Design Guidelines.

C. All buildings within the Mixed-Use Districts are subject to the maximum height and setbacks as established in Table 210-9 Dimensional Standards.

210-225.8 **Dimensional Standards.**

A. All Mixed-Use districts shall meet the dimensional standards as listed in of Table 210.9, Dimensional Standards, and minimum heated floor areas as stipulated in Table 210.10, Dwelling Unit Floor Area. There are no minimum lot sizes; however, the district size shall meet the project area standards as stipulated.

Table 210.9. Dimensional Standards.

Project Area Standard						Off Internal Streets or Private Driveways		
District	Minimum	Maximum	Road Frontage	Max. Height	FAR/ Density	Front (1)	Side (1)	Rear
MU-N	7 ac.	20 ac.	40 ft./lot	45 ft.	0.4 FAR; 8 d.u./ac.	5 – 15 ft.	10 – 20 ft.	25 – 40 ft.
MU-C	10 ac.	None	40 ft./lot	60 ft.	1.0 FAR; 10 d.u./ac.	5 – 15 ft.	10 – 20 ft.	25 – 40 ft.
MU-R	15 ac.	None	40 ft./lot	up to 300 ft. or 25 stories (varies per bonus)	0.4-5.0 FAR; up to 96 d.u./ac. (varies per bonus)	5 – 15 ft.	10 – 20 ft.	25 – 40 ft.
Exceptions: (1) Front setbacks are permitted within the range of 5 feet to 15 feet unless abutting classified streets. Lots abutting a classified arterial or collector street shall have a minimum of 20 feet front and side setbacks.								

Table 210.10. Dwelling Unit Floor Area

MU-N, MU-C, MU-R	Minimum Heated Floor Area				
	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
	600 sq. ft.	750 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	1,450 sq. ft.

210-225.9 **Landscape, Buffers, and Tree Protection.**

A. The purpose of landscape requirements in Mixed-Use Districts is to provide for 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 Chapters 600 through 640 of this UDO.

C. Trees within the Mixed-Use Development 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 landscape strip.
   b. 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 may be screened from adjacent roadways and sidewalks by a Type 1 landscape strip consistent with the UDO Design Guidelines.

E. If landscape strips are provided within the right-of-way they shall be a minimum of 5 feet in width, measured from back of curb and sidewalk.

F. Individual lot trees are not required on detached residential lots.

210-225.10 **Streetscape Design.**

A. The location and specifications of other improvements in public right-of-ways, including street lights, bike racks, trash receptacles, benches, street trees, and landscaping, shall be as provided in accordance with the UDO Design Guidelines and the following design criteria:
   1. Lighting.
      a. A unified lighting plan must be submitted with the concept plan for approval by the Director in according to 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.

210-225.11 **Utilities.**

A. All existing and 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.

210-225.12 **Signs.**

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

210-225.13 **Building Design.**

A. The applicant for a building permit in the Mixed-Use District shall prepare and submit preliminary architectural plans and elevations of all buildings for review by the Director. The Director shall review such plans and elevations in order to determine if they conform to the Gwinnett County Architectural Design Standards and are substantially consistent with the UDO Design Guidelines.

B. 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.

C. Doors and Entrances.
   1. Buildings must have a primary entrance door facing a public sidewalk. 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.

210-225.14 **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 Section 230-130 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 Section 230-130 and be located outside of the street right-of-way.

210-225.15 **Property Owners Association.**

A. Common areas, stormwater management facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owner's 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 owner's 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 owner's association bylaws or covenants, shall contain the following provisions:
   1. Governance of the association by the Georgia Property's 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.

210-225.16 **Application Process.**

The Mixed-Use rezoning process shall follow the process for rezoning as prescribed in Section 270-20 with the following modifications:

A. All such rezoning applications shall be accompanied by a Zoning Exhibit for review and approval by the Director. The Zoning Exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in Sections 210-190 through 210-225 as applicable.

B. If the rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Zoning Exhibit, including any modifications or conditions approved by the Board pursuant to its deliberations on the application.

C. Zoning exhibit approval shall not constitute entitlement to permits.

D. 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.

210-225.17 **Zoning Exhibit.**

As part of the application for rezoning, an exhibit shall be submitted that includes the following information:

A. A location map showing the boundaries of the property with the current zoning of the property, as well as zoning on adjacent properties.

B. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetlands, topography and common space.

C. Specifications, calculations and applicable percentages for common area, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.

D. Color elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

E. Other architectural and engineering data necessary to demonstrate conformity with applicable standards of the district and with the Architectural Design Guidelines in the Appendix of the UDO.

F. Conceptual Signage Plan.

210-225.18 **Phasing Plan.**
A phasing plan shall be submitted with the Concept Plan, 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 Director prior to each construction phase.

210-225.19 **Concept Plan.**
A Concept Plan must be submitted and approved by the Director after the rezoning process and prior to submittal of an application for a Development Permit. The purpose of the Concept Plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The Concept Plan shall be developed in substantial conformance with the Zoning Exhibit approved by the Board of Commissioners, along with any conditions added thereto by the Board of Commissioners, according to the plan and plat guidelines listed in Chapter 320.

210-225.20 **Building Plans.**
Prior to issuance of a building permit for any occupied structure to be located within a Mixed Use District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8"=1'-0" that demonstrate compliance with the requirements of the Architectural Design Standards. The Director shall have the authority to review and approve building plans for conformity with the requirements of Sections 210-200, 210-210, 200-220, and 210-225 and the UDO Design Guidelines.

210-225.21 **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.

Section 210-230. M-1 Light Industry District.

210-230.1 **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.

210-230.2 **Permitted Uses.**
Uses permitted in the M-1 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided they comply with the Supplemental Use Standards of Section 230-130.

210-230.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the M-1 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-230.4 **Special Uses.**
Special uses may be permitted in the M-1 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.

210-230.5 **Property Development Standards.**
Property in the M-1 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

Section 210-240. M-2 Heavy Industry District.

210-240.1 **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.

210-240.2 **Permitted Uses.**
Uses permitted in the M-2 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses, provided they comply with the Supplemental Use Standards of Section 230-130.

210-240.3 **Accessory Uses and Structures.**
Accessory uses and structures shall be permitted in the M-2 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.

210-240.4 **Special Uses.**
Special uses may be permitted in the M-2 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 subject to Supplemental Use Standards established in Section 230-130 of the UDO.

210-240.5 **Property Development Standards.**
Property in the M-2 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

Chapter 220. Overlay Zoning Districts.

Section 220-10. Interpretation and Applicability of Overlay Districts.

220-10.1 **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 220 contain development procedures and standards that are supplemental to the zoning district classifications established in Chapter 210, Base Districts, and the provisions of Chapter 270, Procedures, 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.

220-10.2 **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.

220-10.3 **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 220-20. Big Haynes Creek-Alcovy Watershed Protection Overlay District.

This section of the UDO is adopted pursuant to Georgia Department of Natural Resources Rules for Environment Planning Criteria.

220-20.1 **Findings.**

The Board of Commissioners finds that:

A. The Big Haynes Creek and Alcovy River Small Water Supply Watersheds provide multiple benefits, which include providing drinking water for public water supply systems.

B. The water quality of the Big Haynes Creek and Alcovy River Watersheds depends upon the water quality of the tributary streams flowing into Big Haynes Creek and the Alcovy River.

C. Sediment and other polluting materials and conditions, including but not limited to pesticides, nutrients such as nitrogen and phosphorous, toxic materials, and elevations in water temperature, are harmful to the water quality of the creek and tributaries.

D. Vegetative buffers and adequate impervious surface setbacks adjacent to perennial streams, as required by Chapter 500 of the UDO, help to preserve water quality by reducing the quantity and concentrations of non-point source pollutants into these streams.

220-20.2 **Purpose.**
Based upon the findings in Section 220-20.1, the Board of Commissioners adopts these regulations to promote the health, safety and welfare of those depending upon the Big Haynes Creek and Alcovy River Watersheds for their supply of drinking water.

220-20.3 **Development Standards.**
Within the Big Haynes Creek and Alcovy River Watersheds, landfills and hazardous waste facilities are subject to the following:

A. New sanitary landfills shall utilize synthetic liners and leachate collection systems.

B. Hazardous waste treatment or disposal facilities are prohibited.

C. 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.

220-20.4 **Limitation on Variances.**
Variances from the provisions of this Section 220-20 are prohibited.

Section 220-30. Activity Center/Corridor Overlay District.

220-30.1 **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.

220-30.2 **Applicability.**

A. The requirements of the Overlay District shall apply to all non-residential and attached residential properties within the unincorporated areas as shown on:
   1. Mall of Georgia Overlay District Map.
   2. Civic Center Overlay District Map.
   3. Grayson/Highway 20 Corridor Overlay District Map.
   4. Centerville/Highway 124 Corridor Overlay District Map.
   5. Highway 124/324/Hamilton Mill Road Overlay District Map.
   6. 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 of Planning and Development.

220-30.3 **Design Requirements.**

A. Transportation/Infrastructure.
   1. Provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts. This requirement may be waived by the Director only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.
   2. All new utility lines shall be located underground.
   3. 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 sidewalk that is a minimum of four feet wide shall connect entrance(s) of buildings to the public rights-of-way.

4. At the following locations, sidewalks shall be constructed with an additional 2-foot by 8-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.
   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.
5. 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 220.1.

Table 220.1: Light Fixture Requirements for Public Rights-of-Way

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

2. Provide lighting throughout all parking areas utilizing decorative light poles/fixtures. Light source shall be Light Emitting Diodes (LED), Metal Halide, or Color Corrected High-pressure Sodium not exceeding an average of 4.5 foot-candles of light output throughout the parking area. A single light source type shall be used for any one site. Other than pedestrian light fixtures which will be less than 14 feet tall, light fixtures shall be hooded. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares. Light Fixtures which are utilized shall be as provided in Table 220.2.

Table 220.2: Light Fixture Requirements for Parking Areas

Overlay District/Corridor	Fixture Head	Pole Type (Parking lot)	Pole Type (Pedestrian)
Mall of Georgia	Box Head	Smooth Black (50' max.)	Smooth or Fluted Green
Civic Center	Box Head	Smooth Black (50' max.)	Smooth or Fluted Black
Grayson/Hwy 20	Box Head	Smooth Black (35' max.)	Smooth or Fluted Black
Centerville/Hwy 124	Box Head	Smooth Black (35' max.)	Smooth or Fluted Black
124/324/Hamilton Mill	Box Head	Smooth Black (35' max.)	Smooth or Fluted Black

C. Greenway Access.

Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the Gwinnett County Open Space and Greenway Master Plan and be maintained in accordance with Section 900-10 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 Chapters 620 and 630 of the UDO. At least 50 percent of plantings shall consist of trees 3 inches caliper or greater.
2. Provide landscaped islands throughout all surface parking areas as required by Section 620-30.
3. 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. Landscaped strips between road rights-of-way and the edge of abutting off-street grassed parking areas shall be a minimum of 5 feet in width. At a minimum, landscaped strips shall be planted in accordance with Section 620-20.
4. Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center along the right of way on the following roads:
    a. Mall of Georgia Overlay:
        i. Buford Drive
        ii. Woodward Crossing Boulevard
        iii. Mall of Georgia Boulevard
    b. Civic Center Overlay:
        i. Sugarloaf Parkway
        ii. Satellite Boulevard
        iii. Duluth Highway
        iv Old Peachtree Road
        v. Meadow Church Road
        vi. North Brown Road
    c. Grayson/Highway 20 Overlay:
        i. Grayson Highway
        ii. Loganville Highway
        iii. Sugarloaf Parkway
        iv. Webb Gin House Road
        v. Hillside Drive
        vi. Cooper/Ozora Road
        vii. Oak Grove Road
        viii. Hope Hollow Road
        ix. Hoke O'Kelly Mill Road
        x. Brand Road
    d. Centerville/Highway 124 Overlay:
        i. Scenic Highway
        ii. Centerville Highway
        iii. Highpoint Road
        iv Everson/Springdale Road
        v. Bethany Church/Zoar Road
        vi. Zoar Church Road
        vii. Annistown/Centerville-Rosebud Road
        viii. Campbell Road
        ix. Lee Road
        x. Anderson-Livsey Lane
    e. Highway 124/324/Hamilton Mill Overlay
        i. Braselton Highway
        ii. Gravel Springs Road
        iii. Auburn Road
        iv. Hamilton Mill Road

5. All street trees shall be a minimum 3-inch caliper at the time of planting. Street trees shall be planted six-feet from back-of-curb 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.
6. 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 required parking spaces shall be provided in parking areas of porous paving or grass paving systems, such as "Grasscrete" or "Grass-pave," not to exceed 1,000 parking spaces or as approved by the Director of Planning and Development.
2. Up to 25 percent of the required parking spaces for any development may be compact spaces reduced in total area, width or depth for designated compact vehicle parking. Each compact vehicle parking space shall not be less than eight feet in width and 17 feet in depth.
3. Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).
4. For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and 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. Decorative, commercial-quality, bicycle racks, benches and trash receptacles shall be required for all retail and office developments.
6. Dumpsters shall be screened on all sides by a minimum 6-foot high brick or masonry wall with access via an opaque gate.
7. Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality. Shopping cart storage within 50 feet of the store entrance shall be screened from view from the parking lot.
8. Vending machines shall be located within the 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 or Billboards shall not be permitted.
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 sign(s) 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/Design.

1. Refer to the Gwinnett County Architectural Design Standards and UDO Design Guidelines. All development in the Activity Center/Corridor Overlay District shall be in conformity with the Gwinnett County Architectural Design Standards and in substantial conformity to the UDO Design Guidelines.
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.

Chapter 230. Standards Applying To All Districts.

Section 230-10. Dimensional Standards of Zoning Districts.

When developing under any zoning classification, the provisions listed in Tables 230.1, 230.2 and 230.3 and any additional standards or requirements listed in Chapters 210, and 220 must be met. When a standard in Tables 230.1, 230.2, or 230.3 conflict with a standard in Chapters 210 or 220, the standards in Chapters 210 and 220 shall have precedence.

Table 230.1: Dimensional Standards for Residential Zoning Districts

Zoning District	Min. Lot Size	Max. Net Density	Min. Lot Width	Min. Front Setback [2]	Min. Side Setback	Min. Rear Setback	Min. Heated Floor Area	Min. % Com. Area	Max. Bldg. Hgt
RA-200	40,000 sq. ft.	NA	200 ft.	35 ft. or 50 ft.	20 ft.	40 ft.	1,400 sq. ft.	NA	35 ft.
R-LL	32,000 sq. ft.	NA	125 ft.	50 ft.	20 ft.	40 ft.	2,000 sq. ft.	NA	35 ft.
MH	15 Acres	6.0	NA	NA	NA	NA	NA	8%	35 ft.
R-100	15,000 sq. ft. sewer, 25,500 sq. ft. septic[1]	NA	100 ft.	35 ft. or 50 ft.	10 ft. one yard 25 ft. two yards	40 ft.	1,400 sq. ft.	6% [3]	35 ft.
R-75	10,500 sq. ft. sewer, 25,500 sq. ft. septic[1]	3.0	75 ft.	30 ft. or 50 ft.	10 ft.	30 ft.	1,200 sq. ft.	6% [3]	35 ft.
R-60	7,200 sq. ft sewer	4.0	60 ft.	25 ft.	7.5 ft.	30 ft.	1,000 sq. ft.	6% [3]	35 ft.
OSC	7,500 sq. ft. sewer	2.5	60 ft.	25 ft.	7.5 ft.	30 ft.	1,400 sq. ft.	25%	35 ft.
TND	Varies per Sec. 210-80								
R-SR	Varies per Sec. 210-90						1,000	15%	35 ft.
R-TH	Varies per Sec. 210-100	Varies per Sec. 210-100	Varies per Sec. 210-100	Varies per Sec. 210-100	Varies per Sec. 210-100	Varies per Sec. 210-100	Table 230.2	15%	Varies
RM-13	18,000 sq. ft.	13	100 ft.	15 ft.	10 ft.	30 ft.	Table 230.2	15%	50 ft.
RM-24	18,000 sq. ft.	24	100 ft.	15 ft.	15ft.	30 ft.	Table 230.2	20%	65 ft.

[1] Larger lot may be required by Environmental Health Section.
[2] Setback shall be 50 feet from major thoroughfare, 35 feet from local street, unless otherwise noted.
[3] Common areas are not required for single-family subdivisions having less than 50 acres in gross land area.

Table 230.2: Minimum Heated Floor Area per Unit for RM, HRR, R-SR, and R-TH Zoning Districts

(Only those bedroom configurations and sizes shall be allowed in each respective District)

RM-13 and RM-24	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
	450 sq. ft.	600 sq. ft.	800 sq. ft.	1,000 sq. ft.	1,200 sq. ft.
HRR	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
	600 sq. ft.	750 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	1,400 sq. ft.
R-SR			2-Bedroom	3-Bedroom	4-Bedroom
			1,600 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
R-TH (Townhomes)			2-Bedroom	3-Bedroom	4-Bedroom
			1,000 sq. ft.	1,200 sq. ft.	1,400 sq. ft.
R-TH (Villas)			2-Bedroom	3-Bedroom	4-Bedroom
			1,600 sq. ft.	1,800 sq. ft.	1,800 sq. ft.
R-TH (Dormitories)		1-Bed	2-Bed	3-Bed	4-Bed
		200 sq. ft.	300 sq. ft.	400 sq. ft.	500 sq. ft.

Table 230.3: Dimensional Standards for Non-Residential, HRR, and Mixed-Use Districts

Zoning District	Min. Lot Size	Max. Net Density/ FAR	Max Height	Min. Lot Width	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Min. % Common Area
O-R	15,000 sq. ft.	None	35 ft.	100 ft.	25 ft.	7.5 ft.	25 ft.	NA
O-I	None	None	35 ft.	50 ft.	15 ft.	10 ft.	25 ft.	NA
C-1	None	None	35 ft.	None	15 ft.	10 ft.	30 ft.	NA
C-2	None	None	45 ft.	None	15 ft.	10 ft.	30 ft.	NA
C-3	None	None	45 ft.	None	15 ft.	10 ft.	30 ft.	NA
HRR	None	Varies	Min 5 stories	75 ft.	15 ft.	0 ft. [a]/10 ft.	25 ft.	20%
MU-N, MU-C, MU-R	None	Varies per Sec. 210-190 through 210-225						15%
M-1/ M-2	1 acre	None	45 ft.	150 ft.	50 ft.	25 ft.	50 ft.	NA

[a] Applies to attached units in a single building.

Section 230-20. Application of Dimensional Standards.

230-20.1 **Method of Density Calculation.**

For any property permitted development shall be calculated on the basis of net density (see definition of "Density").

230-20.2 **Minimum Lot Size.**

A. Lots shall meet the minimum lot size and minimum lot width listed in Tables 230.1, 230.3 of Section 230-10 for each district. However, 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 having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front setback line or at a line parallel to said setback line at no more than twice the minimum front setback distance from the street.

230-20.3 **Reduction in Lot Dimensions.**

No lot shall be reduced in size so that lot width or depth, size of yards, lot area or any other requirement of the 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 used exclusively for subdivision identification signage, entrance or landscape features, common areas, mail kiosks or stormwater facilities.

230-20.4 **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 230-20.5.A, in any Zoning District in which one-family 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 one-family dwelling.
   1. In any case of such a lot, when it is not possible to provide the required side setbacks and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side setback requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side setbacks be less than 5 feet in width.

C. Lots of record located within the designated Big Haynes Creek or Alcovy River Watershed Protection Area shall also be subject to the applicable requirements in Section 220-20 Big Haynes-Alcovy Watershed Protection Overlay District.

230-20.5 **Exceptions to Front Setback Requirements.**

A. The front setback requirements of the UDO shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or partially within one hundred (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 depth.

B. If the average depth of the front yards is greater than the required front setback, the depth of the front setback for such lot shall be the average depth of the front yards of the above referenced buildings but need not be greater than 150 percent of the required front setback depth.

C. If the average depth of the front yards is less than the required minimum front setback depth, the depth of the front setback of such lot shall be the average of the front yards of the aforementioned buildings.

230-20.6 **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 by him with his request for a development permit, building permit, or a certificate of occupancy.

230-20.7 **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.

230-20.8 **Height Limits, Setbacks, Lot and Floor Areas.**

A. No building or structure shall hereafter be erected, constructed, reconstructed or altered to:
   1. Exceed the height limits as set forth in Section 230-10.
   2. House a greater number of families per lot or occupy a smaller lot area per family than herein required.
   3. Have a narrower or smaller front, rear, or side setbacks than are herein required.

B. All dwelling units shall have a minimum heated finished living area, excluding a basement, attic, carport or garage as set forth in Section 230-10.

230-20.9 **Building Height Requirements.**

A. For all buildings, except one and two family dwellings, accessory buildings, and agricultural buildings, the height requirements of Section 230-10 must be met unless the applicant is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Director and the Planning Commission.

B. For all one and two family dwellings, accessory buildings, and agricultural buildings, the height requirements of Section 230-10 must be met unless the applicant is granted a Variance by the Zoning Board of Appeals, after a public hearing.

C. An increase in height of ten (10) feet or less for any structure other than a sign or fence may be requested under the provisions of Section 270-130 as an Administrative Variance, however, no increase may be granted in the number of stories which would otherwise be permitted under the applicable zoning district.

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

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 20 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 75 feet in height, or less.

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

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

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

230-30.2 The height of transmission towers, radio or television towers and antennas and other telecommunication facilities is regulated in the Gwinnett County Telecommunications Tower and Antenna Ordinance.

230-30.3 These exclusions shall not apply in the vicinity of airports where Federal Aviation Administration runway protection zone standards shall apply.

230-30.4 The height of buildings and roof structures is also regulated by the Gwinnett County Construction Code.

Section 230-40. Only One Principal Building or Use on a Lot.

Only one principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot.

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, porches, bay windows, or other similar architectural features may extend into the required front, side, and rear setbacks provided such extensions do not exceed 3 feet. Decks and patios may extend into the side or rear setback but no closer than 5 feet from any property line. Steps and landings may extend into the required setbacks provided that such extensions do not exceed 10 feet for the front and 3 feet for the side. Steps and landings may extend into the rear setback, but no closer than 5 feet from the property line.

230-60.2 Canopies, covered entrances or walkways for non-residential day care facilities, churches, or other similar uses may extend into the required side or rear setbacks provided such extensions do not exceed 3 feet and may extend into the front setback provided such extensions are not closer than 15 feet from the street right-of-way line or future right-of-way line as designated on the Gwinnett County Long Range Road Classification Map, whichever is greater.

230-60.3 Canopies over pump islands or over walkways may extend up to the street right-of-way line or future right-of-way line as designated on the Gwinnett County Long Range Road Classification Map, whichever is more restrictive.

Section 230-70. Road Frontage.

230-70.1 No lot shall be created that does not abut for at least 40 feet, except as otherwise noted in Section 230-10, Chapters 210 or 220, upon an open street which shall be either a public street, a publicly approved street, publicly maintained street, or private street, and except for stormwater facility lots which shall abut for a minimum of 30 feet.

230-70.2 No lot fronting a cul-de-sac shall have less than a minimum road frontage of 35 feet when measured along a straight line along the chord of the arc at the right-of-way line.

Section 230-80. Fences and Walls.

230-80.1 **Height of Fencing or Walls.**
Except as provided in Section 230-80.2, no wall or fence in a residential zoning district shall exceed 4 feet in height within a required front building setback line or 8 feet in height in the balance of the yard.

230-80.2 **Exceptions to Section 230-80.1 are as follows:**

A. A fence or wall that encloses an approved stormwater management facility may be a maximum of 6 feet in height.

B. A fence or wall enclosing a tennis court may be a maximum of 12 feet in height.

C. The Board of Commissioners may condition the approval of a rezoning or special use permit to require that walls or fences of a height in excess of these regulations shall be placed in any yard where such walls or fence is necessary to provide screening.

D. Lots with double frontage may have a fence up to 8 feet in height in the no access easement.

230-80.3 **Subdivision Entrance Features.**
Walls or fences incorporated into a subdivision entrance feature shall not exceed ten feet in height and shall be subject to review and approval by the Director after the submission of a landscape plan, site plan and architectural elevations to the Department.

230-80.4 **Fence Material.**

A. Any wall or fence which extends into the required front yard on property less than 3 acres in area shall be ornamental or decorative and constructed of brick, stone, wood, stucco, wrought iron, or split rail.

B. No wall or fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard, except fences enclosing stormwater facilities which may be vinyl coated chain link. Woven wire or metal fabric fences may extend into a front yard when property contain a minimum of 3 acres.

C. Electric and barb wire fences shall be prohibited in residential districts except on lots which meet or exceed the minimum requirements for raising and keeping of livestock (3 acres).

D. Exposed concrete block, 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 in residential and non-residential districts.

Section 230-90. Protection of Existing Cemeteries.

230-90.1 Whenever a development site contains or is adjacent to an existing cemetery, the following cemetery protection measures shall be required:

A. A 25 foot in-depth grassed buffer strip and a minimum four-foot high wrought-iron style fence or brick/stone wall shall be provided around the entire perimeter of the cemetery. Said fence or wall shall be located exterior to the required grassed strip. In instances where a cemetery includes an existing fence or wall, the existing fence or wall may be considered to satisfy this requirement.

Section 230-100. Table of Permitted and Special Uses.

230-100.1 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 use requiring a Special Use Permit subject to approval following the application procedures and requirements in Section 270-30 of the UDO.

A: An accessory use subject to the requirements specified and generally applicable to accessory uses.

230-100.2 Any use not listed with the letter P, S, or A 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.

230-100.3 Any use listed with a "Y" in the column headed by the words "Supl. Reg?" in the table below shall satisfy the applicable supplemental use standards established in Section 230-130 of this Chapter, in addition to the development regulations of the district in which it is located.

230-100.4 Restrictions on the location of telecommunication facilities in certain zoning districts are provided in the Gwinnett County Telecommunications Tower and Antenna Ordinance.

230-100.5 Restrictions on the location and operation of adult establishments are provided in Section 230-130.

230-100.6 Restrictions on the location and operation of temporary outdoor activities are provided in the Temporary Outdoor Activity Ordinance. Temporary outdoor activities shall also meet the parking requirements of Chapter 240 of this UDO.

230-100.7 All uses identified in the following table 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 Merriam-Webster Dictionary.

Table 230.4

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Agricultural and Rural Recreational Uses																								
Agricultural Uses (crop or animal production)	Y	P																						
Beekeeping	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P		
Community Garden	Y	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P	P		
Country Clubs and Golf Courses	Y	P	S	S	S	S																		
Equestrian Facility, Riding Stables or Academy	Y	P																						
Fishing Club or Fishing Pond		P																						
Forestry and Logging		P																						
Golf Driving Range		S																S	P		S	S	S	S
Greenhouse or Plant Nursery (wholesale)		P																					P	P
Kennel or Pet Boarding	Y	P							S									P	P				S	S
Livestock Sales Pavilion or Auction Facility	Y	P																						
Livestock, keeping of (for personal utility)	Y	P	P	P	P																			
Shooting and Archery Ranges and similar outdoor recreation facilities	Y	S																S	S				S	S
Wild Animals, keeping of	Y	P																						
Winery		P																						
Commercial and Retail Uses																								
Adult Establishment	Y																						P	P
Ambulance or Medical Transport Company																		S	P				P	P
Antique Shop									P					P			P	P	P	P	P	P		
Appliance Repair Shop																		P	P				P	P
Art and School Supply Store									P					P			P	P	P	P	P	P		
Auction House																		P	P				P	P
Automatic Teller Machine									P					P		P	P	P	P	P	P	P	P	P
Automobile Accessories Sales and Installation																		P	P				S	P
Automobile Auction																		S	S				S	P
Automobile Body Repair and Painting																		S	P				S	P
Automobile Brokerage	Y															P	P	P	P				P	P
Automobile Customization, Modification and Rebuilding																		S	P				S	P
Automobile Parts Store (with installation)																		S	P					

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Commercial and Retail Uses																								
Automobile Parts Store (without installation)																		P	P					
Automobile Repair Shop, Lubrication and Tire Store																		S	P				S	P
Automobile Sales and Related Service																		S	P					
Bed and Breakfast Inn	Y	S		S	S				S								S	P	P	P	P	P		
Bicycle Shop									P					P			P	P	P	P	P	P		
Billboard or Oversized Sign																		P	P			S	S	S
Boat and Marine Equipment Sales and Service																		S	P				S	P
Book, Music and Media Store									P					P			P	P	P	P	P	P		
Building Materials Sales (wholesale)																							P	P
Building Materials Sales (retail)																		P	P					
Camera/Photographic Supply Store									P					P			P	P	P	P	P	P		
Car Wash (express-service)																		S	P					
Car Wash and/or Detailing (full-service)																		S	P					
Car Wash (self-service)																		S	P					
Catering Service														P			S	P	P	P	P	P	P	P
Cellular Phone Store														P			P	P	P	P	P	P		
Check Cashing or Payday Loan Facility	Y																	S	S					
Clothing, Apparel and Shoe Stores									P					P			P	P	P	P	P	P		
Convenience Store (with or without fuel pumps)																	P	P	P	P	P	P		
Copy, Blueprint or Printing Shop									P					P				P	P	P	P	P	P	P
Department Store	Y													P				P	P		P	P		
Discount Department Store, Big-Box Specialty Store or Supercenter	Y													P				P	P		P	P		
Dollar or Variety Store																		P	P					
Driving Instruction/DUI School																		P	P				P	P
DUI School																		P	P				P	P
Electronics and Computer Stores									P					P				P	P		P	P		
Emissions Inspection Station	Y																	P	P				P	P
Farmer's Market (off-site products)		S							S									P	P		P	P		
Farmer's Market (on-site products only)	Y	P																						
Fireworks Sales, principal use	Y																	S	S				S	S
Fireworks Sales, ancillary use	Y																P	P	P	P	P	P		

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-1	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Commercial and Retail Uses																								
Florist or Flower Shop									P					P			P	P	P	P	P	P		
Food Store, Specialty (butcher, greengrocer, bakery)									P					P			P	P	P	P	P	P		
Funeral Home																		P	P				P	P
Furniture or Home Furnishings Store														P				P	P		P	P		
Garden Supply Center																		S	P					
Gift Shop or Greeting Card Shop									P					P			P	P	P	P	P	P		
Grocery Store														P			P	P	P	P	P	P		
Hair Salon, Beauty Parlor or Barber Shop									P					P			P	P	P	P	P	P		
Hardware Store									P					P			P	P	P	P	P	P		
Health Club, Spa or Fitness Center									P					P			P	P	P	P	P	P	S	S
Home Improvement Store																		P	P					
Hookah/Vapor Bar or Lounge	Y													S				S	S		S	S		
Hotel or Motel	Y													P				P	P	P	P	P	P	P
Ice Vending Machines, Bulk																								S
Interior Decorating Shop									P					P			P	P	P	P	P	P	P	P
Jewelry Store									P					P			P	P	P	P	P	P		
Laundry or Dry Cleaners									P					P			P	P	P	P	P	P		
Lawn and Garden Equipment Sales and Service																		S	P				S	P
Locksmith																		P	P				P	P
Lounge or Nightclub														P				P	P			P		
Massage, Therapeutic														P				P	P		P	P		
Motorcycle, Scooter and ATV Sales and Related Service																		S	P					
Motorcycle, Scooter and ATV Service and Repair																		S	P				S	P
Motorcycle Parts, Apparel and Accessories Store (without installation)																		P	P					
Movie Theater, Cineplex or Multiplex														P				P	P		P	P		
Musical Instrument Store									P					P			P	P	P	P	P	P		
Outdoor Sales, Storage or Display (retail)																		S	P	S	S	S		
Palm/Psychic Reading and Fortune Telling																		P	P					
Parking Garage or Lot														P	P	P	P	P	P	P	P	P	P	P
Pawn Shop (general)																		S	S					
Pawn Shop (jewelry only)																		P	P					

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-1	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Commercial and Retail Uses																								
Pet Grooming									P					P			P	P	P	P	P	P		
Pet Shop or Pet Supply Store									P					P			P	P	P	P	P	P		
Pharmacy or Drug Store									P					P			P	P	P	P	P	P		
Pool or Billiards Halls	Y																	S	S					
Precious Metals Dealer																		P	P					
Recreation and Entertainment Facility (indoor)														P			S	P	P	P	P	P	P	P
Recreation and Entertainment Facility (outdoor)																		S	P	S	S	S	S	S
Recreational Vehicle Park or Campground		S																S	P					
Recreational Vehicle Rental, Sales and Service																		S	P				S	S
Rental, Automobile	Y																	P	P				P	P
Rental, Furniture and Electronics														P				P	P					
Rental, Heavy and Farm Equipment																							S	P
Rental, Light Equipment and Tool																		P	P				P	P
Rental, Truck and Trailer	Y																	S	P				S	P
Repair Shop, Electronics and Small Appliance																		P	P				P	P
Repair Shop, Shoe and Leather									P					P			P	P	P	P	P	P	P	P
Restaurant (coffee shop, doughnut shop or ice cream parlor)									P					P			P	P	P	P	P	P		
Restaurant (drive-in or drive-thru fast food)																	S	P	P	P	P	P		
Restaurant (full service)									P					P			P	P	P	P	P	P	S	S
Self-Storage or Mini-Warehouse Facility	Y																	S	P				P	P
Shooting Ranges, Indoor																		P	P				S	S
Smoke Shop or Novelty Shop																		P	P					
Sporting Goods Store									P					P			P	P	P	P	P	P		
Sports Training Facility (indoor)														P			S	P	P	P	P	P	P	P
Sports Training Facility (outdoor)																		S	P				S	S
Stone Yard or Stone Cutting																		S	S				P	P
Studio, Art									P					P			P	P	P	P	P	P	P	P
Studio, Dance or Martial Arts									P					P			P	P	P	P	P	P	P	P
Studio, Photography									P					P			P	P	P	P	P	P	P	P
Swimming Pool Sales Facility																		P	P				P	P
Swimming Pool Supply Store																		P	P				P	P

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Commercial and Retail Uses																								
Tailor, Dressmaker, Sewing Shop									P					P			P	P	P	P	P	P	P	P
Tanning Salon														P			P	P	P	P	P	P		
Tattoo and Body Piercing Parlor																		S	S					
Taxi or Limousine Service														P				S	P				S	P
Title Loan Facility																		P	P					
Toy Store, Hobby Shop or Game Store									P					P			P	P	P	P	P	P		
Travel Agency									P					P			P	P	P	P	P	P	P	P
Truck Sales, Leasing and/or Service, Heavy																		S	S				S	P
Wholesale Membership Club																		P	P				S	S
Industrial and Manufacturing Uses																								
Aircraft Factory																							S	P
Aircraft Hanger and Maintenance																							P	P
Aircraft Landing Field																		S	S				S	P
Alcoholic Beverage Plant/Distillery																							P	P
Asphalt Plant																								S
Automobile Manufacturing Plant																								S
Automobile or Truck Storage Lot (excl. junk/wrecked vehicles)	Y																	S	P				S	P
Baking Plant																							P	P
Beverage Bottling Plant																							P	P
Bulk Storage Tank (accessory use)																							P	P
Bulk Storage Tank (principal use)																							S	S
Cabinet Shop																							P	P
Call Center																S	S	P	P				P	P
Caretaker or Watchmen Quarters (accessory)																							A	A
Carpet and Upholstery Cleaning Service																		P	P				P	P
Cement, Concrete or Masonry Plant																							S	P
Chemical Plant (non-pharmaceutical)																							S	P
Clothing, Apparel or Shoe Manufacturing																							P	P
Cold Storage Plant																							P	P
Composting Facility (municipal solid waste)																								S
Composting Facility (yard trimmings)	Y																						S	P

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Industrial and Manufacturing Uses																								
Contractors Office, Building Construction																		P	P				P	P
Contractors Office, Heavy/Civil Construction/Logging																							S	P
Contractors Office, Landscape																		S	P				P	P
Contractors Office, Specialty Trade																		P	P				P	P
Convention Facility																		P	P		P	P	P	P
Data Center																P	P	P	P			S	P	P
Depot / Passenger Terminal (bus or rail)																		S	P	S	S	P	P	P
Distribution Facility																							P	P
Die Casting Works																							P	P
Electronics Waste (e-waste) Collection/Recycling																		S	S				P	P
Explosives Plant / Storage																							S	P
Fat and Bone Rendering Plant																								S
Feed Processing Facility																							S	P
Fertilizer Plant																								P
Food Processing/Packaging/Canning Plant (other than poultry/meat processing)																							P	P
Heavy Equipment or Farm Equipment Sales or Service																							S	P
Ice Manufacturing/Packing Plant																							P	P
Janitorial and Maid Services																		P	P				P	P
Laboratory (medical or dental)																		P	P			S	P	P
Laboratory, Research and Testing Facility																						S	P	P
Landfill	Y	S		S																			S	S
Laundry/Dry Cleaning Plant																							P	P
Lawn Treatment Service																		P	P				P	P
Liquid Waste Treatment/Recycling																							S	P
Machine Shop																							P	P
Maintenance Shop (automobile or truck fleet vehicles)																							S	P
Manufactured Building or Mobile Home Sales																		S	P				S	P
Manufacturing or Assembly Plant																						S	P	P
Metal Smelting/Forging Works																								P
Movie Studio																						P	P	P

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Industrial and Manufacturing Uses																								
Moving Company																							P	P
Outdoor Storage (other than junk/ salvage yards)																							P	P
Quarrying, Mining, Borrow Pit																								S
Paper/Pulp Mill																								S
Pest Control/Extermination Business																		P	P				P	P
Petroleum Refinery/Processing Plant																								S
Pharmaceutical Manufacturing Plant																							P	P
Photo Processing Plant																							P	P
Plastics Extrusion Plant																							P	P
Plumbing Equipment Dealer																		P	P				P	P
Poultry/Meat Processing Plant																							S	S
Printing, Bookbinding or Publishing Plant																							P	P
Radio or Television Station/Studio																		P	P			S	P	P
Railroad Repair or Storage Yard																							S	P
Recording/Rehearsal Studio																		P	P		P	P	P	P
Recovered Materials Processing Facility	Y																						S	P
Research or Testing Facility (indoor)																						S	P	P
Research or Testing Facility (outdoor)																							S	P
Salvage Operation or Junk Yard	Y																						S	S
Sawmills and Logging Facility		S																					S	P
Scrap Tire Processing, Grinding or Retreading																							S	S
Self-Service Ice Manufacturing/ Vending Machine																		S	S				S	S
Septic Tank Pumping Company																							S	P
Slaughterhouse																								S
Soft Drink Bottling/Distribution Plant																							P	P
Solid Waste Transfer Station																								S
Studio, Movie																						P	P	P
Sugar Refinery																								S
Tannery/Leather Processing																								S
Taxidermist																		S	S				S	P
Textile or Carpeting Factory																							P	P
Towing/Wrecker Service and Impound Lot																							S	S

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Industrial and Manufacturing Uses																								
Tree Service and Log Splitting																							S	P
Truck Terminal or Intermodal Terminal																							S	P
Trucking and Hauling (dirt, gravel, sand, etc.; incl. stockpiling)																							S	P
Upholstery Shop																		P	P				P	P
Waste Incineration Facility																								S
Welding Shop																							P	P
Wholesaling and Warehousing (accessory retail <15%)																							P	P
Wood Chipping and Shredding, Log Splitting	Y																						S	P
Office, Institutional, and Cultural Uses																								
Acupuncture																P	P	P	P				P	P
Animal Hospital or Veterinary Clinic	Y	S							P							S	S	P	P	S	P	P	P	P
Art Gallery									P					P			P	P	P	P	P	P	P	P
Bail Bonding Company																		S	S				S	P
Bank or Financial Services Institution									P					P		P	P	P	P	P	P	P	P	P
Blood Plasma Donation Center																S	P	P	P				P	P
Cemetery or Mausoleum	Y	S		S	S													S	S				S	S
Cemetery, Family	Y	S	S	S	S																			
Club, Lodge, or Fraternal Organization									P							S	P	P	P	P	P	P	S	S
Community Center or Cultural Facility	Y	P		P	P				P					P			P	P	P	P	P	P	S	S
Corporate Training and Education Centers														P		S	S	P	P	S	P	P	P	P
Counseling Center															S	P	P	P	P				P	P
Crematory (accessory use)																		S	S				S	P
Crematory (principal use)																								P
Day Care Facility									P					P	S	S	P	P	P	P	P	P	S	S
Hospice Home															S	S	P	P	P					
Hospital																		P	P				P	P
Human Services Ministry																		P	P				P	P
Medical Office or Clinic									P					P	P	P	P	P	P	P	P	P	P	P
Meditation Center		S		S	S										S	P	P	P	P	P	P	P	P	P
Museum or Library									P					P			P	P	P	P	P	P	P	P
Nursing Home																P	P	P	P				P	P
Office (business)														P	P	P	P	P	P	P	P	P	P	P
Office (professional)									P					P	P	P	P	P	P	P	P	P	P	P

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-I	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Office, Institutional, and Cultural Uses																								
Office Park																P	P	P	P				P	P
Office/Showroom Facility																		P	P				P	P
Place of Worship	Y	P	P	P	P				P					P	S	P	P	P	P	P	P	P	P	P
Residential Rehab. Center		S		S	S											S	S	S	S				S	P
School or College, Business/Career (for profit)														P		S	P	P	P	P	P	P	P	P
School, Montessori									S			S	S	P	S	S	P	P	P	P	P	P	S	S
School, Private (College or University)	Y	S		S												P	P	P	P	P	P	P	P	P
School, Private (Primary and Secondary)	Y	S		S	S				S							P	P	P	P	P	P	P	P	P
School, Trade or Vocational																		S	P			S	P	P
Shelter, Community	Y																	S	S				S	P
Shelter, Residential	Y																	S	S				S	P
Special Events/Banquet Facility or Rental Hall	Y	S							S					P			S	P	P	S	P	P	P	P
Stadium, Concert Hall or Amphitheater																		S	P		P	P	S	P
Tutoring and Learning Centers									P					P	S	S	P	P	P	P	P	P	P	P
Residential Uses																								
Child Caring Institutions (CCI)	Y	S	S	S	S	S			S															
Community Living Arrangement or Host Home (CLA)	Y	S	S	S	S	S			S															
Customary Home Occupation	Y	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P	P		
Day Care Facility (family)		P	P	P	P	P	P	P	P															
Day Care Facility (group)		S	S	S	S	S	S		S															
Dormitory											P	P	P									S	S	S
Dwelling, Accessory	Y	P	P	P	P				P						P									
Dwelling, Boarding or Rooming House	Y											P	P											
Dwelling, Duplex												P	P							P	P	P		
Dwelling, Live/Work									P						P					P	P	P		
Dwelling, Loft												P	P	P						P	P	P		
Dwelling, Mobile or Manufactured Home		S						P																
Dwelling, Multifamily												P	P	P						P	P	P		
Dwelling, Single-Family Detached		P	P	P	P	P	P		P	P										P	P	P		
Dwelling, Townhouse									P		P									P	P	P		
Dwelling, Villa									P	P	P									P	P	P		
Dwelling, Zero Lot Line									P	P										P	P	P		

Uses	Supl. Reg.	RA-200	R-LL	R-100	R-75	OSC	R-60	MH	TND	R-SR	R-TH	RM-13	RM-24	HRR	O-R	O-I	C-1	C-2	C-3	MU-N	MU-C	MU-R	M-1	M-2
Residential Uses																								
Personal Care Home, Congregate																S	P	P	P	P	P	P	S	S
Personal Care Home, Family	Y	S	S	S	S				S															
Retirement Community, Continuing Care																S								
Retirement Community, Independent Living										P		P	P	P		S								

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

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

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 All accessory buildings or structures shall be located in the rear yard or in the side yard, except as provided in Section 230-120.10. Accessory buildings in front yards are prohibited unless permitted by Administrative Variance as provided in Section 270-130.

230-120.4 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.

230-120.5 When an accessory building or structure is attached to the principal building, it shall comply with the minimum setback requirements of the principal building to which it is accessory.

230-120.6 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.

230-120.7 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.

230-120.8 Accessory buildings or structures shall not be utilized unless the principal structure is also occupied.

230-120.9 Except as provided herein, accessory buildings and structures shall be set back a minimum of 5 feet from any property line.

230-120.10 Driveways, fences and walls 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 yards: fences, walls, gates and gatehouses, signs, mailboxes, covered mail kiosks, sidewalks, walkways, driveways, parking pads, parking lots, parking decks, lampposts, flagpoles, birdbaths, arbors, trellises, and landscaping.

In the RA-200 zoning district, the following shall also be allowed in front yards: barns and stables, silos, animal enclosures and agricultural buildings that are customarily related to commercial farming.

In the R-LL, R-100, R-75, R-60, OSC, and TND zoning districts, the following shall also be allowed in front yards: basketball goals adjacent to driveways.

In the O-I, C-1, C-2, C-3, HRR, MU-N, MU-C, MU-R, M-1 and M-2 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; donation collection boxes in compliance with the requirements of Section 230-130 of this UDO.

230-120.12 **In all districts, satellite dish antennas shall be permitted as accessory structures subject to the following restrictions:**

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

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

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

A. The cumulative total of all accessory buildings shall not exceed 50 percent of floor area of the principal dwelling on the lot.

B. 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 and subject to the requirements of Section 230-120.

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

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. 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.

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.

230-130.1 **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 2030 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.

230-130.2 **Applicability.**

A. The uses, structures and related standards listed in the following Section are in alphabetical order.

B. The Supplemental Use Standards listed in the following Section are applicable as indicated in the Table of Permitted and Special Uses as requiring Supplemental Use Standards.

C. The Supplemental Use Standards listed in 230-130.4 apply to all such accessory uses and structures regardless of their location or underlying zoning, unless otherwise noted.

230-130.3 **Supplemental Use Standards (Per Table of Permitted Uses).**

The rules, requirements and restrictions listed in this Sub-section are applicable as indicated in the Table of Permitted and Special Uses (Section 230-100) as requiring Supplemental Use Standards.

A. Adult Establishment.

Adult Establishments shall conform to Chapter 18, Article XI and Chapter 86, Article IV of the Gwinnett County Code of Ordinances.

B. Agricultural Uses (crop or animal production).

In agricultural zoning districts: corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.

C. Animal Hospital or Veterinary Clinic.

A Special Use Permit shall be required if any outdoor run or pen is used to house or exercise animals.

D. Automobile, Truck or Vehicle Storage Lot (other than impound lot).

Automobile, Truck or Vehicle Storage Lots shall be subject to the following requirements and restrictions:

1. The entire lot shall be surrounded by a 15-foot in depth buffer adjacent to any public street, a 25-foot in depth buffer adjacent to a non-residential zoning district, and a 50-foot in depth buffer adjacent to any mixed-use or residential zoning district.
2. A security fence or wall is required enclosing the lot. The security fence or wall shall meet the requirements of Section 230.80.
3. No outdoor sound amplification device is permitted.
4. No inoperable or junk vehicles are permitted.
5. 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, any outdoor light fixtures shall not exceed 35 feet in height.

E. Automobile Brokers.

Automobile Brokers shall be subject to the following restrictions:

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

F. Bed and Breakfast Inn.

Bed and Breakfast Inns shall be subject to the following requirements:

1. The operator of the establishment shall reside on the site.
2. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.
3. No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 days.
4. If located in a residential zoning district, 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.
5. Guestrooms may not be equipped with cooking facilities.
6. In residential zoning districts, food may be served on the premises only for overnight guests and employees of the Bed and Breakfast Inn.

G. Beekeeping

In all non-agricultural residential zoning districts, beekeeping shall meet the following requirements:

1. Honey bees shall not be kept on lots containing less than ten thousand (10,000) square feet. No more than two colonies or hives, with only two swarms, shall be allowed per ten thousand (10,000) square feet.
2. Hives shall be marked or identified to notify visitors.
3. No hive shall exceed twenty (20) cubic feet in volume.
4. No hive shall be located closer than ten (10) feet from any property line.
5. No hive shall be located closer than fifty (50) feet from a public right-of-way or twenty-five (25) feet from the principal building on an abutting lot.
6. A constant supply of water shall be provided for all hives.
7. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.
8. Any colony or hive which becomes a nuisance as defined by state law must be removed.
9. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps).

H. Boarding or Rooming House.

Boarding or Rooming Houses shall be limited to no more than six non-transient boarders.

I. Cemetery, Family Cemetery or Mausoleum.

Except when accessory to a place of worship; cemeteries, family cemeteries and mausoleums shall conform to the following requirements:

1. The cemetery may 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.
2. The cemetery shall be bordered by a 25-foot in depth 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 yard. 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 in depth buffer and a four foot high decorative fence or wall shall be installed along the right-of-way of any abutting public street.
3. 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.
4. 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).

J. Check Cashing Facility.

Such facilities are allowed by-right as an accessory use when located internal to a Regional Shopping Mall, Discount Department Store or Supercenter, Grocery Store or Convenience Store. There shall be no exterior ground, wall or window signage accompanying the accessory use.

K. Child Caring Institutions (CCI). (Group Home for Children)
Child Caring Institutions (CCI) facilities shall be located on a lot of at least one acre in size, and shall be limited to no more than eight residents.

L. Community Garden.
Community gardens shall be subject to the following requirements:
1. The garden shall not be located within any required buffer.
2. Outdoor lighting shall be prohibited.
3. The garden shall be within a fully fenced area. See fence regulations in Section 230-80.
4. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
5. Gardening equipment and machinery must be stored in an enclosed, secure building or shed.
6. Retail sales shall be prohibited.
7. 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.
8. The garden must maintain an orderly appearance, and may not be neglected or allowed to become overgrown or eroded.
9. 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.

M. Community Center or Cultural Facility.
In residential zoning districts, community centers or cultural facilities shall conform to the following requirements and restrictions. Residentially-zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.
1. 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.
2. 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.
3. Parking shall not be provided in the front building setback area.
4. A minimum 50-foot in depth buffer shall be provided adjacent to residentially-zoned properties.
5. In residential zoning, the following additional uses may be permitted as accessory to a community center or cultural facility only upon approval of a Special Use Permit:
   a. Lighted outdoor ball fields, pools or similar recreation facilities.
   b. Cemeteries or mausoleums.
   c. Day Care Centers.
   d. Kindergartens.
   e. Private schools (K-12).
   f. Health and social services: including out-patient clinics, transitional housing, shelters, and other similar facilities.

N. Community Living Arrangement (CLA) or Host Home.
Community Living Arrangement (CLA) facilities and Host Homes shall be located on a lot of at least 1 acre in size, and shall be limited to no more than eight residents.

O. Composting Facility, Yard Trimmings.
Yard Trimmings Composting Facilities shall meet the following design standards:
1. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
2. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a 3-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6-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.

P. Country Club

In the RA-200 zoning district, Country Clubs shall conform to the following requirements. Properties not meeting the street classification, acreage or road frontage requirements shall be required to obtain a Special Use Permit.

1. 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.
2. The property shall contain a minimum of ten acres and 300 feet of road frontage.
3. Adequate off-street parking shall be provided for the use.
4. The buildings and parking lots shall be located not less than 50 feet from any street and not less than 40 feet from any side or rear property line.
5. 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.

Q. Customary Home Occupation.

Customary Home Occupations shall be subject to the following requirements and restrictions:

1. The home occupation shall be carried on only by a member or members of the family residing in the residence.
2. To the extent that there is any sale of any item or service related to the home occupation, no sale of that item or service may occur on the premises unless a Special Use Permit is granted by the Board of Commissioners.
3. The home occupation shall not involve group instruction or group assembly of people on the premises.
4. There shall be no exterior evidence of the conduct of a home occupation. Except for Hobby Breeding, the home occupation shall be conducted only within the enclosed living area of the home (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.
5. Except as contained herein, the conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase either on-street or off-street parking.
6. No equipment, supplies or materials may be utilized or stored in the conduct of the home occupation except those which are normally used for domestic or household purposes.
7. No more than 25 percent of the dwelling unit may be used for conducting the home occupation.
8. One business vehicle used exclusively by the resident is permissible. This vehicle may only be an automobile, pick-up truck, van or sport-utility vehicle.

R. Department Store; Discount Department Store or Supercenter.

Such stores may offer automobile maintenance and tire service as a by-right accessory use, provided that junked or wrecked vehicles shall not be allowed on-site, and vehicles undergoing routine service are not kept on the property for more than 48 hours.

S. Dwelling, Accessory.

Accessory dwellings shall only be located in a rear yard, and shall be subject to the following setback requirements:

Zoning District	Side Yard Setback	Rear Yard Setback
RA-200 and R-LL	20 feet	40 feet
R-100	10 feet (one yard) 25 feet (two yards)	20 feet
R-75	10 feet	20 feet
TND	5-15 feet	10 feet
O-R	10 feet	15 feet

Prior to occupancy of an accessory dwelling unit, the owner of the principal single-family dwelling shall apply for a Certificate of Occupancy for the accessory dwelling and pay a fee established by the Board of Commissioners. The Director shall arrange for an inspection of the subject accessory dwelling and certify that the requirements below are met.

Accessory dwellings shall be subject to the following requirements:

1. No more than one accessory dwelling unit per primary dwelling unit.
2. The primary dwelling unit shall be owner-occupied.
3. The accessory dwelling unit shall contain at least 400 square feet, but no more than 800 square feet, of heated living space.
4. The accessory dwelling unit shall be in a separate building from the primary dwelling unit.
5. The height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling.
6. The accessory dwelling 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.
7. The windows of an accessory dwelling unit shall not be directly opposite windows of a principal dwelling on an abutting lot unless screened by a fence, wall or hedge, or separated by more than 50 feet.
8. An accessory dwelling unit shall contain a kitchen and at least one, but no more than two, bedrooms and at least one full bathroom.
9. Occupancy of the accessory dwelling shall be limited to no more than two persons (including minor children). The occupants of an accessory dwelling shall not be included in the calculation of occupancy for the primary dwelling or for the lot under the definition of a family.
10. 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 primary dwelling unit.
11. An accessory dwelling shall have a separate electrical meter and service panel with main disconnect.
12. An accessory dwelling shall have a backflow preventer and shut-off valve on the potable water service line.

T. Emissions Inspection Stations.

Emissions inspection stations shall meet the following design standards:

1. The facility shall be located in a permanent non-combustible structure.
2. 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.
3. The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.
4. If constructed in an existing parking lot, the facility and stacking lane(s) shall not occupy any required on-site parking space or encroach into any minimum required driveway width.

U. Equestrian Facilities, Riding Stables, or Academies.

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

V. Family Personal Care Home.

Family Personal Care Homes shall be located on a lot of at least one acre in size, and shall be limited to no more than eight residents.

W. Farmers' Markets (on-site products only).

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

X. Fireworks Sales

Retail sales of fireworks shall be subject to the following restrictions:

1. Sales and storage of fireworks shall comply with all applicable federal, state and local regulations.
2. The sale of consumer fireworks as a principal use shall require approval of a Special Use Permit.
3. Ancillary sale of consumer fireworks shall be limited to convenience stores, discount department stores, dollar or variety stores, grocery stores, hardware stores, pharmacy and drug stores, sporting goods stores, and wholesale membership clubs.

Y. Hookah/Vapor Bar or Lounge

Hookah/Vapor Bars or Lounges shall be subject to the following restrictions:

1. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
2. Hours of operation shall not extend past 11:00 p.m.
3. Hookah bars and lounges shall not serve patrons under the age of 19.

Z. Hotel or Motel.

Hotels and Motels shall be subject to the following requirements:

1. Guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of 700 square feet in size.
2. Each hotel/motel site shall be a minimum of two acres.
3. Each hotel/motel must provide management on duty 24 hours a day.
4. Each guest room shall have a minimum of 300 square feet and shall be accessed with a magnetic keycard entry-locking device.
5. Outside storage of commercial equipment is prohibited.
6. No business license shall be issued for any business operating from any guest room of the facility.
7. Provide a 75-foot natural buffer, enhanced with an additional 25-foot landscaped buffer (total 100 feet) adjacent to residentially-zoned property.

AA. Kennels and Pet Boarding.

In agricultural zoning, dog runs, pens and other similar facilities shall be located no closer than 100 feet to any property line. In all other zoning districts any outdoor dog runs, pens or other similar facilities shall require approval of a Special Use Permit.

BB. Landfills.

1. 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:
   a. A minimum 200 foot in depth 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 in depth natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
   c. The limits of any 100 year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
   d. The entire site shall be fenced with a minimum six foot high chain link security fence.
   e. The landfill shall be located on or have direct private access to a road designated on the Long Range Road Classification Map as a major collector, minor arterial, major arterial, or principal arterial.
   f. The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.

2. The following waste disposal activities, recycling facilities and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the Board:
   a. Composting, Municipal Solid Waste.
   b. Composting, Yard Trimmings.
   c. Consumer Recycling Centers.
   d. Gas Recovery/Gas Co-generation Plant.
   e. Recovered Materials Processing Facility.
   f. Solid Waste Transfer Stations.

CC. Livestock, keeping of (for personal utility).

1. In agricultural zoning districts: corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.
2. In non-agricultural zoning districts: the raising and keeping of livestock (other than chickens) for personal pleasure or utility on a parcel which contains the dwelling of the owner of the livestock is permitted, provided that the parcel is at least 3 acres in area and all animal quarters are located no closer than 100 feet to any property line.
3. In non-agricultural residential zoning districts: the keeping of chickens for personal pleasure or utility 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 ten-thousand five-hundred (10,500) square feet.
    b. Chickens must be kept securely in an enclosed yard or 6-sided pen at all times.
    c. Minimum pen area for chickens shall be ten (10) square feet per chicken.
    d. Chickens must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence other than the owner's.
    e. Any structure housing chickens must be located in the rear yard.
    f. The keeping of roosters is not allowed.
    g. The maximum number of chickens shall be as follows: Lots 10,500 square feet to 12,499 square feet: maximum of 3 chickens; lots 12,500 square feet to 24,999 square feet: maximum of 5 chickens; lots 25,000 square feet to 39,999 square feet: maximum of 8 chickens; lots of 40,000 square feet to 2.99 acres: maximum of 10 chickens; lots 3 acres or larger: no maximum.
    h. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old.
    i. Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter.
    j. Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by State law.

DD. Livestock Sales Pavilion or Auction Facility.

Livestock Sales Pavilions or Auction Facilities shall meet the following standards:

1. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
2. The property shall contain a minimum of 10 acres.
3. 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.
4. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the use.
5. A Special Use Permit is required if any of the following apply:
    a. The property does not meet the minimum acreage or street classification requirements.
    b. The event is held more than three days per month.
    c. Hours of operation extend beyond 6:00pm.
    d. A public address system is utilized.
    e. Permanent concession facilities are provided.
    f. Portable restroom facilities are provided.
    g. Seating facilities for more than 100 people are provided.
    h. Parking facilities for more than 50 vehicles are provided.
    i. An admission fee is charged.

EE. Places of Worship.

1. In all residential zoning districts, places of worship shall conform to the following requirements. 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 building setback area.
   d. A minimum 20-foot in depth buffer shall be provided adjacent to residentially zoned properties. This buffer shall be increased to 50 feet in depth 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 three years.

2. Uses Requiring Special Use Permit.
   In residential zoning, the following additional uses may be permitted as accessory to a place of worship only upon approval of a Special Use Permit, in accordance with Section 270-30:
   a. Lighted outdoor ball fields, pools or similar recreation facilities.
   b. Cemeteries or mausoleums.
   c. Day Care Centers.
   d. Kindergartens.
   e. Private schools (K-12).
   f. Health and social services: including out-patient clinics, transitional housing, shelters, and other similar facilities.

FF. Pool or Billiards Halls.

A business having three or more pool tables for patron use shall be considered a Pool or Billiards Hall.

GG. Recovered Materials Processing Facility.

Recovered Materials Processing Facilities shall meet the following design standards:

1. The minimum lot area for such facilities shall be 2 acres.
2. Activities shall be limited to collection, sorting, compaction and shipping.
3. Along the entire road frontage (except for approved access crossings), provide a 3 foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum 6 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.
4. The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.
5. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
6. 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.
7. No outdoor storage of uncontainerized materials shall be allowed.
8. 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.
9. The operator shall be required to submit an annual report to the Director that demonstrates that during each 90 day period of operation, the amount of material that is recycled, sold, used, or reused shall equal at least 60 percent by weight or volume of the material received during that 90 day period and sixty percent by weight or volume of all material previously received and not recycled, sold, used, or reused and carried forward into that 90 day period.

HH. Rental; Automobile, Truck and Trailer.

Automobile, truck and trailer rental facilities shall meet the following requirements and restrictions:

1. All vehicles shall be parked on paved surfaces or approved pervious paving materials.
2. All outdoor vehicle display areas shall be no closer than 100 feet from the nearest residence.
3. Vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.
4. Vehicle repair, painting and body work may not be conducted on the premises.

II. Salvage Operation or Junk Yard

1. The minimum lot area for such facilities shall be 2 acres.

JJ. School, Private.

1. This use shall not be located except with direct access to a roadway designated as a collector or higher category on the latest Gwinnett County Long Range Road Classification Map.
2. Minimum Lot Size:
   a. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.
   b. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.
   c. High School: 5 acres, plus one additional acre for each 100 students based on the design capacity of the school.
3. When adjacent to a residential zoning district, the following additional standards shall apply:
   a. A 50-foot in depth natural, undisturbed buffer adjacent to residential zoning is required.
   b. Driveways and parking areas must set back 25 feet from side property lines and five feet from any buffer.
   c. No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
   d. Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
4. 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.

KK. Self-Storage and Mini-Warehouse Facilities.

Self-Storage and Mini-Warehouse Facilities shall meet the following restrictions and design standards:

1. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.
2. Site access shall not be onto roadways classified as local residential streets.
3. Outdoor speakers or sound amplification systems shall be prohibited.
4. Such a facility may include one accessory manager's office/apartment which is clearly subordinate to the primary use of the facility for warehousing purposes.
5. Provide adequate loading and unloading areas outside of fire lanes.

LL. Shelter, Residential or Community.

All shelters must meet the provisions of Rules for Shelters in Gwinnett County.

MM. Special Events/Banquet Facility or Rental Hall

In the RA-200 zoning district, Special Events/Banquet Facilities or Rental Halls shall conform to the following requirements.

1. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
2. The property shall contain a minimum of 3 acres.
3. 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 of Planning and Development.
4. Guests shall be limited to no more than 150 (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 Gwinnett County Environmental Health Section and building code requirements.
5. Special event hours of operation shall be limited to between 9:00am and 11:00pm.
6. Adequate off-street parking facilities shall be provided on-site.

NN. Shooting and Archery Ranges and similar Outdoor Recreation Facilities

In residential zoning, Shooting and Archery Ranges and similar Outdoor Recreation Facilities shall conform to the following requirements:

1. Outdoor shooting ranges shall be located on properties with a minimum of 20 acres.
2. Outdoor recreation activities may include:
   a. Community or private sports practices or games including, baseball, softball, football, basketball, soccer, lacrosse, field hockey or similar sports.
   b. Paintball, zip lines, mudder or obstacle courses, or similar activities.
   c. Other such activities may be authorized at the discretion of the Director of Planning and Development.
3. Adequate off-street parking and restroom facilities shall be provided on-site.
4. No buildings or facilities associated with the use shall be located closer than 100 feet any property line. Outdoor shooting ranges shall be a minimum of 300 feet from any property line.

OO. Wild Animals (raising and keeping of).

Any resident who keeps a wild or exotic animal shall meet the following requirements:

1. 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.
2. No animal quarters may be located closer than 200 feet to any property line.

PP. Wood Chipping and Shredding, Log Splitting Facility.

Wood Chipping and Shredding and Log Splitting Facilities shall meet the following restrictions and design standards:

1. Such facilities shall not be located closer than 200 feet from residentially-zoned property.
2. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

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.

A. Construction Trailer/Temporary Building.

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.

B. 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 items:

1. 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.
2. Drive-through service windows shall not be permitted for any use in the Mixed Use-Neighborhood, Mixed Use-Commercial, Mixed Use-Regional District, or TND.
3. No outdoor speakers shall be employed within 100 feet of any residential use.

C. Donation Collection Boxes.

The placement of donations collection bins (hereinafter "donation bins" or "bins") shall be subject to the following requirements and restrictions:

1. A Temporary Accessory Structure Permit, including written consent from the property owner, shall be obtained prior to placing a donation bin on any private property. It shall be unlawful for person(s) or organization to place or maintain or allow to be placed or maintained any donation bin within unincorporated Gwinnett County without first having secured said permit.
2. There shall be no more than two donation bins placed on any parcel of land. Donation bins shall only be permitted on developed property which is zoned C-1, C-2, C-3, M-1 or M-2; or, on the premises of a public building, library, school or church in any zoning district.
3. The property owner and bin owner shall be responsible for the maintenance, upkeep and servicing of permitted bins.
4. Donation bins shall be clearly marked with the names and telephone numbers of the sponsoring organization and/or charity receiving benefit. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, are eligible. Proof of such tax status must accompany an application for a permit, to include a current letter of determination from the Internal Revenue Service (IRS) indicating valid 501(c)(3) tax status.
5. The bin(s) shall be located so as to not interfere with traffic sight lines, on-site circulation or parking. Bins shall be placed on a concrete or asphalt surface. Bins shall be placed a minimum of 50 feet from adjacent rights-of-way or at the building plane of the principal building (whichever is greater). For parcels on which the principal building is located closer than 50 feet from adjacent rights-of-way, the collection bin shall be situated no closer than the building plane. Bins shall not be placed within any landscape strip or buffer.
6. Each bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.
7. Bins shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
8. Donation bins shall be emptied as often as necessary to avoid accumulation of donated items or debris in the area around the bins.

D. Industrialized Buildings.

1. 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".
2. 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 Guidelines that are otherwise applicable to such buildings or uses in accordance with this UDO.
3. Prior to approval of a building permit, the installer shall provide to the Department of Planning and Development 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.
4. 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.
5. 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.

E. **Metal Buildings (on a non-agricultural residential lot).**
Metal buildings, whether constructed as a principal or accessory structure, which are in excess of 550 square feet in size shall be required to obtain a Special Use Permit.

F. **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:
1. Automobile, truck and other vehicle sales facilities shall be exempt for the parking of vehicle inventory.
2. Farmer's Markets and Livestock Sales Facilities in the RA-200 zoning district.
3. Businesses which have obtained a valid Temporary Outdoor Activity Permit (TOAP) shall be exempt during the permit period.
4. 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:
   a. Merchandise shall be permitted only along the business' tenant bay or storefront façade.
   b. Merchandise shall not block an entrance or exit to or from the building.
   c. Merchandise displayed for sale shall be that normally found within the on-premise business.
   d. Merchandise shall not be located on sidewalks that are less than six feet in depth and may not extend beyond the limits of the sidewalk.
   e. All such display or sales shall meet applicable building, fire and safety codes.

G. **Outdoor Seating.**
Outdoor seating for restaurant service is permitted subject to the following requirements and restrictions:
1. The number of outdoor seats shall be no greater than 50 percent of the total number of seats located indoors within the restaurant.
2. Outdoor seating areas are restricted to the front or side yard including space abutting the sidewalk frontage of the subject property.
3. 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.
4. 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 other than signs that are not inconsistent with the UDO and that do not present a public health or safety hazard.
5. 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.
6. Design, materials and colors shall be compatible with the abutting building for all locations, and any applicable design guidelines.
7. Hours of operation. The hours of operation of outdoor seating area adjacent to residential uses shall be limited to 9am to 9pm daily.
8. Outdoor seating abutting a public sidewalk shall be subject to the following additional development standards:
   a. Outdoor seating areas shall not be located abutting sidewalks that are less than ten feet in width.
   b. A minimum of one unobstructed pedestrian path of at least six feet wide shall be maintained along the sidewalk connecting any abutting businesses at all times.
   c. A minimum of one unobstructed pedestrian path of at least six feet wide shall be maintained to connect the building entrances to the curb line of the abutting street.

H. Outdoor Storage.

1. Outdoor storage in residential zoning districts shall be governed by the Gwinnett County Property Maintenance Ordinance (PMO).
2. 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.
3. In industrial zoning districts, outdoor storage of equipment and materials shall be allowed, subject to the following restrictions and requirements:
   a. Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
   b. Shall not be located within a required front yard.
   c. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
   d. Outdoor storage shall be fully screened by a solid wood fence, masonry wall or slatted chain-link fence at least 8 feet in height.
   e. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.
   f. The setback distance shall be landscaped to provide a year-round vegetative screen.

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 to 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 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, the parking of any motor vehicle except on a hard-surfaced driveway or in carport or garage is prohibited. Any recreational vehicle or non-motor vehicle may only be parked in a carport, enclosed structure, or in the rear yard on a paved surface or approved porous or grassed paving system. Any vehicles parked in the rear yard not in a carport or an enclosed structure must be parked at least 15 feet from the property line. Vehicles or equipment used for agricultural purposes on residential property with 5 or more acres are exempt from hard surface requirements if parked outside the required front setback.

C. Maximum allowable paved parking or hard surface area in the front yards (excluding walkways and required sidewalks):
   1. Single-family attached zoning districts – not more than 45 percent.
   2. Single-family detached zoning districts – not more than 35 percent.
   3. In the R-TH zoning district, driveways for adjoining units shall be separated by at least a 4-foot wide grassed strip, unless the units are villa-type with connecting driveways.

240-10.4 **Application for Additions and Renovations.**

A. Additional parking and loading space is required for each addition or renovation to a building or use that increases the gross floor area by at least 500 feet. Residential uses are exempt from this provision provided that the addition or renovation does not increase the number of families.

B. When an addition or renovation of an existing building or use increases the gross floor space of a building or use by more than 50 percent, the entire building or use shall meet parking and loading requirements of this UDO, unless an administrative variance is granted in accordance with Section 240-30.4.

240-10.5 **Prohibited Uses.**

No parking areas may 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. 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 9 feet wide and 18 feet deep as measured from face-of curb.

B. Alternative surfaces used for parking and approved by the Director which do not require curb and gutter, shall be 9.5 feet wide and 18.5 feet deep as measured from the terminating edge.

C. Up to 15 percent of the overall parking spaces provided for a non-residential development may be in the form of compact spaces. Compact parking spaces shall be 8.5 feet in width and 16.5 feet in depth as measured from back-of-curb, and shall be clearly marked as compact spaces.

TABLE 240.1: Minimum Parking Requirements.

Use/Development	Minimum	Maximum
Category	Parking Spaces	Parking Spaces
Adult establishment	1 per 400 sq. ft.	1 per 25 sq. ft.
Automobile or truck rental	1 per 300 sq. ft.	1 per 150 sq. ft.
	No min. for inventory	No max. for inventory
Automobile sales; used car or new car dealership	1 per 400 sq. ft.	1 per 150 sq. ft.
	No min. for inventory	No max. for inventory
Automobile service center, tire store or lubrication facility	1 per bay	3 per bay
Bank, Credit Union	1 per 500 sq. ft.	1 per 200 sq. ft.
Billiard or Pool Hall	1 per 300 sq. ft.	1 per 100 sq. ft.
Bowling Alley	1 per 300 sq. ft. or	1 per 100 sq. ft. or
	2 per bowling lane	5 per bowling lane
Call Center (Office)/Data Center	1 per 300 sq. ft.	1 per 175 sq. ft.
Car wash, full service	1 per 500 sq. ft., plus 4 stacking spaces per line	1 per 250 sq. ft., plus 10 stacking spaces per line
Car wash, self service	1 within each wash bay	3 per wash bay
Place of Worship *	1 per 5 seats in main sanctuary	1 per 2 seats in main sanctuary
Community Garden	No min.	5 spaces
Convenience store, gasoline stations	1 per 500 sq. ft.	1 per 125 sq. ft.
Daycare center	1 per 400 sq. ft.	1 per 300 sq. ft.

Use / Development Category	Minimum Parking Spaces	Maximum Parking Spaces
Equestrian Facility	1 per 10 stables	1 per 2 stables
Equipment rental	1 per 500 sq. ft.	1 per 200 sq. ft.
Funeral home	1 per 400 sq. ft.	1 per 200 sq. ft.
Golf course	15 per 9 holes	30 per 9 holes
Golf driving range	1 per tee box	1.5 per tee box
Health Club, freestanding	1 per 300 sq. ft.	1 per 150 sq. ft.
Hospital, nursing home, or personal care home	1 per 3 beds	1 per 2 beds
Hotel/motel	1 per unit	2 per unit
Industrial/manufacturing	1 per 2,000 sq. ft.	1 per 1,000 sq. ft.
Kennel	2 spaces	10 spaces
Laboratory/scientific research center	1 per 1,000 sq. ft.	1 per 300 sq. ft.
Lodges and clubs	1 per 200 sq. ft.	1 per 100 sq. ft.
Mini-warehouses	2 for office, plus 1 per 5,000 sq. ft.	2 for office, plus 1 per 2,000 sq. ft.
Office; business or professional	1 per 500 sq. ft.	1 per 225 sq. ft.
Office, medical	1 per 500 sq. ft.	1 per 150 sq. ft.
Plant nursery	1 per 500 sq. ft.	1 per 200 sq. ft.
Private club/Country club	1 per 500 sq. ft.	1 per 300 sq. ft.
	Golf course additional	Golf course additional
Public assembly (with fixed seating)	1 per 4 seats	1 per 2 seats
Public assembly (without fixed seating)	1 per 40 sq. ft. used for seating	1 per 20 sq. ft. used for seating
Recreation Area, subdivision	1 per 10 homes	1 per 5 homes
Recreation, indoor	1 per 300 sq. ft.	1 per 100 sq. ft.
Recreation, outdoor (miniature golf)	10 spaces	20 spaces
Recreation, outdoor (water park, amusement) park, etc.)	1 space per 3,000 sq. ft. of the gross site area	1 space per 1,000 sq. ft. of the gross site area
Residences (one and two family dwellings on individual lots)	2 per dwelling	6 per dwelling
Residences (townhomes)	3 per dwelling	6 per dwelling
Residences (multifamily)	1.5 per dwelling	3 per dwelling
Restaurant, freestanding	1 per 150 sq. ft.	1 per 75 sq. ft.
Retail use, shopping center, or regional shopping mall	1 per 500 sq. ft.	1 per 200 sq. ft.
Rooming/boarding house	1 per 4 beds	1 per 1.5 beds
School, private (elementary and middle, offering general education)	1.5 per classroom	2 per classroom, plus 1 per 50 sq. ft. of largest assembly area

Use / Development Category	Minimum Parking Spaces	Maximum Parking Spaces
School, private (high school offering general education)	3 per classroom	5 per classroom, plus 1 per 50 sq. ft. of largest assembly area
School, trade, vocational, or college	5 per classroom	10 per classroom, plus 1 per 50 sq. ft. of largest assembly area
Shelter	1 per 4 beds	1 per 1.5 beds
Theater	1 per 3 seats	1 per 1.5 seats
Warehouse (including office) (0 – 100,000 sq. ft.)	1 per 2,500 sq. ft.	1 per 500 sq. ft.
Warehouse (including office) (100,000 – 250,000 sq. ft.)	1 per 2,500 sq. ft.	1 per 750 sq. ft.
Warehouse (including office) (>250,000 sq. ft.)	1 per 2,500 sq. ft.	1 per 1,000 sq. ft.
Wholesale Membership Club	1 per 500 sq. ft.	1 per 200 sq. ft.
** If fixed seating is not applicable for a worship facility, the seating count shall be equal to the occupant load for the main sanctuary as determined by the Fire Code.*		

Section 240-30. Reduction in Minimum Parking Requirements.

240-30.1 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 400 feet from the main entrance to the principal use. In this situation the applicant shall submit with his/her 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 his /her principal use.

240-30.2 One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.

240-30.3 **On-street Parking.**
On-street parking requirements may be found in Chapter 245, On-Street Parking Standards.

240-30.4 **Administrative variance.**
The Director shall have the authority to grant a reduction or increase in the total number of off-street parking spaces by up to 30 percent of the number required by the Table of Minimum Parking Requirements through administrative variance. Such administrative variance requires review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:

A. **Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique and undue hardship.**

B. **The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized.**

C. **The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.**

Section 240-40. Parking Structures.

240-40.1 Parking structures shall provide an adequate ingress and egress with a minimum vertical clearance of 14 feet.

240-40.2 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.

240-40.3 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.

Section 240-50. Handicap-accessible 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 and two-family residential uses, all off-street parking areas for more than 5 vehicles shall be laid out, 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. The design of driveways, or parking aisles, shall conform with Section 240-70.

C. Bumper stops shall be installed to separate parking spaces from sidewalks, rights-of-way, adjacent properties and landscape strips to prevent overhangs or encroachments. Where required, bumper stops shall be a minimum of 6 inches in height and 6 inches in width. 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. Non-residential parking lots containing 200 spaces or more shall incorporate pedestrian access corridors into their design.

B. Pedestrian corridors shall include 4-foot wide sidewalks with 2-foot grassed strips along at least 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 auto sales lots.

C. Where pedestrian corridors cross a driveway, they shall be constructed as a raised, flat hump with a height of 4 inches and a 6-foot wide top with 4-foot wide ramps and marked as a crosswalk; or shall be constructed with an approved contrasting paver and marked as a crosswalk.

D. Parking spaces shall not be located more than 200 feet from any pedestrian corridor.

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

A. Parking lots shall be graded to insure proper drainage, installed on a minimum 4-inch gravel aggregate base with a minimum 2-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 3 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 and two-family residential uses are exempt from this provision.

C. Maintenance and Appearance:
Parking lots shall be maintained in good condition, free of potholes, 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.

B. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-residential properties. This requirement may be waived by the Director only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety or topographic concerns.

C. Interior driveways, with or without parking, shall be 10 to 12 feet wide for one-way traffic, and 22 to 24 feet wide for two-way traffic. Driveways that are determined to be essential fire access shall be increased to a minimum of 20 feet in width.

D. Interior driveways providing primary access to loading/unloading zones or loading docks for truck traffic shall be increased to 14 feet in width per travel lane.

E. Interior driveways surrounding gasoline pumps shall be increased to 40 feet in total width (as measured from the base of the gasoline pump islands).

240-70.2 For single-family residential lots, minimum driveway width shall be 10 feet.

Section 240-80. Stacking Lanes for Drive-through Facilities or Service Windows.

240-80.1 A separate driveway and stacking lane is required for any drive-through window, bank drive-through, ATM stand-alone structure, or drop-off or pick-up area. These stacking lanes shall be separate and distinct from the required through-lane providing circulation around the building or service facility.

240-80.2 **The following general standards shall apply to all stacking spaces:**

A. Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions.

B. Stacking spaces shall be a minimum of 12 feet in width along curved segments.

C. Provide adequate queue space for a minimum of five cars per lane

240-80.3 **The following general standards shall apply to all stacking lanes:**

A. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

B. Stacking lanes shall be a minimum of 10 feet in width, and parallel the entire length for the drive-through service area and narrowing to 8.5 feet adjacent to the service window or facility.

C. Stacking lanes shall be a minimum of 12 feet in width along curved segments.

D. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.

E. Entrances to stacking lane(s) shall provide adequate storage length from the nearest intersection.

F. Stacking 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. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.

H. Service areas and stacking lanes shall be set back 5 feet from all lot lines and roadway right-of-way lines.

I. All stacking lane entrances shall provide adequate storage length from the nearest intersection.

Section 240-90. Landscaping in Parking Lots.

Parking lots shall be designed with landscape areas, in accordance with Chapter 620 of the UDO.

Section 240-100. Lighting in Parking Lots.

240-100.1 **Within non-residential and multifamily developments, except properties subject to Section 220-30, Activity Center/Corridor Overlay District, the following lighting standards shall apply:**

A. All lighting fixtures designed or placed so as to illuminate any portion of a site 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), Metal Halide, or Color Corrected High-pressure Sodium not exceeding an average of 4.5 foot-candles of light output throughout the parking area. 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. The minimum mounting height for a pole is 12 feet. The maximum mounting height for a pole is 25 feet excluding a 3-foot base.
   3. All site lighting shall be designed so that the minimum and maximum levels of illumination as measured in foot-candles (f-c) at any one point meets the standards shown in Table 240.2.
   4. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
   5. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.

Table 240.2: Illumination Levels (In Foot-Candles)

Location or Type of Lighting	Minimum Level	Average Level	MaximumLevel[1]
Non-residential Parking Lots	0.6	2.40	10.0
Multifamily Residential Parking Lots	0.2	1.50	10.0
Walkways, Access Drives and Loading/ Unloading Areas	0.2	2.00	10.0
Landscaped Areas	0.0	0.50	5.0

[1] 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.

B. Exceptions to site lighting standards:
   1. 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.

C. Site Lighting Plans shall be submitted to the Director and 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. Vehicle Parking Area.

240-110.1 In any commercial or office zoning district, delivery/service vehicles and vehicles displaying advertising must be parked within the side or rear yard and may 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: any vehicle for hire including but not limited to limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments, pull behind cement mixers, or trailers, bucket trucks, buses, earth moving machinery, semi-trailers, and this restriction also applies to any vehicle over 20 feet in length, or 7 feet in height, or 7 feet in width. Vehicles used for agricultural purposes on residential property with five (5) acres or more are permitted if parked outside the required front yard 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 230-130 Customary Home Occupation).

B. A commercial vehicle that is parked temporarily in conjunction with a commercial service, sale, or delivery.

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 meet this requirement.

240-120.3 **Minimum number of spaces.**

Off-street loading spaces shall be provided as follows:

No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Table 240.3: Off-street Loading Requirements.

Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999;	None
	20,000 to 49,999;	One
	50,000 to 250,000;	Two
	Over 250,000	Three
Shopping centers	0 to 19,999;	None
	20,000 to 49,999;	One
	50,000 to 100,000;	Two
	Each additional 100,000	One
Office buildings, multi-family residential over 4 stories, hospitals, health care establishments, hotels and motels	0 to 999,999;	None
	1,000,000 to 2,000,000;	One
	More than 2,000,000	Two
Manufacturing, warehousing, wholesaling, etc.	Up to 14,999;	One
	15,000 to 39,999;	Two
	40,000 to 65,000;	Three
	Each additional 80,000	One
Recycling centers		2 loading spaces measuring no less than 12 ft. by 35 ft. and having 14 ft. of vertical clearing

240-120.4 **Location of off-street loading spaces.**

A. 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.

B. Each required off-street loading space shall have direct 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 stall.**
Each loading stall shall be a minimum of 10 feet wide and 30 feet in length, except that for wholesale and industrial use, loading stalls shall be a minimum of 10 feet wide and 50 feet in length.

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 4 percent. The loading area shall not exceed a grade of 2 percent.

240-130.3 **Paving.**
All required loading areas shall be paved with asphalt or 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 Section 610-20.3 of this Ordinance.

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 shall only be allowed if approved by the Gwinnett County Board of Commissioners.

B. On-street parking may be used on Gwinnett County maintained public streets if approved by the Board of Commissioners and shall be limited to local streets internal to Mixed-Use (MU-N, MU-C, MU-R) and Traditional Neighborhood (TND) zoning districts that provide pedestrian walkability within the project.

C. On-street parking shall be shown on the zoning exhibit and the concept plan and is subject to Gwinnett County Department of Transportation and the Director of the Gwinnett County Department of Planning and Development review and approval prior to submission to the Gwinnett County Board of Commissioners.

D. On-street parking shall not be permitted for a single building on an individual parcel, but rather shall be permitted to serve multiple buildings or parcels within in a Mixed-Use or TND development. In addition, 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 On-street parking calculations shall be provided on the zoning exhibit and concept plan.

245-20.2 Handicap parking shall comply with the 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.

245-20.3 245-20.3 A maintenance agreement for on-street parking shall be authorized between the owner/developer and the Department of Transportation prior to development permit issuance.

245-20.4 245-20.4 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 owners 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.

Section 245-30. On-Street Parking Requirements Specific to Zoning Districts.

245-30.1 The following parking requirements apply to TND zoning Districts:

A. Up to 100 percent of the on-street parking spaces available within 700 feet of a use may be counted towards the minimum off-street parking requirements for the entire development as shown on the zoning exhibit and concept plan.

B. No more than 25 percent of the number of required off-street parking spaces may be provided by on-street parking.

Chapter 260. Non-Conforming Uses.

Section 260-10. Continuance of Non-Conforming Uses.

260-10.1 **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 twelve months.
   4. Changed to another non-conforming use.

Section 260-20. Continuance of a Non-Conforming Building.

260-20.1

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 may 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.

Section 260-30. Buildings and Structures Where Construction Has Begun.

260-30.1 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 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 260-40. Prior Authorization.

Variances, rezonings, 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.

265-10.1 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.

265-20.1 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.

265-30.1

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.

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 of Planning and Development, 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 and the applicant for an amendment may jointly agree to an extension of the thirty-day period.

270-20.2 **Public Hearing Required.**

A. Before the Planning Commission submits a report or the Board of Commissioners enacts an amendment, they shall each hold a public hearing thereon.

B. At least fifteen but not more than forty-five 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.

C. If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, then:
   1. The notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;
   2. A sign containing the information outlined above shall be placed in a conspicuous location on the property not less than fifteen days prior to the date of the hearing. The sign shall be placed in accordance with the Gwinnett Public Notification Policies for Rezoning, Special Use Permit, and Variance Applications.

270-20.3 **Initiation of Amendments.**

Applications for amendment of the text or maps of the Zoning Ordinance may be initiated by resolution of the Board of Commissioners, or by motion of the Planning Commission, Director of Planning and Development, or by petition of any property owner addressed to the Board of Commissioners. 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.

270-20.4 **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 (6) 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.

270-20.5 **Standards Governing Exercise of the 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 the 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.

270-20.6 **Impact Analysis.**

If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, 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 270-20.5, 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 270-20.5 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 with respect to each of the matters enumerated in Section 270-20.5 above. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record.

270-20.7 **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. Refer 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.

270-20.8 **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 sketch 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, utility studies, and drainage studies.

270-20.9 **Change in Conditions of Zoning.**
Changes to the conditions of an approved Rezoning shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

270-20.10 **Actions to be Taken if Plans are not Implemented within Specified Time Limits.**

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.

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 firm development proposals only. 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 shall be the same as those contained in Section 270-20, 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.

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 regards to but not limited to traffic, storm drainage, land values 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. Refer the matter back to the Planning Commission for reconsideration;

E. 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 Permit shall be valid for no more than an initial two-year period. Upon or before the expiration of the Special Use Permit, the owner shall make application to renew the Special Use Permit if continuance is desired. As part of a Special Use Permit renewal, the Board of Commissioners may waive any subsequent time limitation.

B. The special use shall operate within the dwelling on the property or, if approved by the Board of Commissioners, in an accessory structure.

C. 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.

D. The owner of the property or business shall occupy the property and shall operate any business associated with the special use.

E. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party; or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the Director in writing upon the occurrence of any of these events.

F. In addition to the information and/or site plans required, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

270-30.8 **Voluntary Termination of a Special Use Permit.**

The owner of the property approved for a Special Use Permit may voluntarily request termination of the Special Use Permit by notifying the Director in writing. The Director shall notify the Board of Commissioners through the Planning Commission of voluntary terminations as they occur and shall change the official zoning maps to reflect any voluntary terminations. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any zoning district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.

270-30.9 **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.

270-30.10 **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. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the Director may forward a report to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.

270-30.11 **Compliance with Special Use Permit Requirements.**
The Planning and Development Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of 10 days to come into compliance. If after 10 days the violations continue to exist, the Director shall forward a report to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.

270-30.12 **Actions to be Taken if Plans of Property Owner are not Implemented within Specified Time Limits.**
The special use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.

270-30.13 **Appeal of a Special Use Permit Decision.**
Any person, persons or entities jointly or severally aggrieved by any decision of the Board of Commissioners regarding a Special Use Permit application may take an appeal to the Superior Court of the County. The appeal shall be limited to the proceedings and record of the Board of Commissioners. Any appeal must be filed within 30 days of the decision of the Board of Commissioners, and upon failure of such appeal, the decision of the Board of Commissioners shall be final.

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 district(s) involved and to further the goals and objectives of the 2030 Unified Plan.

270-40.2 **Such conditions may consist of (but are not limited to):**

A. Restrictions as to what land uses or activities shall be permitted;

B. Permitted hours of operation;

C. Setback requirements from any lot line;

D. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;

E. Maximum building heights or other dimensions;

F. Architectural style, or exterior treatments;

G. Driveway curb cut restrictions, or inter-parcel access requirements;

H. Landscaping or planted areas which may include the location, type and maintenance of plant materials;

I. Preservation of existing trees or other vegetation;

J. Fences, walls, berms, or other buffering provisions or protective measures;

K. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;

L. A requirement that the existing building(s) be removed or retained, or a limitation on exterior modifications of existing buildings;

M. Special drainage or erosion provisions;

N. A requirement that developers must build according to the site plans as adopted;

O. Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning or issuance of a Special Use Permit.

270-40.3 **Such conditions 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.

270-40.4 **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. Exceptions from the Definition of the Term "Family".

The Board of Commissioners shall have the power to hear and decide requests for exceptions from the definition of the term "Family" by Special Use Permit when such requests are submitted by groups of more than three persons who are not all related by blood or marriage. Such exceptions may be granted in cases of unnecessary hardship upon a finding by the Board of Commissioners that:

270-50.1 There are extraordinary or exceptional conditions pertaining to the group in question, and relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this UDO;

270-50.2 The group consists of between four and eight persons who live together as a single housekeeping unit and who would otherwise find it economically prohibitive to live in a group of three or fewer persons in a single-family residential district;

270-50.3 The residential dwelling which forms the subject of the variance request contains at least eighty square feet of bedroom space per occupant;

270-50.4 The residential dwelling which forms the subject of the variance request is served by public water and sewer service or public water and a septic system approved by the Environmental Health Section for the proposed number of occupants;

270-50.5 The residential dwelling which forms the subject of the variance request is located on a lot having an area of at least one acre;

270-50.6 The residential dwelling lot which forms the subject of the variance request contains a paved parking area of no less than 1,200 square feet.

Section 270-60. Withdrawal of Application.

270-60.1 Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the official withdrawal deadline published in the Public Hearing Schedule, maintained by the Department.

270-60.2 An application may 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 270-70. Lapse of Time Requirement for Reapplication.

The following shall apply to the reapplication for a Zoning Map Amendment, Variance or Special Use Permit.

270-70.1 No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless such 12-month period is waived by the Board of Commissioners, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners.

No application or reapplication for the same type of Variance or Special Use Permit affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners or Zoning Board of Appeals, as appropriate, unless such 12 month period is waived by the Board of Commissioners or Zoning Board of Appeals as appropriate, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners or Zoning Board of Appeals, as appropriate.

270-70.2 Administrative variances, as outlined in Section 270-130, shall not be subject to this time lapse requirement.

Section 270-80. Zoning Board of Appeals.

270-80.1 **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.

270-80.2 **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.

270-80.3 **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.

270-80.4 **Officers.**
The Zoning Board of Appeals shall elect one of its members, other than the member of the Planning Commission, as Chairman and a second one as Vice-Chairman. The Chairman and Vice-Chairman shall serve for one year or until reelected or until successors are elected. The Zoning Board of Appeals shall appoint a Secretary who may be an employee of the County or of the Planning Commission.

270-80.5 **Procedure.**
The Zoning Board of Appeals shall adopt rules of procedure. Meetings of the Zoning Board of Appeals shall be at the call of the Chairman and at such other times as the members of the Zoning Board of Appeals may determine. The Chairman or, in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.

270-80.6 **Powers of the Zoning Board of Appeals.**

A. The Zoning Board of Appeals shall have the following powers:
   1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Department of Planning and Development Director in the enforcement of this UDO.
   2. To authorize, upon appeal in specific cases, such variances from the terms of Title 2 and applicable sections of Title 3 of the UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of Title 2 and applicable Sections of Title 3 of the UDO will, in an individual case, result in unnecessary hardship, so that the spirit of Title 2 of the UDO shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Zoning Board of Appeals that:
      a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography;
      b. The application of Title 2 of the UDO to this particular piece of property would create an unnecessary hardship;
      c. Such conditions are peculiar to the particular piece of property involved;
      d. Such conditions are not the result of any actions of the property owner;
      e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of Title 2 of the UDO.
   3. No variance may be granted for a use of land or building or structure that is prohibited by Title 2 of the UDO or which would result in a greater intensity of development on a property than would otherwise be allowed if no variance were involved.

B. 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.

Section 270-90. Appeals to the Zoning Board of Appeals.

270-90.1 **Appeals to the zoning board of appeals may be taken by any person aggrieved or by any official of the County affected by any decision of the Director.**

A. Such appeal shall be taken within 15 days after the decision appealed from by filing with the Director and with the Zoning Board of Appeals 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.

270-90.2 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 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 270-100. Variances to the Zoning Board of Appeals.

270-100.1 **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, in accordance with the standards and procedures as set forth in this Section.

270-100.2 The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of Title 2 would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.

270-100.3 **Initiation.**
A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the Board of Commissioners.

270-100.4 **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, fax number and email address of owner(s) 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.

270-100.5 **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 7 days prior to the scheduled hearing date.

270-100.6 **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 and place of such hearing shall be published at least 15 days prior to the hearing in the official organ/of the County. At the hearing any party may appear in person or by agent or attorney.

C. In addition, the applicant shall erect in a conspicuous place on the property involved a sign which shall contain information as to the Variance applied for and the time and place of hearing. Said sign shall be erected in accordance with the Gwinnett County Public Notification Policies for Rezoning, Special Use Permit, and Variance Applications.

270-100.7 **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 each of the following criteria:

1. Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
2. Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.
3. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
4. The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.
5. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
6. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
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 2030 Unified Plan.

B. No variance shall be authorized to:

1. Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
2. 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.
3. Reduce, waive or modify in any manner the minimum lot area established by the Board of Commissioners through a special condition of approval.
4. 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.

5. 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.
6. 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.

Section 270-110. Burden of Proof in Appeals and Variances.

270-110.1 **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 Title 2 of the UDO.

270-110.2 **Review.**
It is the duty of the Zoning Board of Appeals to review such facts and evidence in light of the intent of Title 2 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 270-120. Appeals to Decisions of the Zoning Board of Appeals.

270-120.1 Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals may present an Appeal to the Superior Court. Such an Appeal to the Superior Court shall be via Writ of Certiorari as specified in the Official Code of Georgia, except, however, that the Appeal shall be filed within 30 days from the date of the decision of the Zoning Board of Appeals. Upon failure to file the appeal within 30 days, the decision of the Zoning Board of Appeals shall be final.

270-120.2 Appeals from a final decision of the Department made pursuant to the provisions of Section 270-90 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 to the Gwinnett County Superior Court pursuant to Sections 270-120.1.

270-120.3 Appeals from a final decision of the Department made pursuant to the provisions of Section 270-90 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 to the Gwinnett County Superior Court pursuant to Sections 270-120.1 and 270-120.2.

Section 270-130. Administrative Variances.

270-130.1 The Director shall have the power to grant variances (except for density and use variances) from the development standards as established in Title 2 and applicable Sections of Title 3 of the UDO where, in his/her opinion, the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

270-130.2 The authority to grant such variances shall be limited to variances from the following requirements:

A. Front yard or yard adjacent to public street – variance not to exceed 10 feet.

B. Side yard – variance not to exceed 5 feet.

C. Rear yard – variance not to exceed 10 feet.

D. Height – variance up to but not exceeding 10 feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.

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 2030 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.

F. Demarcation of parking spaces – parking spaces may be left unmarked, provided all the of the following conditions are present:
   1. The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy.
   2. The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay.
   3. Approval for the elimination of the striping has been obtained by the applicant in writing from the Department of Transportation and the Department of Fire and Emergency Services.

G. Accessory structures allowed within the front yard – accessory structures may be allowed within the front yard of residential zoning districts provided all the following conditions are met:
   1. The residentially-zoned property contains at least three acres.
   2. The accessory structures are limited to a swimming pool, garage/carport, barn, storage building, or other similar structures.
   3. The accessory structure is setback a minimum of 100 feet from the right-of-way and located no closer than 40 feet to any side property line. (If the accessory use is for animal quarters, this must be a minimum of 100 feet from any property line.)
   4. The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.

H. Reduction in unit width for villas in R-TH Zoning District, not to exceed 10 feet.

I. The Director shall have the power to grant variances from the requirements of Title 2 of the UDO regarding the keeping of livestock and household pets within residential zoning districts, where, in his/her opinion, the intent of the amendment can be achieved and equal performance be obtained by granting a variance. Other than for conditions of zoning which specify a minimum area or distances for animal quarters, the Director may grant the following variances:
   1. For livestock or cattery, a reduction of no more than 25 feet in the minimum distance to any property line.
   2. For kennels and fur farms, a reduction of no more than 50 feet in the minimum distance to any property line.
   3. The minimum distance to any property line for any animal quarters may be further reduced when a property line abuts a Flood Hazard area, steep slopes, ravines or other features which would provide a separation between the animal quarters and the uses on abutting property equal to or exceeding the minimum requirements of the UDO.
   4. The reduction of the minimum area required for the keeping of livestock as specified within the R-100 Single-Family Residence District up to maximum of 10 percent of the minimum area required.
   5. Reduction of the minimum distance to any property line for animal quarters for wild animals up to a maximum of 50 feet.

270-130.3 **Application Procedures.**

A. Application form and Documentation.

The application 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.
5. A notarized letter of consent for proposed variance from adjoining property owners as required.
6. 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 of the applicable standards provided in Title 2 and Title 3 of the UDO.