GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Unified Development Ordinance of Gwinnett County

READING AND ADOPTION: November 4, 2014

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

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

On motion of Commissioner Heard, which carried 5-0, the Unified Development Ordinance of Gwinnett County, Title 1: Administration, Title 2: Land Use and Zoning, Title 3: Development and Permitting and the Appendix, and are hereby amended.

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

WHEREAS, by careful review of the rules and requirements contained therein, it has become evident that certain Chapters and Sections of the Unified Development Ordinance could be logically amended; and

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

WHEREAS, the Unified Development Ordinance was adopted by the Gwinnett County Board of Commissioners on February 25, 2014 and amended on July 22, 2014; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Gwinnett County Board of Commissioners that the Unified Development Ordinance is hereby amended as follows:

That Title 1, Chapter 110, Section 110-40. General Definitions is amended by deleting the defined term Junk Vehicle in its entirety, and inserting in lieu thereof the following:

Junk Vehicle: Any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

That Title 1, Chapter 110, Section 110-40. General Definitions is amended by adding the defined term Major Thoroughfare:

Major Thoroughfare: Any public street, existing or proposed, which is shown on the Gwinnett County Long Range Road Classification Map.

That Title 1, Chapter 110, Section 110-40. General Definitions is amended by deleting the defined term Yard, Front in its entirety, and inserting in lieu thereof the following:

Yard, Front: An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street easement or right-of-way and the front line of the building projected parallel to the street projected to the side lines of the lot. Corner lots shall be considered to have two front yards.

That Title 2, Chapter 210, Section 210-50. OSC Open Space Conservation District, Subsection 210-50.7 Conservation Space Exclusions, is amended by inserting the following paragraph C. and renumbering the remaining paragraphs in Section 210-50.7 accordingly:

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

That Title 2, Chapter 230, Section 230-120. Accessory Building, Structure and Use Standards, 230-120.4 is amended by inserting the following and renumbering the remaining subsections as necessary:

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.

That Title 2, Chapter 230, Section 230-120. Accessory Building, Structure and Use Standards, 230-120.10 is amended by deleting subsection 230-120.10 in its entirety and inserting in lieu thereof the following:

230-120.10 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.

That Title 2, Chapter 230, Section 230-130. Supplemental Use Standards, Subsection 230-130.4, Supplemental Use Standards (General Requirements), paragraph C is amended by deleting paragraph C in its entirety and inserting in lieu thereof the following:

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.

That Title 2, Chapter 240, Section 240-70. Driveways, subsection 240-70.1 Interior Driveways, paragraph D is amended by deleting paragraph D in its entirety and inserting in lieu thereof the following:

240-70.1 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.

That Title 3, Chapter 330, Section 330-20. Development Permit, subsection 330-20.1 paragraph C is amended by deleting subsection 330-20.1, paragraph C in its entirety and inserting in lieu thereof the following:

C. Expiration of Development Permits.
A development permit shall expire by limitation and shall become null and void under any one or more of the following conditions:

1. The development activity authorized by such permit is not commenced within 12 consecutive calendar months after issuance. Work shall be considered not commenced where there are no passed inspections of the work within the stated time frame. of the permit.
2. The project or development activity is abandoned for a period exceeding 60 consecutive calendar days. The project or development activity shall be deemed abandoned where there are no passed inspections of the work within the stated time frame.

The Director is authorized to grant one extension of time for a period of time not exceeding three consecutive calendar months provided such extension is requested by the permit holder in writing prior to expiration of the permit and justifiable cause is demonstrated. Development activity must commence within this three month period or the permit shall expire. The Director is also authorized to grant one renewal for a permit issued in accordance with this Chapter. The renewal shall be requested by the original permit holder in writing within three calendar months of the expiration of the permit showing justifiable cause.

That Title 3, Chapter 610, Table 610.1 Minimum Buffer Requirements is amended by deleting the Table in its entirety, and inserting in lieu thereof the following:

Table 610.1

MINIMUM BUFFER REQUIREMENTS

NEW DEVELOPMENT	Existing Adjacent Development																
	RA-200	R-140, R-LL	R-100, RL	R-100 MOD/ CSO/CLU	R-75	R-75 MOD/ CSO/CLU	OSC	R-60	R-ZT, TND	R-SR	MH/MHS	R-TH	RMD	RM-6, RM-8	RM-10, RM-13**	RM-24	O-R
RA-200, R-140, R-LL, R-100*, RL, R-75*, R-60, R-SR, OSC																	
RMD,TND, R-ZT, R-TH (UP TO A MAX. OF 4 UNITS/ACRE)	35	35	30	25	25	20											
TND, R-ZT, R-TH, RM-6/8	40	40	35	30	30	25	25	25									
RM-10, RM-13**, RM-24	50	50	50	50	50	50	50	50	20	20	20	20	20	20			
HRR	85	85	85	85	85	85	85	85	50	50	50	50	50	50			
MH, MHS	75	75	75	75	75	75	75	75	75	75		75	75	75	75		
MU-N	75	75	50	50	50	50	50	50	25	25	25						
MU-C	75	75	50	50	50	50	50	50	25	25	25	20					
MUR, MUO, MU-R	75	75	50	50	50	50	50	50	25	25	25	25	25	25			
O-I, OBP, HS	50	50	50	50	50	50	50	50	50	50	35	35	35	35			
O-R, NS	25	25	25	25	25	25	25	25	25	25	25	25	25	25			
C-1	50	50	50	50	50	50	50	50	50	50	50	50	50	50	35	35	20
C-2	75	75	75	75	75	75	75	75	75	75	75	75	75	75	50	50	40
C-3	85	85	85	85	85	85	85	85	85	85	85	85	85	85	70	70	60
M-1***	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
M-2	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

* Includes the R-100 and R-75 Modified, CSO and Cluster zoning districts

** Includes the RM zoning district

*** Buffer shall increase to 75 feet in width when adjacent to truck docks or outdoor starage areas

That Title 3, Chapter 620, Section 620-60. Tree Requirements in Single-Family Detached Residential Zoning Districts R-75 MOD, R-60, CSO, TND, R-SR, or OSC; the title to Section 620-60 is amended by deleting the title in its entirety and inserting in lieu thereof the following:

Section 620-60
Tree Requirements in Single Family Detached Residential Zoning Districts R-75 MOD, R-60, TND, R-SR, or R-ZT.

That Title 3, Chapter 620, a new Section 620-65. Tree Requirements in Single-Family Detached Residential Zoning Districts R-100 CSO, R-75 CSO and OSC is inserted in its entirety and includes the following:

Section 620-65
Tree Requirements in Single-Family Detached Residential Zoning Districts R-100 CSO, R-75 CSO and OSC.

In single-family detached residential zoning districts listed above developers and homebuilders shall comply with this Section by planting street trees and by providing 16 Tree Density Units per acre.

A. Street trees shall be provided. Refer to Section 620-75.B for street tree requirements.
B. Sixteen Tree Density Units per acre shall be provided.

That Title 3, Chapter 630, Section 630-90. Redevelopment, subsections 630-90.3, 630-90.4 are amended by deleting subsections 630-90.3 and 630-90.4, in their entirety and inserting in lieu thereof the following:

630-90.3
Where the scope of a project results in disturbance, removal, and replacement of 25.1 percent or greater of the site area, a Tree Preservation and/or Tree Replacement Plan is required. The plan shall show landscape strip planting, parking lot trees, Tree Density Units, buffers and shall comply with the requirements of Chapters 600, 610, 620, 630 and 640 of this UDO.

630-90.4
Where the scope of a project results in disturbance, removal, and replacement of 25 percent or less of the site area, a Tree Preservation and/or Tree Replacement Plan is required. The plan shall include the existing and proposed landscape conditions that verify compliance with Chapters 600, 610, 620, 630 and 640 of this UDO.

A. At a minimum the plan must show the following existing and proposed elements with intent to comply:
    1. Buffers.
    2. Landscape strips.
    3. Parking lot trees.
    4. Tree Density Units.

5. Tree Save Areas.

B. Director shall review the proposed Tree Preservation and/or Tree Replacement Plan.

630-90.5
Disturbance as stated above in Redevelopment Section 630-90 shall include a building replacement where the footprint of the building counts toward the site disturbance.

That Title 3, Chapter 640, Section 640-10. Artificial Materials Prohibited, Section 640-10 is amended by deleting Section 640-10, in its entirety and inserting in lieu thereof the following:

640-10
Only live plant material may be used to fulfill the requirements of this UDO.

That Appendix, Section 5. Inactive Zoning Districts, Minimum Yard and Height Requirements Table, RL Zoning District, Rear Yard Setback, is amended by denoting a new footnote (number 3) next to 40 Feet in the Rear Yard Setback column, and inserting a new footnote (number 3) at the bottom of the Table to state the following:

3 – (RL) A rear yard setback is not required when rear yard is adjacent to Army Corps of Engineers property.

The Unified Development Ordinance shall be further amended in accordance with Sections 1-3 and 1-4 of Code of Ordinances of Gwinnett County by authorizing Municipal Code Corporation (Municode) to correct typographical, grammatical, and other scrivener's errors as identified by the Director of Planning and Development.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this amendment to the Unified Development Ordinance adopted hereto shall be effective upon its adoption by the Gwinnett County Board of Commissioners.

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

GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 11/21/14

ATTEST:

By: Diane Kemp (Seal)
Diane Kemp, County Clerk

APPROVED AS TO FORM:

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