

**GWINNETT COUNTY**

**BOARD OF COMMISSIONERS**

**LAWRENCEVILLE, GEORGIA**

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

**ADOPTION DATE:** December 19, 2017

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

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

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On motion of **Commissioner Hunter**, which carried **5-0** the Code of Ordinances of Gwinnett County is hereby amended by amending Appendix A, the "Unified Development Ordinance" by amending Subsections 110-40, 230-30, 230-120, and 230-130 in Chapter 110 of Title 1 and Chapter 230 of Title 2 of the Unified Development Ordinance.

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

**WHEREAS**, by careful review of the rules and requirements contained therein, it has become evident that the Unified Development Ordinance could be enhanced by revising the Definitions and Standards regulating Accessory Buildings and Structures; and

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

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

**WHEREAS**, the Unified Development Ordinance provides that the text, tables and drawings thereof may be amended from time to time by the Board of Commissioners following

submission of certain items to the Municipal-Gwinnett Planning Commission for review and recommendation; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Gwinnett County Board of Commissioners hereby repeals and replaces portions of Subsections 110-40, 230-30, 230-120, and 230-130 in Chapter 110 of Title 1 and Chapter 230 of Title 2 of the Unified Development Ordinance as set forth in Exhibit A which is attached hereto.

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

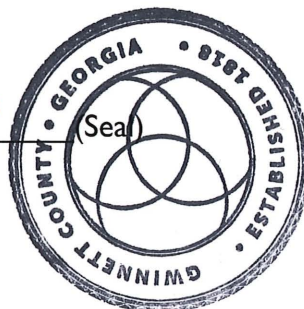
GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 1/5/18

ATTEST:

By: Diane Kemp  
County Clerk/Deputy County Clerk



APPROVED AS TO FORM:

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

## Section 110-40. General Definitions

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

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

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

## 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 12 feet, or less, above the allowable building height.
- B. Steeples, domes, belfries or ornamental towers which are 100 feet in height, or less.
- C. Barns, silos and similar agricultural structures which are 35 feet in height, or less within the RA-200 zoning district.
- D. Water towers, smokestacks, conveyors, derricks, and similar industrial structures which are 75 feet in height, or less.
- E. Flagpoles which are 80 feet in height, or less.

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

## 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 unless explicitly stated otherwise in this section. Nothing in this subsection shall be deemed to require the removal of any previously permitted and constructed accessory building or structure that was properly permitted and constructed in the side yard of the principal structure.

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 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.

230-120.6 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.

230-120.7 Accessory buildings or structures shall not be utilized unless the principal structure is also occupied.

230-120.8 Except as provided herein, accessory buildings and structures shall observe the following setback requirements adjacent to all property lines and right-of-way:

- |                                  |                 |
|----------------------------------|-----------------|
| i. Up to 100 square feet in area | 5-foot setback  |
| ii. 101 to 300 square feet       | 10-foot setback |
| iii. 301 to 500 square feet      | 15-foot setback |
| iv. Over 500 square feet         | 20-foot setback |

230-120.9 Driveways, fences and walls may be located up to a property line.

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, birdhouses, arbors, trellises, and landscaping.

In the RA-200 zoning district, provided the lot is a minimum of three acres in size, the following shall also be allowed in front yards: barns and stables, silos, animal

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

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

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

**230-120.11 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 building.

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

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

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

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

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.

- 126
- 127 C. Accessory buildings shall not be used for the storage of hazardous materials,
- 128 waste products or putrescent materials.
- 129
- 130 D. No commercial vehicles as delineated in Section 240-110 shall be stored
- 131 inside an accessory building located within a residential zoning district.
- 132
- 133 E. Accessory buildings greater than 120 square feet in floor area shall abide by
- 134 the following design guidelines subject to review and approval of the
- 135 Director of Planning and Development:
- 136
- 137 i. Exterior walls shall be finished with brick or stone or with materials and
- 138 colors similar to that of the principal building.
- 139 ii. Internal floors shall be a solid surface and constructed with materials
- 140 such as, but not limited to, concrete or wood. Gravel and dirt floors are
- 141 prohibited.
- 142 iii. Roofing materials and colors shall match that of the principal building.
- 143 Roof pitch shall be commensurate with the roof pitch of the principal
- 144 building.
- 145 iv. Building height shall not exceed 12 feet.
- 146
- 147 F. A Special Use Permit shall be required for any accessory building or
- 148 cumulative total of accessory buildings over 1,000 square feet in area.
- 149

150 230-120.14 **Dumpsters**

151

- 152 A. Location. Dumpsters shall be located in the rear or side yard a minimum of 5
- 153 feet from side and rear property lines. Dumpsters are not allowed in front
- 154 yards. Dumpsters, including the enclosure structure, shall be located a
- 155 minimum of 5 feet from a buffer.
- 156
- 157 B. Pad. Dumpsters shall be placed on concrete pads of sufficient size and
- 158 strength to support the weight of service vehicles. The size of the pad shall
- 159 not be less than 10 feet wide by 30 feet long.
- 160
- 161 C. Screening. Dumpsters that are not inside a building shall be surrounded by an
- 162 opaque enclosure not less than 6 feet in height with access via an opaque
- 163 gate. Dumpster enclosures shall have a finish consistent with the finish
- 164 materials of the building façade and conform substantially with the UDO
- 165 Design Guidelines.
- 166
- 167 D. Lid & Plug. Dumpsters shall be required to have lids and are prohibited from
- 168 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.**

#### **230-130.4 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.