



# City of Lilburn

in Gwinnett County

State of Georgia

Ordinance

Number:

**2023-613**

Date of Reading and Adoption: August 14, 2023

At the meeting of the Lilburn City Council held at 340 Main Street, Lilburn, Georgia.

## **AN ORDINANCE TO AMEND THE OFFICIAL CODE OF LILBURN, GEORGIA,**

**Article 6, Section 602. – Use Table; and Article 10, Section 1001 – Procedures for calling and conducting public hearings. To amend requirements associated with Restaurants with Drive-Thru and to provide for standards regarding the Planning Commission**

**WHEREAS:** Planning staff recommends text amendments to reclassify Restaurants with Drive thru use from Administrative Conditional Approval to Special Use Permit Required and provide codified standards for the Planning Commission to reflect practice; and

**WHEREAS:** Chapter 1, Section 6 of the Official Code of the City of Lilburn provides a mechanism by which amendments may be made to the Official Code; and

**WHEREAS:** The staff provided legal notices of the amendments and public hearings with adequate publishing deadlines; and Planning Commission held a public hearing July 27, 2023 and provided a recommendation to City Council to adopt the amendments; and

**WHEREAS:** The Mayor and City Council met the legal requirement to hold a public hearing before adopting any zoning ordinance or resolution

**NOW, THEREFORE, BE IT ORDAINED,** by the City Council of the City of Lilburn, Georgia, sitting in regular session on August 14, 2023, that the **Appendix B, Zoning Ordinance, Articles 6, and 10** of the City of Lilburn are hereby amended as set forth in **Exhibit A**.

**BE IT FURTHER RESOLVED** that this Ordinance shall be effective upon its adoption, and that all ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

This ordinance is adopted this 14<sup>th</sup> day of August 2023 by recorded vote of the Mayor and Council of the City of Lilburn.

**SO ORDAINED** this the 14<sup>th</sup> day of August 2023.

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APPROVED:

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Tim Dunn, MayorCity of Lilburn

ATTEST:

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Joann Nguyen, City Clerk

## Exhibit A

### Section 602. Use table.

SPECIFIC USES		R1	R2	MU*	OT	CB	O-I	IA	U.S. 29	Section Reference	Comment/Condition
*Upon Master Concept Plan approval											
<b>RESIDENTIAL USES</b>											
<b>Residential Dwelling Types</b>	Single-family Detached	P	P	P	P						See development standards for minimum unit size and lot configurations.
	Single-family (cluster-cottage, creative lot configuration)	P	P	P	P	S			S	U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (fee simple)		S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions Art. 7	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (condominium)		S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan

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## Exhibit A

											review.
	Boarding and Rooming Houses		S								Limited to not more than 10 non-transient boarders
	Residential as Component of Mixed-Use Building			P	P	S			S	Sec. 603 U.S. 29 Overlay Provisions Sec. 702	Includes accessory apartments and condo or MF units above or behind ground floor commercial in MU and CB under the U.S. 29 Overlay.
	Conservation Subdivision	S	S							Art. 7	Conditions apply.
	Duplex		S	P	P					Sec. 734 U.S. 29 Overlay Provisions Art. 7	
	Live/Work Residence			P	P				P	Sec. 603	Permitted in mixed-use, OT Overlay, and U.S. 29 Overlay. Where resident's business is located.
	Manufactured/Modular Home	C								Art. 7	Mobile home on axles and wheels excluded. Includes pre-fab/modular.
	Multi-family Attached Condominium		S	P	S	S			S	Sec. 736 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29

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## Exhibit A

											Overlay with Concept Plan review.
	Multi-family (other)		S	P	S	S			S	Sec. 736 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Multi-Family (age restricted)		S	P	S	S	S		S	Sec. 603 Sec. 736 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review. In OT, density restricted to 18 du/ac
<b>ACCESSORY USES</b>											
<b>Dwelling Uses</b>	Accessory Use -attached	P	P	P	S	S			S	Art. 7, Sec.701 and Sec. 702	
	Amateur Radio Transmitter	P	P	P	P	P	P	P	P		
	Caretaker or Watchman Quarters					P	P				As an accessory use.

## Exhibit A

	Community Amenity Recreation Facility (subdivision tennis courts and/or pool or building)	P	P	P	S	P			P		Permitted as part of a mixed-use commercial project in CB under U.S. 29 Overlay in MU. Commercial standards apply.
	Conservation and/or Common Area	P	P	P	P	P	P	P	P		Permitted when integrated into site plan as non-primary use and recorded on final plat.
	Dormitory			P			P				Permitted as ancillary supporting use to a hospital use, medical facility, or associated educational facility.
<b>Residential</b>	Home-based Occupation	C	C	C	C	C	C		C	Art. 716	Subject to HO criteria and licensing In OI and CB, permitted in existing residential dwellings only.
	Pet House Structure	P	P	P	P						Restricted to rear yard setback area. No kennels.
	Private Tennis Court	P	P	P	P					Art. 7	Administrative conditional approval required for lighting.
	Storage Shed	P	P	P	P						Rear yard only. Subject to setback,

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											bldg. separation and material review.
	Swimming Pool (private)	P	P	P	P					Art. 7	Subject to structure separation and fencing requirements.
<b>Business</b>	Farm Stand Sale of Products Produced on Premises	C			C						Requires a temporary use permit in non-residential districts and subject to minimum lot size and setback requirements.
	Personal Hair Salon	S	S								Single family residence only.
	Short Term Rental	C	C	C	C	C			C	Art. 7	Compliance inspections and business license apply.
<b>Agricultural</b>	Non-commercial Keeping of Fowl/Livestock	C								Art. 7	Subject to minimum lot size and setback requirements on private lot.
	Non-commercial Agriculture	C									Subject to minimum 1 acre lot size, R-1 minimum setback, and floodplain requirements on private lot.

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	Agricultural/Livestock Accessory Buildings and Uses	P						P			Includes ponds, fishing lakes, barns, storage/tack sheds. Subject to minimum lot size and setback requirements
	Private Horse Stables Riding for Residents	C								Art. 6, § 603	Subject to minimum lot size and setback requirements.
<b>PARKS AND RECREATION USES</b>											
<b>Parks and Trails</b>	Community Garden	P	P	P	P	P	P		P		
	Parks	P	P	P	P	P	P	P	P		Permitted use under U.S. 29 Overlay under O-I district. The planning director may designate certain areas in parks as allowing dogs and/or other pets to be off-leash.
	Passive Open Space	P	P	P	P	P	P	P	P		Includes greens and non-paved common areas in mixed-use commercial projects in MU and CB under U.S. 29 Overlay.
	Walking Trails/Greenway	P	P	P	P	P	P	P	P		
<b>Community Sports Facilities</b>	Athletic Fields (with lights)	S			S	P	S	P	S		



## Exhibit A

	Athletic Fields (non-lighted)	S		P	S		P	P	P		
	Community Center/Gymnasiums	S	S	P	S	P	P	P	P		
	Public Swimming Facilities	S	S	S	S	P	P	P	P		
	Public Tennis Facilities	S	S	S	S	P	P	P	P		
<b>PUBLIC/INSTITUTIONAL USES</b>											
<b>Care Facilities</b>	After School Program	C	C	C	C	P	P	P	P	Art. 6, § 603	Permitted in conjunction with a family day care facility in a residential unit, or daycare center in commercial districts.
	Continuing Care Retirement Facilities			S	S	S	P	P	S	Art. 7	May include many levels of independent living through nursing home care.
	Day Care Center Facilities (all ages)			C		C	C	C	C	Art. 7	
	Family Daycare Home	C	C	C	C					Art. 7	
	Group Home (small)	S	S	S			S			Art. 7	A community living arrangement with 6 or fewer unrelated adults in a residence, plus caretakers. In R1 & MU limited to 4 adults.

## Exhibit A

	Group Home (large)		S	S						Art. 7	A community living arrangement with 7 to 12 persons plus caretakers.
	Halfway House				S		S	S			Transitional Housing Facility
	Homeless Shelter						S	S			
	Hospitals			P			P	P	P		
	Hospice			P		P	P	P	P		
	Institutional Residential Living and Care Facility			S	S	S	P	P	S	Art. 7	Includes assisted living facility, intermediate care home, nursing home, skilled nursing care facility.
<b>Assembly</b>	Assembly Hall			P	P	P	P		P		
	Banquet Halls			P	P	P			P		Min. Square footage requirements for alcohol sales (see Article 6)
	Club, Private			P	P	P	P	P	P		
	Community Center				P	P	P	P	P		City, Gwinnett County or Non-profit
	Hookah/Vapor Bar or Lounge					C			C	U.S. 29 Overlay Provisions	Subject to Sec. 735, city licensing and other State laws
	Meeting Hall, Fraternal Organization, Civic Clubs or Lodges			P	P	P	P	P	P		Non-commercial - not for profit (VA, Elks, Masons, Greek Fraternity). No

## Exhibit A

											overnight lodging.
	Religious Assemblies	S	S	S	P	P	P	P	P	Art. 7	
<b>Public Safety/Government</b>	Fire and Police Stations	P	P	P	P	P	P	P	P		
	Government Buildings/Facilities	P	P	P	P	P	P	P	P		Includes post office.
<b>Educational</b>	Educational Facilities (Public)	S	S	S	S	S	S	S	S	Art. 7	
	Library	P	P	P	P	P	P	P	P		
	Museum	P	P	P	P	P	P	P	P		
	Private, Vocational, Trade Schools					S	S	S	S	Art. 7	
<b>PROFESSIONAL SERVICES</b>											
<b>Business Office</b>	Accounting Firm, Bookkeeper Offices			P	P	P	P	P	P		
	Administration			P	P	P	P	P	P		
	Advertising Agency			P	P	P	P	P	P		
	Architect, Engineer, Land Development Office			P	P	P	P	P	P		
	Auto Leasing and Brokerage Office			P	P	P	P	P	P		Internet sales only, no display or inventory.
	Brokerage Firm			P	P	P	P	P	P		
	Consulting Firm			P	P	P	P	P	P		
	Corporate Headquarters			P	P	P	P	P	P		
	Employment Agency			P	P	P	P	P	P		
	Financial Institutions			P	P	P	P	P	P		Automatic teller as accessory use.
	Insurance Sales			P	P	P	P	P	P		
	Law Firm/Attorney			P	P	P	P	P	P		
	Real Estate Office			P	P	P	P	P	P		

## Exhibit A

	Secretarial Services			P	P	P	P	P	P		
	Travel Agency			P	P	P	P	P	P		
<b>Medical/Clinical</b>	Chiropractor			P	P	P	P	P	P		
	Counseling Services			P	P	P	P	P	P		
	Dentist/Orthodontist/Oral Surgeon			P	P	P	P	P	P		
	Doctors' Office			P	P	P	P	P	P		
	Medical Clinic/Emergency Care			P	P	P	P	P	P		Pain Mgmt. further restricted by licensing requirements (distance to sensitive uses).
	Veterinary Clinic			C		P		P	P		Grooming and care allowed. No outdoor boarding. Adaptive reuse of dwelling permitted in MU.
	Veterinary Clinic with Outdoor Kennel					S		P	S	Art. 6, § 603	Outdoor boarding. May include large animals as appropriate
<b>Other</b>	Charitable Institution (office)			P	P	P	P	P	P		
	Public Utility or Other Similar Professional Office			P	P	P	P	P	P		Public office in MU and CB limited to tenant or component of mixed-use, office park, or commercial center

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	Office Park			S		S	S	P	S	Art. 6, § 603	
	Office Condominiums			P	P	P	P	P	P		
	Other Similar Professional Office Uses Not Specified			C	C	C	P	P	C		Subject to administrative conditional approval
<b>COMMERCIAL</b>											
<b>Personal Services</b>	Barber Shop, Hair Salon			P	P	P	P	P	P		
	Clothing Alterations			P	P	P			P		Includes tailors and seamstresses
	Dance/Fitness/Karate Studio			P	P	P		P	P		Limited to 2,500 sq. ft. in MU* and OT
	Dry Cleaner and Laundry Facilities (no drive-thru)			P		P		P	P		Includes delivery, pick up and self-service facilities, limited to 2,500 sq. ft. of total floor space
	Dry Cleaner (with drive-thru)					C		P	C	Art. 7	Limited to 2,500 sq. ft. No less than 3 vehicle stacking for drive-through.
	Nail Salons			P	P	P	P	P	P		Subject to licensing requirements.
	Laundromats					P		P			
	Music and Art Instruction			P	P	P		P	P		Includes ancillary sale of equipment, instruments and accessories
	Shoe Repair			P	P	P		P	P		
	Tanning Salons			P	P	P		P	P		

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	Weight Loss/Nutrition Centers			P	P	P		P	P		
	Other Similar Personal Services Not Specified			C	C	C		C	C		Subject to licensing and distance requirements from sensitive uses in all districts.
<b>Food and Convenience Stores</b>	Bakery			P	P	P		P	P		
	Candy Stores			P	P	P		P	P		
	Convenience Store w/out Gas Pumps			C		P		P	P		No automated car wash as an accessory use permitted in MU
	Convenience Store w/Gas Pumps			S		S		P	S	Art. 6, § 603 Art. 7	Automated car wash as accessory use permitted only in CB.
	Drug Store w/Drive Thru Pharmacy			C		P	P	P	P		Administrative conditional approval required with Drive-Thru in MU. No less than 3 vehicle stacking for drive-through.
	Fruit and Nut Stores			P	P	P		P	P		
	Grocery Stores			C		P		P	P	Art. 7	Square footage limitations in MU.
	Health, Nutrition and Vitamin Food Stores			C	C	P		P	P		Limited to 2,500 sq. ft. in MU and OT.
	Ice Cream Shops			P	P	P		P	P		
	Newsstands			P	P	P	P	P	P		

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	Specialty Food Stores			P	C	P		P	P		Includes ancillary catering services. Square footage limitations in TC
<b>Dining</b>	Bars, Taverns, Microbrewery			S	S	S		P	S	Art. 7	Permitted with food service only and administrative conditional review.
	Cafes and Coffee Shops			P	P	P	P <sub>1</sub>	P	P		Permitted in O-I as accessory use.
	Restaurants (no drive-thru)			P	P	P		P	P		Includes bar or lounge subject to liquor sales licensing.
	Restaurants (with drive-thru)			S		S		P	S		No less than 3 vehicle stacking for drive through
<b>Clothing</b>	Bridal, Formal Wear			P	P	P		P	P		
	Clothing Store, Boutique or Similar			P	P	P		P	P		
	Consignment Store			P	P	P		P	P		
	Maternity Shop			P	P	P		P	P		
	Shoes or Children's Shoes			P	P	P		P	P		
	Specialty Store			P	P	P		P	P		Includes leather shops, uniform stores, women's foundations/lingerie
<b>Artists and Craftsmen's Stores</b>	Antique Store			P	P	P		P	P		Refurbishing and restoration only in IA

## Exhibit A

	Artists' Studios and Galleries			P	P	P		P	P		Includes pottery.
	Art/Hobby/Craft/School Supply Shop			P	P	P		P	P		Big Box prohibited in MU and OT
	Frame Shops			P	P	P		P	P		
	Interior Design Services and Shop			P	P	P		P	P		Maximum 2,500 sq. ft. building limitations in OT.
	Music Studio, With Accessory Sales			P	P	P		P	P		
	Photography Sales and Studios, Film Developing			P	P	P		P	P		
<b>Specialty Retail</b>	Bicycle Store			P	P	P		P	P		Temporary outdoor display only.
	Bookstores			P	C	P		P	P		Limited to 2,500 sq. ft. inOT
	Camera/Photo Supply			P	P	P		P	P		
	Cellular Phone Vendor Sales and Service			P	P	P		P	P		
	Cigar Shops			P	P	P		P	P		
	DVD, Computer Game, and CD Music Rental and Retail Stores			P	P	P		P	P		Big box prohibited in MU and OT. Equipment sales limited to accessories and software.
	Fabric Shop			P	P	P		P	P		
	Florist			P	P	P	P	P	P		
	Furniture Repair and Upholstery			C		P		P			Limited to 2,500 sq. ft. in MU.

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	Gift Shops			P	P	P	P <sub>1</sub>	P	P		Accessory use in O-I.
	Hardware Store			C	C	P		P	P		Big Box prohibited in MU and TC. No outside storage.
	Jewelers			P	P	P		P	P		Includes repair.
	Locksmith			P	P	P		P	P		
	Mailbox, Copy and Mailing Service			P	P	P	P	P	P		
	Musical Instrument Sales and Repair			P	P	P		P	P		
	Optical and Hearing Center			P	P	P	P	P	P		
	Pest Control Business			P	P	P		P	P		
	Pet Supply, Pet Shop, w/Grooming			P	C	P		P	P		Size limitations of 2,500 sq. ft. building space in OT. No outdoor facilities.
	School Supply			P	P	P		P	P		
	Small Appliance, Electronics Sales and Service			P		P		P	P		Includes TV, stereo equipment, DVD and similar electronics.
	Stationary Shop			P	P	P		P			
	Toy Store			P	C	P		P	P		Subject to 2,500 sq. ft. building space restriction in OT.
<b>Other</b>	ATM Bank Machines			P	P	P		P	P		
	Bed and Breakfast Inn				S	S			S	Art. 7	Allowed in OT under R-1 zoning.

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	Hotel/Motel			P		P			P		No extended stay allowed
	Kennels							C			All structures and elements used for housing animals shall be located at least 300 feet from dwelling or business on any property.
	Funeral Homes/Crematories					P		P	P	Art. 6, § 603	Crematory allowed in conjunction with funeral home. Stand-alone crematories subject to state law.
	Cemetery—New		S			S <sub>1</sub>	S			Art. 6, § 603	New cemetery allowed as accessory to funeral home in CB.
	Planned Commercial Center			C		P		P	P		Within MU, limited to 8,000 square feet per acre.
	Radio, Recording, TV Studios and Broadcasting					P		P	P		
	Similar specialty uses and services not specified			P	P	P	P <sub>1</sub>	P	P		Subject to administrative conditional approval. Retail and service are incidental uses in O-I districts.

## Exhibit A

<b>Shops and Stores</b>	Big Box Retail Stores					P			P		Includes wholesale/retail
	Boat Sales and Service					S		P	S		Subject to auto sales and service requirements
	Contractor's Office (Building, Electrical, Plumbing Contractor)			P	P	P	P	P	P		Office functions only in MU, OT, CB and US29.
	Computer Sales and Service			P	P	P		P	P		
	Contractor's Offices with Outdoor Storage					S		P	S	Art. 6, § 603 Art. 7	
	Copy Centers and Print Shops			C	C	P		P	P		Size limitations of 2,500 sq. ft. building space in MU and OT.
	Department Stores, Discount Stores			C		P		P	P		Size limitations of 2,500 sq. ft. building space in MU and OT.
	Furniture Stores and Showrooms				C	P		P	P		Size limitations of 2,500 sq. ft. building space in OT.
	Garden Supply, Nursery and Greenhouses			P	C	P		P	P		Greenhouse must be enclosed within principal building. Limited to 2,500 sq. ft. in MU or OT.
	Home Improvement Center with Garden Centers				P	P		P	S	Art. 6, § 603	With outdoor storage. In IA, may include open mulch/ground cover

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											storage.
	Retail Package Stores, Liquor Stores			S	S	S		S	S	Art. 7	
	Photocopy and Reproduction Service				P	P		P	P		
	Shoe Stores			P	P	P		P	P		
	Sign Shops					P		P	P		
	Sporting Goods Stores			C	P	P		P	P		Limited to 2,500 sq. ft. in MU. No on-site uniform fabrication or screening
	Weaving, Knit, Needlecraft Shop			P	P	P		P	P		Includes instruction.
<b>Auto and Equipment Oriented Uses</b>	Auto Supply and Accessory Store					P		P	P		No service, installation or repair.
	Auto and Truck Service Center					S		P	S	Art. 6, § 603	Includes oil/lubrication and similar maintenance repair. No body or paint repair.
	Auto and Truck Dealership					S		P	S	Art. 6, § 603	Includes limited service. No body repair.
	Auto Rental Agency					C		P	C		Office with no service or repair. Must have designated parking spaces in multi- tenant centers and CB/US 29

## Exhibit A

	Car Washes and Detailing					S		P	S	Art. 7	Includes self-service. Buildings must be oriented so that wash bays do not directly face U.S. 29
	Emission Inspection					S		P	S		Stand-alone
	Equipment Rental and Sales					P/S		P			Excluding heavy equipment with no service. SUP required for service and outside storage.
	Heavy Equipment Rental, Sales or Service					S		P			Includes heavy equipment, bulldozers, backhoes, forklifts, cranes, and similar. SUP required for outside storage or display in CB. Excludes heavy repair.
	Gas and Service Stations					S		P	S	Art. 7	Stand-alone only.
	Motorcycle Sales and Service					S		P			No outdoor service. Outside storage shall be screened.
	Tire Store					S		P	C	Art. 6, § 603	Installation and service permitted only in enclosed bays. In U.S. 29 Overlay, subject to design criteria.

## Exhibit A

<b>Supply and Wholesale</b>	Building Supply, Equipment Sales and Showroom with Outdoor Storage					P		P	S	Art. 6, § 603	Includes cabinets, kitchen, pool, lumber, electrical plumbing, and similar uses.
	Office Supply Stores					P		P	P		
	Paint, Wallpaper, Flooring Supply and Sales					P		P	P		
<b>Entertainment Venues</b>	Arcades, Billiards					S		S	S		
	Bingo and Trading Card Gaming Establishments					P			P		
	Single or Multiplex Movie Theaters					P			P		
	Theaters			P	P	P		P	P		
<b>Commercial Recreation</b>	Fitness Center, Athletic Club			P	P	P		P	P		
	Golf Driving Range					P		P	S		
	Indoor Recreation Complex					P		P	P		
	Miniature Golf/Go Carts/Water Park					S		S	S		
	Private, Not-For-Profit Recreational Facilities					S		S	S	Art. 7	
	Skateboard Park					S		S	S		Includes ancillary sales and screened outdoor area.
	Skating Rink					P		P	P		Roller and/or ice skating or hockey.
	Swimming Facilities/Swim Schools					P		P	P		Privately owned and operated.

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## Exhibit A

<b>Restricted Uses</b>	Auto and Truck Body and Heavy Repair Services					S		S		Art. 6, § 603	Includes body and paint shops, van conversion, transmission and major vehicle overhaul.
	Adult-Oriented Establishments					S				City Code	Refer to City Code for requirements.
	Body Piercing/Tattoo Shops							S		Part II, Ch. 23	Refer to Municipal Code Part II: Chapter 23, Body Art Studios and Artists for conditions.
	Drive-in Movie Theaters					S					
	Flea Markets					S		S		Art. 7	Outdoor, temporary facility only.
	Manufactured Home and Building Sales							P			New and used.
	Mobile Food Vending	C	C	C	C	C	C	C	C	Art. 7, § 721	Refer to § 738 for brewery policy.
	Pawn Shops/Title Pawn/Check Cashing Business					S				Art. 7	
	Private Clubs, Night clubs, Taverns					S		S	S	Art. 7	
	Self-Storage, Mini Storage			S		S		S	S		Allowed only on properties fronting an arterial or major collector street. In MU/US29, site

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											dimensions and architectural elements consistent with US29 Commercial Corridor Overlay and subject to additional conditions: multi-story, climate controlled, valet or on-demand, no outdoor storage, no truck storage or rental. Wall signage limited by office square footage.
<b>LIGHT INDUSTRIAL</b>											
<b>Research/Science</b>	Agricultural Research						P	P			
	Medical Lab			P		P	P	P	P		Subject to Master Concept Plan approval in MU.
	Research Facilities						P	P			
	Science Laboratories						P	P			
	Similar Research Facilities not Specified						S	S			
<b>Production and Processing</b>	Commercial Bakery/Catering and Food Preparation							P			Includes preparation, cooking and/or baking, and packaging. Short term storage

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## Exhibit A

											permitted.
	Custom Manufacturing							P			Includes assembly.
	Technology Industry							P			
	Machine, Welding, Radiator/Muffler Repair							S		Art. 6, § 603	Outside storage not permitted in business parks.
	Breweries and Soft Drink Bottling			S	S	S		P	S	Art. 7, Sec. 737 provisions, city licensing and State law	May include commercial production facilities.
	Newspaper Printing Plant							P			
<b>Light Storage/Distribution/Warehousing</b>	Building Supply Lumber Yards							C		See Light Outdoor Storage	Outdoor storage screening required subject to administrative conditional review.
	Light Outdoor Storage							C		Art. 6, § 603	Not permitted in office park or planned business park. Vehicle storage prohibited.
	Warehousing, Wholesaling, Storage and Distribution (Light)							C		Art. 6, § 603	
<b>Other</b>	Light Industrial/Business Park							C		Art. 6, § 603	
<b>HEAVY INDUSTRIAL</b>											

## Exhibit A

<b>Production and Processing</b>	Agricultural Processing							C		Art. 6, § 603	May include activities which create emissions within federal standards.
	Alternative Energy Production							S		Art. 6, § 603	Solid waste incinerator and/or microwave facility prohibited
	Dry Cleaning Plant							S		Art. 6, § 603	
	Heavy Industrial							C		Art. 6, § 603	May include activities which create emissions within federal standards
	Manufacturing, Processing							C		Art. 6, § 603	May include activities which create emissions within federal standards
<b>Distribution and Storage</b>	Bulk Container Storage							S		Art. 6, § 603	
	Distribution Centers							P			
	Towing and Wrecker Service							P		Article 6: Sec. 603	Business Truck and operable vehicle parking only. Screening requirements apply.

## Exhibit A

	Wrecked Motor Vehicle Compound							S		Article 6: Sec. 603	Min. Lot Size 2 acres. Temporary Storage Only. No dismantling or salvage yard
	Reclaimed Materials Processing Facility							S		Art. 6, § 603	Recovered materials processing does not include any operation which changes the nature of a material, its chemical composition, or its physical qualities.
	Truck and Railroad Terminals							S			
	Wholesaling, Storage and Distribution (Heavy)							S			
<b>PUBLIC INFRASTRUCTURE</b>											
<b>Transit</b>	Bus, train, or taxi lots and facilities			S		P		S			Within MU and CB, lot or facilities shall be underground or on ground floor of the primary use and screened from views at street level.
	Parking Lot, Deck			P	S	P	P	P	S		20-acre min lot for vehicle storage
	Passenger Facilities	P	P	P	P	P	P	P	P		Includes transit stops, , no lots or GTC or transfer

## Exhibit A

											stations in R1, R2, MU or OT Overlay.
<b>Utilities</b>	Cellular/Wireless Communication Tower			S	S	S	S	S	S		Refer to Telecommunications Towers and Antennas Code
	Electric Substation or Gas Regulator Station	S	S	S	S	S	S	S	S	Art. 6, § 603	As deemed required for location to serve land uses in vicinity.
	Public Utility Facilities	S	S	S	S	S	S	S	S		
<b>TEMPORARY USES</b>											
	Temporary Construction Field Office/Mobile Buildings/Portable Storage Units			C	C	C	C	C	C	Art. 7	Permitted in conjunction with the development or redevelopment of any permitted or special use, during the construction period, subject to a temporary use permit.
	Temporary Outdoor Events			C	C	C	C	C	C	Art. 6, § 603 Art. 7	Includes Christmas Tree lots, Pumpkin Patch/Halloween Sales, carnivals.
	Produce Stands			C	C	C	C	C	C	Art. 7	Temporary use permit required.
	Farmer's Market			C	C	C	C	C	C	Art. 7	Temporary use permit required.

## Exhibit A

	Charitable/Non-Profit Events			C	C	C	C	C	C	Art. 6, § 603 Art. 7	Exempt from fees, subject to approval of a temporary use permit.
	Temporary Retail Sales and Display Activities			C	C	C	C	C	C	Art. 7	Includes parking lot sales, tent sales, sidewalk sales in association with an existing business located on the premises as a principal use, subject to approval of a temporary use permit.
	Yard Sale	P	P	P	P					Art. 6, § 603	On properties zoned and occupied for residential use.
<b>Other</b>	Special Temporary Uses at a Flea Market Facility					C		C	C	Art. 7, § 714-4	Includes but not limited to: auctions, antique shows, farmers markets, traveling road shows, conventions, races, gun shows, boat shows, car shows, live entertainment, circuses, fairs, festivals.

## **Exhibit A**

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(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542 , 10-14-2019; Ord. No. 2020-548 , 2-10-2020; Ord. No. 2020-551 , Exh. A, 7-13-2020; Ord. No. 2020-553 , 9-14-2020; Ord. No. 2021-569 , Pt. II, 7-12-2021; Ord. No. 2022-587 , § I, 6-13-2022)

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## **ARTICLE 10. ZONING AMENDMENTS AND APPLICATIONS**

### **Section 1001. Procedures for calling and conducting public hearings.**

*1001-1. Applicability.* Public hearings by the Planning Commission and City Council required by this Article with regard to rezoning requests (amendments to the official zoning map), amendments to an overlay district boundary, applications for Special Use Permits (SUP), and changes in conditions of zoning (CIC) shall be called and conducted in accordance with the procedures of this section.

1. No 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.
2. The planning commission shall call and conduct its public hearings in accordance with this section, and this section shall in such cases be interpreted accordingly.
3. Nothing in this section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

*1001-2. Planning Commission.* The Planning Commission shall have all the powers, duties, and responsibilities set forth by state law, City Charter, and this Zoning Ordinance. The Planning Commission shall be advisory in nature and will review all matters before them in full recognition of the criteria set forth in the Georgia Zoning Procedures Law. The Planning Commission shall make appropriate recommendations for approval, approval with conditions, or denial to the Mayor and City Council for their consideration and final action..

1. *Planning Commission membership and terms.*
  - a. The Planning Commission shall consist of five members, who shall be residents of the city, each recommended by a member of the City Council and appointed by the Mayor.
  - b. Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.
  - c. The terms of the members shall be for one year starting in January of each year. Members are eligible for reappointment.
  - d. The Planning Commission shall elect its chair and vice-chair from among its members at the first regularly scheduled meeting of the year. The chair and vice-chair shall serve for one year or until they are re-elected, or their successors are elected.
  - e. The Planning Commission shall appoint a secretary, who may be an member of the board or an employee of the city.
  - f. The Mayor and Council shall have the authority to revoke the appointment of a member of the Planning Commission prior to the expiration of their term if the member is unable to serve or not willing to complete the required training, or review cases according to established criteria.
2. *Planning Commission rules and standards.*
  - a. The Planning Commission members shall be required to attend orientation and obtain basic training in the fields of planning and zoning procedures within six months of appointment (i.e., the Community Planning Program offered by the University of Georgia's Carl Vinson Institute or similar training approved by the City Manager and/or his/her designee.)

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- b. The Planning Commission shall determine the time, place, and day of its regular meetings annually, immediately following appointments of board members.
  - c. All meetings of the Planning and Zoning Board at which official action is taken shall be open to the public.
  - d. All records of the Planning and Zoning Board shall be a public record.
  - e. In reviewing text amendments to the Zoning Ordinance, the Planning Commission will make recommendations based on the standards prescribed in subsection *1002-4. Referral to and recommendation by planning commission*.
  - f. In reviewing map amendments to the City of Lilburn Zoning Map, the Planning Commission will make recommendations based on the zoning standards prescribed in subsection *1003-7. Criteria for amendments to official zoning map*.
  - g. In reviewing requests to for a Special Use Permit, the Planning Commission will make recommendations based on the standards prescribed in subsection *1003-8. Review of Special Use Permit applications*.
  - h.

- 3. *Appeals of Planning Commission recommendations.* There are no appeals from this group's decisions as they are only a recommending body to the Mayor and City Council.

*1001-3. Opening of the public hearing.* The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this article, shall summarize the processes required by this article (or call on the director to summarize), and shall open the public hearing.

- 1. The presiding officer shall call the first case and the city council shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the city council.
- 2. The presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and/or when proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

*1001-4. Report of planning department.* Upon opening the public hearing, the presiding officer may recognize the director, who may provide a summary of the application and present any recommendations or results of investigations.

- 1. Unless a member of the planning commission is present and willing to speak for the planning commission on the subject application, the director may also summarize the recommendations made by the planning commission.
- 2. Any member of the city council upon recognition by the presiding officer may ask questions of the director or planning commission representative providing a report or recommendations.
- 3. The director and/or planning commission may be represented at the public hearing by written report in lieu of oral testimony.

*1001-5. Identification of speakers.* The Presiding Officer may ask each speaker to identify themselves for the record.

*1001-6. Applicant and those in favor of the application.* When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application.



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1. If it appears that the number of persons wishing to appear in support of the application is in excess of those who may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations.
  2. Following the report of the director or planning commission spokesperson, if any, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application, followed by any other persons wishing to speak in favor of the application.
  3. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.
  4. There shall be a minimum time period of ten minutes per application at the public hearing for the applicant and/or agent and anyone in favor of the application to present data, evidence, and opinions.
    - a. The city council shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time, nor shall there be an obligation to provide a minimum of ten minutes per application in the event that more than one application involving the same property is heard simultaneously.
    - b. An applicant or agent may reserve any remaining unused time from the allotted time period for rebuttal.
  5. Upon the completion of testimony or remarks by the applicant and/or applicant's agent and those speaking in favor of the application, any member of the city council upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both, or any person speaking in favor of the application.

*1001-7. Questions and opposing public comments on the application.* At the conclusion of the applicant's presentation and any testimony by others in favor of the application, the presiding officer shall call for public comments from those who wish to ask questions, make comments or oppose the application. The presiding officer may ask for a show of hands of those persons who wish to ask questions, make comments, and/or speak in opposition to the application.

1. If it appears that the number of persons wishing to ask questions, make comments, and/or speak in opposition to the application is in excess of those who may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations, ask questions, or speak in opposition.
2. There shall be a minimum time period of ten minutes per application at the public hearing for the opponents to present data, evidence, and opinions and ask questions.
3. The city council shall not be obligated to provide the full ten minutes per application to the opponents if they elect not to use that much time, nor shall there be an obligation to provide a minimum of ten minutes per application in the event that more than one application involving the same property is heard simultaneously.
4. Upon the completion of testimony or remarks by those asking questions and/or speaking in opposition to the application, any member of the city council upon recognition by the presiding officer may ask questions of those speakers.

*1001-8. Response to questions.* Upon the completion of testimony or remarks by those asking questions and/or speaking in opposition to the application, the presiding officer may: (a) ask the director if present to answer questions posed by speakers; (b) answer such questions himself or herself; (c) recognize a member of the city council to make remarks or answer questions in response to such questions; or (d) defer questions to the applicant to be answered during rebuttal.

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*1001-9. Content of remarks.* Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the city council and not directly to the audience. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure.

*1001-10. Applicant's rebuttal.* Upon the conclusion of public testimony, if the ten minutes allotted to the applicant and those speaking in favor of the application has not been exhausted, the applicant or his or her agent, or both, shall be allowed the remaining time from the total ten minutes allotted to answer questions, rebut the testimony of speakers, and/or provide final comments and remarks.

1. The time devoted to any such rebuttal shall be counted toward the total ten minutes allotted to the applicant if such a time limit is set by the presiding officer.
2. Any member of the city council upon recognition by the presiding officer may then ask questions of the applicant, his or her agent, or both.

*1001-11. Equal time.* In no event shall this section be interpreted to, and in no case shall the presiding officer allow or permit, an unequal amount of time to proponents and opponents with respect to testimony regarding an individual application.

*1001-12. Close of hearing.* After the foregoing procedures have been completed, the presiding officer will close the public hearing and indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer be permitted to address the city council in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

*1001-13. Decision.* After the public hearing is closed, the city council may either vote upon the application or may table the application and delay its vote to a subsequent meeting, subject to the limitations of this article, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

1. After hearing evidence, in making a decision, the city council will apply the evidence to the criteria specified in this article for the application in question and other considerations and recommendations as may be considered appropriate.
2. If the city council determines from the evidence presented by the applicant that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the city council on its own initiative or as recommended by the director and/or the Planning Commission.
3. Otherwise, such application shall be denied.

(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016)