



# City of Lilburn

in Gwinnett County

State of Georgia

Ordinance

Number:

**2023-603**

Date of Reading and Adoption: June 12, 2023

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

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LILBURN TO AMEND APPENDIX A "ZONING ORDINANCE" TO COMPLY WITH STATE LAW; TO ADOPT DEFINITIONS; TO PROVIDE NOTICE; TO PROVIDE FOR APPEALS; TO PROVIDE PROCEDURE FOR HEARING SPECIAL USE PERMITS, CHANGE IN CONDITIONS; VARIANCES AND OTHER APPEALS; TO PROVIDE FOR CONCURRENT VARIANCES; TO PROVIDE FOR PROCEDURES FOR HEARINGS; TO PROVIDE FOR PROCEDURES AND NOTICE FOR CERTAIN REZONINGS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS:** The Mayor and City Council find that Appendix A "Zoning Ordinance" of the Official Code of the City of Lilburn requires amendment to reflect the most recent state adopted amendments to the zoning procedures law; and

**WHEREAS:** Planning staff recommends text amendments to reclassify various conditional uses and amend the order of public comment procedures 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 May 25, 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 June 12, 2023, that the **Appendix B, Zoning Ordinance, Articles 2, 3, 4, 5, 6, 7, 10, and 14** 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its adoption, and that all ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.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 12<sup>th</sup> day of June 2023 by recorded vote of the Mayor and Council of the City of Lilburn.

**SO ORDAINED** this the 12<sup>th</sup> day of June 2023.

APPROVED:



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Tim Dunn, Mayor  
City of Lilburn

ATTEST:



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Rick Badie, City Clerk

# **EXHIBIT A**

## **APPENDIX A ZONING ORDINANCE<sup>1</sup>**

### ***ARTICLE 1. GENERAL***

#### **Section 101. Short title.**

The following articles shall be known and may be cited as the Lilburn Zoning Ordinance.

#### **Section 102. Authority.**

This Lilburn Zoning Ordinance is adopted pursuant to authority provided as follows:

1. Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia, effective July 1, 1983, which provides that the governing authority of a city may adopt plans and exercise the power of zoning; and
2. Georgia Code Section 36-66-2, which recognizes and confirms the authority of local governments to exercise zoning powers, subject to minimum procedures governing the exercise of zoning powers; and
3. Georgia Code Section 36-70-3, which authorizes governing bodies of municipalities to develop, establish, and implement land use regulations which are consistent with the comprehensive plan of the municipality or county; and
4. Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, which require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and
5. Article I of the Lilburn City Charter, which establishes powers of the city.

#### **Section 103. Jurisdiction.**

The jurisdiction of this Zoning Ordinance shall be the city limits of Lilburn, as established by City Charter and including any such additions to the city limits as may have been made or may be made from time to time in the manner provided by local law and/or general State law.

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<sup>1</sup>Editor's note(s)—Ord. No. 420-11, § 1(Exh. A), adopted Dec. 12, 2011, amended App. A in its entirety to read as herein set out. Former App. A, Arts. I—XVIII, pertained to similar subject matter and derived from the 1985 Zoning Resolution adopted April, 14, 1986, as amended. See the Code Comparative Table for complete derivation. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Cross reference(s)—Administration, ch. 2; planning and zoning generally, ch. 101; buildings and building regulations, ch. 105; environment, ch. 109; signs, ch. 113; telecommunication towers and antennas, ch. 117; development regulations, app. B.

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## Section 104. Purposes.

This chapter serves the following purposes which shall not be considered exhaustive.

1. To provide safe environments for the people of the City of Lilburn;
2. To prevent air and water pollution;
3. To regulate and/or to prohibit the keeping of animals and fowl;
4. To regulate the erection and construction of buildings and all other structures, and to regulate the height, bulk, placement and the size of buildings and structures;
5. To protect and preserve the natural resources, environment and vital areas of the City of Lilburn;
6. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the City of Lilburn;
7. To establish a planning commission of the city; and to confer upon such commission the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
8. To provide for the preservation and protection of property of the City of Lilburn;
9. To define and provide for the abatement of nuisances;
10. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within the corporate limits of the city;
11. To provide for the laying out, opening, extension, and widening of roads, alleys, and walkways within the City of Lilburn;
12. To regulate or prohibit specific businesses and commercial activities which may be dangerous to persons or property; and
13. To regulate the transportation, storage, and use of combustible, explosive, and flammable materials; and
14. To protect and preserve trees; and
15. To further the organization and implementation of an urban redevelopment program;
16. To implement the City of Lilburn's adopted comprehensive plan; and
17. To promote responsible growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and
18. To regulate the distribution of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and
19. To provide procedures for the exercise of zoning powers pursuant to and consistent with the Zoning Procedures Law, O.C.G.A. § 36-66 et seq.; and
20. To discourage sizes and types of development which would create excessive requirements and costs for public services; and
21. To discourage or prohibit uses in certain locations which because of their size or type would generate an abnormal amount of traffic on minor streets; and
22. To establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and

23. To protect and promote suitable environments for family and household residences, institutions, commercial and other employment centers, and other uses; and
24. For the purpose of all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants.

## **ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS, OVERLAY DISTRICTS, AND MAPS**

### **Section 201. Zoning districts established.**

The following base zoning districts are hereby established:

-R-1	Low-Density Residential District
R-2	Medium-Density Residential District
O-I	Office-Institutional District
CB	Commercial Business District
IA	Industrial Activity District
<u>MU</u>	<u>Mixed-Use District</u>

~~The following special use district is hereby established:~~

<del>MU</del>	<del>Mixed-Use District</del>
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### **Section 202. Overlay districts established.**

The following overlay zoning districts are hereby established:

Lawrenceville Highway (U.S. 29) Corridor Overlay District.

~~Town Center~~Old Town (~~TCOT~~) Overlay District.

### **Section 203. Land use Character Areas~~categories~~ and subsequent zoning districts.**

Zoning districts that are compatible and acceptable within the land use categories set forth in the city's comprehensive plan shall be as established in the ~~future development~~Character Areas ~~map~~, as shown below.

City of Lilburn Character Areas	Compatible Zoning Districts
Lawrenceville Highway Overlay <del>Areas</del>	CB, O-I, MU
Gateway Areas	CB, MU
Mixed-Use Redevelopment <del>Overlay Areas</del> <u>Nodes</u>	MU, R-2, CB
<del>Town Center</del> <u>Old Town</u> Overlay	CB, O-I, MU
<del>Transit-Oriented Development Area</del>	<del>MU</del>
<del>Areas Underserved by Parks</del>	<del>R-1</del>
Established Residential Areas	R-1, R-2

## Section 204. Official zoning map.

1. The boundaries of zoning districts and overlay district(s) created by this Zoning Ordinance are hereby established as shown on a map entitled the "Official Zoning Map" of the City of Lilburn, Georgia.
2. The official zoning map and all explanatory matter thereon accompany and are hereby made a part of this article. The official zoning map shall indicate the date of adoption and most recent amendment. The original of the official zoning map shall be kept in the planning ~~and economic development department~~Department.
3. The official zoning map shall be considered the same as the "Official Comprehensive Zoning Map, City of Lilburn, Georgia," as referenced in the Lilburn City Charter.
4. The official zoning map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the official zoning map.

## Section 205. Amendment of official zoning map.

If, in accordance with the provisions of this article, the Lilburn City Council approves changes in the district boundaries or other subject matter portrayed on the official zoning map, such changes shall be made promptly after the amendment or change has been approved by the Lilburn City Council. Once an amendment to the official zoning map has been approved by the Lilburn City Council, it shall be considered an administrative action to amend the official zoning map to properly depict the map amendment approved by the Lilburn City Council, and additional approval or action by council shall not be necessary.

## Section 206. Correction and update of property lines on official zoning map.

1. The director is authorized to correct or update property lines depicted on the official zoning map, as such changes to the tax records of the city are made through land subdivision and combination of lots, without a requirement to seek approval of the Lilburn City Council, provided that such changes to property lines do not affect a zoning or overlay district boundary except as otherwise specifically provided in this section.
2. In any instance where the property lines as shown on the official zoning map deviate from a boundary survey prepared by a registered land surveyor for the lot or tract in question, and such deviation is attributed by the director to a drafting error or imperfection in the property parcel data base originally used in preparing the official zoning map, the director is authorized to correct the official zoning map to show the boundaries of the zoning or overlay district to follow the boundaries as shown on said boundary survey. Any such correction shall be considered an administrative action, and additional approval or action by council shall not be necessary to correct the official zoning map.

## Section 207. Rules governing boundaries.

This section shall govern administrative determinations by the director in cases where there is uncertainty with regard to the zoning and/or overlay district boundaries shown on the official zoning map. Where such uncertainty exists, the following provisions shall apply:

1. *City limit lines.* Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

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2. *Property lines.* Where boundaries are indicated as following property lines, such property lines shall be construed to be such boundaries. The boundaries shall be determined on the basis of the legal descriptions or boundary surveys associated with approved map amendments, where available.
  3. *Stream and river beds.* Where boundaries are indicated as approximately following the centerline of stream beds or river beds, or the outer edge of such stream bed or river bed, such centerline or edge of stream or river bed shall be construed to be such boundaries.
  4. *Abandonment.* Where a public street or other right-of-way is officially vacated or abandoned and said street or right-of-way is also a zoning district or overlay district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.
  5. *Administrative determination.* In any case where the exact location of a boundary cannot be determined by the foregoing methods, the director shall determine the location of the boundary. Any such administrative determination is subject to appeal [to ZBA](#) as an administrative decision in accordance with Article 10 of this Zoning Ordinance.

## **ARTICLE 3. GENERAL PROVISIONS**

### **Section 301. Use, occupancy and erection.**

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations of this article or amendments thereto, including the use provisions for the zoning district in which it is located, the overlay district provisions if applicable, and any specific use provisions, if applicable.

### **Section 302. Use prohibited when not specified.**

Any use not specifically permitted as a use by right ~~or specifically indicated as a conditional use~~ in any given zoning district as provided in Article 4 shall be prohibited in that zoning district.

### **Section 303. Specific use provisions.**

In cases where a use is a permitted use in the zoning district in which said use is located but there are specific use regulations for that use specified in [Section 603 or](#) Article 7, such regulations shall also apply and must be complied with. It shall be unlawful to establish a use without conforming to the specific use provisions of this article, when applicable.

### **Section 304. Minimum requirements.**

Within each zoning district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land, except as may be altered through conditions of zoning applied to specific properties.

### **Section 305. Every use must be upon a lot of record.**

No building or structure shall be erected or use established unless upon a lot of record as defined by this article, except as otherwise specifically provided in this Zoning Ordinance.



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### Section 306. One single-family dwelling on a lot.

Except as otherwise specifically provided in this article, only one single-family dwelling and its accessory buildings may be erected on any one lot intended for such use. This provision shall not be construed to prevent the construction of more than one attached single-family condominium, or multiple-family dwelling on a single lot, in districts where permitted, subject to setbacks and separation as provided in this article.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### Section 307. Height limitations.

Except as otherwise specifically provided in this section or City Code, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures specified in this article; provided, however, the city council may upon application and approval of a special use permit to allow buildings and structures to exceed these height limitations, subject to procedures for special use permits established in Article 10~~Except as otherwise specifically provided in this section or City Code, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures specified in this article; provided, however, the city council may upon application and approval of a conditional use allow buildings and structures to exceed these height limitations, subject to procedures for conditional uses established in Article 4.~~

The height limitations established herein shall not apply to chimneys, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, electricity transmission towers, utility poles, and similar structures.

### Section 308. Maximum density, minimum lot size, and minimum lot width.

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established by this article, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the maximum density, minimum lot size, or minimum lot width of the zoning district in which said lot and building are located are not maintained, except as otherwise specifically provided in this article.

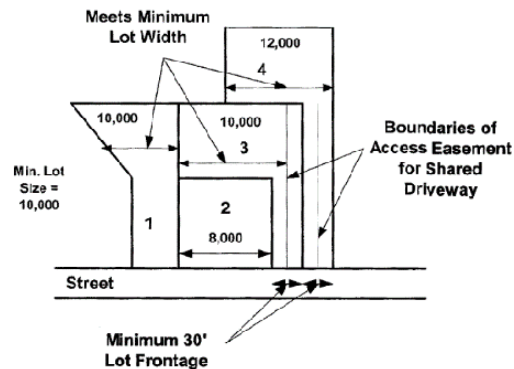
### Section 309. Lot size averaging.

Within an Overlay District or redevelopment Character Area, where unique site specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the city may approve a flexible development incentive called lot size averaging. This incentive allows development applicants to reduce one or more lots below the minimum lot size established for the zoning district in which the residential infill development project is located. In order to apply this variance, the proposed residential infill development project must meet the following requirements:

1. The average lot area of all lots within the subdivision meets the minimum lot size for the zoning district in which the project is located.
2. No lot shall be reduced to less than 80 percent of the required minimum lot size for the applicable zoning district.



3. For purposes of calculating average lot size, abutting undivided and undeveloped property under the ownership of the infill subdivider at the time of infill subdivision shall not be included in such calculation.



### Subdivision of Irregularly Shaped Parcel Using [Minimum Road Frontage](#), ~~Flag Lot Design~~ and Lot Size Averaging

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### Section 310. Lot width reductions.

Within an Overlay District or redevelopment Character Area, where unique site-specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the city may approve a flexible development incentive called lot width variations. The variance may apply to a portion of or all lots within a detached residential infill development as follows:

1. To no less than 50 feet in the R-1 zoning districts;
2. To no less than 35 feet in the R-2 zoning district; and
3. To no less than 20 feet in MU zoning district.

(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2020-551 , Exh. A, 7-13-2020)

### Section 311. Minimum floor area per dwelling unit.

No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located as specified in this article. No existing dwelling shall be reduced in size so that its floor area fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located as specified in this article.

### Section 312. Build-to lines.

In the case where a build-to line is established by this Zoning Ordinance, no building shall be erected in a manner inconsistent with the established build-to line; provided, however, that the [Director](#)~~city~~ may administratively authorize a variance in accordance with the provisions of this ordinance.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

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### **Section 313. Minimum required yards.**

1. No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located. Buffer requirements established by this article, where applicable, supersede these minimum required yards. In the case where a build-to line is established, the build-to line provisions of this article supersede and replace any front building setback lines, the latter of which shall only be deemed applicable in the absence of an established build-to line.
2. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained.
3. This section shall not apply to portions of lots affected by public acquisition of part of the lot.
4. No part of a yard shall be included as a part of the yard required for another building.

(Ord. No. 2020-551 , Exh. A, 7-13-2020)

Ord. No. 2020-551 , Exh. A, adopted July 13, 2020, amended the title of § 313 to read as herein set out. The former § 313 was titled, "Minimum required yards and building setbacks."

### **Section 314. Principal building setback adjustments.**

Within an Overlay District or redevelopment Character Area, where unique site-specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the city may approve a flexible development incentive called building setback adjustments. This variance may apply to a portion of or all lots in the infill development as follows:

1. Front building setbacks may be reduced by up to 10 feet from the established minimum.
2. Side building setbacks may be reduced by up to 5 feet from the established minimum.
3. Rear building setbacks may be reduced by up to 5 feet from the established minimum.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 315. Principal building separation.**

All non-residential principal buildings shall provide for adequate building separation to allow for sufficient fire access and traffic flow and [all non-residential and residential buildings and accessory buildings shall](#) ~~that~~ meet applicable building code requirements.

### **Section 316. Maximum building coverage.**

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located, if applicable.

### **Section 317. Minimum landscaped open space.**

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, if applicable, or as may be established by any other article or section of this article or Development Regulations, if applicable.

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( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 318. Minimum required landscape strips and buffers.**

No lot shall hereafter be developed, and no building or structure shall hereafter be erected or use established in a manner so that the minimum landscape strips and buffers required by this article for the zoning district in which said building, structure, or use is located, or for the specific use if buffer and landscape strip requirements are established for said use.

### **Section 319. Street frontage requirement.**

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least 30 feet on a public street, or an approved private street, unless specifically provided otherwise by this article or by any other article.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 320. Classification of streets.**

All of the streets, roads, and highways in the city are classified as local street, minor or major collector streets, minor, major, residential, or principal arterial streets and freeways. These same streets and roads will also be known as U.S. or state routes, county roads and local streets or roads.

### **Section 321. Zoning of annexed lands.**

1. Property annexed or proposed to be annexed into the city limits shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. § 36-66, and this article. Such property annexed may [subsequently](#) be zoned by the city council to any zoning district or districts established in this article [according to rezoning procedures outlined herein](#).
2. Lands hereafter annexed into the city limits shall, upon the effective date of such annexation, be subject to all applicable procedural and substantive requirements of this ordinance.

### **Section 322. Validity of existing conditions of zoning or use approval.**

Notwithstanding the repeal of prior ordinances in conflict with this article upon its adoption, if a property was zoned subject to conditions or use approved subject to certain conditions prior to the adoption of this article by city council, the existing zoning conditions or conditions of use approval shall continue to apply to said property.

### **Section 323. Combination of review and approval processes.**

The process of site design and architectural review for individual development may be combined with the subdivision platting process required by the city development regulations. At the option of the development applicant, an applicant may submit a conceptual lot platting plan and defer the plat approval process until a later date, but if so, the applicant is still responsible for submitting information required by this article with respect to proposed lot boundaries as a part of the site design and architectural review process, so that subdivision lot design and specific residential development proposals can be considered as a whole.

In considering the compatibility and appropriateness of residential, commercial, and mixed-use development within the city, it is important that the city consider not only the proposed lot lines and lot platting configurations,

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but also the specific development types proposed on the lots. The process for acting on infill residential development projects is accomplished by filing information required for both site design and architectural review and information required for applications for plat approval with proposed infill variances proposed concurrently to the Director and City Manager.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 324. Existing dwellings and infill development comparison.**

The city shall review residential infill development proposals in the context of the Overlay District or redevelopment Character Area and surrounding neighborhood. An applicant for a development permit or subdivision plat approval shall submit the following information for existing residential dwellings on abutting residential properties and across the street from the lot on which the residential infill development project is proposed. An applicant may exclude lots abutting the proposed residential infill development project which are developed for institutional uses, such as schools and churches, or other nonresidential uses.

1. Number of stories and approximate height.
2. Size (gross square feet) in area.
3. Front, side, and rear setbacks.
4. Orientation of the dwelling in relation to the street.
5. Major architectural features (style, materials, etc.).
6. Driveway placement, width, and materials.
7. Location of parking (garage, carport, open, yard location, etc.).
8. Accessory buildings and structures, if any.

The applicant may submit this information in a combination of forms, including an aerial photograph, tax map, survey plats, photographs, and written narrative, provided all required information is submitted.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 325. Floodplain general provisions.**

The Floodplain Management/Flood Damage Prevention Ordinance is found in the City Code, [Chapter 109, Article III](#).

~~Cross reference(s) — Floodplain management/flood damage prevention, § 109-52 et seq.~~

## **ARTICLE 4. ZONING DISTRICTS**

### **Section 401. R-1, Low-Density Residential District.**

*401-1 Purpose and intent.* The R-1 district is intended to provide land areas primarily devoted to a range of single-family dwelling types, reflecting much of the existing residential neighborhoods in the city. The R-1 district establishes a density of four dwelling units per gross acre. The R-1 district is applied to parcels to accommodate existing residential units on land having a predominantly single family detached unit subdivision character and associated uses which are anticipated to maintain such character; to accommodate traditional single family detached residential neighborhoods; and to accommodate revitalization and/or infill of such neighborhoods with

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residential products of comparable type and density. The district generally corresponds to the 2030 Comprehensive Plan Character Area designation of "Established Residential."

*401-2 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

*401-3 Dimensional requirements.* Dimensional requirements shall be as provided in Table 4.1, "Dimensional Requirements for Residential Zoning Districts."

*401-4 Design principles and guidelines.* Design criteria to be applied in this zoning district shall be as provided in Table 4.2, "Design Criteria for Residential Zoning Districts."

## **Section 402. R-2, Medium-Density Residential District.**

*402-1 Purpose and intent.* The R-2 district is intended to provide land areas devoted to moderate density uses consisting ~~primarily~~ of detached single-family uses, ~~attached single-family dwellings,~~ townhomes, duplexes, clustered and cottage housing types and other creative, flexible small lot development designs, and multi-family residential uses may be appropriate where similar uses or densities exist or adjacent to higher density districts. Land areas zoned R-2 are also intended to provide a transition between lower density single-family residential districts and: the MU District; higher density multi-family, and commercial business uses within the U.S. 29 Corridor Overlay, and other non-residential areas. The R-2 district is to be located where there is convenient access to collector streets, major thoroughfares, and the state/interstate highway system. The district generally corresponds to the 2019 Comprehensive Plan Character Area designation of "Established Residential", with portions which may be ~~contained~~ within the U.S. 29 Corridor Overlay.

*402-2 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

*402-3 Dimensional requirements.* Dimensional requirements shall be as provided in Table 4.1, "Dimensional Requirements for Residential Zoning Districts."

*402-4 Design principles and guidelines.* Design criteria to be applied in this zoning district shall be as provided in Table 4.2, "Design Criteria for Residential Zoning Districts."

<b>Table 4.1</b> <b>Dimensional Requirements for Residential Zoning Districts</b> N/P = Not Permitted		
<b>Dimensional Requirement</b>	<b>R-1</b>	<b>R-2</b>
<b>Residential Density, and Lot Size and Width Requirements</b>		
Minimum lot size, detached single-family dwelling (square feet)	9,000	5,000
Minimum lot size, cottage home (square feet)	N/P	3,000
Minimum lot size, fee-simple townhouse dwelling unit (square feet)	N/P	2,000
Minimum lot size, multi-family dwelling (square feet)	N/P	10,000
Minimum lot width, detached single-family dwelling (feet)	80	50
Minimum lot width, cottage home dwelling (feet)	N/P	50
Minimum lot width, fee-simple townhouse dwelling (feet)	N/P	20
Minimum lot width, multi-family dwelling (feet)	N/P	100
Minimum lot depth, all uses (feet)	120	100
Maximum gross density for permitted uses	4 dwelling units	8 dwelling units per acre
<b>Building and Site Requirements</b>		
Minimum heated floor area per dwelling unit (square feet)	1,400	800 (multi-family) 1,000 (cottage home) 1,400 (all other dwelling types)
<b>Building Height Requirements</b>		
Maximum height (feet)	40	40
<b>Buffers (Min. feet)</b>		
Abutting an R-1 zoned property	0	0, detached single-family dwellings in R-2 zoned property 20, all other allowed dwelling types
<b>Building Setbacks (Min.), Dwelling or Other Permitted Principal Building</b>		
Front, local street (feet from R/W)	30	15
Front, collector/state road (feet from R/W)	50	50
Side (feet)	5	5
Side, collector/state road (feet from R/W)	30	20

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Side, distance between townhouse buildings (feet)	N/P	20, side setback from each end unit
Rear (feet)	30	20
Open Space (Min.)	See Sec. 5.9 of Development Regulations	
<b>Building Setbacks (Min.), Accessory Buildings and Structures</b>		
Side (feet)	5	5
Rear (feet)	5	5

<b>Table 4.2</b> <b>Design Criteria for Residential Zoning Districts</b> A = Applicable N/A = Not Applicable			
<b>Design Criterion</b>	<b>R-1</b>	<b>R-2</b>	<b>MU</b>
<b>Compatibility.</b> New development and improvements to existing properties need to be compatible with the existing character.	A	A	A
<b>Floodways and Floodplains.</b> Prohibit development within floodways and restrict or prohibit development in flood plains.	A	A	A
<b>Access to Abutting Public Conservation Lands.</b> Subdivisions are strongly encouraged, if not required, to provide pedestrian easements or fee-simple land dedications to public open spaces (including greenways) and/or publicly designated conservation lands on all abutting properties.	A	A	A
<b>Road and Lot Layout.</b> New subdivisions must observe existing development patterns, including a grid pattern of connecting roads, rectangular-shaped lots, and block widths and lengths that do not exceed 600 feet	A	A	A
<b>Culs-de-sac.</b> Circular turnarounds shall not be permitted except in the most unusual circumstances when demonstrated needs exist.	N/A	A	A
<b>Non-Pervious Surfacing.</b> Internal access roads may be surfaced with pervious materials and drained by roadside swales. The same is applicable for parking lots and driveways, where permitted.	N/A	A	A
<b>Parking.</b> Off-street parking between the front façade of the principal dwelling and the city street is strongly discouraged and instead design should facilitate side or rear yard parking.	A	A	N/A



<b>Alley Access to Parking.</b> Alleys or driveways accessing the rear of the dwellings are encouraged and may be required in order to provide parking access from the rear lot line rather than the front of the dwelling.	N/A	A	A
<b>Parking Garages for Individual Units.</b> Garages should be located to the rear or side of the dwellings they serve, but if they must be located in the front of the dwelling, garages must be recessed back at least five feet behind the front wall of the dwelling so that it is subordinate rather than dominant when viewed from the city street on which the dwelling fronts.	N/A	A	A
<b>Land Consumption.</b> New development needs to be designed to minimize the amount of land consumed and preserve perimeter buffers and open space to some extent.	A	A	A
<b>Open Space Design.</b> Promote and pursue principles of landscape ecology when reviewing large developments and major subdivisions.	A	A	A
<b>Greenbelts and Wildlife Corridors.</b> Any significant development other than farm or forestry operations should maintain open space in the form of greenbelts and/or wildlife corridors.	A	A	A
<b>Conservation Principles.</b> Major conservation subdivisions (six or more lots) where permitted are required, to follow principles of conservation subdivision and design, either as generally accepted by the planning profession or as specifically stated in city regulations.	A	A	A
<b>Subdivision Lot Design.</b> When land is subdivided, regular or recurring patterns of lots are encouraged; infill development lot layouts that consider the formality of existing and nearby property ownership patterns is encouraged.	A	A	A

(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. 2020-551 , Exh. A, 7-13-2020)

### **Section 403. O-I, Office-Institutional District.**

*403-1 Purpose and intent.* The O-I district is intended to provide areas for lands devoted to public use, parks, governmental buildings and facilities, offices, office parks, and educational and institutional uses. Land may be

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privately-owned, or owned by the state or local government, and may be located throughout the ~~2030~~ Comprehensive Plan Character Area designations.

*403-2 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

*403-3 Dimensional requirements.* Dimensional requirements shall be as provided in Table 4.3, "Dimensional Requirements for Nonresidential Zoning Districts."

*403-4 Design principles and guidelines.* Design criteria to be applied in this zoning district shall be as provided in Table 4.4, "Design Criteria for Nonresidential Zoning Districts" and the architectural standards set forth in section 501-10.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 404. CB, Commercial Business District.**

*404-1 Purpose and intent.* The CB district is intended to provide locations in which commercial retail, professional service, and office activities can be established so as to best serve the community and traveling public. The CB district is also intended to accommodate redevelopment of under-utilized and/or aging commercial sites to mixed-use developments with an integrated higher density residential component.

The purpose of this district is to provide for and encourage the proper grouping, development and design management of regional and community oriented roadside uses which include a wide variety of sales and services that will best accommodate the needs of the city and the traveling public in order to reduce highway traffic congestion, traffic hazards, and blight along the public streets of the city. The district generally corresponds to the ~~2030~~ Comprehensive Plan Character Area designation of the "Lawrenceville—Highway 29 Overlay" ~~and the "MUR Overlay".~~

*404-2 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." Requirements for conditional use ~~s-permits and/or administrative conditional approval,~~ supported by site development and screening standards typically pertaining to highway oriented and heavier commercial uses, predominantly associated with automobile functions, intended to protect surrounding neighborhoods and contribute to aesthetic enhancement of the city.

*404-3 Dimensional requirements.* Dimensional requirements shall be as provided in Table 4.3, "Dimensional Requirements for Nonresidential Zoning Districts."

*404-4 Design principles and guidelines.* Design criteria to be applied in this zoning district shall be as provided in Table 4.4, "Design Criteria for Nonresidential Zoning Districts" and the architectural standards set forth in section 501-10.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 405. IA, Industrial Activity District.**

*405-1 Purpose and intent.* The purpose of the IA district is twofold: to provide suitable areas for service-oriented business, and industrial operations and processes integrated with office and/or showroom uses, and related ancillary retail and service activities, with a minimum of interference from traffic and conflicting uses; and to provide and protect areas for processing, fabricating, manufacturing, warehousing, and research industrial uses which do not create noise, odor, smoke, vibration, dust or other emissions and which do not possess other objectionable characteristics that might be detrimental

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to surrounding neighborhoods or other uses permitted in the district. This district also includes more intensive auto repair establishments and those industrial uses which cannot comply with the limited emissions characteristics, but do comply with all state and federal guidelines for emissions and discharge of effluents into the air, water, and soil, subject to administrative conditional approval or special use permit.

Site standards and design/screening measures are required. Outdoor storage and display is permitted in this district with regulation in association with specified uses in this district. Properties within the IA district generally correspond to the ~~2030~~ Comprehensive Plan Character Area designation of "~~Outlying Commercial and Industrial~~ Manufacturing, Service and Technology."

*405-2 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." Uses may be clustered into industrial parks, as differentiated by proportion of office and showroom/retail operations, or as stand-alone facilities. More intense and industrial uses potentially incompatible with adjacent properties require ~~conditional or~~ SUP approval.

*405-3 Dimensional requirements.* Dimensional requirements shall be as provided in Table 4.3, "Dimensional Requirements for Nonresidential Zoning Districts."

*405-4 Design principles and guidelines.* Design criteria to be applied in this zoning district shall be as provided in Table 4.4, "Design Criteria for Nonresidential Zoning Districts" and the architectural standards set forth in section 501-10.

Table 4.3 Dimensional Requirements for Nonresidential Zoning Districts				
Dimensional Requirement	CB	TCOT	O-I	IA
<b>Lot Size and Width Requirements</b>				
Minimum area to rezone to this district (square feet)	n/a	3,000	n/a	20,000
Minimum lot width, all uses (feet)	n/a	30	50	100
<b>Building and Site Requirements</b>				
Minimum landscaped open space (percent)	15	10	20	20
Minimum landscape strip required along rights-of-way, except where build to line precludes installation (feet)	10	10	10	10
<b>Building Height Requirements</b>				
Maximum height (feet)	80	80	80	80
<b>Principal Building Setbacks and Buffers</b>				
Front (feet)	20	0	20	0
Side (feet)	10	0	15	20
Side (feet), abutting any R-1 or R-2 zoning district, including a natural vegetated buffer and/or fence or wall	20	10	30	40
Rear (feet)	15	5	20	25
Rear (feet), abutting any R-1 and R-2 zoning district, including a natural vegetated buffer and/or fence or wall	40	10	40	50
<b>Landscape Strips</b>				
Minimum landscape strip required along rights-of-way for any non-single family residential use (feet)	10	None	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use (feet)	5	None	10	5

Table 4.4 Design Criteria for Nonresidential Zoning Districts A = Applicable      N/A = Not Applicable				
Design Criterion	CB	TCOT	O-I	IA
<b>Compatibility.</b> New development and improvements to existing properties need to be compatible with the existing character, including the sensitive treatment of perimeter property lines to mitigate impacts on abutting properties.	A	A	A	A
<b>Historic Character.</b> In areas with identified historic buildings, structures, and sites, the	A	A	A	A

proposed new development or land activity blends with or complements the historic character.				
<b>Alternative Transportation.</b> New development should accommodate and facilitate alternatives to transportation by automobile, including bicycle and pedestrian facilities.	A	A	A	A
<b>Pedestrian Access.</b> All likely pedestrian routes should be identified in the design phase and provided for in the development. These include linkages to individual buildings, neighboring properties (when compatible), and existing or planned sidewalks along public roads, as appropriate.	A	A	A	A
<b>Open Spaces.</b> Small public open spaces (e.g., plazas, pocket parks, and squares) are integrated into projects of sufficient size (i.e., two acres or more).	A	A	A	A
<b>Access and Parking.</b> The development provides for adequate access and off-street parking arrangements.	A	A	A	A
<b>Fences and Walls.</b> Fences and walls shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building.	A	A	A	A
<b>Chain Link Fencing.</b> Chain link fencing is prohibited in front yards and discouraged in other locations but if used, it should be vinyl coated (black, brown, or green color encouraged).	A	A	A	A
<b>Operations.</b> All manufacturing, processing, assembly, fabrication, servicing, and repair operations, when permitted, are carried out within an entirely enclosed building.	A	N/A	N/A	A
<b>Appearance/Parking.</b> The development layout avoids the appearance of strip commercial development, including the specific provision that no more than ½ of any required parking is located between the public street and the principal building line.	A	A	A	A
<b>Parking Screen.</b> Where parking areas are located between a public street and the principal building, vegetation, walls, fences, berms, or some combination is used to screen the view	A	A	A	A

from the street to parking areas, except for approved drives and lot entrances.				
<b>Temporary Buildings.</b> No establishment operates in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building or structure.	A	A	A	A
<b>Storage.</b> Equipment and materials must be stored within completely enclosed buildings, unless otherwise permitted.	A	A	A	N/A
<b>Loading.</b> All loading areas and facilities are located at the side or rear of a principal building.	A	A	A	A
<b>Waste Containers.</b> Trash enclosures should be constructed of sturdy, durable, opaque materials (with trash receptacles screened from view.)	A	A	A	A
<b>Multiple Buildings—Compatibility.</b> Multi-unit developments or sites with more than one building shall utilize a consistent or at least stylistically compatible (but not necessarily identical) palette of scale, forms, colors, materials, and textures.	A	A	A	A
<b>Accessory Buildings.</b> Accessory structures should be architecturally compatible with the principal building or buildings.	A	A	A	A
<b>Building Materials.</b> On front façades and other building sides visible from a public right-of-way, exterior building materials should not include any of the following: smooth-faced concrete block, tilt-up concrete panels, prefabricated steel panels, highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames, exposed, unfinished walls, exposed plywood or particle board, and unplastered, exposed concrete masonry blocks.	A	A	A	A
<b>Building Façades.</b> Lengthy, featureless façades and building walls should be avoided. Large, flat, blank expanses on a façade are discouraged.	A	A	A	A
<b>Lighting: Pedestrian.</b> Use of low, bollard-type fixtures (three—four feet in height) are encouraged in all areas of significant pedestrian activity during evening hours.	A	A	A	A
<b>Lighting Fixtures.</b> All luminaries used for outdoor lighting should be full cutoff luminaries which do not emit any direct light above a horizontal plane	A	A	A	A

through the lowest direct-light-emitting part of the luminaire.				
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(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2020-551 , Exh. A, 7-13-2020)

## Section 406. MU, Mixed-Use District.

**406-1 Purpose and intent.** The MU district is intended to accommodate creative mixed-use development along Lilburn's arterials in appropriate locations to promote redevelopment of under-utilized properties and support the transitioning of these areas from primarily low density residential to complementary groupings of mixed-use buildings and sites that include community and neighborhood scale retail and services, professional offices, varied housing options, and open space. Mixed-use development provides a compatible mix of non-residential uses with housing opportunities within the immediate area, either in the same building or in proximity, while maintaining a healthy living environment for the residents of the district.

The MU district is also intended to encourage flexible, innovative and creative concepts in site planning; the efficient reuse of land in transitioning areas; a stable multiple-use environment that is compatible with adjacent uses and established neighborhoods; and walking and bicycling through improved connectivity.

This type of development can accommodate a variety of housing options and densities; however, a mix of housing types and densities alone does not constitute a mixed-use development.

The MU District is specifically applicable to properties within the Character Areas identified as [Old Town Center](#) Overlay and Lawrenceville Highway Overlay depicted on the Lilburn 2019 Comprehensive Plan Character Area Map. All properties within these Character Areas and others that support a mix of highly compatible uses within a single development, are eligible to apply for rezoning to the Mixed-Use Zoning District.

**406-2 Permitted uses.** Permitted uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables" upon Master Concept Plan approval. A mix of residential and non-residential uses is required according to Table 4.6, MU Land Use Requirements. Non-residential uses must be developed concurrently with residential uses according to Sec. 736.

**406-3 Dimensional requirements.** Dimensional requirements shall be as provided in Table 4.5, "Dimensional Requirements for MU, Mixed-Use Zoning District" upon Master Concept Plan approval

**406-4 Design principles and guidelines.** General design criteria to be applied in this zoning district shall be as provided in Table 4.2, "Design Criteria for Residential Zoning Districts"; Table 4.4, "Design Criteria for Nonresidential Zoning Districts"; Sec. 734, "Attached Residential Dwellings (duplex, triplex, quadplex, townhomes)"; Sec. 737, "Multi-Family Dwellings"; and Article 5, as applicable. Final land uses and design will be established in the approved Master Concept Plan.

**406-5 Master concept plan and other minimum requirements.** See Sec. 736, Mixed-Use Development.

Table 4.5 Dimensional Requirements for MU, Mixed-Use Zoning District.	
<b>Maximum Gross Density for Residential Uses</b>	12 dwelling units/acre, with the exception that 18 dwelling units/acre is the maximum for multi-family dwellings
<b>Lot Size and Width Requirements</b>	
Minimum project size	Two acres (Sec. 736 for existing MU)
Minimum lot size, all uses	Established by approved Master Concept Plan
Minimum lot width, all uses	Established by approved Master Concept Plan
Minimum lot depth, all uses	Established by approved Master Concept Plan



<b>Building and Site Requirements</b>	
Minimum floor area per dwelling unit (square feet)	Established by approved Master Concept Plan
<b>Building Height Requirements</b>	
Maximum height (feet)	Established by approved Master Concept Plan
<b>Building Setbacks (Min.), Permitted Principal and Accessory Buildings</b>	Established by approved Master Concept Plan
<b>Buffers (Min.)</b>	20-foot wide buffer along abutting R-1 or R-2 property lines
<b>Open Space (Min.)</b>	Open space shall include one centralized amenity area and contiguous or linked areas for use of residents and visitors, and recorded as common area ownership. Ref Sec. 5.9 of Development Regulations for minimum areas.

Table 4.6 Land Use Requirements for MU, Mixed-Use Zoning District					
	Residential Land Area	Nonresidential Land Area (Commercial, Institutional, Office)	Gross Floor Area (each use - residential or non-residential)	Acreage	Density
Minimum	15%	15%	30%	2 acres	Ref. Table 4.5
Maximum	70%	70%	70%	None	Subject to Master Concept Plan approval, exclusive of common area

( Ord. No. 2019-542 , 10-14-2019; Ord. No. 2020-551 , Exh. A, 7-13-2020; Ord. No. 2022-579 , Exh. A, 2-14-2022)

## ***ARTICLE 5. OVERLAY DISTRICTS<sup>2</sup>***

<sup>2</sup>Editor's note(s)—Ord. No. 2016-503, Exh. A, adopted June 13, 2016, amended the title of Art. 5 to read as herein set out. Former Art. 5 was titled, "Overlay Zoning Districts."

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## Section 501. Lawrenceville Highway (U.S. 29) Corridor Overlay District.

*501-1 Purpose and intent.* The Lawrenceville Highway (US 29) Corridor Overlay District is the commercial heart of the City of Lilburn and plays a vital role in shaping the city's future relative to transportation, economic development opportunities, and the appearance of the community that is portrayed to the traveling public.

The Corridor Overlay District is intended to enhance the viability and livability of the area along several important thoroughfares. 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 bicycle access and local public transit.

*501-2 Boundaries and map.* The Corridor Overlay District shall apply to all property within the district boundary as shown on the Official Zoning Map of Lilburn, which is hereby adopted and made a part of this ordinance, and which may be amended from time to time in accordance with the procedures established in this zoning ordinance. The Corridor Overlay District includes the entire length of US 29 through Lilburn's city limits and several significant commercial corridors.

*501-3 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

The Corridor Overlay District is not a zoning district. Within the Corridor Overlay District, the uses permitted by the underlying zoning district are allowed unless expressly prohibited.

*501-4 Access management and connectivity.* These standards shall apply to all new construction and shall apply to existing site and/or building(s), if over 50 percent of the acreage is proposed for improvement or if improvements or expansions to off-street parking exceed 50 percent of the area of existing off-street parking.

1. Interparcel vehicle access points shall be provided between all contiguous non-residential properties. A system of joint use driveways and cross access easements shall be used to promote connectivity in the overlay district. This requirement may be waived by the Director only if it is demonstrated that an interparcel connection is not feasible due to traffic safety, topographic, or environmental concerns.
2. Shared access points should be located along a common property boundary. Where shared access or service driveways occur, an access agreement shall be required by the City. The agreement must be signed by all affected property owners and must be registered with the City Clerk.
3. New development, which produces more than 1,000 vehicle trips per day, shall provide traffic mitigation by means of traffic signals, traffic controls and turning island, landscaping and any other means necessary to ensure the viability, safety and integrity of Lawrenceville Highway (US 29) as a through corridor. All traffic controls, signals and other improvements must be approved by the Georgia Department of Transportation and/or the Gwinnett County Department of Transportation.

*501-5 Pedestrian and bicycle access.*

1. Sidewalks shall be installed on all public streets that the parcel(s) abuts and shall tie into existing sidewalk. Sidewalks measuring a minimum width of five feet shall be provided for commercial development, five feet for residential development.
2. Sidewalks shall be required adjacent to all public rights-of-way and into and throughout the development. The location of sidewalks shall be reviewed and approved by the City, Gwinnett County Department of Transportation and/or the Georgia Department of Transportation. Sidewalks shall be in conformance with the Development Regulations. For commercial uses, a minimum five-foot wide sidewalk connection shall be provided from public rights-of-way to the entrance(s) of buildings.

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3. Sidewalks shall be constructed with an additional minimum two-foot by eight-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures approved by Planning Department. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City, Gwinnett County Department of Transportation and/or Georgia Department of Transportation.
  4. If a parcel is located within 500 feet of an existing or proposed greenway/bike trail, a minimum eight-foot wide multi-use trail connection shall be provided.
  5. Bicycle lanes shall be a minimum of five feet wide and marked, where applicable.
  6. Pedestrian lighting shall be provided along public right of way. Pedestrian scale fixtures shall be less than 25 feet tall, classified as decorative and consistent with Town Center Master Plan, with spacing coordinated with pedestrian amenities and approved by Planning Department.

*501-6 Site design and building orientation.* Principal building entrances shall be oriented to public streets. Garage and loading bay entrances shall be oriented to the rear or side of the building and shall not be visible from the street along the building's frontage.

*501-7 Parking.* These standards shall apply to all new constructions and shall apply to the existing site and/or building(s), if over 50 percent of the acreage is proposed for improvement or if improvements or expansions to off-street parking exceed 50 percent of the area of existing off-street parking.

1. For retail developments exceeding 50,000 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, not to exceed 75 parking spaces or as approved by the Director.
2. Up to 25 percent of the required parking spaces for any development may be designated small vehicle parking. Each small vehicle parking space shall not be less than eight feet in width and 16 feet in depth.
3. New 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 not more than one double row of parking.
4. For developments exceeding 7,500 square feet, building placement shall be close to, and oriented toward, the public right-of-way with the majority of parking to the sides and rear where possible, or as approved by the Director.
5. Provide lighting throughout all parking areas utilizing decorative light poles, not to exceed 25 feet in height with light fixtures that are hooded. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

*501-8 Stormwater detention.* Above ground stormwater detention ponds shall be located to the rear or side of buildings. If such a location is not feasible from an engineering standpoint it may be approved in front of a building at surface level if it is designed as an amenity feature with shallow slopes, does not contain fencing, and is surrounded by landscaping approved by the Director.

*501-9 Landscaping requirements.* These standards shall apply to all new construction and shall apply to the existing site and/or building(s), if the property or structures change use or are unoccupied for a period of 12 consecutive months.

1. Type and size of plantings shall be in compliance with the City's Buffer, Landscape and Tree Ordinance. At least 50 percent of plantings shall consist of trees three inches in caliper (dbh) or greater.
2. Provide a minimum ten-foot wide landscaped strip between all road right-of-way and the back-of-curb of abutting off-street paved parking lots. Landscaped strips between road right-of-way and the edge of abutting off-street grassed parking areas shall be five feet in width. At a minimum, landscaped strips

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shall be planted in accordance with the Lilburn Buffer, Landscape and Tree Ordinance. Alternative plans that result in equivalent tree density unit plantings on the site may be administratively approved by Planning Department.

3. Dumpsters shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, decorative masonry, and/or stone construction, or similar material approved by the Department, at least six feet in height, with 100 percent solid metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located zero feet from the property line if the adjoining property is zoned nonresidential and zero feet from all applicable buffers if the adjoining property is zoned residential.
4. Natural vegetation shall remain on the property until issuance of a development permit.
5. Decorative, commercial-quality bicycle racks, benches, and trash receptacles with liner shall be required for all non-residential developments and shall be of similar style as those outlined in the Lilburn Town Center Master Plan. Maintenance of all such site amenities shall be the responsibility of the property owner.
6. Any accessories provided on the site such as fences, walls, railings, benches, trash receptacles and/or bicycle racks shall complement conforming building design and style.

**501-10 Architectural standards.** These architectural design guidelines shall apply to all new construction and expansions of any existing commercial/retail structure:

1. The massing of building façades oriented to public streets shall incorporate modulation with horizontal breaks at least every 50 feet. Massing and modulation changes could include changes in height, horizontal plane, building projections/recessions, roof form and/or other architectural elements. The Director shall have the authority to increase the modulation of a structure up to 100 feet if the Director finds that such an increase conforms to the vision of the Corridor Overlay District.
2. Building materials for façades seen from public streets shall be constructed of a mix of materials which may include brick, stone, and glass with textured concrete masonry block, stucco, cement-fiber siding as accents. Facades of dwellings may be constructed with wood siding or similar material approved by the Director.
3. Roof parapets shall be articulated to provide visual diversity. Parapets shall include articulations or architectural features at least every 100 linear feet. The minimum height of articulations or features shall be one foot, and may be provided in height offset or facade projections such as porticoes or towers.
4. Building design shall include minimum one foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten feet.
5. Building design shall include a minimum two-foot high contrasting base, extending along the entire front of buildings and the sides of buildings at least ten feet.
6. All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on the front and sides by an opaque wall or fence of brick, stone, or wood.
7. Roofing materials shall be City approved palette color.
8. All new developments with building valuations of more than \$750,000.00 shall provide a single "public art" piece to be located in public view on the property. The art piece shall meet the following criteria:
  - a. Composition of the piece shall be of permanent materials and require no or low maintenance. No product advertisement is allowed on the piece.
  - b. No expressions of profanity or expressions that would be offensive to the general public or violate State laws on obscenity.

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- c. Renderings of all public art pieces shall be submitted to the City and approved by City Council prior to the commissioning of the piece or installation on the subject property.
  - d. The value of the art piece shall be a minimum of 0.75 percent of the total building valuation according to the City's Building Permit Fee Schedule. City Council may consider a cash donation (for an art piece to be purchased by the City) or sculpture donated to the City in lieu of art placed on a private site.

*501-11 Signage Standards.* With the exception of ground sign standards, signage in the US29 Overlay shall meet the standards of ~~the~~ Chapter 113, Lilburn Sign Ordinance. Ground signage shall be a monument type sign with a base made of materials and color to match or complement the primary building and subject to review by the Planning Director.

(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. 2021-575, Exh. A, 2-14-2022)

## **Section 502. Old Town Center (OTC) Overlay District.**

*502-1 Purpose and intent.* The Old Town Center Overlay District provides a template for establishing a mixed-use, main street character. The historic features of the Old Town Center Overlay District provide Main Street and Old Town with unique opportunities for mixed-use development projects that will give character to the streetscape, relate to the surrounding area through character and design, are close to local services and facilities, are oriented to encourage community interaction, foster the use of pedestrian and bicycle transportation, and include commercial land uses that are intended to serve the needs of local residents.

The Old Town Center Overlay District is not a zoning district. It is an area that has been identified to provide new residential and commercial opportunities through redevelopment and infill development. Within the Town Center Overlay District, the uses permitted by the underlying zoning district are allowed unless expressly prohibited.

The Old Town Center Overlay District shall provide an opportunity for development of residential, commercial, and mixed use projects. These regulations are intended to provide flexibility in design; encourage a mixture of uses; promote opportunities to live and work in the same space; and to encourage multiple uses in one building or development.

*502-2 Boundaries and map.* The Old Town Center Overlay District standards shall apply to all property within the district boundary as shown on the Official Zoning Map of Lilburn which is hereby adopted and made a part of this ordinance, and which may be amended from time to time in accordance with the procedures established in this zoning ordinance.

This article shall not apply to applications for building permits for accessory structures 400 square feet or less in area. This article shall not apply to a remodel of an existing dwelling or a permit proposal which would increase the existing ground floor area of a dwelling by less than 25%.

*502-3 Permitted and conditional uses.* Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

Encouraged are buildings in this district that are a mix of uses including commercial, office, and residential uses. Mixed-use buildings may include retail service or office uses on the bottom floor, with upper floors used for office or residential uses.

*502-4 Architecture and building materials.*

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1. The modification of existing buildings shall conform to the existing historic and landmark architecture of Lilburn. New development should preserve and maintain the scale and character of the area with architectural forms compatible with the buildings in the surrounding area.
  2. The style and building materials used in new or renovated buildings should echo the character of commercial and residential structures developed in the area near the turn of the 20<sup>th</sup> century: 1880s through 1920s.
  3. All exterior wall materials of dwellings within infill residential development projects shall consist of brick, stone, masonry, wood clapboards, fiber cement siding, or weather boarding, and appropriate architectural accents as approved by the director as a part of site design and architectural review. Standing-seam or corrugated metal walls or vinyl siding shall not be permitted on any façade or building wall. Architectural treatments shall occur on all four sides of the building. Roof materials shall be asphalt composition, wood shake, tile, or standing seam metal, in a city approved palette color.

**502-5 Additional design criteria for approval.** The following design criteria will be considered by the department in the review of applications for development projects within the ~~Old Town-Center~~ Overlay District:

1. *Connectivity.* Infill should achieve connectivity between on-site and off-site transportation systems, streetscapes, and open space networks. Sidewalks need to be provided which connect to the existing or planned adjacent sidewalk system, and streets need to connect to the adjacent existing or planned street pattern.
2. *Circulation.* If the infill development is large enough, new street systems should be laid out as an interconnected network and designed to meet the needs of bicyclists, strollers, wheelchairs, pedestrians, and motor vehicles.
3. *Alley garages.* Garages accessed by alleys can enhance the design and function of infill projects and therefore should be considered and implemented as appropriate.

**502-6 Site design and building orientation.** To assure that development and redevelopment within the ~~Old Town-Center~~ District is consistent with the goals of this article, in addition to development regulations provided by City Code, the following is required prior to the issuance of development and building permits by the city.

1. Building plan submission including the following information:
  - a. Building elevations.
  - b. Proposed building material samples and "color chips".
  - c. Proposed landscaping.
2. New development shall provide traffic mitigation necessary to ensure that the viability, safety and integrity of the transportation network.
3. All new commercial developments with building valuations of more than \$750,000.00 shall provide a single "public art" piece to be located in public view on the property. The art piece shall meet the following criteria:
  - a. Composition of the piece shall be of permanent materials and require no or low maintenance.
  - b. No product advertisement is allowed on the piece.
  - c. No expressions of profanity or expressions that would be offensive to the general public or violate state laws on obscenity.

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- d. Renderings of all public art pieces shall be submitted to the city and approved by city council prior to the commissioning of the piece or installation on the subject property.
  - e. The value of the art piece shall be a minimum of 0.75 percent of the total building valuation according to the city's building permit fee schedule. City council may consider a cash donation (for an art piece to be purchased by the city) or sculpture donated to the city in lieu of art placed on a private site.

*502-7 Signage standards.* Signage shall meet the standards of Chapter 113, Lilburn Sign Ordinance and the following additional standards shall apply to new, altered or renovated building signs within the [Old Town Center Overlay](#). In this district, "building sign" shall include the following permanent sign types defined in Chapter 113: wall signs, window signs, projecting signs and awning signs and where there is a conflict between this section and Chapter 113, this Section shall control, unless alternative signage is approved by City Council as a condition of zoning or by variance pursuant to Section 113.21.

1. *Maximum sign area.* The total maximum allowed area for all building signs is 1.5 square feet per linear foot of a tenant's horizontal building façade.
  - a. Calculations shall be based on the façade with the primary entrance or if more than one, the public entrance which faces the public road of greatest capacity. If the façade of primary entrance is at least 50 percent less than another façade facing a public road, an average of the two measurements may be used to determine the aggregate allowed area, subject to sign location review by Planning Director.
  - b. The total maximum allowed square footage for building signs, as calculated by the method described above, may be allocated across wall sign area, window sign area, projecting sign area, and/or awning sign area in accordance with this Section. By way of example, an eligible owner may elect to assign all allowed square footage to a wall sign or use a portion of the allowed square footage for a wall sign with a portion of the remaining square footage for a window sign. The area for each sign is deducted from the maximum allowed sign square footage.
2. *Requirements by sign type.* In assigning allowed square footage to building signs, sign-specific requirements apply as follows:
  - a. One wall sign is allowed per tenant space per public street front facade.
  - b. Window signs in this District shall require a permit if they exceed 30 percent of the total glazed window area including doors on the building façade.
  - c. One projecting sign is allowed per tenant space, restricted to placement at a public entrance, and projecting no more than four feet, and providing at least eight clear feet of height from bottom elevation at the entrance, and limited to a maximum size of eight square feet. A projecting sign may not be placed within eight feet of another projecting sign. The allowance does not preclude use of one exempt sign under an awning which is not visible from a street.
  - d. Awning signs are allowed on the front valance only and may not exceed eight inches in height, with one-inch negative space on the top and bottom of the valance.
3. *Lighting.* Lighting of building signs shall be in accordance with the following requirements:
  - a. Signs shall be indirectly illuminated signs (front-lighting). Illuminated signs proposed to be constructed or maintained within 75 feet of the property line of any single-family residential lot may be approved by administrative variance in accordance with Section 113-21 and where minimum design provides directional light to a pedestrian path, includes a programmable or auto-shutoff light fixture, or provides screening from adjacent residences.



- b. Allowed lighting may use white LED bulbs. The bulbs shall be warm (yellow-white), not cool (white-blue) and they shall be hooded or directional so as not to shine light above the horizontal plane of the sign or outward toward a public thoroughfare.
    - c. Internally lit signs and signs illuminated from behind the sign face or panel (back-lighting) are prohibited.
  4. Exempt signs. Signs listed in Chapter 113-12 and the following signs are exempt from permitting within the Overlay, subject to all size and height limits in Sec. 113-15A Sign Table and placement that does not interfere with pedestrian traffic:
    - a. Sidewalk or sandwich signs placed at a public entrance and removed at close of business.
- (Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542, 10-14-2019; Ord. No. 2021-575, Exh. A, 2-14-2022)

## **ARTICLE 6. USE AND SUPPLEMENTAL CONDITIONS TABLES**

### **Section 601. How to use this table.**

Each table looks similar to the example below:

PUBLIC INFRASTRUCTURE	SPECIFIC USES	R-1	R-2	MU	<del>OTTC</del>	CB	O-I	I-A	US 29	Section Reference	Comment/Condition
Transit	Bus, train, or taxi lots and facilities			S		P		S			Within the MU district in the Transit-Oriented Development Character Area.
	Parking Lot, Deck			P	P	P	P	P	S		
	Passenger Facilities	P	P	P	P	P	P	P	P		Includes transit stops, GTC stations.
Utilities	Cellular/Wireless Communication Tower			<del>C</del> <u>S</u>	<del>C</del> <u>S</u>	<del>C</del> <u>S</u>	<del>C</del> <u>S</u>	<del>C</del> <u>S</u>	<del>C</del> <u>S</u>	<a href="#">Ch. 117</a>	<a href="#">New Towers.</a> Refer to Telecommunications Towers and Antennas Code <a href="#">for alterations.</a>
	Electric Substation or Gas Regulator Station	C	C	C	C	C	C	C	C	Article 6: Sec. 603	As deemed required for location to serve land uses in vicinity.
	Public Utility Facilities	C	C	C	C	C	C	C	C		

- First column lists general groupings (e.g. 'Public Infrastructure Types for the category listed in the column header (Public Infrastructure).
- Second column lists specific uses.

- Middle columns represent each City of Lilburn zoning and/or overlay district, with a use code.
- The letters corresponding to use codes are as follows:

Blank	Use is <b>Not Permitted</b> in that district
P	Use is <b>Permitted</b> in that district, subject to comments, Supplemental Conditions (Sec. 603), Specific Use Provisions (Article 7) and business licensing restrictions.
C	Use is <b>Permitted</b> <u>subject to Administrative as-a-Conditional Use-approval</u> , requiring the Planning Director <u>or designee</u> to review and <u>apply</u> <del>subject to</del> conditions as specified in: Use Table; Supplemental Conditions Table (Sec. 603); and/or Specific Use Provisions (Article 7) in addition to <del>any-relevant</del> conditions imposed during the review and approval process.
S	Use requires a <b>Special Use Permit</b> , requiring public hearing and subject to conditions and approval by City Council.
P <sub>1</sub>	Use is Permitted, but only as an <b>Accessory Use</b> to a principal use. This letter code does not pertain to those uses specifically identified under the column header 'Accessory Uses'

- Section Reference column indicates ordinance section number(s) with additional standards related to the specific use either in the Supplemental Conditions Table (Article 6 - Section 603): or Article 7.
- Comment/Condition column indicates applicable additional information, conditions or restrictions pertaining to a use for implementation in a particular zoning or overlay district.

(Ord. No. 2016-503, Exh. A, 6-13-2016)



**Section 602. Use table.**

SPECIFIC USES		R1	R2	MU*	TC 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 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 <a href="#">Sec. 702</a>	Includes accessory apartments and condo or MF units above or behind ground floor commercial in MU and CB under the U.S. 29 Overlay. <del>See also [Sec.] 702.</del>
	Conservation Subdivision	S	S							Art. 7	Conditions apply.
	Duplex		S	P	P					Sec. 734 U.S. 29 Overlay Provisions Art. 7	
	Live/Work Residence			<del>C</del> P	P				<del>C</del> P	Sec. 603	Permitted in mixed-use, <del>T</del> <del>C</del> <del>O</del> T Overlay, and U.S. 29 Overlay. <a href="#">Where resident's business is located.</a>
	Manufactured/Modular Home	C								Art. 7	Mobile home on axles and wheels excluded. Includes pre-fab/modular.
	Multi-family Attached Condominium		S	P	<del>C</del> <a href="#">S</a>	S			S	Sec. 736 U.S. 29	Permitted as part of a mixed-use development in CB

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 34 of 172

										Overlay Provisions	under the U.S. 29 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 <del>TCOT</del> , density restricted to 18 du/ac
<b>ACCESSORY USES</b>											
<b>Dwelling Uses</b>	Accessory Use <a href="#">-attached</a>	P	P	P	€ S	€S			€S	Art. 7, <a href="#">Sec.701</a> and <a href="#">Sec. 702</a>	<del>In CB and MU, also includes apartment above or behind commercial or office use in the same building.</del>
	Amateur Radio Transmitter	P	P	P	P	P	P	P	P		
	Caretaker or Watchman Quarters					P	P				As an accessory use.

	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 <a href="#">and recorded on final plat</a> .
	Dormitory			P			P				Permitted as ancillary supporting use to a hospital use, medical facility, or associated educational facility.
<b>Residential</b>	Home-based Occupation	<del>C</del> P	<del>C</del> P	<del>C</del> P	C	C	C		C	Art. 716	Subject to HO criteria and licensing <a href="#">In OI and CB, permitted</a> in existing residential dwellings only. <del>in OI and CB in Overlay Districts.</del>
	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, 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			<del>S</del> C		€				Requires a temporary use permit <a href="#">in non- residential districts</a> 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	<del>S</del> C			<del>S</del> C	Art. 7	<del>SUP for residential in CB and US29,</del> 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 <del>minimum</del> lot size, R-1 minimum setback, and

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 37 of 172

											floodplain requirements on private lot.
	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	CS								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)	<del>€</del> <u>S</u>			<del>€</del> <u>S</u>	P	<del>€</del> <u>S</u>	P	<del>€</del> <u>S</u>		<b>Administrative review and approval required under U.S. 29 Overlay.</b>
	Athletic Fields (non-lighted)	<del>€</del> <u>S</u>		P	<del>€</del> <u>S</u>		P	P	P		
	Community Center/Gymnasiums	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	P	<del>€</del> <u>S</u>	P	P	P	P		
	Public Swimming Facilities	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	P	P	P	P		
	Public Tennis Facilities	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	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			<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	<del>€</del> <u>S</u>	P	P	<del>€</del> <u>S</u>	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.
	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			<del>SC</del>	<del>SC</del>	<del>SC</del>	P	P	<del>SC</del>	Art. 7	Includes assisted living facility, intermediate care home, nursing home, skilled nursing care facility.
<b>Assembly</b>	Assembly Hall			P	P	P	<del>C</del> <u>P</u>		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 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		
	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
	Office Park			€S		€S	€S	P	€S	Art. 6, § 603	<del>Administrative Review, Site Design Standards, and Concept Plan Public Review apply.</del>
	Office Condominiums			P	P	P	P	P	P		
	Other Similar Professional Office Uses Not Specified			C	C	C	P	P	C		Subject to administrative <u>conditional</u> 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	<u>P</u>	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 <del>in MU</del>
	Dry Cleaner (with drive-thru)			€		C		P	C	Art. 7	Limited to 2,500 sq. ft. <del>in MU.</del> <u>No less than 3 vehicle stacking for drive-through.</u>
	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		
	Weight Loss/Nutrition Centers			P	P	P		P	P		
	Other Similar Personal Services Not Specified			<del>P</del> C	<del>P</del> C	<del>P</del> C		C	<del>P</del> 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 <del>car</del> car wash as an accessory use permitted in MU
	Convenience Store w/Gas Pumps			S		<del>C</del> S		P	<del>S</del> C	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. <u>No less than 3 vehicle stacking for drive-through.</u>



	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 <del>TC</del> OT.
	Ice Cream Shops			P	P	P		P	P		
	Newsstands			P	P	P	P	P	P		
	Specialty Food Stores			P	C	P		P	P		Includes ancillary catering services. Square footage limitations in TC
<b>Dining</b>	Bars, Taverns, Microbrewery			<del>€</del> S	<del>€</del> S	<del>€</del> S		P	<del>€</del> 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		C		P	C		<a href="#">No less than 3 vehicle stacking for drive through</a>
	<del>Sidewalk Cafe</del>			<del>€</del>	<del>P</del>	<del>P</del>		<del>P</del>	<del>€</del>		
<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
	Artists' Studios and Galleries			P	P	P		P	P		Includes pottery.
	Art/Hobby/Craft/School Supply Shop			P	PC	P		P	P		<a href="#">Big Box prohibited in MU and OT</a>
	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 <del>TC</del> 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. in <del>TC</del> OT
	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 <del>TC</del> OT. Equipment sales limited to

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 46 of 172

											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.
	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 <del>TC</del> 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 <del>TCOT</del> .
<b>Other</b>	ATM Bank Machines			P	P	P		P	P		
	Bed and Breakfast Inn				S	S			S	Art. 7	Allowed in <del>TCOT</del> under R-1 zoning.
	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		<del>CS</del>			<del>CS</del> <sub>1</sub>	<del>CS</del>			Art. 6, § 603	New cemetery allowed as accessory to funeral home <u>in CB</u> .
	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 <a href="#">conditional</a> approval. Retail and service are incidental uses in O-I districts.
<b>Shops and Stores</b>	Big Box Retail Stores					P			P		Includes wholesale/retail
	Boat Sales and Service					<del>S</del> C		P	<del>C</del> S		Subject to auto sales and service requirements
	<a href="#">Contractor's Office</a> (Building, Electrical, Plumbing Contractor)			P	P	P	P	P	P		Office functions only in MU, OT, CB and <a href="#">US29</a> .
	Computer Sales and Service			P	P	P		P	P		
	Contractor's Offices with Outdoor Storage					S		P	S	Art. 6, § 603 Art. 7	
	Copy <del>ing</del> Centers and Print Shops			C	C	P		P	P		Size limitations of 2,500 sq. ft. building space in MU and <del>TC</del> OT.
	Department Stores, Discount Stores			C		P		P	P		Size limitations of 2,500 sq. ft. building space in MU <a href="#">and OT</a> .
	Furniture Stores and Showrooms				C	P		<del>C</del> P	P		<a href="#">Size limitations of 2,500 sq. ft. building space in OT.</a>

	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 <u>or OT</u> .
	Home Improvement <del>Center and</del> <u>with</u> Garden Centers				P	P		P	<del>CS</del>	Art. 6, § 603	With outdoor storage. In IA, may include open mulch/ground cover 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
	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 <sub>7</sub> <del>or be screened.</del>
	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.

Created: 2023-04-07 10:34:22 [EST]

	Gas and Service Stations					SC		P	SC	Art. 7	Stand-alone only.
	Motorcycle Sales and Service					CS		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.
<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		SE	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.
<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					SE		SE	E	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 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			SC-P		P	P	P	P		Subject to Administrative Approval on Subject

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 54 of 172

												<a href="#">to Master Concept Plan approval</a> in <del>the MU-district.</del>
	Research Facilities						P	P				
	Science Laboratories						P	P				
	Similar Research Facilities not Specified						<del>SE</del>	<del>SE</del>				<del>Subject to Administrative Approval on an individual basis.</del>
<b>Production and Processing</b>	Commercial Bakery/Catering and Food Preparation							P				Includes preparation, cooking and/or baking, and packaging. Short term storage permitted.
	Custom Manufacturing							P				Includes assembly.
	Technology Industry							P				
	Machine, Welding, Radiator/Muffler Repair							<del>SE</del>			Art. 6, § 603	Outside storage not permitted in business parks. <del>Permitted with screening in industrial parks and stand-alone facilities.</del>
	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.

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 55 of 172

	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. <a href="#">Vehicle storage prohibited.</a>
	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>											
<b>Production and Processing</b>	Agricultural Processing							C		Art. 6, § 603	May include activities which create emissions within federal standards.
	Alternative Energy Production							<del>SC</del>		Art. 6, § 603	Solid waste incinerator and/or microwave facility prohibited
	Dry Cleaning Plant							<del>SC</del>		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			
	Salvage Yard							€			Salvaging and storage of vehicles shall occur entirely within an enclosed building.
	Towing and Wrecker Service							P		Article 6: Sec. 603	Business Truck and operable vehicle parking only. Screening requirements apply.
	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

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 57 of 172

											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 <del>the</del> MU <u>and CB, lot or facilities shall be underground or on ground floor of the primary use and screened from views at street level.</u> <del>district in the Transit-Oriented Development Character Area.</del>
	Parking Lot, Deck			P	P	P	P	P	S		<u>20-acre min lot for vehicle storage</u>
	Passenger Facilities	P	P	P	P	P	P	P	P		Includes transit stops, <del>GTC stations,</del> <u>no lots or GTC or transfer stations in R1, R2, MU or OT Overlay.</u>
<b>Utilities</b>	Cellular/Wireless Communication Tower			€S	SE	SE	SE	SE	SE		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.
	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

Created: 2023-04-07 10:34:22 [EST]

(Supp. No. 19)

ORDINANCE NO. 2023-603

Page 59 of 172

											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	<del>In association with</del> properties zoned and <del>occupied used</del> for residential <del>use</del> .
<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, <del>collective garage or yard sales,</del> live entertainment, circuses, fairs, festivals.

(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)



**Section 603. Supplemental conditions table.**

SPECIFIC USE		ZONE	CONDITION
<b>ACCESSORY USES</b>			
Agricultural	Private Horse Riding Stables for Resident	R-1	<p>1. Use of private stables shall be limited to property with a minimum of three acres which is not part of a platted subdivision.</p> <p>2. No structure or corral shall be located closer than 100 feet to any property line.</p> <p><del>3. Special use permit required.</del></p>
Residential Dwelling Types	Multi-family Age Restricted	R2, MU, <del>TCOT</del> , CB, U.S. 29	<p>1. This use is intended to be located in areas of more intensive development near retail and services, with access to public transportation, <del>primarily in MU, and CB within the U.S. 29 Overlay.</del></p> <p>2. Minimum lot area and setbacks apply (two acre lot area with 200 foot frontage width; 40 ft. side and rear yards).</p> <p>3. Minimum unit size of 550 sq. ft. for one bedroom and 750 sq. ft. for two bedroom.</p> <p>4. Maximum 25 du/ac density.</p> <p>5. Six story <del>or 80'</del> height limit.</p> <p>6. Minimum 150 foot building distance from adjacent R zones.</p> <p>7. Buildings shall have sprinkler systems in all common areas; standpipe systems on every floor.</p> <p>8 Entire building will have approved monitoring smoke detection systems installed in accordance with NFPA Codes.</p> <p>9. Access will be provided in all areas around building to insure proper placement of fire equipment.</p>
	Residential as Component of	MU, <del>TCOT</del> ,	<p>1. A minimum of <del>25</del>30 percent of total square footage of</p>

Created: 2023-04-07 10:34:22 [EST]

	Mixed-Use Building	CB/U.S. 29	<p>buildings in a MU project shall include residential uses as a component of a mixed-use building (commercial and/or office) <del>with more than one tenant.</del></p> <p>2. Residential use component may not exceed 70 percent of square footage of the building.</p> <p>3. Structure must be two stories or greater.</p> <p>4. Residential shall be located on upper floors above ground floor business or to the rear of the building.</p> <p>5. Where adjacent to a required buffer, the minimum required side yard or rear yard setback(s) may increase an additional five feet for every ten feet of increase in building height above 35 feet.</p> <p>6. All visible frontages shall be detailed with architectural elements.</p> <p>7. Required garage and off-street parking must be located to the rear of a minimum of 50 percent of mixed-use buildings.</p> <p>8. Business portion shall have direct entry from street frontage sidewalk. Entrances to residential, office or other upper story uses shall be clearly apparent in form and location of ground floor uses.</p>
Business	Live/Work Residence	<del>TCOT</del> Overlay, <u>MU</u>	<p>1. Permitted use provided additional parking is provided at one space per 1,000 square feet of office use.</p> <p>2. Residential appearance to be maintained.</p> <p>3. Permanent occupancy not required.</p> <p>4. On residential properties a</p>

			sign not larger than six square feet or four feet in height is allowed.
Dwelling Uses	Subdivision Tennis Courts and/or Pool	R-1, R-2, MU*, CB/U.S. 29	<p>1. Permitted as accessory to residential portion of a mixed-use <del>commercial</del> development in CB under the U.S. 29 Overlay, and in MU.</p> <p>2. Permitted in R-1 and R-2 when included as dedicated or reserved area on final recorded subdivision plat.</p>
<b>PUBLIC/INSTITUTIONAL</b>			
Care Facilities	After School Program	R-1, R-2, MU*, <del>TCOT</del> , CB, O-I	<p>After-school programs are permitted as an associated use to all schools, religious institutions and day care facilities in the MU, O-I or CB districts with administrative review in R-1, R-2, MU and <del>TCOT</del> when located within a residence in association with a family day care home with the following conditions.</p> <p>1. The after-school program is limited to no more than four consecutive hours per day, and within the hours of 2:00 p.m. and 6:30 pm.</p> <p>2. A permanent fence enclosing any designated play areas shall be constructed before commencing the after school program use.</p>
	Day Care Center	MU*, <del>TCOT</del> , O-I, CB, IA	See Article 7, Section 708
	Family Daycare Home	R-1, R-2, MU*, <del>TCOT</del>	See Article 7, Section 710
	Group Home	R-1, R-2, MU*, O-I	See Article 7, Section 715
<b>COMMERCIAL USES</b>			

Auto and Equipment Uses	Auto, Motorcycle and Truck Service Center	CB/U.S. 29, IA	<ol style="list-style-type: none"> <li>1. Special use permit required in CB or U.S. 29 Overlay.</li> <li>2. In CB and U.S. 29 Overlay, buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site.</li> <li>3. No body or paint repair.</li> <li>4. Service permitted only in enclosed bays.</li> <li>5. All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses.</li> <li>6. All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages.</li> </ol>
	Auto, <a href="#">Motorcycle</a> and Truck Sales or Dealership	CB, IA	<ol style="list-style-type: none"> <li>1. SUP required in CB.</li> <li>2. Sales lots shall have dedicated vehicle inventory parking.</li> <li>3. All existing vehicle display areas with frontage on U.S. 29, and any new facilities with frontage on major arterial roadways, shall be screened to a minimum height of two and one-half feet.</li> <li>4. Minimum one acre useable site in IA, min. 5 acre site in CB.</li> <li>5. Minimum 200 foot roadway frontage.</li> <li>6. Two elevated display racks are permitted per motor vehicle</li> </ol>

			sales lot, not to exceed five feet in height.
Restricted Uses	Auto and Truck Body and Heavy Repair	CB/U.S. 29, IA	<ol style="list-style-type: none"> <li>1. Special use permit required in CB or U.S. 29.</li> <li>2. In CB, auto repair buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site.</li> <li>3. Service permitted only in enclosed bays.</li> <li>4. All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses.</li> <li>5. All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages.</li> <li>6. Damaged vehicles and/or vehicles undergoing repair shall be enclosed within an eight-foot high, opaque fence.</li> <li>7. Outdoor storage of dismantled and inoperable autos and parts is prohibited.</li> <li>8. Driveway access on through lots should not be allowed on streets primarily servicing property zoned or used for residential uses.</li> <li>9. Exterior building elevations facing public streets shall be a minimum of 50 percent of the storefront in clear glass.</li> <li>10. A five-foot minimum</li> </ol>

			planter should be provided around the footprint of all building elevations except at pedestrian and vehicular entrances to said building and at any building elevation abutting a landscaped perimeter yard. 11. A safe pedestrian path should be provided from the required on-site parking to the primary customer entrance.
Supply and Wholesale	Building Supply Center with Outdoor Lumberyard	CB, IA	1. SUP required in CB. 2. No fabrication or outside storage permitted in CB under the U.S. 29 Overlay. 3. Storage or equipment areas must be screened with a six feet high, opaque fence.
	Contractor's Offices with Outdoor Storage	CB, IA	1. SUP <u>required</u> in CB. 2. Storage or equipment areas must be screened with a six-foot high, opaque fence.
Food and Convenience Stores	Convenience Food Store with Pumps	MU <sup>*</sup> , CB	1. SUP required <del>in MU</del> for fuel pumps. 2. A ten-foot landscaped strip shall be provides along ROW. 3. Fuel pumps and canopies covering fuel pumps are permitted in the front yard setback provided they are located a minimum of 15 feet from the ROW, and the canopies are located at least ten feet from the ROW. 4. No outdoor storage is permitted. 5. Display of beverages in permanent containers on pump islands as specified in Article 7, Section 724.
Personal Services	Dry Cleaning Facility	MU <sup>*</sup> , CB, IA	1. Limited to 2,500 square feet and no drive-thru facilities in MU. 2. Incidental to primary

			industrial or business park uses in IA.
	Dry Cleaning with Drive-Thru	CB, IA, U.S. 29	See Article 7, Section 710 for additional conditions.
Shops and Non-Food Stores	Home Improvement <del>and</del> <u>with</u> Garden Center	CB/U.S. 29, IA	<ol style="list-style-type: none"> <li>1. A six-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage.</li> <li>2. All principal and accessory structures must conform to the building code with no agricultural exceptions.</li> <li>3. Outdoor plant displays access walks shall comply with site accessibility requirements of the building code.</li> <li>4. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area <del>may</del><u>shall</u> be gravel/crush and run <u>in IA</u>.</li> <li>5. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.</li> </ol>
Other	New Cemetery	R-2	<p>New cemeteries, provided any new cemetery allowed under this paragraph:</p> <ol style="list-style-type: none"> <li>1. Has 100 or more feet of frontage along a street classified as a minor arterial or higher grade thoroughfare,</li> <li>2. Is adjacent to an existing cemetery or immediately across a public right-of-way from an existing cemetery,</li> <li>3. Is located entirely outside the Lawrenceville Highway Corridor Overlay,</li> <li>4. Has its boundaries shown on a plan that is filed with the city,</li> <li>5. Complies with other all other development regulations of the</li> </ol>

			city, and 6. Burial of human remains shall be entirely within concrete vaults.
	Funeral Home/Crematory	CB/U.S. 29	Subject to state law.
	Hotel, Motel	MU*, CB/U.S. 29	<ol style="list-style-type: none"> <li>1. Guest rooms shall be accessed internally to the building with no direct room access to the outside.</li> <li>2. Lobby shall be a minimum of 700 square feet.</li> <li>3. Minimum site shall be two acres.</li> <li>4. On-site management required on 24 hour basis <a href="#">in an office within the primary structure.</a></li> <li>5. Each room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.</li> <li>6. For buildings containing three stories or less or no more than 130 rooms, minimum roof pitch is 4:12.</li> <li>7. Outside storage of commercial equipment is prohibited.</li> <li>8. No business license shall be issued for any business operating out of a guest room of the facility.</li> <li>9. When adjacent to residentially zoned property, a 100 foot landscaped buffer is required. On existing vacant/undeveloped sites, and where feasible, 75 feet of such buffer in natural state is required.</li> <li>10. Any outdoor recreation areas/pools must be located to the rear of the site or internal</li> </ol>



			courtyards. 11. Extended stay is prohibited.
<b>PROFESSIONAL SERVICES</b>			
Medical/Clinical	Veterinary Hospital with Outdoor Kennel	CB/U.S. 29, IA	1. Special use permit required. 2. Outdoor boarding and/or runs permitted, located at least 300 feet from any existing residential use or business when measured from property line of subject property to residence or business establishment of closest properties.
Other	Office Park	MU*, CB/U.S. 29, IA	<del>1. Subject to additional conditions of Administrative Review, Article 5 site design standards and landscape criteria, and conditions associated with Concept Plan public review and approval process.</del> <u>12.</u> Distributive functions such as loading, unloading, storage, packaging and unpackaging shall be limited to ten percent of the total building area and five percent of the total lot area.
<b>LIGHT INDUSTRIAL</b>			
Production and Processing	Machine, Welding, Radiator, Muffler Repair Shops	IA	Permitted with screening in business/light industrial parks and stand-alone facilities. 1. Outside storage not permitted in business/light industrial parks. 2. In stand-alone establishments, conditions of Light Outdoor Storage establishments shall apply.
Light Storage/Distribution/Warehousing	Light Outdoor Storage	IA	Includes <u>outdoor storage yards for</u> building material and <u>equipment other-used in the conduct of the business</u> <del>outdoor storage yards, other than junk yards,</del> subject to the following conditions: 1. They shall not be located

			<p>within the required front yard.</p> <p>2. They shall be screened by a solid fence a minimum of eight feet in height.</p> <p>3. Conditions also apply to outdoor storage established in connection with a permitted building or other use in IA.</p>
Other	Light Industrial/Business Park	IA	<p>Includes all light industrial uses not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation, do not create fire or explosion hazards, and do not require outdoor storage, and ancillary retail and service establishments clearly incidental to primary uses.</p>
<b>HEAVY INDUSTRIAL</b>			
Heavy Manufacturing and Distribution	Heavy Equipment/Farm Sales, Repair and Service	IA	<p>Subject to following conditions and location compatibility review:</p> <p>1. The facility is not located closer than 300 feet to a residential, commercial, institutional, mixed-use, <a href="#">Old Town Center district</a> or U.S. 29 Overlay boundary.</p> <p>2. The sales or repair yard shall be completely enclosed with a solid opaque fence not projecting into the required front yard, not less than eight feet in height, to effectively screen storage and operations from public view.</p> <p>3. All repair bays visible from an adjacent ROW shall be oriented parallel to the roadway.</p> <p>4. Must meet standards of Article 7, Section 727 Open Display, and all applicable state/federal environmental regulations.</p>

Distribution and Storage	Bulk Storage Tanks	IA	<p>Subject to following conditions and location compatibility review:</p> <ol style="list-style-type: none"> <li>1. No above ground storage tanks may be located closer than 500 feet to the R-1, R-2, <del>TCOT</del>, MU, CB and O-I districts or <u>Old Town or</u> U.S. 29 Overlay boundary.</li> <li>2. All storage is subject to approval of the fire department.</li> <li>3. Stored materials are not dangerous to public health, safety or welfare.</li> </ol>
	Wrecked Motor Vehicle Compound	IA	<p>Subject to following conditions and location compatibility review:</p> <ol style="list-style-type: none"> <li>1. The yard is not located closer than 300 feet to a mixed-use, <u>Old Town</u> <del>Center</del> Overlay district or U.S. 29 Overlay boundary.</li> <li>2. The yard is completely enclosed with a solid opaque fence not projecting into the required front yard, not less than eight feet in height to effectively screen all storage and operations from public view.</li> <li>3. Meet all applicable state and federal environmental regulations.</li> </ol>
	Reclaimed Materials Processing Facility	IA	<p>A special use permit is required to operate a recovered materials processing facility on private property, subject to the following requirements:</p> <ol style="list-style-type: none"> <li>1. Activities shall be limited to collection, sorting, packaging, resale, and shipping.</li> <li>2. Collection area shall be screened by a solid opaque fence or similar screening to a height of six feet.</li> <li>3. All materials delivered</li> </ol>

			<p>outside of structure must be removed from any outdoor unloading area and brought into a fully enclosed interior space within a time limit as established per the special use permit.</p> <p>4. All materials collected shall not be visible once deposited in a bin or bunker. All sorting and collection bins shall be enclosed and stored inside a fully-enclosed building.</p> <p>5. A minimum distance of 1,000 linear feet is required for properties located adjacent to or across the street from any property used for or zoned for residential use.</p> <p>6. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.</p>
Production and Processing	Agricultural Processing	IA	<p>Subject to following conditions and location compatibility review:</p> <ol style="list-style-type: none"> <li>1. Are not public nuisances.</li> <li>2. Are not dangerous to public health, safety or welfare.</li> <li>3. Meet all applicable state and federal environmental regulations.</li> </ol>
	Alternative Energy Production	IA	<p>Subject to following conditions and location compatibility review:</p> <ol style="list-style-type: none"> <li>1. Are not public nuisances.</li> <li>2. Are not dangerous to public health, safety or welfare.</li> <li>3. Meet all applicable state and federal environmental regulations.</li> </ol>
	Dry Cleaning Plant	IA	<ol style="list-style-type: none"> <li>1. Dry cleaning plants using systems which make use of solvents rated at above 40 according to the Underwriters'</li> </ol>

			<p>Laboratories, Inc. Standard of Classification known as class I systems shall be prohibited.</p> <p>2. Dry cleaning plants which make use of solvents rated at more than five, but less than 40, according to the Underwriters' Laboratories, Inc. Standard of Classification, known as class II and III systems, shall not be established in buildings with other occupancy and shall only be established in buildings which shall be setback not less than 20 feet from any side or rear property line and another building.</p> <p>3. The applicant for such a plant shall certify in writing at the time of application that all the above conditions shall be met.</p>
	Manufacturing, Processing	IA	<p>Subject to following conditions and location compatibility review:</p> <ol style="list-style-type: none"> <li>1. Are not public nuisances.</li> <li>2. Are not dangerous to public health, safety or welfare.</li> <li>3. Meet all applicable state and federal environmental regulations.</li> </ol>
Other	Prohibited Industrial Uses	IA	<p>The following uses shall be prohibited in <del>all districts</del> <del>the IA district</del> and may not be approved for the district, even as a special use:</p> <ol style="list-style-type: none"> <li>1. Coal Burning Facilities;</li> <li>2. Paper and pulp manufacturers;</li> <li>3. Explosives, including fireworks manufacture or storage in bulk quantities;</li> <li>4. Garbage, offal, dead animal reduction or dumping;</li> <li>5. Mining and related activity;</li> <li>6. Quarrying and related</li> </ol>

			activity; 7. Stock yards, commercial; 8. Conversion of energy by nuclear fusion or fission; 9. Blasting. 10. Salvage yard.
<b>PUBLIC INFRASTRUCTURE</b>			
Utilities	Electric Substation or Gas Regulator Station	All zones	1. The structures are placed at least 50 feet from any property line. 2. The structures are enclosed by a vinyl coated woven wire fence a minimum of eight feet in height. 3. A minimum 25 foot buffer strip is provided along the side and rear property lines but, not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight feet in height to provide a visual screen. 4. No vehicles are stored on the premises.
<b>TEMPORARY USES</b>			
Temporary Outdoor Events	Yard Sale	R-1, R-2, <del>TCOT</del> , MU	Yard sales, where permitted, shall not exceed three consecutive days for each yard sale. A yard sale on a particular property shall not occur more frequently than once in a six-month period.

(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)

## **ARTICLE 7. SPECIFIC USE PROVISIONS**

### **Section 701. Accessory building, structure, or use.**

**701-1. Residential accessory structures.** Accessory buildings, structures, and uses shall be located in a rear yard or side yard, unless otherwise specifically provided in this chapter.

1. **Use restrictions.** In a Residential district, accessory uses customarily located within front or side yards of residences may include but shall not be limited to the following: Walls and fences as permitted in this article, mail boxes, driveways, walkways, lamp posts, landscaping, and basketball goals adjacent to driveways. In R-1 and R-2, accessory uses and driveways may not exceed 40 percent of the front yard.
  - a. No accessory uses or structures, except driveways, mailboxes or landscaping, shall be located within a public right-of-way.
  - b. Accessory uses customarily located within rear yards of residences may include but shall not be limited to the following: storage buildings; patios; decks; trellis, arbors and gazebos; dog runs; dog pens and houses; detached garages, playground equipment and similar unenclosed yard structures; fences and walls as permitted in this article, and satellite dishes on lots with less than three acres, and which do not conflict with subdivision covenants. Tennis courts and swimming pools, including spas, hot tubs and whirlpools, are permitted as accessory uses subject to additional provisions as follows:
    - (1) Private swimming pools and their customary accessory buildings and structures shall be located in rear yards and shall be five feet from all side and rear lot lines and be enclosed by a wood or wrought iron wall or fence not less than four feet nor more than eight feet in height.
    - (2) Tennis courts on individual residential lots shall be located in rear yards and shall be setback at least 15 feet from all side and rear lot lines and be enclosed by fence at least eight feet high. Lighting for the private tennis court shall be permitted only by administrative conditional review and approval.
  - c. Accessory uses customarily located in rear yards may be permitted in a side yard subject to approval of an administrative variance where lot configuration and size will not accommodate the placement of accessory uses in the rear yard.
2. **Setback.** Accessory buildings, unless otherwise specifically provided, shall be located a minimum of five feet from any side or rear property line. Minor accessory structures as defined by the director which do not constitute buildings or yard structures, including but not limited to: walls, fences, driveways, and landscaping, are exempt from the minimum setback from any side or rear property line.
3. **Height.** Accessory buildings shall not exceed two stories or 24 feet in height in residential zoning districts. Yard structures are limited to 12 feet in height.
4. **Size limitations.** In no case shall an accessory building or structure exceed the square footage of the principal building or structure to which it is accessory. No patio cover, trellis, arbor, gazebo or similar structure shall cover more than 50 percent of the required rear area setback.

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5. *Timing.* No accessory building, structure, or use shall be erected on a lot until construction of the principal building or establishment of principal use has commenced. Accessory buildings and structures must be constructed in conjunction with, or after, a building permit for the principal building is lawfully approved or use is established.

**701-2. Non-residential accessory uses.** Non-residential accessory structures shall meet the following requirements below:

1. Such accessory structures shall be located a minimum of five feet from all property lines, other accessory structures, and the principal structure.
2. Accessory structures shall not exceed 15 feet in height unless such structure is located entirely in the buildable area of the lot on which such structure is located; then the height shall be subject to the maximum height requirements set forth for that particular zoning district (Article 4, Table 4.1 or 4.3).
3. The square footage of all accessory structures on a lot shall not exceed 50 percent of the rear yard.
4. The square footage of an accessory structure shall not exceed 50 percent of the area of the primary structure on the same lot.
5. Any corrugated and/or sheet metal building may not exceed a maximum of 200 square feet in area and ten feet height. Any larger accessory structure is required to use stucco, wood siding, brick or other material with similar texture.

**701-3. Exceptions.** Exceptions to the following uses or structures are as follows:

1. Commercial gasoline pump canopies shall be permitted in an appropriate district when setback a minimum of 15 feet from all property lines and the overhang of the canopy shall be setback a minimum of five feet from all property lines.
2. Guardhouses located at entrances to residential subdivisions, multi-family developments, industrial sites, and educational facilities shall be permitted provided such accessory structures are located a minimum of ten feet from any property line.
3. Covered outdoor eating shelters and play structures shall be permitted in any yard provided such structures shall not encroach into the required setbacks set forth in Article 4 for the district in which such use is located ~~except by conditional approval of the Director.~~

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542 , 10-14-2019)

## **Section 702. Apartment/residence, above or behind commercial and office uses in the same building.**

In zoning districts where permitted, residences above or behind commercial and office uses in the same building shall meet the following requirements:

**702-1. Code compliance.** The dwelling unit shall comply with all applicable city building and fire codes. Kitchen facilities shall be allowed.

**702-2. Floor area requirement.** Minimum floor area requirements for an apartment unit shall be the following:

1. *Three-bedroom*, 900 square feet.
2. *Two-bedroom*, 750 square feet.
3. *One-bedroom*, 600 square feet.



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4. *Studio/loft (in existing buildings)*, 450 square feet.

702-3. *Parking*. Minimum number of parking spaces: Two spaces for each dwelling unit plus three spaces for each 1,000 square feet of commercial use.

702-4. *Lighting*. Parking lot outdoor lighting shall be directed away and shielded from residential above or behind commercial use and from abutting residential districts or use. Freestanding street lighting fixtures shall have a maximum height of 35 feet.

702-5. *Limitations*. Commercial uses shall be limited to the permitted uses in the MU district plus the retail and office uses permitted in the CB district under the U.S. 29 Overlay excluding restricted uses, retail package stores, or other businesses having primarily sales of package beer and/or wine.

702-6. *Noise attenuation*. Sound-deadening construction materials and techniques should be used and bedrooms should be oriented away from noise sources.

702-7. *Detached garage provisions*. An attached garage structure accommodating such apartment, if provided, shall not exceed the height of the principal building on the lot and shall meet the principle setbacks of the district.

### **Section 703. Bed and breakfast inn.**

Bed and breakfast inns are subject to the following standards:

703-1. *Ownership residency*. The owner of the property, or one of the owners if more than one, must reside in the facility.

703-2. *Employees*. The bed and breakfast inn shall be operated exclusively by members of the resident family, except that one nonfamily worker shall be permitted.

703-3. *Maximum occupancy*. The maximum allowable occupancy shall be ten adult guests. Each guestroom shall be limited to two adults, with the exception that parents traveling with minors or dependents shall be allowed a total occupancy of four individuals.

703-4. *Residential appearance and additions*. In residential zoning districts where permitted, the facility shall retain its single-family residential appearance. The operation of the bed and breakfast in residential zoning districts where permitted shall be limited to the existing structures built for single-family residential use. No additions, alterations or modifications to the existing structures shall be allowed which would change the residential character of the property.

703-5. *Meals and food service limitations*. Food service shall be limited to morning meals only and may be served only to registered guests. No food preparation or cooking for guests shall be conducted within any guest room, and the guest rooms shall not contain kitchen facilities.

703-6. *Parking*. The bed and breakfast inn shall provide one parking space per guest room, for a maximum of five required spaces. In residential zoning districts where permitted, no parking spaces may be located in the front yard of the residence.

1. No on-street parking shall be allowed.
2. Parking spaces shall be screened from all adjoining residential properties with either a solid fence a minimum of five feet in height, or evergreen trees and shrubs, densely planted.

703-7. *Signage*. In residential zoning districts where permitted, one identification sign shall be permitted, provided it is no larger in size than six square feet.

703-8. *Registration*. All bed and breakfast operations are subject to the hotel/motel tax of the city. Required registration and reporting forms must be obtained from the city ~~clerk's office and submitted to the city clerk~~.

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## Section 704. Car wash.

Car wash facilities are subject to the following conditions.

*704-1. Minimum lot size.* A minimum lot size of 20,000 square feet shall be required for a car wash facility.

*704-2. Orientation.* When located within the U.S. 29 Overlay, buildings must be oriented so that wash bays do not directly face U.S. 29, or be screened as specified by the conditions of the special use permit.

*704-3. Vehicle stacking.* A minimum of five stacking spaces for queuing ~~of~~ cars shall be provided per car wash bay.

*704-4. Required yard activity.* Car wash facilities shall not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any landscape areas.

*704-5. Exit drives.* The establishment shall provide exit drives that are a minimum of 100 feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.

*704-6. Surface drainage.* The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way or adjoining properties as a result of the car wash operations.

*704-7. Water recycling.* A car wash facility shall provide for the recycling of wash water to the extent possible with technology and equipment available at the time of development. All new commercial conveyor car washes permitted after June 13, 2016 must be designed with operational recycled water systems that recycle a minimum of 50 percent of water utilized. The facility location may be further restricted by current applicable Environmental Health, Stormwater, and Sewer regulations.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542, 10-14-2019)

## Section 705. Condominium ownership.

If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director with the application for development approval.

## Section 706. Conservation subdivision (CSO).

*706-1. Purposes.*

1. To provide for the preservation of green space as a nonstructural stormwater runoff and watershed protection measure.
2. To provide flexibility to existing residential zoning districts that permits innovative design in order to promote environmentally sensitive and efficient uses of the land.
3. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.

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5. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
  6. To encourage street designs that reduce traffic speeds and reliance on main arteries.
  7. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

*706-2. Special use permit required.* A conservation subdivision single-family development may be overlaid upon R-1 and R-2 districts, with access to public sanitary sewer, provided that applicant for such a development is granted a special use permit by the mayor and council of the city after receiving recommendations from the city planner and planning commission and after a public hearing.

1. If a tract, lot or parcel of land does not have one of the qualifying underlying zoning districts, then the applicant and/or property owner must apply to rezoning the property in accordance with Article 10 of this resolution [ordinance].
2. The proposed CSO development shall adhere to all other applicable requirements of the underlying zoning district and the development regulations.

*706-3. Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

*706-4. Permitted uses.*

1. Those uses permitted in the underlying districts are permitted.
2. Permitted uses of green space may include the following:
  - a. Conservation of natural, archeological or historical resources.
  - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
  - c. Walking or bicycle trails, provided they are constructed of porous paving materials.
  - d. Passive recreation areas.
  - e. Active recreation areas, provided that they are limited to no more than ten percent of the total green space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected green space.
  - f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas.
  - g. Nonstructural stormwater management practices.
  - h. Easements for drainage, access, and underground utility lines.
  - i. Other conservation-oriented uses compatible with the purposes of this ordinance.
3. Prohibited uses of green space:
  - a. Golf courses.

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- b. Roads, parking lots, and impervious surfaces except as specifically authorized in the previous sections.
  - c. Agricultural and forestry activities not conducted according to accepted Best Management Practices.
  - d. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

**706-5. Density.** Subdivisions in the overlay district shall not exceed a maximum net density as follows:

- 1. *R-1 district:* 2.3 units per acre with 40 percent green space or 3.0 units per acre with 50 percent green space.
- 2. *R-2 district:* 3.0 units per acre with 50 percent green space.

**706-6. CSO special use permit application process.** An application for a special use permit for a Conservation Subdivision Overlay use shall provide sufficient information for the mayor and council to determine that the purposes stated in [Section] 706-1 are being furthered through the development of the property under the requirements of this article. In order to act upon a special use permit application, the developer and/or owner must submit the following exhibits and information together with any forms presently required by the city in order for the requested CSO special use permit to be considered.

- 1. *Site analysis map.* Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed green space will meet the requirements of this article. The preliminary site plan shall include the following features:
  - a. Property boundaries;
  - b. All streams, rivers, lakes, wetlands and other hydrologic features;
  - c. Topographic contours of no less than ten-foot intervals;
  - d. All primary and secondary conservation areas labeled by type, as described in Section 707-8 and 707-9 of this article;
  - e. General vegetation characteristics;
  - f. General soil types;
  - g. The planned location of protected green space;
  - h. Existing roads and structures; and,
  - i. Potential connections with existing green space and trails.
  - j. Historical or archaeological resources.
- 2. *Concept plan.* Concurrent with the submission of a site analysis map, a concept plan shall be submitted by the developer containing the following information:
  - a. Delineation and specifications of green space including calculations and exclusions; and any "pocket parks," "greens," play areas, or trail systems to be constructed.
  - b. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
  - c. Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

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3. *Proposed dwelling elevations.* Applicant shall submit elevations consistent with the dwellings proposed in the subdivision.
  4. *Letter of intent.* The applicant shall prepare a letter, to be submitted with the special use permit exhibits, containing the following:
    - a. A statement describing how the proposed concept plan will preserve the green space required under this article and any improvements to the property.
    - b. A statement describing how the proposed green space will be managed under the requirements outlined in Section 706-7.
    - c. A statement outlining how the proposed green space will be permanently protected, such as through a conservation easement, permanent restrictive covenant or dedication to the city, and as described in Section 706-7.

**706-7. Green space provisions.** The minimum restricted green space shall comprise at least 40 percent of the gross tract area. In order to qualify for this overlay district, green space shall meet the following requirements:

1. Priority shall be given in delineating green space areas as those areas of significance identified in the site analysis map, around which the built areas are designed.
2. Green space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Wetlands and stream bank mitigation projects are also permitted.

**706-8. Primary conservation areas.** The following are considered primary conservation areas and are required to be included within the green space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

1. The regulatory 100-year floodplain;
2. Buffer zones of at least 75-foot width along all perennial and intermittent streams;
3. Slopes above 25 percent of at least 5,000 square feet contiguous area;
4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
5. Populations of endangered or threatened species, or habitat for such species; and,
6. Archaeological sites, cemeteries and burial grounds.

**706-9. Secondary conservation areas.** The following are considered secondary conservation areas and should be included within the green space to the maximum extent feasible.

1. Important historic sites.
2. Existing healthy, native forests of at least one acre contiguous area.
3. The area out to the outermost drip line of individual existing healthy trees greater than 8 inches caliper.
4. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
5. Prime agricultural lands of at least five acres contiguous area.
6. Existing trails that connect the tract to neighboring areas.

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7. Pocket parks, "greens" and storm water management facilities and practices may be constructed and maintained in green space. Pocket parks or greens shall not exceed ten percent of the total green space.

**706-10. Exclusions.** Excluded from meeting the minimum amount of green space are the following:

1. Proposed permanent lakes. No more than 50 percent of land area located within a proposed permanent lake may be credited.
2. Recreation area improvements. Impervious surfaces in recreation areas shall not be credited.
3. Easements. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited.
4. Residential yards.
5. Other. 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.

**706-11. Ownership and management of green space.**

1. **Ownership of green space.** The applicant must identify the owner of the green space who is responsible for maintaining the green space and associated facilities.
  - a. If a homeowners association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors.
  - b. If a property owner's association is the owner, the property owner's association shall have lien authority to ensure the collection of dues from all members.
  - c. The responsibility for maintaining the green space and any associated facilities shall be borne by the owner.
2. **Management plan.** Prior to the issuance of a land disturbance permit, the developer shall submit a plan for management of green space and common facilities ("plan") that:
  - a. Allocates responsibility and guidelines for the maintenance and operation of the green space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements.
  - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the green space and outlines the means by which such funding will be obtained or provided.
  - c. Provides that any changes to the plan be approved by the city council.
  - d. Provides for enforcement of the plan.
3. **Failure to maintain green space.** In the event the party responsible for maintenance of the green space fails to maintain all or any portion in reasonable order and condition, the city may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance.
  - a. The costs of such maintenance may be charged to the owner, property owner's association, or to the individual property owners that make up the property owner's association, and may include administrative costs and penalties.
  - b. Such costs shall become a lien on all subdivision properties.

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**706-12. Legal instrument for permanent protection.** Green space, delineated on the final plat and required to be in the primary conservation area, shall be permanently protected.

1. Secondary conservation areas may also be protected by the same permanent protection options.
2. The instrument for permanent protection shall include clear restrictions on the use of the green space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the developer chooses to place on the use of the green space.
3. Permanent protection shall be provided by one of the following three options:
  - a. A permanent conservation easement in favor of a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
  - b. A deed conveying ownership of the green space to a property owner's association shall be recorded and delivered prior to, or concurrent with, the approval of the first phase of the subdivision; or
  - c. A deed conveying the ownership of the green space to the city shall be recorded and delivered prior to, or concurrent with, the approval of the first phase of the subdivision.

**706-13. Development requirements.** Subdivisions in this overlay district shall meet the following requirements:

1. *Minimum subdivision size:* Five contiguous acres.
2. *Lot area:* No minimum.
3. *Average lot width:* The average width of all building lots shall be at least 70 feet. Exception:
  - a. Lots that abut non-overlay properties shall meet the standard width requirement of the underlying district;
  - b. Green space at least 50 feet wide shall be provided.
4. *Minimum road frontage per lot:* 45 feet. Exception: Road frontage may be reduced to 25 feet for lots with frontage upon cul-de-sac or "eyebrow cul-de-sac" turnarounds.
5. *Minimum yard areas (setbacks):*
  - a. *Front:* 20 feet. Exception: The front yard setback may be reduced to five feet if dwellings are provided rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot.
  - b. *Rear:* 20 feet.
  - c. *Side:* Five feet.
6. *Exterior project street frontage green space strip:* 50 feet in width (not part of any building lot). Landscape entry features such as fences and walls may be allowed in the green space strip.
7. *Maximum height:* 35 feet.
8. *Minimum floor area:* Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as follows:
  - a. *One story:* 1,000 square feet.
  - b. *Two story:* 1,500 square feet.

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9. *Sodded yards:* All grassed areas on dwelling lots shall be sodded.
  10. *Garages:* Dwellings shall have two-car garages.
  11. *Street trees:* Street trees, in accordance with the requirements of the buffer and landscape ordinance, shall be provided.
  12. *Underground utilities:* Utilities shall be located underground.

(Ord. No. 2014-473, Exh. A, 9-8-2014)

## **Section 707. Continuing care retirement facility/institutionalized residential living and care facility.**

*707-1. Minimum lot area.* Minimum lot area shall be three acres.

*707-2. Buffer required.* A minimum 15-foot wide buffer, five of which may be within the required setback, shall be required along all property lines abutting a single-family residential district or use to provide a visual screen.

*707-3. Materials.* Homes/buildings shall be constructed with materials compatible with surrounding uses, and in accordance with design guidelines under the U.S. 29 Overlay.

## **Section 708. Day care center facility.**

A day care center facility shall be considered by this ordinance to be any place operated by a person, society, agency, corporation, institution or group, and licensed by the State of Georgia where group supervision is provided for pay for fewer than 24 hours per day. In zoning districts where permitted, day care centers (inclusive of day nurseries, nursery schools, pre-schools/Pre-K, and adult day care) shall meet the following conditions:

*708-1. Child day care.*

1. *License.* The city must be provided with proof of licensing from the appropriate State licensing agency.
2. *Play area required.* The state requirements for outdoor recreation areas and indoor space shall be met.
3. *Circulation.* Adequate and safe areas for the drop-off/pick-up of patrons shall be provided outside of any public right-of-way, fire lanes or required driveways.

*708-2. Adult day care licenses.* The city must be provided with proof of licensing from the appropriate State licensing agency. All other State site requirements shall be met.

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

## **Section 709. Dry cleaners with drive-thru service.**

Dry cleaners with drive-thru services are permitted~~allowed by administrative variance in the CB, MU, and IA~~U.S. 29 Overlay districts, provided the following conditions are met:~~Dry cleaners with drive-thru services are permitted as a conditional use in the CB, MU, and IA districts, provided the following conditions are met:~~

*709-1. Distance from residential property.* Dry cleaners with drive-through windows shall not be located within 100 feet of a residentially zoned property or use (R-1, R-2, ~~TC~~OT or residential component of a mixed-use project in the MU and CB/U.S. 29 Overlay).

*709-2. Vehicle stacking.* A minimum of three stacking spaces for queuing ~~of~~ cars shall be provided for the drive-thru area.



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## Section 710. Family day care home.

Family day care homes shall be considered by this ordinance to be an occupied residence in which adult or child day care is regularly provided for no more than six persons, unattended by a parent or legal guardian, including those children living in the home and children received for day care who are related to the resident care giver. Provided, however, that an occupied residence in which child day care is regularly provided only for a child or children related to the resident caregiver, or only for the child or children of one unrelated family, or only for a combination of such children shall not be a family day care home.

*710-1. License.* The city must be provided with proof of licensing from the appropriate State licensing agency.

*710-2. Fencing.* A fenced area of not less than 750 square feet shall be provided entirely on the premises in the rear and/or side yards. No fence shall be less than four feet in height or greater than eight feet. Fences shall meet all design requirements, subject to approval by the city.

*710-3. Loading and unloading.* An on-premises area adequate for loading and unloading of children to be accommodated shall be provided and that area shall not be located within any public right-of-way.

(Ord. No. 2014-473, Exh. A, 9-8-2014)

## Section 711. Farmer's markets.

Farmers markets in a permanent location are ~~allowed~~ subject to ~~administrative~~ conditional ~~review~~ [uses](#) in the CB, IA, and MU districts and under the U.S. 29 Overlay and OT Overlay. All farmers markets established within the city are required to adhere to the following regulations:

1. The operator or governing authority of a farmers market shall obtain an occupation certificate from the city prior to opening the farmers market.
2. The city shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
3. A temporary use permit is required in which a farmers market is not the primary and permanent use of the property, subject to the following:
  - a. The proposed activity is in compliance with all safety, health, and environmental standards and is not detrimental to the surrounding area.
  - b. Where feasible, the location of the farmers market shall be on sites that have convenient pedestrian, bicycle, public transit access, and sufficient off-street parking.
  - c. The site is of a sufficient size to accommodate the intended temporary use.
  - d. Safe and orderly flow of traffic can be ensured.

## Section 712. Fences and walls.

Walls and fences shall be permitted in any zoning district and are not subject to setback requirements of this resolution [ordinance], except that in residential zoning districts:

*712-1. Height.* No fence or freestanding wall, other than a retaining wall or necessary fencing encompassing a tennis court, shall be more than eight feet in height in a side or rear yard.

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1. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed four feet in height; provided, however;
  2. This shall not apply to subdivision or project identification monuments at the entrance to a subdivision or development and wall or fence extensions thereof, where permitted, which shall not exceed eight feet in height and columns shall not exceed ten feet in height.

**712-2. Composition.** Walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted.

1. In all residential zoning districts, fences or walls erected within the front yard shall be ornamental or decorative and brick, stone, wood, stucco, wrought iron, or split rail.
2. Chain link fences shall be permitted only in side and rear yards, except that a woven wire or metal fabric fence may extend into a front yard when the property contains a minimum of three acres in the R-1 district.

**712-3. Gates.** When gates for vehicular access are required or proposed abutting a public or private street, said gates shall not be located closer than 20 feet ~~of from~~ a public ~~street or road~~ right-of-way, to ensure safe ingress and egress.

**712-4. Location.** No fence or wall shall be constructed in a public right-of-way, except that retaining walls may be placed partially within the right-of-way of a local street if approved by the city as not posing a visibility or other public hazard.

1. In the case of residential corner lots, a property owner may erect an opaque fence in one of the front yards only in cases where the property is classified as a corner lot.
2. Said fence shall not be closer than ten feet from subject property line and no more than six feet in height, notwithstanding any other provision of this code to the contrary.

**712-5. Subdivision fencing.** Any subdivision entrance wall shall not exceed ten feet in height and shall be subject to approval of a landscape plan, site plan, and architectural elevations by the department.

**712-6. Temporary fencing exempted.** These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security, safety, tree protection, or code compliance reasons.

## **Section 713. Flea market.**

Flea markets conditionally approved and permitted with a Temporary Use Permit are required to adhere to the following regulations:

1. The property owner/lessor/rental agency shall be responsible for all products and services offered by individual vendors (tenant spaces, booths, tables, accessory uses, etc.);
2. The property owner/lessor/rental agency is required to obtain a Lilburn Occupation Tax Certificate and shall require all vendors to obtain an Occupation Tax Certificate prior to operation;

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 714. Grocery store.**

Grocery stores shall be permitted with conditional administrative review in the MU district subject to the following conditions:

**714-1. Maximum size requirement.** No larger than 20,000 square feet.

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*714-2. Parking requirements.* In MU, maximum off-street parking required shall be one parking space per 400 square feet of gross floor area. Shared parking shall be utilized between grocery stores and nearby businesses in order to minimize the need for new surface parking.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 715. Group home.**

*715-1. Limit.* Small group home serves six or fewer individuals and includes personal care home. Large group home serves seven to 12 individuals. Maximum four adults in a single family residence in R-1 or MU district.

*715-2. Full-time care.* Home provides care on a 24-hour basis.

*715-3. Residential character.* All parts of the structure and property must be designed and maintained in a residential character equal to that found in the district.

*715-4. Floor area requirements.* To avoid unsafe or unhealthy conditions that may be produced by the overcrowding of persons living in these facilities, a minimum floor area per person shall be required below.

*[715-5. Reserved.]*

*715-6. Total interior living space.* A minimum of 175 square feet of interior living space shall be provided per residing facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.

*715-7. Minimum sleeping areas.* A minimum of 70 square feet shall be provided in each sleeping space for single occupancy. A minimum of 60 square feet of sleeping space shall be provided for each bed in a sleeping space for multiple occupancy.

*715-8. Bathroom facilities.* One full bathroom with toilet, sink, and tub or shower per five residents plus an additional toilet and sink shall be provided for each additional group of three persons or less.

*715-9. Density limitation/spacing.* To avoid concentration of facilities, there shall be distance of at least 1,200 linear feet as measured in a straight line from property line to property line separating each facility.

*715-10. Lot and building requirements.* Each facility shall meet the lot and building requirements of the district in which it is located. All applicable fire safety codes, building codes, and housing codes. The property shall be served by public sewer.

*715-11. Off street parking.* Minimum of two off-street parking spaces or one parking space per shift employee, plus one per number of permanent vehicles stored at the facility shall be provided, whichever is greater.

*715-12. Authorization from state and county agencies.* It shall be the responsibility of the licensee to obtain all appropriate state or county licenses prior to issuance of a certificate of occupancy.

*715-13. Licensing.* All such facilities shall meet and comply with the applicable state, county and municipal rules and regulations and shall, where applicable, obtain state, county, and/or municipal licenses or evidence of eligibility for such licenses from the appropriate agencies prior to issuance of a building permit or occupation tax certificate.

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

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## Section 716. Home occupation.

One home-based occupation may be established as an accessory use to a dwelling as provided in permitted uses for the zoning districts established by this chapter. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of the occupation certificate.

**716-1. Physical limitations.** The gross floor area of building devoted to a home occupation shall not exceed 25 percent of the gross floor area of the dwelling. An accessory building may be used in connection with the home occupation, subject to compliance with all other provisions of this section.

**716-2. Alterations to the dwelling.** Internal or external alterations inconsistent with the residential use of the principal building and applicable accessory buildings are prohibited.

**716-3. Vehicles and parking.** 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.

1. Vehicles parked on site shall be owned and used by residents only, except for the parking of one employee vehicle as permitted by section 716-6.
2. Parking of commercial vehicles shall be restricted according to Section 733 and storage of commercial vehicles shall be prohibited.
3. Incoming vehicles related to the home occupation shall at all times be parked on site within the confines of the residential driveway or on an adjoining off-street approved parking surface outside the right-of-way and not to exceed parking limitations in a front yard.
4. The home occupation operation shall not include receipt or transport of bulk goods or people by commercial vehicles and no deliveries shall be permitted other than by U.S. mail or similar package delivery services.

**716-4. Equipment, off-site impacts, and nuisances.** No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed.

1. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property.
2. Chemical, electrical, welding, or mechanical equipment that is not normally a part of domestic or household equipment and which is used primarily for commercial purposes shall not be permitted.

**716-5. Signs prohibited.** There shall be no signs permitted in conjunction with a home occupation in residential districts. Signs on vehicles are not prohibited.

**716-6. Employees.** The home occupation shall be carried on only by a member or members of the family residing in the residence. Only occupants of the dwelling and one additional employee shall be authorized to work on the premises in connection with a home occupation.

**716-7. Display, stock-in-trade, and sales.** There shall be no display, and no stock-in-trade nor commodity sold on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling. Samples, however, may be kept on the premises but neither sold nor distributed from the residence.

**716-8. Permitted uses.** Allowed uses include the sale of only those articles, products or services packaged or produced on the premises, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products outside the dwelling. The following list contains

representative home based businesses. Similar uses not listed shall be reviewed and may be conditionally approved by the director.

Home Business Permitted Uses		
Business Office	Interior Design Services	Mobile Pet Grooming Service
Cleaning Services	Internet Based Business	Music Lessons
Consulting Services	Landscape/Lawn Care Service	Sales Representatives
Errand/Shopper Services	Locksmith	Tutoring
Family Daycare Home	Contractor Services*	Hair/beauty Salon in R-1 only
Other Office Only Functions and Businesses		
* Contractor Services shall be limited to offices operations only, including design and dispatch scheduling, etc. No construction materials intended to be sold or delivered to or retrieved from a customer shall be stored on the property or in the dwelling.		

716-9. Modifications by ~~special use permit~~ [Variance](#). To the extent that there is any sale of any item or service related to the home occupation not specified in Section 716-8 or [no approved by administrative conditional review](#) ~~by approved~~ by the Director or his/her designee, no sale of that item or service may occur on or adjacent to the premises unless this use has been granted [a variance by the Zoning Board of Appeals](#) ~~a Special Use Permit by city council~~.

716-10. *Uses specifically prohibited.* The following uses are specifically prohibited as home occupations: auto sales or auto or vehicle or implement repair; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; personal service establishments (excluding [hair](#)/beauty salons in the R-1 district); special event facilities; group instruction or group assembly of people on the premises; and lodging services.

716-11. *Approval.* All home occupations shall be subject to review criteria and [administrative](#) conditional approval by the director or his/her designee. The applicant for a business registration shall file for home occupation approval on forms provided by the planning department.

716-12. *Exceptions.* Reserved.

( Ord. No. 2019-542 , 10-14-2019; Ord. No. 2021-573 , 8-9-2021)

## Section 717. Homeless shelter.

Homeless shelters shall be allowed in the IA district with a special use permit, under the following conditions:

1. In addition to required setbacks, a minimum 25-foot wide buffer shall be required along all property lines which abut a residential district or use to provide a visual screen.
2. Such use shall be a minimum of 1,000 feet from any other shelter for the homeless. (Required minimum distances shall be measured from property lines.)
3. There shall be no use on the property other than the shelter for the homeless.
4. Adequate shower and restroom facilities must be provided at the location to meet the needs of the overnight guests.
5. Beds must be provided for all overnight guests excluding staff and volunteer workers.
6. Such shelters shall comply with all applicable city building, housing, and fire codes and shall fully comply with O.C.G.A. § 30-3-1 et seq. before a certificate of occupancy can be issued.

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## **Section 718. Inoperable vehicle or junked material.**

Any automobile, truck, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any private property or public roads.

It shall be unlawful to park or continuously store inoperable or junked vehicles, power-driven construction equipment, semi-trailers, used lumber or metal, used appliances, tires, or any other miscellaneous scrap material in quantity that is visible from a public street. Appropriate screening as determined by the Director, based upon the elevations and uses of surrounding properties, may be used to comply with this provision in side and rear yards.

*718-1. Condition of inoperable vehicle.* An inoperative or junk condition shall include, but not be limited to any automobile, vehicle, trailer of any kind or type, contrivance or part thereof, the condition of which is one or more of the following:

1. Wrecked.
2. Dismantled
3. Partially dismantled.
4. Abandoned.
5. Discarded.
6. One which does not have a valid license plate attached.

*718-2. Exceptions.* The following conditions allow the parking or standing of an inoperable or junked vehicle on any property within the City Limits of Lilburn.

1. Vehicle(s) enclosed within a building on residentially zoned property.
2. Vehicle(s) on the premises of a business enterprise operated in a lawful manner for the purpose of repairing, reconditioning or remodeling of the vehicles in conformance with the requirements for an automobile repair garage or other such similar use. Such vehicles shall not be stored for the purpose of salvage of parts but shall be in continual process of repair or reconditioning.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 719. Manufactured/modular home.**

Manufactured and/or pre-fabricated modular homes, as defined in Article 14, Definitions, are permitted in the R-1 zoning district subject to the following conditions:

1. A manufactured home shall be a new manufactured home.
2. The manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.
3. The manufactured home shall comply with all local design standards applicable to all other homes within the R-1 district and immediate neighborhood in which the manufactured home is to be located.
4. The home shall be thermally equivalent to the state energy code.
5. All manufactured/modular homes must be transported to the home site on a truck bed (not axles). All towing devices and hitches must be removed.

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6. At each exterior door there must be a landing that is a minimum of 36 inches by 48 inches.
  7. Approval shall be granted upon the finding that the manufactured home is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to existing and proposed development in same district and vicinity.

### **Section 720. Mobile home.**

A mobile home as defined in Article 14 is not permitted in any zoning district, except as a temporary use as defined in this article.

### **Section 721. Mobile food vending.**

Mobile food vending as defined in Article 14 of the city's zoning ordinance is allowed in all districts subject to the following:

**721-1. Use restrictions.** Mobile food vending may be ~~permitted~~ **allowed** as a conditional use in any zoning district requiring the Planning Director to review and subject to the following restrictions:

1. Within the CB/U.S. 29 Overlay, mobile food vending is limited to servicing actual, ongoing construction sites and businesses licensed as breweries.
2. Within residential districts, mobile food vending is limited to vehicles dispensing ice cream/small frozen dessert products.
3. No mobile food vending is permitted within 300 feet of any school.
4. No mobile food vending on private, city or Gwinnett County property without documented approval from the property owner.
5. Mobile food vending may be permitted in conjunction with a Temporary Use permit as defined in Section 731 Temporary Uses and Section 1204 Temporary Use Permit subject to a fee according to annual rate resolution.
6. Mobile food vending is permitted at breweries as defined in section 6-87.6 herein according to vendors standards for hours of operation and outdoor activity defined in Section 738.
7. Mobile food vendors must meet all state, health department, and city licensing requirements prior to commencing operations in the City of Lilburn. City licensing requirements are provided in Chapter 14, Businesses.

**721-2. Operating Limitations.**

1. Unless operating as an approved vendor associated with a city sponsored or co-sponsored event or permitted temporary use, or at a brewery, the mobile food vendor may stop a maximum of 15 minutes per stop and must move at least one block before making another stop.
2. The mobile food vendor must park the mobile food vending unit legally.
3. No mobile food vending in congested areas where it may impede or inconvenience the public or create a traffic hazard.
4. Amplified sounds shall not be used to attract attention.
5. If the mobile food vendor is on an active route, the mobile food vendor must incorporate flashing lights or signage indicating frequent stops by vehicle.

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6. No mobile food vending is permitted after 8:00 p.m., or before 6:00 a.m., unless associated with a city sponsored or co-sponsored event, permitted temporary use, or operating at a brewery site.
  7. No door-to-door solicitation.

( Ord. No. 2021-569 , Pt. III, 7-12-2021; Ord. No. 2022-585 , Exh. A, 5-9-2022)

## **Section 722. Night clubs, bars, taverns and microbreweries.**

Bars, taverns and microbreweries are ~~permitted~~ allowed with administrative conditional review in the MU, TC Overlay, CB and IA districts and under the U.S. 29 Overlay.

Night Clubs ~~are permitted subject to~~ require a SUP in the CB, IA and under the U.S. 29 Overlay.

**722-1. Compatibility with adjacent properties.** The applicant must prove they have taken measures to not be injurious to adjoining property, including, but not limited to:

1. Controlling and shielding of all lighting so as not to cast undue glare and light onto neighboring properties.
2. Controlling of all elements that produce noise, so as not to create nuisance conditions off-site.
3. Controlling and shielding of parking, ingress and egress, so as not to create a nuisance off-site.
4. Controlling and shielding of trash receptacles, so as not to create a nuisance off-site.
5. It shall be the responsibility of the applicant to prevent its patrons from causing a disturbance on public or private property in the vicinity of the applicant's establishment.

**722-2. Entertainment.** Live entertainment shall be permitted in bars, taverns, and nightclubs in the CB and IA district, provided that it shall occur inside the enclosed building. Outside entertainment shall be permitted only with proper event permits from the city.

**722-3. Permits required.** Prior to conducting business, all associated permits from applicable federal, state and local agencies must be obtained.

**722-4. Compliance.** Failure to comply with the conditions in the special use permit will result in revocation of the special use permit.

(Ord. No. 2014-473, Exh. A, 9-8-2014)

## **Section 723. Non-commercial keeping of livestock and fowl.**

This ordinance recognizes the desire of some residents to keep horses, livestock, chickens or other fowl for personal enjoyment or sustenance. However, the keeping of these animals for any purpose should not cause nuisance to surrounding properties or present a health hazard. Non-commercial keeping of poultry or livestock is permitted as an accessory use in the R-1 district, subject to the provisions as established by City Code.

**723-1. Livestock.** Horses, cows, ponies, donkeys, goats, sheep, pigs, and other domestic livestock may be kept, raised or bred for home use and enjoyment, provided that only one such animal shall be permitted for each two acres of land area, and shall be adequately contained by fence within that property.

**723-2. Fowl.** Ducks, quail, hens, turkeys, pigeons, pheasants, and other fowl, may be kept for home use provided such fowl are adequately contained as established by City Code. Male hens (roosters) and male peafowl (peacocks) are found to be a public nuisance animal and are not permitted to be kept in any district.



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*723-3. Setbacks and fencing—Domestic livestock.* All domestic livestock must be kept a 300-foot distance to any business establishment regularly used by over ten persons per day, and any residence other than the residence of the owner of the residentially zoned property as established by City Code.

*723-4. Setbacks and fencing—Small domesticated animals and fowl adjacent to residential districts.* In the case of small animals and fowl weighing less than 20 pounds, minimum setback shall be at least 75 feet from the nearest residential unit, and subject to conditions as established by City Code with fencing adequate to retain any animals or fowl within the required setbacks.

*723-5. Non-commercial.* The keeping, breeding, or training of any animals for monetary gain or profit shall be deemed a commercial business and is prohibited in all residential districts.

( Ord. No. 2019-542 , 10-14-2019)

## **Section 724. Open display.**

The term "open display" shall be defined as the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building. Open Displays shall be permitted in conjunction with permitted uses in the MU, CB, IA District and under the US 29 Overlay, provided the following requirements are met:

1. Open display shall be permitted where such display is incidental to and supportive of the principle use of the structure located on the same parcel.
2. Open displays shall be permitted in any yard or required yard, but shall not encroach into any public rights-of-way.
3. Open displays shall present a neat and orderly appearance, subject to the determination of the Director.
4. The term "open display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales and is stored inside an enclosed structure while the business is closed.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 725. Pawn shop/title pawn/check cashing business.**

*725-1. Limitations.* A pawnshop, title pawn shop or check cashing business shall be permitted subject to a special use permit and the following conditions:

1. No pawnshop, title pawn shop or check cashing business shall be licensed or operated within 1,000 feet of any residential zoning district, school, public or private college, church or other place of worship, library, daycare facility, any park or playground, existing pawnshop, title pawnshop, check cashing or adult entertainment establishment.
2. The distances required by this section shall be measured from the closest property line occupied, or to be occupied, by the pawnshop, title pawnshop, or check cashing business to the closest property line occupied by the foregoing protected uses.

## **Section 726. Religious assemblies, public and private schools, private, not-for-profit recreation facilities.**

*726-1. Conditions for approval.* Allowed in R-1 and R-2 districts with approval of a special use permit, provided they meet the following conditions:

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1. They are located on a Major Arterial, Minor Arterial, or Major Collector Street or State Highway on a site of not less than five acres with 250 feet of road frontage. Commercial sites meeting this requirement may expand onto adjacent residentially zoned property regardless of acreage.
  2. Buildings shall not be located less than 50 feet from any property line.
  3. A buffer strip at least 50 feet from any side or rear property lines, but not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.
  4. Parking is not provided in the front yard setback area.
  5. The recreation facility must provide restrooms and shall cease operation at 9:00 p.m. each night.

**726-2. Accessory uses permitted.** Any accessory use that is a part of the institution's normal pattern of worship may be allowed for a stand-alone facility. The following uses shall be allowed.

1. One accessory dwelling unit for the principal worship leader, limited to stand-alone establishment only.
2. Classrooms.
3. Assembly hall for social and educational gatherings.
4. Parking of associated vans or buses.
5. Gymnasiums and other accessory buildings.
6. Athletic fields.

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

Editor's note(s)—Ord. No. 2014-473, Exh. A, adopted Sept. 8, 2014, repealed the former App. A, § 726, regarding personal care homes, and subsequently redesignated §§ App. A, §§ 727—735 as new §§ 726—734.

## **Section 727. Retail package liquor store.**

Retail package liquor stores are subject to a Special Use Permit and the following conditions:

1. Lot must be located on major arterial with a minimum of 100 feet of road frontage.
2. Minimum lot area of 20,000 square feet required.
3. Minimum 8,000 square feet gross floor space.
4. Comply with any other city ordinances pertaining to licensing requirements for a retail package store.

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

Note(s)—See editor's note at App. A, § 726.

## **Section 728. Satellite dishes.**

The restrictions below shall not impair the installation, maintenance, or use of antennas, or interfere with the reception of acceptable quality signal. The enforcement of satellite dish antennas will not violate the prohibitions of the FCC.

1. Satellite dish antennas greater than one meter in diameter shall be regulated by the city.
2. Satellite dish antennas greater than one meter shall be permitted only in rear yards in all residential districts and residential developments in any other district.

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(Ord. No. 2014-473, Exh. A, 9-8-2014)

Note(s)—See editor's note at App. A, § 726.

### **Section 729. Service stations/convenience store.**

*729-1. Setbacks.* Fuel pumps and canopies covering fuel pumps are permitted within the front yard setback provided the fuel pumps are located at least 15 feet from the right-of-way and the canopies are located at least ten feet from the right-of-way.

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

Note(s)—See editor's note at App. A, § 726.

### **Section 730. Temporary/mobile buildings, construction field office, portable storage units.**

Mobile buildings, manufactured homes or other temporary buildings or structures shall not be occupied as a permanent office or use in any district. However, they may be used for a temporary office, portable storage or other permitted non-residential use, subject to the following:

1. Approval by the Director and issuance of a Temporary Use Permit by the Planning Department;
2. Said permit shall be valid for a period of six consecutive months, renewable in six-month increments, during the construction process;
3. Said Temporary Use Permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
4. Adequate water and sewage disposal for the structure(s) is approved; and
5. Said temporary building or structure(s) shall be removed from the site no later than upon the occupancy of the permanent building(s) or structure(s) intended for such use.

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

Note(s)—See editor's note at App. A, § 726.

### **Section 731. Temporary uses.**

*731-1. Purpose and intent.* The purpose and intent of this section shall be to regulate temporary outdoor events associated with: (1) holidays and special events which are not intended to serve the primary use of the lot; (2) temporary outdoor display and sale of merchandise associated with an established business, and (3) limited outdoor display on site; which are held in open areas or within temporary structures in association with a temporary outdoor event. Such uses shall be limited in time and thus their impacts on surrounding properties are not permanent.

*731-2. General temporary use regulations.* The following regulations shall apply to all temporary use permit applications:

1. Temporary uses are permitted in the MU, O-1, CB and IA zoning districts, and under the Town Center and U.S. 29 Overlays.
2. No property right is created by this section or the approval of a temporary use permit, and the decision of the planning director or designee with regard to all such applications shall be final.

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3. A temporary outdoor seasonal event or activity, outdoor retail sales event or temporary outdoor display of merchandise shall not be held unless the necessary temporary use permit is obtained from the planning department, subject to the provisions of Article 12 of the city's zoning ordinance, and approval/consent by any other applicable agency which may require review prior to issuance of permits.
  4. A valid occupation certificate shall be required in conjunction with the temporary use permit.
  5. All approvals, permits, or licenses granted under this section must be displayed in a conspicuous manner on the premises at all times for inspection by the planning department or other duly authorized city representatives.
  6. Temporary uses may not be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, or private sidewalks or other areas intended for pedestrian movement, with the exception of temporary retail sales display within the Town Center Overlay District, subject to Director review of circulation plan.
  7. Temporary signage is permitted subject to the size and height standards as set forth in Chapter 113, Section 113-10 of the Sign Ordinance.
  8. No solicitation or other activity associated with the temporary use shall occur directly with the motoring public.
  9. Any person or entity violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof in the city municipal court, said person/entity shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued, or permitted by such person/entity, and such person/entity shall be punished accordingly.
  10. Up to two mobile food vendors or mobile food service units may be permitted with each temporary use permit subject to additional fees adopted in the annual rate resolution. Mobile vending operations shall be limited to three consecutive days, during the permitted temporary use, subject to operating limitations of zoning ordinance Section 721 Mobile Food Vending.

731-3. *Temporary outdoor seasonal events and seasonal activities.* Temporary outdoor seasonal activities may be permitted as a Temporary Use to include the sale or display of retail merchandise associated with seasonal holiday activities, such as Halloween and fall festivals, spring flings, the sale of farm produce, farmer's markets, fireworks sales, carnivals and similar uses from a property which is vacant, or which contains a separate and distinct primary use from the merchandise being sold, subject to the following regulations:

1. *Permit Fee Exemption.*
  - a. Events associated with charitable or nonprofit organizations are, upon submittal of a certificate of incorporation or organization from the State of Georgia and Letter of Determination from the Internal Revenue Service stating that contributions received by said organization are tax deductible, are exempt from the Temporary Use Permit fee requirements.
2. *Lot and parcel restrictions.*
  - a. A temporary outdoor seasonal event or activity may be held on a vacant parcel.
  - b. A temporary outdoor seasonal event or activity may be held on parcels where the temporary outdoor activity is not associated with the principal use of the property, subject to provision of written agreement with the parcel owner as may be applicable.

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- c. On a parcel size of five acres or larger, two temporary outdoor seasonal events or activities may be permitted simultaneously, to be determined by the Planning Department on a case-by-case basis.
  - d. Temporary outdoor seasonal events and activities, other than the exemption of an activity held on a vacant, undeveloped lot, shall be conducted on an appropriate parking surface according to Development Regulations Section 811 minimum design requirements.
  - e. Temporary outdoor seasonal events or activities shall be permitted only on property where such activities shall not disrupt vehicular ingress and egress or traffic flow and circulation.
  - f. Temporary outdoor seasonal events or activities shall not occupy more than 50 percent of required off-street parking spaces in association with a principal building on the subject site unless a written shared parking agreement provides for equivalent parking spaces on an adjoining parcel or within 800 feet of the site. Required parking spaces shall be calculated on principal building square footage.
  - g. All exterior lighting utilized in conjunction with temporary outdoor seasonal events or activities shall not be visible from residentially zoned properties beyond the limits of the immediate site from which it originates.
  - h. Spotlights and/or high-temperature process lights are prohibited.
3. *Setback and structure requirements.*
- a. All temporary outdoor seasonal events or activities, including installation or erection of associated temporary display and sales structures, must be set back 30 feet from any right-of-way.
  - b. Temporary structures and coverings, shade structures, and open-sided tents, are permitted when associated with seasonal and holiday activities; however, tents must comply with Fire Safety Code.
  - c. A temporary sign (not portable) may be erected in accordance with a Temporary Sign Permit.
  - d. Temporary mobile buildings are permitted only in association with fireworks sales or a carnival.
  - e. Carnivals may be permitted as a temporary outdoor seasonal event activity so long as no structure or equipment is located within 250 feet from the closest boundary of a residential property.
4. *Duration and frequency of temporary outdoor seasonal activities.* All temporary outdoor seasonal activities, shall be permitted for a period of seven consecutive days from the date of initiation of the temporary outdoor seasonal activity, four times per calendar year, one per parcel per calendar month with the following exemptions and conditions:
- a. Christmas tree sales shall be permitted between November 1 and December 25 due to the seasonal nature of such sales.
  - b. Pumpkin and Halloween seasonal sales shall be permitted between September 15 and October 31 due to the seasonal nature of such sales.
  - c. Fireworks stands and carnivals shall be permitted for a period of 15 consecutive days one time per calendar year per property.
  - d. Charitable/Non-profit organizations are allowed to hold events on property not owned by said organization up to four times per year per property exclusive of the owners' allocated four times per year. All other requirements and limitations apply.

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- e. Operations are limited to a maximum 12-hour period per day.
  - f. Operations must cease by 9:00 p.m. on weekday evenings (Sunday through Thursday) and 10:00 p.m. on weekend evenings (Friday and Saturday), unless otherwise directed by the Planning Director.
  - g. The premises shall be cleaned and cleared of all litter, trash and debris and all equipment, materials, signs, temporary power poles, etc., associated with the temporary use within two days of the last day specified for such use.

731-4. *Temporary outdoor retail sales and activities.* Temporary outdoor retail sales display and outdoor storage activities, including the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment may be permitted as a Temporary Use. Temporary outdoor retail sales shall be governed by the following regulations:

1. *Use regulations.*

- a. Any object, device, display or structure, or part which is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, may also be considered part of retail display, subject to city sign regulations.
- b. Only the sale of goods and services compatible within the zoning district according to the principal use of the premises is permitted. This section does not apply to supplemental mobile food vending units associated and permitted with the event.
- c. Sales shall be conducted by employees of the principal business use, not a temporary or transient merchant/vendor, subject to provision of a written agreement with the principal business and approval of the Director.

2. *Lot and parcel restrictions.*

- a. Goods and merchandise may be displayed on public sidewalks only in the TC Overlay District provided such display does not interfere with pedestrian travel and the minimum ADA-required sidewalk width clearance is maintained.
- b. Temporary outdoor retail sales display activities may be permitted on a vacant parcel subject to provision of a written lease agreement with the parcel owner who must hold a Lilburn occupational tax certificate at the time of the lease of the parcel for the temporary use.
- c. Temporary outdoor retail sales display area may not exceed a space equivalent to 50 percent of the gross floor area of the ground floor of the primary building.
- d. Temporary outdoor retail sales display activities shall be conducted only on a paved surface.
- e. Temporary outdoor retail sales display shall be permitted only on property where such activities shall not disrupt vehicular traffic flow and ingress/egress and shall not disrupt traffic flow within areas required, set aside or designated for loading and maneuvering; emergency accessways; off-street parking; driving aisles and driveways.
- f. Temporary outdoor retail sales display items may be located on a privately owned sidewalk, courtyard or building apron or other areas intended for pedestrian movement provided an unobstructed, continuous path with a five-foot minimum width is maintained.
- g. Temporary outdoor retail sales display activities shall not occupy required off-street parking spaces except as authorized by the Director.
  - (1) Required parking spaces shall be calculated on square footage of principal building or suite, whichever is applicable.

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- (2) Where excess parking spaces over the required number of spaces are not available, no more than 50 percent of the required parking spaces provided may be used for temporary outdoor retail display, unless a written shared parking agreement provides for equivalent parking spaces on an adjoining parcel or within 800 feet of the site.
3. *Setback and display requirements.*
- a. All temporary outdoor retail display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back 30 feet from any public right-of-way.
  - b. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity; however, tents must comply with Fire Safety Code. Mobile buildings are prohibited.
  - c. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
  - d. Outdoor display items shall not exceed six feet above grade.
  - e. A sign (not portable) may be erected on the property in accordance with the Sign Ordinance.
  - f. The Director is authorized to determine retail items to be displayed. Under the US 29 Overlay and Town Center Overlay, the following items, such as, but not limited to, are prohibited: mattress and box springs, couches or sofas, large pieces of furniture, refrigerators, washers/dryers and other large appliances.
4. *Duration of and frequency of temporary outdoor retail sales activities.*
- a. All temporary outdoor retail sales display activities are permitted for a period of three consecutive days from the date of initiation of the temporary outdoor retail sales display activity.
  - b. Temporary outdoor retail sales permits are limited to 12 times per calendar year and one per calendar month, per property/parcel.
  - c. Reserved.
  - d. Temporary outdoor retail display activities are limited to 12 hours of operation per permitted calendar day.
  - e. Operations must cease by 9:00 p.m. on weekday evenings (Sunday through Thursday) and 10:00 p.m. on weekend evenings (Friday and Saturday), unless otherwise directed by the Director.
  - f. Upon the expiration of the authorized Temporary Use Permit, all equipment, materials, signs, temporary power poles, etc., associated with the temporary retail sales and display use shall be removed from the property within two days. Permitted mobile food vending units shall leave immediately following the expiration of the event.

(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2022-585, Exh. A, 5-9-2022)

Note(s)—See editor's note at App. A, § 726.

### **Section 732. Vehicle or implement for sale.**

Front yards and off-street parking areas for any use or development shall not be used to store and display vehicles for sale, except in cases of an approved commercial vehicle sales lot. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed and operable vehicle, boat, other vehicle or implement located in

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a private residential driveway and which licensed vehicle, boat, other vehicle or implement is owned by an occupant of said private residence.

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

Editor's note(s)—Ord. No. 2016-503, Exh. A, adopted June 13, 2016, repealed the former § 732 in its entirety and redesignated §§ 733 and 734 as new §§ 732 and 733. Former § 732 pertained to townhouses, fee-simple and derived from Ord. No. 2014-473, Exh. A, adopted Sept. 8, 2014.

## **Section 733. Vehicle storage.**

### *733-1 Recreational vehicles.*

1. In residential zoning districts, recreational vehicles such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles must be parked on approved surfaces in the side or rear yard.
2. Parking or storage of such vehicles shall not take place on any vacant residential lot.
3. Recreation vehicles shall not be used or operated in residential areas as dwellings.

### *733-2 Commercial vehicles.*

1. Commercial vehicle shall mean any vehicle not described as a recreation vehicle measuring over 22 feet in length, or eight feet in height or seven feet in width, with or without exposed equipment or materials used in commercial activity. They may include but are not limited to limousines, flatbed trucks, dump trucks, tow trucks, transport wreckers, buses, school buses, cab-on-chassis trucks, tractor trailers, semi-trailers, wheeled attachments or trailers, or earth-moving machinery. A car, pick-up truck, van, or sport utility vehicle with a business name or logo on display does not constitute a commercial vehicle.
2. In residential districts, commercial vehicle storage and commercial vehicle parking shall be subject to the following:
  - a. Semi-trucks or semi-trailers shall be prohibited.
  - b. A commercial vehicle, other than a semi-truck or semi-trailer, may temporarily park or stand in a residential district for no more than two hours, unless engaged in complete loading or unloading of the vehicle or providing a repair or service to the residence.
  - c. One commercial vehicle, other than a semi-truck or semi-trailer, is permitted when owned and used by a resident and parked or stored within a fully enclosed structure that meets all other criteria for parking within the zoning district.
  - d. On a residential property that is not part of a platted subdivision and measuring more than one and one-half acres, two (2) commercial vehicles and two additional trailers owned and used by the resident may be conditionally approved for parking in the rear yard of the residence on approved parking surfaces and screened as deemed necessary by the Director or his/her designee to maintain a residential character.

(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. 2021-573 , 8-9-2021)

Note(s)—See editor's note to § 732.



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## **Section 734. Attached Residential Dwellings (duplex, triplex, quadplex, townhomes).**

*734-1 Standards for all attached residential dwellings.* A minimum of 20 percent of attached units within a building or 20 percent of units within each phase of new development shall accommodate aspects of visitability as a condition of Concept Plan, Development Plan and building plan approval. Examples of visitable homes criteria include but shall not be limited to: a master bedroom with bathroom on the ground floor; or guest bedroom and full bathroom on the ground floor, and one "no-step" entrance into the home. Clear passage through doors and hallways shall be provided according to current GA building code.

*734-2 Additional standards for townhomes.* In addition to Sec. 734-1 above, the following requirements shall apply to townhome developments in any zoning district where they are an approved use. Where there are conflicts between this Section and other regulations in the Zoning Ordinance or Development Regulations, this Section shall apply.

1. Architectural standards.
  - a. A minimum of three and a maximum of eight units shall be allowed in each row of townhouses
  - b. Each building shall consist of a minimum of two alternating roof types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines
  - c. No more than two contiguous units shall have the same elevations for the front facade and roofline. Alternating exterior treatments such as porches, balconies, awnings, chimneys, stoops, decks, patios, or terraces shall be required.
  - d. Required exterior cladding materials shall consist of a combination of brick, stone, natural wood or cement-based artificial wood siding such as hardiplank, or alternate industry standard durable material.
  - e. In addition to the above requirements, townhome developments shall include at least two of the façade features below:
    - 1) Material or color changes at each change in vertical plane
    - 2) Decorative patterns on exterior finishes (such as shingles, wainscoating, window box, and similar ornamental features)
    - 3) A dormer window, cupola, turret, tower, or canopy
    - 4) A covered porch or balcony
    - 5) A box or bay window with a minimum 12-inch projection from the façade plane
2. Development standards.
  - a. A 5-foot sidewalk is required and shall be 2 feet off the back of the curb.
  - b. All townhomes must be rear entry.
  - c. Rear entry garages:
    - 1) Shall be 20 feet wide
    - 2) May not be converted into heated interior space without another garage within the building
    - 3) Require a minimum 18-foot alley width
    - 4) Shall be 20 feet off of required alley

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- 5) Driveway must provide two external parking spaces (9 ft x 20 ft)
  - d. A centralized mail kiosk shall provide an overhead canopy to provide protection from the elements. The kiosk shall be located to accommodate three-cars stacking without blocking a driveway, street, or intersection, or provide three on-street parking spaces for every 100 units served.
  - e. Dumpsters whether for trash or recycling shall be screened on three sides and not visible from right of way or private street.
  - f. A 30-foot wide landscape strip shall be provided along all exterior street frontages. The landscape strip shall be planted as a no-access easement or enhanced landscape strip in accordance with the Landscape Ordinance and may include a decorative fence/wall and entrance monument.
  - g. All utilities shall be underground and located within the right of way or private access/egress/utility easements.
  - h. Gas, power and HVAC utilities and meters shall be located along a side or rear elevation and shall be screened from view from the right of way or private street.

( Ord. No. 2019-542 , 10-14-2019; Ord. No. 2020-551 , Exh. A, 7-13-2020)

### **Section 735. Hookah/Vapor Bar or Lounge.**

Hookah/Vapor Bar or Lounge shall be permitted as an assembly use with Conditional Administrative review in the CB district subject to the following conditions:

#### *735-1 Operating limitations.*

- 1. Subject to City licensing requirements.
- 2. Food and alcohol shall be prohibited.

#### *735-2 Licensing requirements.*

- 1. Maintain a valid City of Lilburn permit and license to operate a Hookah/Vapor Bar or Lounge;
- 2. Maintain a valid State of GA permit and license to operate a Hookah/Vapor Bar or Lounge.

( Ord. No. 2020-548 , 2-10-2020)

### **Section 736. Mixed-Use Development.**

The requirements of this Section shall apply to all applications to rezone property to the MU zoning district. In addition, these requirements shall apply to properties that have been rezoned to MU without conditions of zoning or an approved Master Concept Plan; in these instances, the review process described in this Section shall be required prior to submittal of subdivision development plans or site development plans.

#### *736-1 Application procedures and requirements.*

- 1. *Development Summary Report Required.* Applications for rezoning to, or development within, the MU district shall require a written report that establishes the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:
  - a. A complete listing and general description of every land use category proposed within the development shall include the total number of residential units by type, gross floor area, and

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density, and the total gross floor area of non-residential use by type and gross floor area. Open space (as defined in Sec. 5.9) acreage is to be listed separately.

- 1) Total acreage of the MU development and the land area and percentage devoted to each use shall be proposed in accordance with Table 4.6.
  - 2) Total gross floor area devoted to each use shall be proposed in accordance with Table 4.6.
  - 3) On sites zoned MU prior to February, 2022, an existing occupied single use may continue (Ref Art. 9) until the site is proposed for assemblage to meet minimum MU acres or redevelopment is proposed to change use, increase unit density or expand gross floor area by more than 50%.
- b. A detailed description of construction phasing of each land use category:
- 1) No more than 50 percent of residential units shall be certified for occupancy prior to 25 percent of non-residential floor area being permitted for building construction, and
  - 2) No more than 75 percent of the residential units shall be certified for occupancy prior to 50 percent of non-residential floor area being permitted for building construction.
- c. Individual site areas of a MU development are to be described as to their specific use and development standards, and keyed to the Master Concept Plan Map. Each area description must include the following subject matter, as relevant to the proposed character of development:
- 1) Principal and accessory uses proposed for the development. All uses not specifically included in the Development Summary Report, either in a general land use category or detailed for individual areas, and approved by City Council are prohibited unless the application is subsequently amended in accordance with applicable procedures.
  - 2) Gross acreage of the site area and approximate acreage of separate land uses or development areas, including open space.
  - 3) Intensity of development, including: Density controls (units/acre) for residential uses, minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum lot frontage, minimum floor area or residential dwelling unit sizes, and maximum total number of dwelling units by type, as applicable to the character of the development proposed.
  - 4) Principal building setbacks or build-to lines along all streets and property lines.
  - 5) Maximum building heights.
  - 6) Buffers (environmental and zoning), landscape strips and open space standards.
  - 7) Exceptions or variations from the City's sign, parking or street design requirements, if any are being requested.
  - 8) An indication whether the internal streets will be public or private.
  - 9) A description of intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting, as applicable.
  - 10) For all streets and utilities not proposed for dedication to the public, provisions for the ownership and maintenance must be explained.
  - 11) Proposed restrictive covenants (for informational purposes only).
  - 12) Any other relevant or applicable standard or requirement for the area.
  - 13) Applications may include prospective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural

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characteristics. If the MU district is approved, compliance with the architectural elevations shall be required.

2. *Master Concept Plan required.*

- a. Applications for rezoning to, or development within the MU District shall require a Master Concept Plan, including, at a minimum, those items listed below. The Planning Director, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.
- b. Master Concept Plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.
- c. All Master Concept Plans required by this Section shall contain, at a minimum, the following information:
  - 1) Boundaries of the subject property based on the boundary descriptions or boundary survey submitted with the rezoning application.
  - 2) Title of the proposed development and the name, address and contact information of the property owner or their designated representative.
  - 3) The name, address and contact information of the architect, engineer or other designer of the proposed development.
  - 4) Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural features.
  - 5) All existing streets within or adjacent to the property, including right-of-way and street pavement widths; location of existing buildings to be retained or removed; water courses and impoundments, wetlands and 100-year floodplain and associated buffers; and other physical characteristics of the property relevant to the development proposal.
  - 6) Open space areas to be retained.
  - 7) The general location of the proposed major street circulation system to be located within the development.
  - 8) General approximate delineation of individual areas of the proposed development that differ by land use or development standards, keyed to a description for each area contained in the Development Summary Report prepared in accordance with this Section.

*736-2 Review standards by City Council.* Consideration of applications for rezoning to, or development within the MU District shall be evaluated using the following criteria. For a rezoning application, the review criteria in Sec. 1003-7 in Article 10 shall also apply.

1. Conformity to the purpose and intent of the MU district.
2. Integration of a variety of land uses, building types and densities.
3. Quality of site design.
4. Preservation of natural features.
5. Compatibility with adjacent land uses.
6. Provision and type of open space and the provision of other amenities designed to benefit the general public.

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7. Adequacy of utilities and other public infrastructure.

*736-3 Report and Concept Plan establish MU uses and requirements.*

1. The approved Development Summary Report, Master Concept Plan, and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the City Council, shall establish the standards and minimum requirements for the subject property and shall become the conditions of zoning approval that apply to the subject property, regardless of changes in property ownership.
2. Development of the MU zoned site or any portion of the site will require submission and approval of subdivision plats and site development plans, in accordance with the City's Development Regulations.
3. Maintenance and ownership requirements for open space shall follow the requirements for Sec. 5.9 in the Development Regulations, unless alternative requirements are established in the approved Development Summary Report and Master Concept Plan.

*736-4 Revisions to approved MU requirements.*

1. Additions in the types of land uses, changes to the composition of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, reductions in any buffer or setback, changes to building elevations or exterior materials, major alterations in the land use patterns, or other substantial changes that, in the opinion of the Planning Director and the City Manager, are inconsistent with the Development Summary Report or the Master Concept Plan approved for the MU proposal shall require approval by City Council in accordance with procedures established in Article 10 for change in conditions of zoning (CIC).
2. Minor amendments to the Master Concept plan may be considered prior to or following issuance of development or building permits. Review and written approval by the Planning Director and City Manager shall be required.
3. As development of each portion of an MU development proceeds, the Master Concept Plan Map shall be updated to show each final subdivision plat as it is approved for recording, and each site development plan for a multifamily or nonresidential project upon its approval for a land disturbing activity permit. No certificates of occupancy will be issued within those areas until the Planning Director has received the updated Master Concept Plan Map.

( Ord. No. 2020-551 , Exh. A, 7-13-2020; Ord. No. 2022-579 , Exh. A, 2-14-2022)

## **Section 737. Multi-family Dwellings.**

*737-1 Architectural standards.*

1. ~~Each building~~ Buildings shall consist of a minimum of two alternating roof types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines.
2. No more than two contiguous ~~units~~ buildings shall have the same elevations for the front façade and roofline. A ~~variety~~ Alternating of exterior treatments such as porches, balconies, awnings, chimneys, stoops, decks, patios, or terraces shall be required.
3. If dwelling units are developed in a horizontal format, no more than two contiguous units may have the same elevation to provide architectural relief.
4. A unique architectural entrance surrounding a single entryway shall be provided.

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5. Required exterior cladding materials shall consist of a combination of brick, stone, natural wood or cement-based artificial wood siding such as hardiplank, or alternate industry standard durable material.
  6. Utility meters or equipment shall be screened from the view of a public right-of-way ~~and/or~~ from any surrounding [residential](#) property.
  7. Each dwelling unit shall be accessed internally; i.e., a building design in which there are apartments or other individual units on both sides of a passage corridor connecting attached dwelling units.

**737-2 Development standards.** The requirements in this Section may be in addition to and/or more restrictive than City's Development Regulations or Buffer, Landscape Ordinance.

1. A 10-ft landscaped strip shall be installed between parking and buildings.
2. A 30-ft wide landscaped setback shall be provided along all exterior street frontages.
3. Buildings shall be organized around open space; see Section 5.9 in the Development Regulations.
4. Buildings should be used to screen the large parking areas from street view.
5. A centralized mail kiosk shall be covered.
6. All utilities shall be underground.
7. The property shall have one owner. Subdividing portions of the property is prohibited.
8. The development shall be managed by a property management company and shall be recorded in the deed records of Superior Court of Gwinnett County either as written restrictive covenants or on the plat for development.

( Ord. No. 2020-551 , Exh. A, 7-13-2020)

## **Section 738. Brewery.**

In addition to SUP required in select zoning districts according to 602. Use Table, a brewery in any district is subject to the following standards:

**738-1 Licensing.** No person shall be permitted to own or operate a brewery without first obtaining a brewery license from the City Clerk, and each brewery license holder shall comply with all other applicable federal, state, and local license requirements. A licensed brewer shall abide by all federal, state, and local laws, regulations, and rules and the failure to comply with such laws, regulations, or rules may serve as the basis for revocation of the license issued by the City.

**738-2 Hours of Operation.** Where Special Use Permit is required, a licensed brewer shall be subject to provisions related to hours and days of sale as set forth by the SUP approved by City Council. In all districts, on-premise service must end no later than 11:00 PM.

**738-3 Outdoor activity.**

1. A licensed brewer is permitted to allow consumption on the brewery premises and within a designated outdoor seating area which shall be outside of any public right of way, required parking, or driveway, and delineated using fixtures such as walls, railings, planters or similar decorative fixtures that do not present a safety hazard.
2. A licensed brewer may provide outdoor entertainment and/or mobile food vending within a designated area shown on a site plan, which must be outside of any public right-of-way, required parking or driveway. Outdoor entertainment and mobile food vendors shall be subject to the Noise Control Ordinance and any amendments that may follow the adoption of this ordinance.

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( Ord. No. 2020-553 , 9-14-2020; Ord. No. 2021-569 , Pt. IV, 7-12-2021)

### **Section 739. Short-Term Rentals.**

739-1. *Definitions.* Short-Term Rentals, as defined in Article 14, Definitions, are permitted in R-1, R-2, MU zoning districts, and existing residential dwellings within CB districts, and in the same districts within the ~~Old Town Center~~ Overlay and the US 29 Overlay boundaries subject to the following conditions:

739-2. *Permitting and Application Requirements.* No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling as a short-term rental without first applying for a short-term rental permit and obtaining a certificate of compliance and a business license in compliance with the regulations contained in Article XIV, Short-Term Rentals, of Chapter 14, Businesses, of Lilburn City Code. The allowance of short-term rentals pursuant to this section shall not prevent enforcement of additional restrictions in restrictive covenants or other private contractual agreements or arrangements.

739-3. *Life safety and sanitation.*

1. The occupancy shall be limited to two adults per bedroom plus three adults per each short-term rental property. The bedrooms shall be inspected by the City of Lilburn's building official prior to issuance of a certificate of approval or compliance.
2. Short term rentals shall meet all applicable building codes. For properties served by septic, short-term rentals shall meet applicable environmental health regulations.
3. The owner and/or short-term rental agent shall maintain a house number that is visible from the street at all times according to building codes.

739-4. *Parking.* Parked vehicles:

1. Shall not be parked on the city right-of-way or along any roadways at any time; and
2. Shall be parked on the property only in approved parking spaces on designated hard surfaced areas with concrete, asphalt or contained decorative stone surfacing and shall not be permitted outside such hard surfaced areas (i.e., no parking in yards or neighbors' properties).

739-5. *Signs prohibited.* There shall be no signs permitted in conjunction with a short-term rental. Signs on vehicles are not permitted.

739-6. *Taxes.* Short-term rental owners are subject to state sales tax, city taxes, included but not limited to the hotel/motel tax, and are liable for payment thereof as established by state law and city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

( Ord. No. 2022-587 , § II, 6-13-2022)

## **ARTICLE 8. ACCESS, PARKING AND LOADING**

### **Section 801. Purpose and intent.**

The purposes of this article are summarized as follows:

1. Establish requirements for multi-modal access to development sites, including vehicular, truck service, and pedestrian, as appropriate;
2. Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;

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3. Establish minimum off-street parking and loading areas in proportion to the need created by each use, but considering reductions for the provision of alternative modes of travel;
  4. Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
  5. Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for exceeding maximums when a demonstrated need exists.
  6. Promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, and smaller spaces for compact cars;
  7. Establish design and improvement specifications for the development of parking lots, loading areas, access aisles, and connections of parking lots to public streets;
  8. Ensure that parking areas will be compatible with abutting residential zoning districts.

### **Section 802. Applicability.**

Except within the TC Overlay District and as otherwise specifically provided in this chapter, this article shall apply to:

1. New commercial, office, industrial, and residential construction; and
2. For new uses or conversions of existing, conforming buildings; and
3. For enlargements of existing structures; and
4. When the occupancy of any building is changed to another use.

This article shall not be construed so as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased.

### **Section 803. Access.**

1. The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans.
2. All parking shall be provided with vehicular access to a street. Parking areas shall not thereafter be encroached upon or altered without approval of the director.
3. Loading areas shall be provided with access to a street or alley. Loading areas shall not thereafter be encroached upon or altered without approval of the director.
4. Off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way.
5. There shall be no obstruction of a public sidewalk, including that portion of the sidewalk within a driveway apron, due to parking, loading, or other activity. The director may require that construction contractors make special provisions for maintaining safe passage along public sidewalks during construction.



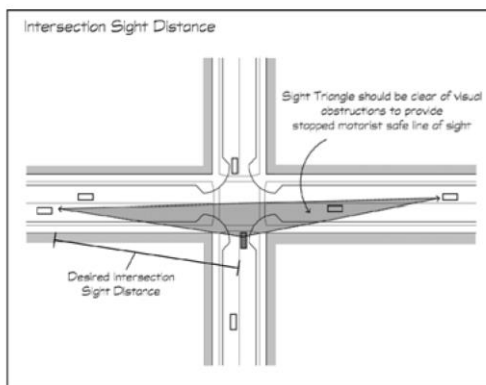
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## Section 804. Shared driveways and interparcel access.

1. *Applicability.* This section shall apply to all new office, commercial, institutional, and industrial developments and major building renovations and repaving projects of office, commercial, institutional, and industrial developments.
2. *Shared driveways.* Shared driveways between two parcels along the common property line may be required during subdivision plat review and/or site and design plan approval. In such cases, the subdivider and/or each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site.
3. *Interparcel access requirements.* Interparcel access for vehicles between abutting properties shall be provided as an alternative to forcing all movement onto abutting highways and public roads unless the director determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting sites or physical challenges occur. Where opportunities for shared access have been identified by the director, developments must provide shared access with adjoining properties to facilitate frontage roads and/or driveway connections between parcels. The property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians from site to site.
4. *Locations.* The location of vehicular connections across a property line shall be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access shall be provided in the rear portion of the site, as approved by the director. In cases where it is not possible to provide the connection in the rear, it may be provided in the front portion of the site. In the case of coordination problems or any factors preventing construction of an interparcel connection, the director will determine the location of the interparcel connection to be constructed by property owners.

## Section 805. Visibility at intersections and driveways.

No fence, wall, sign, hedge or planting or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. For purposes of this section, obstructions shall be defined in terms of height as elevations between 30 inches and 12 feet above any roadway or driveway, as applicable.



Unless otherwise specified by the director, the area regulated shall be two triangular areas formed by the street right-of-way lines, or such lines extended, and lines connecting such right-of-way lines at points 25 feet from the intersections of the right-of-way lines.

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## **Section 806. Internal vehicular circulation.**

1. Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided.
2. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas).
3. Interior vehicular circulation shall be provided by: visually orienting the driver with a regular, logical system of interior driveways and roadways; identifying entrance drives with small entry signs; and preventing vehicles from driving across or through designated parking areas by placing raised landscaped dividers or walkways between parking aisles.

## **Section 807. Pedestrian facilities internal to site required.**

1. *Required.* Internal to each building site, any new development unless exempted from this section shall provide safe routes of pedestrian access between points of departure and destinations in the form of an internal sidewalk system. Pedestrian access must be provided to individual developments and each establishment within the development. When multiple buildings are proposed on an individual site, they shall be linked with on-site pedestrian walkways.
2. *Connections.* The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned, or where required by the director via site and design plan approval. The internal sidewalk system shall also connect to any sidewalk systems on abutting private properties or provide for such connections in their absence.
3. *Design.* Pedestrian ways shall be well defined and take the most direct path possible. The director through site and design review may require that automobile access ways be separated from pedestrian access ways. Pedestrians shall have the right-of-way over automobile travel within interior portions of development sites.
4. *Crossings.* On any particular development site subject to this section where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures, or colors, or appropriate striping or demarcation, shall be provided to emphasize the point of intersection between pedestrians and vehicles and improve its visibility and safety. For instance, brick pavers and other special paving materials can help to distinguish pedestrian walkway surfaces from vehicular access ways.
5. *Width specifications.* All walkways internal to the site shall be a minimum of five feet wide, except for walkways serving individual single-family residences which shall be a minimum of four feet wide.
6. *Applicability and exemption.* This section shall not apply to construction of any detached, single-family residence on an individual lot, but it shall apply to any lot that is contained within a final subdivision plat approved and to any lots that are a part of a larger development which received site and design plan approval and which required sidewalks internal to each single-family lot.

## **Section 808. Off-street parking required.**

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts, except for the Town Center Overlay District (where some flexibility is provided; see parking requirements for that specific district). Required parking spaces shall be available for the temporary parking of passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

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## Section 809. Location of off-street parking areas.

1. *Requirement.* All parking spaces required by this article shall be provided on the same lot with the main building or use which it serves, except as specifically provided in this section or as otherwise provided in the Town Center Overlay District.
2. *Exemption.* The director may permit some or all of the required parking spaces to be provided on another lot, a substantial portion of which must be within 800 feet of such building, structure, or use. Any applicant proposing to use off-street parking on another site to meet the on-site parking requirements of this article shall submit evidence either of ownership or a valid agreement for use of the parking area off-site. Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

## Section 810. Parking plan required.

1. Before any parking lot or other parking improvement is constructed, or building permit is issued, the parking lot layout and area must be found by the director to be in compliance with all requirements of this article and a parking plan must be approved by the director via the site and design plan approval process.
2. No permit shall be issued for any parking area until the plans and specifications have been submitted for review by the director and site and design plan approval has been given by the director. Such plans and specifications shall include the number of spaces provided and required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, and provisions for drainage.
3. Occupancy or use of a building shall not be allowed until parking facilities meet the requirements of this article.

## Section 811. Minimum design requirements.

The following minimum design requirements shall be adhered to and demonstrated with the submission of appropriate plans and specifications during the site plan approval process:

1. *Paving surfaces.* In any commercial district, parking and loading areas shall be paved with concrete, asphaltic concrete, asphalt, or brick pavers in commercial areas.  
  
In the IA district, parking and storage lots may be on contained gravel surfaces. Containment shall retain the gravel so it is restrained from moving into [buffers](#), sidewalks, streets, and other public areas.  
  
In any residential district, the parking of any vehicle shall be on a concrete, asphalt, brick paver, or decorative stone surface. The use of decorative stone as a parking surface shall be contained within a confining border. In R-1 district, not more than 40 percent of the front yard shall be use for parking under any circumstances.
2. *Pervious surfaces.* Pervious pavement parking spaces and grass pavers may be substituted for standard dust free pavements. Aggregate (gravel) surface is not considered a decorative stone, but may be considered appropriate for certain uses at the discretion of the Director. Water quality considerations and the character of the district in which the parking lot is proposed to be constructed may be considered by the Director in modifying parking lot pavement requirements during the required site plan approval process.
3. *Curbing and drainage.* Parking and loading areas shall be properly graded, but in all cases drained so as to prevent damage to abutting properties or public streets. Water quality effectiveness and character of the zoning district shall be considerations in determining curbing requirements by the director via the site plan approval process.

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4. *Circulation.* Dead-end parking areas shall be prohibited unless design conditions prevent a connected design, and they can only be used if 90 degree parking design is used.
  5. *Minimum parking space sizes.* Off-street parking spaces shall be a minimum of nine feet in width by 18 feet in length. Compact parking spaces shall measure eight feet by 16 feet.
  6. *Minimum aisle width.* Parking driveway maneuvering aisle width requirements vary according to the width and length of parking spaces and the angle of parking. For a single row of 90 degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be 42 feet. For two rows of 90 degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be 60 feet for nine-foot wide spaces (measured from back of curb to back of curb).

The director may authorize parking lot designs that utilize 75, 60, and 45 degree-angled parking spaces with one-way or two-way aisles. If such angled parking is used, parking lots shall comply with acceptable parking dimensional standards for aisle widths as specified by the Institute of Transportation Engineers or other reputable source approved by the director.

Parking aisle length shall not exceed 500 feet without a break for circulation.

7. *Compact auto parking.* Compact parking spaces may be used in parking areas when more than 20 parking spaces are required, provided that the areas for compact parking are clearly marked and not more than 20 percent of the number of parking spaces provided in the entire parking area is designated compact auto parking.
8. *Landscaped divider.* One landscaped divider (planted area within in between and separating the vehicle parking spaces fronting one another) with a minimum width of nine feet shall be provided for every fifth parking aisle in a parking lot; provided, however, that the director may vary this requirement via the site plan approval process in cases of short parking aisles or where alternative designs prevent random maneuvers which can endanger pedestrians.
9. *Lighting.* Parking areas shall be appropriately lighted unless the director via site and design plan approval determines that lighting would be incompatible with abutting properties. Where lighting of parking lots is required or provided, light poles should be located in landscaped planter strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.
10. *Landscaping.* Parking lots shall meet the requirements for parking lot landscaping as specified in the buffer, landscape and tree ordinance.
11. *Signage.* Where needed to promote proper circulation within off-street parking areas, directional signs shall be placed in appropriate locations as specified by the director via site and design plan approval, development permit approval, or parking plan approval.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542 , 10-14-2019)

## **Section 812. Minimum and maximum on-site parking spaces.**

1. Unless specifically provided otherwise in this article, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum (and not to exceed the maximum) amounts in Table 8.1.
2. No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces, or increased to more than the maximum permitted number of spaces, or

altered in design or function to less than the minimum standards, unless specifically provided for in this article.

3. This section shall not be construed as requiring compliance of parking lots which lawfully existed on the effective date of this article; provided, however, that the director shall ensure parking lots that do not comply with this article meet the requirements of this article or substantially comply when a new development permit is required or a building permit is required to add additional building space on the site. If substantial redesign of the parking lot is required to comply with this article in such cases of new development or building additions, the director may accept substantial rather than complete compliance when the strict application of a requirement of this article would pose substantial practical difficulty.

Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

Table 8.1 Minimum and Maximum Number of Off-Street Parking Spaces Required		
Use	Minimum Parking Required	Maximum Parking Permitted
<b>COMMERCIAL USES</b>		
Animal hospital; kennel	One per 400 square feet	One per 250 square feet
Appliance sales and repair	One per 500 square feet	One per 300 square feet
Art gallery	One per 400 square feet	One per 300 square feet
Automated teller machine	Two per machine	Three per machine
Auto parts store	One per 500 square feet	One per 300 square feet
Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office	One per 150 square feet of repair space plus one per 300 square feet of showroom/office
Automobile service/repair	One per 250 square feet	One per 200 square feet
Bank, credit union, savings and loan	One per 300 square feet (plus provisions for drive-through facilities if applicable)	One per 200 square feet (plus provisions for drive-through facilities if applicable)
Barber shop or beauty parlor	One per 300 square feet	One per 250 square feet
Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom	Two for the owner-operator plus one per guest bedroom
Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus, if applicable, warehouse requirements for designated storage, receiving, and shipping area	One per 250 square feet of retail sales and office area, plus, if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane	Three stacking spaces for each car wash lane plus two drying spaces per lane
Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage	One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage

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Convenience store	One per 200 square feet	One per 150 square feet
Dance hall	One per 125 square feet	One per 75 square feet
Day care center	One per 500 square feet	One per 375 square feet
Funeral home or mortuary	One per 500 square feet of floor area, plus one space for each two seats in the chapel	One per 300 square feet of floor area, plus one space for each two seats in the chapel
Furniture/home furnishing store	One per 600 square feet	One per 300 square feet
Grocery store	One per 300 square feet	One per 250 square feet
Hardware store	One per 400 square feet	One per 300 square feet
Health or fitness club	One per 200 square feet	One per 150 square feet
Hospital	1.5 per bed	2 per bed
Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	One for each three washer/dryer combinations	One for each two washer/dryer combinations
Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area	One per 250 square feet plus one per 1,000 square feet outdoor sales or display area
Office	One per 300 square feet	One per 250 square feet
Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales	One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales
Personal service establishment	One per 250 square feet	One per 200 square feet
Photofinishing laboratory	One per 250 square feet	One per 200 square feet
Photographic studio	One per 300 square feet	One per 250 square feet
Restaurant, bar, or tavern	One per 125 square feet	One per 75 square feet
Retail store	One per 275 square feet	One per 250 square feet
Self storage/miniwarehouses	One per 40 storage units	One per 25 storage units
Shopping center	One per 275 square feet	One per 225 square feet
<b>LIGHT INDUSTRIAL USES</b>		
Manufacturing, processing, assembling	One per 1,300 square feet	One per 1,000 square feet
Wholesale and warehousing	One per 300 square feet of gross floor area devoted to sales or display plus one space for 2,000 square feet of gross storage area	One per 200 square feet of gross floor area devoted to sales or display plus one space for 2,000 square feet of gross floor storage area
<b>ASSEMBLY AND GOVERNMENT</b>		
Places of Assembly	One space for each 100 square feet of gross floor area	One space for each 75 square feet of gross floor area
Government office	One per 300 square feet	One per 250 square feet

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Library	One per 400 square feet	One per 300 square feet
Museum	One per 500 square feet	One per 300 square feet
Post office	One per 200 square feet	One per 150 square feet
Schools, colleges, trade and vocational	10 per classroom	15 per classroom
<b>RESIDENTIAL USES</b>		
Multifamily (3+ dwelling units within a building)	1.5 per 1 and 2 bedroom unit plus 0.5 per additional bedroom and 0.1 per unit for guest space	Three per dwelling unit plus 0.2 per unit for guest space
Dwelling unit within a building containing a non-residential use	One per dwelling unit.	Two per dwelling unit.
Single family detached	Two per dwelling unit.	No max.
Single family attached (duplex, town house)	1.5 per dwelling unit plus 0.1 per unit for guest space	No max.
<b>RECREATIONAL FACILITIES</b>		
Athletic field	20 spaces per field	30 spaces per field
Billiard hall/amusement arcade	One per 200 square feet	One per 150 square feet
Bowling alley	Two per each bowling lane (add parking for billiard hall/amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/amusement arcade, if provided)
Community center	One per 300 square feet	One per 250 square feet
Ice or roller skating rink	One per 200 square feet	One per 150 square feet
Miniature golf	One per hole	Two per hole
Stadium or sport arena	One per twelve feet of bench seating	One per ten feet of bench seating
Swimming pool—Subdivision amenity	One per 150 square feet of surface water area	One per 100 square feet of surface water area
Swimming pool—Public	One per 125 square feet of surface water area	One per 75 square feet of surface water area
Tennis or racquet ball court	Two per court	Three per court
Theater, cinema	One per three fixed seats	One per two fixed seats

(Ord. No. 2016-503, Exh. A, 6-13-2016)

### Section 813. Interpretations.

1. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.
2. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 8.1, and where no similar use is listed, the director shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study

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prepared by a qualified professional may be submitted to aid the director in making such a determination; if submitted, it shall be considered by the director prior to making a determination.

3. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, and/or bulk storage area, the director may authorize that the building space be divided into such floor space use areas and separate computations of floor areas (e.g., warehousing, retail, and/or office) in determining the off-street parking or loading space requirements of this article.

#### **Section 814. Number of handicapped parking spaces required.**

Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136) and the Georgia Accessibility Code.

#### **Section 815. Reduction for off-site, off-street arrangements.**

As provided in this article, off-site, off-street parking may be used in combination to meet minimum parking space requirements; a reduction of required on-site, off-street parking spaces on a given site may be permitted by the director in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this article compensates for the reduction.

#### **Section 816. Reduction for mixed or joint use of parking spaces.**

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The director may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

#### **Section 817. Reduction for on-street parking.**

The director may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are served by on-street parking.

#### **Section 818. Off-street loading required.**

On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, college, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.

This section shall not apply to uses permitted in the Town Center Overlay District.



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### Section 819. Loading area locations.

Loading areas shall be located to the rear of the building unless the director determined via site and design review that the site design precludes a rear location.

### Section 820. Loading area specifications.

Unless otherwise approved by the director, loading spaces shall be a minimum of 14 feet wide, 40 feet long, with 14 feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces shall be 60 feet long with a 63-foot apron.

### Section 821. Loading docks and spaces required.

Unless otherwise approved by the director, when loading space is required by this article it shall be provided in the quantity according to land use specified in Table 8.2.

Table 8.2 Minimum Number of Loading Docks and Loading Spaces Required				
Land Use	Size (Gross Floor Area in Square Feet)	Loading Docks	Loading Spaces	Total Spaces
Office	0—30,000	0	1	1
	30,001—100,000	1	1	2
	Each additional 100,000	1	1	+2
Commercial	0—10,000	0	1	1
	10,001—30,000	1	1	2
	30,001—80,000	2	1	3
	Each additional 80,000	1	0	+1
Institutional	0—10,000	0	1	1
	10,001—30,000	1	1	2
	30,001—80,000	2	1	3
	Each additional 80,000	1	1	+2
Industrial	0—5,000	0	1	1
	5,001—30,000	1	1	2
	30,001—50,000	2	1	3
	50,001—100,000	3	1	4
	Each additional 100,000	1	0	+1

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;note; **Source:** National Parking Association, 1992. Recommended Zoning Ordinance Provisions for Parking and Off-Street Loading Space. In Transportation and Land Development, 2<sup>nd</sup> Ed. 2002 (Washington, DC, Institute of Transportation Engineers, 2002, p. 10-8, Table 10-3).

## **ARTICLE 9. NONCONFORMITIES**

### **Section 901. Nonconforming lot.**

A lot of record, as defined in this chapter, that does not conform to minimum road frontage requirement or the minimum lot size or minimum lot width requirements for the zoning district in which it is located may be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained, and, provided further, that in the case of a lot not served by sanitary sewer the lot area and width meet the current standards and requirements of the Gwinnett County Health Department for septic tank use.

### **Section 902. Nonconforming building or structure.**

A nonconforming building or structure, as defined in this chapter, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, and other requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this chapter.

### **Section 903. Nonconforming use.**

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

1. *Change of use.* A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.
2. *Discontinuance or abandonment.* A nonconforming use shall not be reestablished after discontinuance or abandonment for one year. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection. If an occupation certificate is required for said nonconforming use and the occupation certificate has lapsed for more than six months, said lapse of occupation certificate shall constitute discontinuance.
3. *Expansion.* A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.
4. *Repair.* A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of damage as determined by the Planning Department, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is substantially completed within one year of such damage.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

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## **Section 904. Nonconforming sign.**

See the Lilburn Sign Ordinance for provisions regarding nonconforming signs.

## **Section 905. Prior nonconformities.**

Any nonconforming use shall be able to continue as a nonconforming use unless the use is brought into conformity with the adoption of this ordinance.

## **Section 906. Correction of nonconforming situations.**

1. *Intent.* It is the intent of this section to require the complete correction of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation can physically be made to comply with the requirements of this chapter. It is the intent of this section to require the reduction in the extent of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation cannot be physically be made to comply entirely with the requirements of this chapter. It is the intent of this section to provide authority to the director to administer the provisions of this section in a manner that meets these intentions, and that the director shall exercise that authority, subject to more specific guidance as provided in this section.
2. *Determination of nonconforming situations.* For any proposed building or development, or modification of a building or development, it shall be the duty of the director to identify the extent to which the improvements on land on which the building or development is proposed constitutes a nonconforming situation, as defined in this chapter. The director shall conduct a review and identify such nonconforming situation(s) at the time plans for such proposed building or development are submitted for review, and at any earlier opportunity, if presented. In the event that one or more nonconforming situations are found to exist by the director, they shall be documented and notice of the need to correct or reduce said nonconforming situations shall be provided by the director to the building or development applicant.
3. *Correction of nonconforming situations.* In determining the need to completely correct or reduce the noncompliance of nonconforming situations, the director shall be guided by the following standards:
  - (a) *Strict compliance.* A standard of "strict compliance" (complete correction of all nonconforming situations) shall be applied by the director where physical standards can clearly be made in the subject development proposal without significant alteration of the development as proposed.
  - (b) *Reasonable progress toward compliance.* In cases where complete correction or compliance with the nonconforming situation would require undue hardship, practical difficulty, or might unreasonably reduce the size, scale, or other significant aspect of the development proposal, the director shall have authority to approve the building, development, or improvement even though it does not meet a standard of strict compliance, if the relief granted is the minimum necessary to effectuate the building, development, or improvement.
  - (c) *Proportionality.* Whenever something less than strict compliance is authorized by the director, in determining the amount or extent of compliance required, he shall apply a standard of "proportionality," meaning that the scope, scale, extent and cost of requirements to correct nonconforming situations are more or less the same as the scope, scale, extent and cost of the improvement or development proposed.

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

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## 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. Presiding officer.** The presiding officer shall preside over the public hearing.

**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. Those who live in or own property in the City of Lilburn will be given priority to speak. If all those who live in or own property in Lilburn who desire to speak have done so and time remains, the Council/Commission may hear from others.~~The Presiding Office may ask to hear comments from residents of the City of Lilburn prior to individuals that reside outside of the municipal jurisdiction.~~

**1001-6. Applicant presentation and those ~~in favor of~~ who want to comment on 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 opposition or in support of the application.

1. If it appears that the number of persons wishing to ~~appear~~ comment in opposition or 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.
5. There shall be a minimum ten minutes and equal time period per application for those opposed to 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 or 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.
  - 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 opposition or 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 opposition or in favor of the application. The time Council may take to ask and time to answer such questions shall be included in the time allotted for each group.

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 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. The time Council may take to ask and time to answer such questions shall be included in the time allotted to the group's time.

~~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.~~

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~~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. The time Council may take to ask and time to answer such questions shall be included in the time allotted to the group's time.

*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~~time 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)

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## Section 1002. Text amendments.

*1002-1. Authority to amend.* The city council may amend any article or section of this Zoning Ordinance subject to compliance with the requirements of this section.

*1002-2. Authority to initiate.* An application to amend this zoning ordinance may be initiated by the Planning and Economic Development Department ~~Department~~, Planning Commission, or City Council.

In addition, any person, firm, corporation, or agency may initiate by application to the Director a proposal to amend the text of this zoning ordinance, provided said individual, firm, corporation, or agency is the owner or owner's agent of property in the city and the amendment sought pertains in some way to said property within the city.

*1002-3. Application.* Applications to amend the text of this zoning ordinance shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Director. The Director shall waive the application fee required by this section when an application is initiated by the City Council, the Department, or the Planning Commission.

*1002-4. Referral to and recommendation by planning commission.* Upon receipt of a completed application for a text amendment, the Director shall refer the text amendment to the Planning Commission.

1. The meeting at which the Planning Commission considers a text amendment shall be open to the public.
  - a. The Planning Commission shall make a recommendation on the text amendment.
  - b. The Planning Commission recommendation shall be made part of a public record.
2. The Planning Commission recommendations shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate.
3. The Planning Commission recommendation and any report shall upon publication be available upon request to the public.
4. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.

*1002-5. Notice of planning commission and city council public hearing.* At least 15 but not more than 45 days prior to the date of the public hearing before the Planning Commission or City Council, the Director shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing on the text amendment.

1. The notice shall state the time, place, and purpose of the public hearing.
2. The ordinance Article(s) or section of the proposed text amendment.

*1002-6. Planning commission and city council public hearing and action.* The City Council shall hold a public hearing on the text amendment as advertised and after review and recommendation by the Planning Commission.

1. In the event that the Planning Commission has not made a recommendation and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule the public hearing for a day after which the Planning Commission's recommendation will be available.

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2. In rendering a decision on any such text amendment, the City Council shall consider all information supplied by the Director and the Planning Commission, any information submitted by the applicant, and any information presented at the public hearing.
  3. The City Council may approve or disapprove the proposed text amendment as written, or it may modify the proposed text amendment and approve it as modified. The City Council decision will be made part of the public record.

*1002-7. Withdrawal.* Any application for an amendment to the text of this Zoning Ordinance may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the director, up until public notice of the public hearing by the city council. When any application for a text amendment is initiated by a party other than the city council or the planning commission, no refund of the required application fee or portion thereof shall be made once the text amendment has been scheduled for public hearing.

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

### **Section 1003. Amendment to the official zoning map and/or overlay district map.**

*1003-1. Authority to amend.* The City Council may amend any boundary of a zoning map, any boundary of an overlay district as shown on the official zoning map, approve Special Use Permits or Change in Conditions of zoning subject to compliance with the requirements of this section.

*1003-2. Authority to initiate.* Applications for amendments of the maps of this Resolution may be initiated by resolution of the Mayor and City Council, or by motion of the Planning Commission. In addition, any person, firm, corporation, or agency may initiate by application addressed to the Mayor and City Council, submitted to the Director, an amendment to the official zoning map, any boundary of an overlay district, a Special Use Permit (SUP) or a Change in Conditions (CIC) provided said individual, firm, corporation, agency is the owner or owner's agent of the property involved in said application, or by a contract purchaser with the owner's written consent.

*1003-3. Application.* Applications to amend the official zoning map or overlay district map, allow a Special Use or Change Conditions of zoning shall require submittal of an application fee, application form, and supporting materials specified by this section in advance by the Director.

1. No application described in this section shall be processed by the Director unless it is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this section.
2. If an application described and regulated by this section does not comply with all the submission requirements of this section, the Director may reject the application and refuse to process it.
3. The Director shall waive the application fee required by this section when an application is initiated by the City Council or the Planning Commission.

*1003-4. Application requirements.* If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of a parcel, the granting of a Special Use or a Change in Conditions of zoning, then the application as specified in this section shall be processed by the Director according to the requirements of this section as follows:

1. Application fee as established by resolution of the City Council;
2. Application form furnished by the Director, including signed and notarized signature of property owner;
3. Metes and bounds legal description of the property;



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4. Boundary survey plat of the property; provided, however, that where no survey is available the Director may, but is not obligated to, accept a map of the subject property from the Gwinnett County Tax Assessors or other reliable source;
  5. Letter of intent describing the proposed use of the property or other action requested, which may include any special conditions voluntarily made by the applicant as a part of the request. The applicant is also strongly encouraged to address the extent to which the application meets the criteria specified in this section for amendments to the official zoning map or overlay district map; and
  6. Site plan of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, and other information as reasonably required by the Director.

*1003-5. Referral to and recommendation by planning commission.* Upon receipt of a completed application to amend the official zoning map or overlay district map, or to allow a Special Use Permit or Change in Conditions, the Director shall refer the application to the Planning Commission.

1. The Director shall, with respect to each zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in section 1003-7. The Director shall make a written record of the investigation and recommendations, and this record shall be a public record.
2. The meeting at which the Planning Commission considers the zoning application shall be open to the public.
  - a. The Planning Commission shall make a recommendation to approve, approve with conditions, approve a different zoning classification, or deny the application.
  - b. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record.
3. The Director and Planning Commission recommendations shall be submitted to the City Council. The Planning Commission may submit any additional report it deems appropriate.
4. The recommendation and any report shall upon publication be available upon request to the public.
5. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the City Council.

*1003-6. Notice of planning commission or city council public hearing.*

1. At least 15 but not more than 45 days prior to the date of the public hearing before a Planning Commission or City Council hearing, the Director shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing on the application. The notice shall state the time, place, and purpose of the public hearing. If the application is initiated by a party other than the City Council or the Planning Commission, then in addition, notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
2. Not less than 15 days and not more than 45 days prior to the date of the public hearing, the Director shall cause to be posted a sign containing date and time of public hearing(s) in a conspicuous location on the property or in the public right-of-way along frontage of the property.
3. The City shall give notice of the proposed rezoning by regular mail to the property owner of record and to all abutting property owners of record as shown by City tax records.

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- a. Such notice shall be mailed at least 15 days prior to the Planning Commission public hearing and shall include a description of the application and the date, time and place of public hearings.
  - b. Notice deposited in the mail with adequate postage thereon and addressed to the last known address of the above-named property owners as shown on City tax records shall be deemed to be adequate compliance with the requirements of this section.

*1003-7. Criteria for amendments to official zoning map.* The Mayor and City Council find 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:

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the future development map and future land use plan map.
6. 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 proposal.

*1003-8. Review of Special Use Permit applications.* Consideration of a Special Use Permit application shall be evaluated using the following criteria, upon which findings of fact shall be based:

1. Is the proposed special use consistent with the Comprehensive Plan?
2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies?
3. Is the proposed special use compatible with adjacent uses?
4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located?
5. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts?
7. Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use?
8. Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses?
9. Are the hours and manner of operation of the proposed use compatible with surrounding uses?
10. Are there environmental resources or features which should be considered, for example, topography, special geological features, highly erodible soils, water runoff issues downstream, floodplain, wetlands, specimen trees, etc.?

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**1003-9. City council public hearing and action.** The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning Commission.

1. In the event that the Planning Commission has not submitted its recommendation and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule the public hearing for a day after which the Planning Commission's recommendation will be available.
2. In rendering a decision on any such application, the City Council shall consider all information supplied by the Director and the Planning Commission, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for amendments to the official zoning map as prescribed in this section.
3. The City Council may approve or deny the application as proposed, it may place conditions of approval on the application and approve the application with conditions, it may establish a time limitation for the duration of a Special Use to be permitted, it may deny the proposal in part, or it may table the proposal.
4. The decision of the City Council shall be made a public record.

**1003-10. Withdrawal.** Any application for an amendment to the official zoning map or overlay district map, Special Use Permit or Change in Zoning Conditions may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Director, up until the date of the legal advertisement of the public hearing by the City Council.

1. All applications, having been advertised, shall be considered by the Mayor and Council of the City, and shall receive final action.
2. When any application is initiated by a party other than the City Council or the Planning Commission, no refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.

**1003-11. Limitations on the frequency of filing applications.** No application regulated by this section and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until 12 months shall have elapsed from the date said application was denied by the City Council, unless such 12-month period is waived by the Mayor and Council. In such case, the same or any portion of property previously considered in a zoning map amendment which was denied by the City Council may not again be initiated until the expiration of at least six months immediately following the final decision rendered on the application by the City Council.

(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2020-551, Exh. A, 7-13-2020)

## **Section 1004. Reserved.**

Editor's note(s)—Ord. No. 2016-503, Exh. A, adopted June 13, 2016, repealed § § 1004, which pertained to special uses (special use permit—SUP).

## **Section 1005. Variances.**

**1005-1. Intent.**

[It is also the intent to allow the filing of applications for variance independently of any application.](#)

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It is also the intent of this section to permit the filing of an application for variance simultaneously with a rezoning, special use permit, or change in conditions of zoning, and have the concurrent variance and companion application(s) considered in the same cycle of review (i.e., "concurrent" variance application). Concurrent variances shall be considered and decided by mayor and council with the companion applications. ~~It is also the intent to allow the filing of applications for variance independently of any application.~~

~~It is also the intent of this section to permit the filing of an application for variance simultaneously with a rezoning, special use permit, change in conditions of zoning or conditional use application, and have the concurrent variance and companion application(s) considered in the same cycle of review (i.e., "concurrent" variance application). However, no variance shall be approved prior to the City Council's final action.~~

*1005-2. Establishment of zoning board of appeals.* A Zoning Board of Appeals is hereby created according to the following provisions:

1. The Zoning Board of Appeals shall consist of five members residing within the City, appointed by the Mayor and Council of the City. Any member of the Zoning Board of Appeals shall be disqualified to act upon a matter in which the member has an interest.
  - a. One member of the Zoning Board of Appeals may be member of the Planning Commission.
  - b. No other member of the Zoning Board of Appeals shall hold any elected public office in the City.
2. The term of office of each member of the Zoning Board of Appeals shall be for one year.
  - a. Members may be reappointed.
  - b. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
  - c. Member shall be removable for cause by the Mayor and Council of the City upon written charges and after a public hearing.
3. 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 City or a member of the Board.
4. The Zoning Board of Appeals shall adopt and publish rules of procedure. Except as specifically set forth in this Section 1005, such rules of procedure shall be consistent with those set forth in Section 1001 and comply with state law.
  - a. Meeting 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.
  - b. The Chairman or, in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena.
  - c. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.
  - d. The Zoning Board of Appeals shall keep records of its examinations and other official actions, all of which shall be a public record.

*1005-3. Zoning board of appeals powers.*

1. To hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made by the Director in the enforcement of this Zoning Resolution or the construction codes found under Sec. 105-1820. Construction Appeals and the Zoning Board of Appeals.

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2. To authorize, upon appeal in specific cases, variances from the terms of the Zoning Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Resolution will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Resolution shall be observed, public safety and welfare secured and substantial justices done. Such variances may be granted in individual cases of unnecessary hardship upon a finding by the Zoning Board of Appeals that:
- a. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
  - b. A literal interpretation of the provisions of this Article would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located, resulting in unnecessary hardship.
  - c. Such conditions are peculiar to the particular piece of property involved.
  - d. The special circumstances are not the result of any actions of the property owner.
  - e. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
  - f. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare.
  - g. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located.
3. To authorize, upon appeal in specific cases, variances from the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this section or the construction codes or public interest, and also finds all of the following:
- a. Special conditions and circumstances exist which are peculiar to the building, structure, or service system involved and which are not applicable to others.
  - b. The special conditions and circumstances do not result from the action or inaction of the applicant.
  - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures, or service system.
  - d. The variance granted is the minimum variance that will make possible the reasonable use of the building, structure, or service system.
  - e. The grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety, and general welfare.
4. In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of this Resolution, reverse decisions or determinations from which the appeal is taken and, to that end, assume 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.

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*1005-4. Pre-application conference encouraged.* Applicants for variances are encouraged, but not required to schedule an applicant orientation meeting with the Director. An applicant orientation meeting is a time where applicants can seek a determination of the number and nature of variances required, familiarize themselves with the application requirements and processes, and gain preliminary input from staff as to the suitability of the proposed variance(s).

*1005-5. Separate applications required when more than one section is requested to be varied.* A separate variance application, and a separate fee, shall be required for each individual section of this Article for which a variance is requested or from which relief is sought.

*1005-6. Regulations that cannot be varied.* Variances shall not be granted to (a) minimum lot size requirements of a given zoning district; or (b) permit a use which is not permitted in the zoning district in pertaining to the subject property (i.e., a "use" variance).

*1005-7. Application.* Applications for a variance shall require submittal of an application fee, application form, and supporting materials specified by this section in advance by the Director.

*1005-8. Application requirements.* No application specified in this section shall be processed by the Director unless it is found to be complete by meeting the requirements of this section as follows:

1. Application fee as established by resolution of the City Council;
2. Application form furnished by the Director, including signed and notarized signature of property owner;
3. Metes and bounds legal description of the property;
4. Boundary survey plat of the property; in the case where a building or structure was already constructed and requires a setback variance, the boundary survey shall include "as built" placement of the building or structure for which the setback is requested to be varied;
5. Letter of intent describing the regulations to be varied (specific sections and the amount of numerical variation sought), and including analysis of how the proposed development compares favorably with one or more of the criteria for granting variances as established in this section;
6. If pertaining to future development, a site plan of the property and proposed development shall be submitted at an appropriate engineering scale showing the proposed use and relevant information regarding the variance request. Site plans must show information as reasonably required by the Director.

*1005-9. Required public hearings by the zoning board of appeals.* A public hearing shall be held before the Zoning Board of Appeals acts upon an application for a Variance.

1. At least ~~15 but not more than 45~~30 days prior to the date of the public hearing before the Zoning Board of Appeals, the Director shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing on the application. The notice shall state the time, place, and purpose of the public hearing. In addition, notice shall include the location of the property and the section(s) proposed to be varied.
2. Not less than 15 days prior to the date of the public hearing, the City shall erect, in a conspicuous place on the property or in the right-of-way along the frontage of the property, a sign that shall contain information as to the Variance applied for, the date, time and place of hearing. Failure to erect and maintain the sign as specified above shall not invalidate the subsequent determination of the Zoning Board of Appeals.
3. Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the Zoning Board of Appeals. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

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- ~~3. Failure to erect and maintain the sign as specified above shall not invalidate the subsequent determination of the Zoning Board of Appeals.~~

**1005-10. Zoning board of appeals public hearing and action.** The Zoning Board of Appeals shall hold a public hearing on the application as advertised and after review by the Director.

1. At the hearing, any party may appear in person or by agent or attorney.
2. In rendering a decision on any such application, the Zoning Board of Appeals shall consider all information supplied by the Director, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for variance approval as prescribed in this section.
3. The Zoning Board of Appeals may approve or deny the application as proposed, or it may place conditions of approval on the application and approve the application with conditions.

**1005-11. Withdrawal.** Any application for variance may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Director, up until the public hearing by the City Council. No refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.

**1005-12. Reapplication to the zoning board of appeals.** If an application for a Variance is denied by the Zoning Board of Appeals, a reapplication for such Variance may not be made earlier than 12 months from the date of the original application, unless such 12 month period is waived by the Zoning Board of Appeals, 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 Zoning Board of Appeals, as appropriate.

**1005-13. Appeals from decisions of the zoning board of appeals.** Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals may present an ~~Appeal~~[petition for review](#) to the Gwinnet County Superior Court.

1. Such an [petition for review](#) ~~Appeal~~ to the Superior Court shall be ~~the same as an Appeal to the Superior Court from any decision made by the Probate Court and~~ as specified in the official Code of Georgia except, however, that the [petition for review](#) ~~Appeal~~ shall be filed within 30 days from the date of the decision of the Zoning Board of Appeals.
2. Upon failure to file the [petition for review](#) ~~appeal~~ within 30 days, the decision of the Zoning Board of Appeals shall be final.
3. [When a petition for review is filed, the Zoning Board of Appeals must be designated the respondent in the petition for review and unless the city is the defendant respondent in the petition for review. The secretary of the Zoning Board of Appeals is authorized to approve or issue any form or certificate necessary to perfect the petition and to acknowledge service of a copy of the petition and writ on behalf of the Zoning Board of Appeals, as respondent. Service upon the city as defendant may be upon the Mayor or as otherwise provided by law.](#)

~~On Appeal, the case shall be heard by the Judge of the Superior Court of Gwinnett County without a jury unless one of the parties files a written demand for a jury trial within 30 days from the filing of the Appeal.~~

**1005-14. Administrative variances.** To allow minor deviation from certain standards of this zoning ordinance when special circumstances or conditions peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship; and to provide the Director the authority to review, approve, deny, and render conditions to an administrative variance as necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this zoning ordinance,

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including, but not limited to, limitations on size, lot coverage, height, requirements for landscaping, buffering, and provisions of adequate ingress and egress.

1. The Director, or, in his/[her](#) absence or at his/[her](#) request, the Zoning Board of Appeals, shall have the power to grant variances (except for density and use variance) from the development standards of this ordinance where, in its opinion, the intent of the ordinance can be achieved and equal performance obtained by granting a variance. [If the matter is referred to the Zoning Board of Appeals by the Director, the matter shall be heard as set forth in this Section.](#)
2. The authority to grant administrative variances shall be limited to variances from the following requirements:
  - a. Front yard or yard adjacent to public street—Variance not to exceed the greater of 25 feet or 50 percent of the established minimum.
  - b. Side yard—Variance not to exceed the greater of five feet or 50 percent of the established minimum.
  - c. Rear yard—Variance not to exceed the greater of ten feet or 50 percent of the established minimum.
  - d. Lot coverage and rear yard coverage not to exceed 25 percent of requirement by unit type.
  - e. Height—Variance not to exceed ten feet, provided that no increase in the height for a sign may be granted.
  - f. Parking— Variance not to exceed 20 percent of the established minimum or maximum number of parking spaces.
  - g. Tree Preservation - Variance requests that will accommodate the preservation of existing native tree(s) not to exceed 20 percent of required tree density units.
  - h. Buffers- The dimensions of screening treatment of a buffer as required may be reduced by up to 50 percent where it is demonstrated that a planted buffer will achieve a greater desired effect or by up to 100 percent where the Comprehensive Plan recommends a more compatible land use on the neighboring property than that for which said property is actually zoned, or where the property owner adjoining the subject buffer is agreeable to the reduction; provided, however that no buffer required as a condition of zoning shall be modified administratively.
  - i. Accessory structures may be administratively approved in side yards based on lot configuration and proposed location.
  - j. Accessory structures may be administratively approved 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 garage/carport, barn, storage building, or other similar structure.
    - (3) The accessory structure is setback a minimum of 100 feet from right-of-way and located no closer than 20 feet to any side property line. If the accessory use is for animal quarters, no administrative variance may be granted and setbacks must be consistent with applicable ordinance.
    - (4) The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.



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3. The Director may ~~recommend~~impose conditions in a development order for an administrative variance as necessary to accomplish the goals, objectives and policies of the Plan and this Code. Any violation of the variance or condition shall be a violation of this Code.
  4. Approval of a variance shall render a parcel of land, building or structure to be conforming.
    - a. Use of the variance shall be limited to the exact dimensions and configuration of the parcel of land, building or structure as indicated on the site plan as submitted in the application.
    - b. The parcel of land, building or structure may not be further expanded, except in accordance with the standards of the Code.

**1005-15. Variances from the definition of the term "family".** The Director shall have the power to hear and decide requests for variances from the definition of the term "family" if all persons who will occupy the residential dwelling are related by blood or marriage.

1. To facilitate these administrative variances, the Director shall be authorized to develop procedures for consideration of such administrative variances.
2. There shall be no fee for applications for administrative variances from the definition of the term "family".
3. The zoning board of appeals shall have the power to hear and decide requests for variances from the definition of the term "family" when such requests are submitted by groups who are not all related by blood or marriage. Such variances may be granted in cases of unnecessary hardship upon a finding by the zoning board of appeals that:
  - a. 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 resolution; and
  - b. The residential dwelling contains at least 500 square feet of bedroom space;
  - c. The residential dwelling is served by public water and sewer service;
  - d. The residential dwelling is located on a lot having an area of at least one-half acre;
  - e. The residential dwelling lot contains paved parking area of no less than 1,200 square feet.

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

## **Section 1006. Appeals of administrative decisions.**

**1006-1. Intent.** It is the intention of this section that all questions arising in connection with the administration, interpretation, and enforcement of this article by the director shall be presented first to the director, and that such questions if they cannot be resolved at the administrative level shall be presented to the zoning board of appeals on appeal from the decision of the director.

**1006-2. Who may appeal.** Any person who alleges there is an error in, or who is aggrieved by a decision of the director in the administration, interpretation, or enforcement of this article, may file an appeal with the director stating the grounds for such appeal.

1. Appeals of administrative decisions may also be filed for consideration by any officer, department, or board or commission of the city, affected by any such administrative decision.
2. The appeal application shall be filed within ~~15~~30 days of the date of the final administrative decision.

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3. A fee shall be paid to the director at the time the notice of appeal is filed, as specified by resolution of the city council.

*1006-3. Transmittal of application.* Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the director to the zoning board of appeals for decision.

*1006-4. Notice of zoning board of appeals public hearing.* At least ~~15 but not more than 45~~<sup>30</sup> days prior to the date of the public hearing before the zoning board of appeals, the director shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the public hearing on the appeal application. The notice shall state the time, place, and purpose of the public hearing. Written notice must be sent via first class mail to the subject property owner at least 30 days before the public hearing to be held by the Zoning Board of Appeals. Written notices must indicate the nature of the nature-of-the issue appealed and the date, time, place and purpose of the public hearing.

*1006-5. Zoning board of appeals public hearing and action.* The zoning board of appeals shall hold a public hearing on the application as advertised.

1. In rendering a decision on any such application, the zoning board of appeals shall consider all information supplied by the applicant as specified in Section 1006-3 on the record.
2. The zoning board of appeals may grant or deny the appeal, or it may place conditions of approval on the application and approve the appeal with conditions.
3. The zoning board of appeals may, in conformity with the provisions of this resolution [ordinance], 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.

*1006-6. Stay of proceedings.* An appeal shall stay all proceeding 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 their opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise 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.

*1006-7. Judicial review.* Decisions by the zoning board of appeals with regard to appeals are final; provided, however, any person or persons, jointly or severally, aggrieved by any decision of the zoning board of appeals with regard to a decision on an appeal application under the terms of this section may ~~take an appeal to or seek judicial review by~~ file a petition for review in the Gwinnett County Superior Court. When a petition for review is filed, the Zoning Board of Appeals must be designated the respondent in the petition for review and the city the defendant in the petition for review. The secretary of the Zoning Board of Appeals is authorized to approve or issue any form or certificate necessary to perfect the petition and to acknowledge service of a copy of the petition and writ on behalf of the Zoning Board of Appeals, as respondent. Service upon the city as defendant may be upon the Mayor or as otherwise provided by law.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 1007. Administrative conditional approval.**

*1007-1. Intent.* An administrative level review and approval process grants the planning department the authority to apply conditions which ensure compliance with Code requirements, time limitations, and established standards for certain uses which may be permanent or temporary in nature, but require establishment of such conditions to ensure compatibility with surrounding land uses.

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1. These uses shall require review and conditional approval by the Director prior to issuance of a CO, occupation tax certificate, building permit, or commencement of activity.
  2. Administrative conditional review and approval may also be utilized for applications that require only planning department approval of: minor corrections to tabular data, submittal of new, or additions to an existing approved site or subdivision plan.

*1007-2. Applicability.* Only the uses identified in Section 602 by a "C" shall require an administrative conditional review. This designation in Section 602 does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed conditional use shall be evaluated by the director for compliance with the conditions as set forth in Section 603, supplemental conditions table, and/or Article 7 as appropriate, and the applicable district.

*1007-3. Conditions.* In approving a conditional use the director, may impose special conditions which it deems necessary in order to make the requested use acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the comprehensive plan.

1. Such conditions may consist of:
  - a. Setback requirements from any lot line;
  - b. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
  - c. Driveway curb cut restrictions;
  - d. Restrictions as to what land uses or activities shall be permitted;
  - e. Maximum building heights or other dimensions;
  - f. Special drainage or erosion provisions;
  - g. Landscaping or planted area which may include the location, type and maintenance of plant materials;
  - h. Fences, walls, berms, or other buffering provisions or protective measures;
  - i. Preservation of existing trees or other vegetation;
  - j. Special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation;
  - k. Architectural style;
  - l. A requirement that the existing building(s) be retained;
  - m. A requirement that developers must build according to the site plans as adopted;
  - n. A limitation on exterior modifications of existing buildings;
  - o. Any other requirement that the director may deem appropriate and necessary as a condition of permitting a use within a designated district.
2. Such conditions:
  - a. Shall be in effect for the period of time specified by the director.
  - b. Shall be required of the property owner as a condition of their use of the property.
  - c. Shall be interpreted and continuously enforced in the same manner as any other provision of this resolution [ordinance].

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- d. An occupation certificate, CO, building permit, building permit, or authorization for commencement of activity shall not be issued until final site, architecture and development plans required by such conditions have been approved by the director.

**1007-4. Minor amendments to existing approved site or subdivision plan.** The director shall have authority to make determinations for applications that may require the submittal of a new site plan, or propose minor changes to an existing approved site or subdivision plan, including tabular data. Typical amendments may include, but not be limited to the following:

1. Change in sign location;
2. Minor modifications to parking areas;
3. Relocation of terminal islands to accommodate trees or utility lines;
4. Proposed phase lines;
5. Reduction or increase in building square footage;
6. Relocation or transfer of building square footage;
7. Alternative Landscape Plans and reduction in required plantings based on additional trees preserved or proximity to power lines or other obstructions;
8. Proposed canopies;
9. Minor revisions to lot lines to be consistent with a plat;
10. Temporary sales trailers; and
11. Other minor structures.

**1007-5. Compliance.** The following standards shall apply to all required administrative conditions:

1. Compliance with the goals policies and objectives in the Comprehensive Plan.
2. Compliance with the applicable property development regulations of the zoning district in which the use is located.
3. Compliance with all applicable portions of this Code, including, but not limited, concurrency, parking, and landscaping.
4. Utilization of the location, design, layout, access, and duration of the use to minimize potential adverse impacts on surrounding land uses.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 1008. Development of regional impact.**

**1008-1. Applicability.** This section shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact," as may be amended from time to time.

**1008-2. Jurisdiction.** If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

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**1008-3. Procedures.** The application procedures established in this article will be modified by this section in cases where a rezoning request or other application described in this article fits the definition of a "development of regional impact." Developments of regional impact will be processed according to procedures of the Georgia Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, as may be amended from time to time, including but not limited to the following:

1. The city will not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact," as may be amended from time to time, is completed.
  - a. The city may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required.
  - b. The city shall not take any official action related to such a project until the DRI review process is completed and the city has had adequate time to consider the DRI review comments.
2. After the DRI review process is completed, the city may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.
3. If the project receives a negative public finding from the Regional Commission and the city approves said project or takes action to advance said project, the city shall notify the Regional Commission and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 1009. Incorporation clause.**

This article is intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66 et seq., which Act is incorporated by reference in its entirety into this article. Where any provision of this article is in conflict with any provision of the law, the law shall control. Or where this article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the law, such provision of the law, so as to meet the mandate of the law, shall be fully complied with.

## **ARTICLE 11. SITE AND DESIGN PLAN REVIEW**

### **Section 1101. Intent and purposes.**

The intent of this article is to establish requirements for certain developments, building construction, and land use activities to be reviewed and approved with regard to their site design and architectural appearance. This chapter provides procedures and standards for review and approval of site, landscaping, and exterior architectural design plans. Site and design plan review is required to insure that developments and buildings comply with the provisions of this chapter and meet the community design and development policies established by the City in its Comprehensive Plan and this Zoning Ordinance.

The purpose of the site and design plan review process established in this article is to regulate site planning, landscaping, and the exterior architectural design of specified uses and structures in order to:

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1. Enhance and preserve the aesthetic qualities of Lilburn as an attractive community with a rich historical background.
  2. Protect and maintain the value of existing buildings and property.
  3. Insure architectural compatibility between buildings and adequate landscaping to promote and protect the aesthetic and historic qualities of Lilburn.
  4. Minimize any adverse impacts of new development on existing uses through provision of screening, buffering, landscaping and other techniques.
  5. Preserve and enhance the natural resources of Lilburn in order to provide aesthetic and other public benefits, such as erosion sedimentation and pollution control, energy conservation, minimization of flood hazards, and resilient eco systems.
  6. Enhance economic opportunities by maintaining Lilburn as an attractive community for prospective developers, businesses, and residents.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

### **Section 1102. Site and design review.**

The director may review and comment on initial site and design plans and provide advice to applicants prior to submittal of applications for design plan approval.

### **Section 1103. Exemptions.**

The following shall be exempt from the requirements to obtain site and design review and plan approval as specified in this article:

1. Excavation or land disturbance of 2,000 square feet in area or less, provided that best management practices are followed as required by the City's soil erosion, sedimentation and pollution control ordinance.
2. Temporary ground or wall signs, unlighted, during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction, not to exceed maximum size requirements of the Lilburn Sign Ordinance.
3. Repair or reconstruction of existing freestanding retaining walls or decorative walls less than 4' in height, or fences, when repaired or replaced with materials that are the same or substantially similar to those originally constructed or approved via site and design plan review.
4. Fences and walls less than 4' in height in the side and/or rear yard of a lot containing a detached, single-family residence.
5. The installation of landscaping on a lot containing a detached, single-family dwelling.
6. The repainting of an existing building or structure.
7. The installation or reconfiguration of driveways and the installation, pavement or resurfacing of walkways, ramps, and steps serving a detached, single-family residence.
8. Modifications to outdoor lighting fixtures involving the replacement of light fixtures, and which may involve an increase in the number of light fixtures at the same or lesser height, provided that the type of lighting and materials used for such light fixtures shall be of the same as or similar to those originally existing or previously approved via site and design review.

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9. Repairs, remodeling, re-siding, and other changes to existing detached, single-family dwellings or their permitted accessory buildings, structures, and uses which do not increase the building square footage (area), property coverage (footprint), or the height of buildings or structures on the lot.
  10. The establishment of a temporary use that is permitted in the zoning district in which the subject property is located.
  11. Satellite dishes, provided they are not mounted on front building façades.
  12. Dumpsters, when located in rear yards, subject to compliance with applicable screening requirements, and temporary roll-off debris containers for a period not exceeding 60 days.
  13. Changes of material appearance to a detached, single-family dwelling similar in scope and impact to other exemptions enumerated in this section and which are exempted by the director.
  14. Any changes in material appearance not otherwise exempted by this section but which receive approval from the department. In issuing such an exemption, the city may place conditions on its approval to exempt the material change in appearance from the requirements to file design plans as required by this article.

The director is authorized to prepare administrative forms and to provide evidence, upon application and for a fee if authorized, that a proposed action is exempted from the requirement to obtain site and design approval as specified in this article.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

#### **Section 1104. Site and design plan approval required.**

For any development, building, structure, or activity to which this article applies, approval of a site and design plan shall be required before a development permit, building permit or other permit, as appropriate, is issued or any improvement, grading, alteration of land(s), or construction of building(s) commences. The director shall not authorize and shall not issue a development permit for the improvement, grading, or alteration of land until a site and design plan if required by this article has been approved as required by this article. The department shall not authorize and the building inspector shall not issue a building permit or certificate of occupancy for a development, building, structure, or activity subject to the requirements of this article until a site and design plan, if required by this article, has been approved.

#### **Section 1105. Application required.**

Any building, structure, improvement, excavation, or other activity not specifically exempted from compliance with this article shall require the submission of an application and plans and other information to the director as specified in this chapter.

All applications for site and design plan approval shall be made as required by the director and shall at minimum contain the information required; provided, however, that the director may waive any application submission requirement where such information is irrelevant to the application at hand, is not needed to facilitate review by staff, and/or would be a disproportional burden on the applicant to supply the information given the nature of development or improvement proposed.

#### **Section 1106. Specific submission requirements.**

Unless waived by the Director, the following items shall be submitted in order to have a complete application for site and design review:

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1. Application fee, if required by resolution of the City Council.
  2. Application form furnished by the Director, which at minimum shall describe the proposed development.
  3. Survey plat of the property showing all property lines with metes and bounds and dimensions.
  4. Site plan of the property at an appropriate engineering scale showing buildings, parking, property lines, and other appropriate details.
  5. Grading, drainage, and utilities plan.
  6. Landscaping and tree protection plan, including required buffers and landscape strips.
  7. Front, rear, and side elevation drawings of buildings and/or photographs, as appropriate, showing architectural features and materials.
  8. Color and material description (or samples) for exterior facades, roofing of buildings and signage.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

### **Section 1107. Processing, consideration, and notice.**

1. *Initial pre-application encouraged.* Applicants with development proposals, such as construction of one or more new buildings, are strongly encouraged but not required to have a pre-application meeting with the director to gain preliminary input and to ensure application completeness. The director may ask questions of the applicant's intent and make suggestions with regard to site configuration, colors, building materials, landscaping, architectural design, and accessory structures, or other matters. Specific directions will be given to the applicant in preparing the application for site and design plan approval.
2. *Finding of completeness.* A finding of completeness by the director is required to process an application for site and design plan approval. If incomplete, notice shall be provided to any applicant within five days of submittal and said notice shall describe the deficiencies that need to be corrected or omitted materials that need to be submitted in order to complete the application. Once complete, Director shall provide for 30 day review period of complete application, including five days to determine completeness, and two days to notify applicant of 30 day review period and provide written comments. Following receipt of comments, applicant shall have 30 days to revise and resubmit design plans and the Director shall review revisions in accordance with comments within five days of resubmittal, to approve or deny Site and Design Plans for permitting. If revised application or plans generate new review comments, notice of new application or plan review shall be provided within five days, and City shall review and provide comments on new plans within 30 days including five days to determine completeness. Any delay not attributable to the City review shall not count toward the 30 day timeframe.
3. *Criteria for action.* The proposed site and design plan must be consistent with design criteria specified for the zoning district in which the project is located. See Article 4, Tables 4.2 and 4.4 for most zoning districts; Article 5 for Design Standards, as applicable. Site and Design Plans, application shall comply with all applicable codes, including but not limited to zoning, development regulations, environmental codes, building codes and additional local, state and federal agency review criteria.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542 , 10-14-2019)



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### **Section 1108. Criteria for action.**

In addition to considering each site and design plan application's consistency with the purposes of this article, the Department shall review applications and take action based on conformance with the latest edition of building codes as adopted by City Council.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

### **Section 1109. Compliance with approved plans.**

Site development, construction, erection of structures and signs, and landscaping shall be carried out in accordance with the plans, drawings, sketches, specifications, and other documents approved in the application for site and design plan approval, unless changes are proposed and approved in accordance with the requirements set forth in this section.

### **Section 1110. Process after decision.**

1. If the application for site and design plan approval is denied, the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy. The Department may suggest alternative courses of action it thinks proper if it denies the application submitted. The applicant may make modifications to the plans and may resubmit the application at any time.

If Director finds a complete application cannot be reviewed within 30 days, applicant may pursue third party plan review according to HB493. If the third-party approved application for site and design plan approval is denied by the Department, the applicant may appeal to the Zoning Board of Appeals for review and decision. Said decision shall constitute final site and design plan approval or denial for purposes of this article.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542 , 10-14-2019)

## **ARTICLE 12. PERMITS AND CERTIFICATES**

### **Section 1201. Development permit.**

1. *Required.* A development permit shall be required for any proposed use of land(s) or building(s), and before any improvement, grading or alteration of land(s) or building(s) commences to indicate and insure compliance with all provisions of this chapter and other applicable regulations in the City Code. Such development activities include, but are not limited to, clearing and grubbing, grading and/or land disturbance, and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property.
2. *Separate requirements for phased applications.* If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
3. *Exemptions.* A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling on an individual lot not part of an approved subdivision or development.
4. *Application.* No person shall conduct any land-disturbing or development activity within the city without first applying for and obtaining a development permit from the director, if required, to perform such activity.

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5. *Application requirements.* Applications shall be made in accordance with application requirements specified by the director and this section. All applications for a development permit shall be made to the director and shall be accompanied by the following:
- (a) Application on the form furnished by the director.
  - (b) A fee as established by resolution of the city council.
  - (c) A copy of the approved preliminary plat, if subdivision is required and preliminary plat approval has been obtained, or an application for preliminary plat approval if required.
  - (d) A sufficient number (as approved by the director) of sets of plans drawn to scale, signed and stamped by one or more qualified professionals who have authority to produce such plans or portions thereof, with addresses and contact information.
  - (e) Plans requiring or involving stormwater management facilities shall require the submittal of plans containing information specified in the city's stormwater management ordinance. Approval of a development permit containing information and requirements of said article shall constitute approval of the permit required by that chapter.
  - (f) Plans involving land within a flood plain or flood hazard area shall require the submittal of plans containing information specified in the city's flood damage prevention ordinance. Approval of a development permit containing information and requirements of said article shall constitute approval of the permit required by that chapter.
  - (g) Plans requiring a land disturbance permit shall require the submittal of plans containing information specified in the city's environment ordinance unless specifically exempted by the director from the submission of plans in accordance with said Ordinance. Approval of a development permit containing information and requirements of said article shall constitute approval of the permit required by that chapter, subject to other applicable agency approvals required by said chapter.
  - (h) Plans involving land within a wetland shall require the submittal of plans containing information specified in the city's Wetlands Protection Ordinance.
  - (i) Plans shall demonstrate compliance as applicable with the city's tree ordinance as well as tree maintenance guidelines and standards as applicable.
  - (j) Development permit applications shall require the submission of plans and information specified in the city's subdivision and land development ordinance and shall demonstrate compliance therewith.

The application shall be checked for completeness at the time of submission. Incomplete applications will not be processed and will be returned to the applicant.

6. *Relationship to plat approval.* An application for preliminary plat approval, when required by the City Code may be processed independently of, or in conjunction with, an application for issuance of a development permit. Applicants are cautioned, however, that the preliminary plat approval is discretionary with regard to compliance with the comprehensive plan and design requirements, and therefore, proceeding simultaneously with preliminary plan and development permit applications may result in the revision of engineering plans if the layout of the preliminary plat of the proposed subdivision must be modified.
7. *Relationship to site and design plan review.* It is anticipated and expected that applicants will proceed more or less simultaneously in pursuing site and design plan approval as required by Article 11 of this Zoning Ordinance; however, no development permit shall be approved until site and design plan review, if required, is accomplished. A development permit applicant, if not ready to submit architectural details for buildings or structures, may divide the site and design plan review application process into a "site" application and "building" application, and seek only the site plan portion of the approval process required by Article 11 of this chapter, which shall be required to issue a development permit. The applicant may defer the "building"

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part of the site and design plan approval process until after the approval and issuance of a development permit.

8. *Agency and director review.* The Director shall forward a copy of the Development Permit application, including the civil plans and drawings for the project, to other city departments or others as appropriate, for their review and comment. The applicant shall be required by the Director to secure development approval from other agencies if they are affected by (or have jurisdiction over) the development. Development approval may be required from, but is not necessarily limited to the following, as applicable: the city engineer, the city street and/or public works department, the soil and water conservation district with jurisdiction, the Gwinnett County Fire Department, the Gwinnett County Environmental Health Department, the Gwinnett County Planning and Development Department, the Gwinnett Department of Transportation, the Georgia Department of Transportation, the Georgia Department of Natural Resources, and the U.S. Army Corps of Engineers.
9. *Consolidation and submission of comments to applicant.* Upon receipt of comments from the city and all other departments and external agencies as appropriate, the Applicant shall submit revised plans to reflect all such comments related to compliance with applicable city regulations and agency requirements.
10. *Issuance.* All development permits shall be issued by the director who shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or other applicable regulations of the city. The applicant shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of reviewing city departments, external agencies, and the director. Although review may have been achieved, if another city department or external agency requires approval or a permit, the owner shall also be responsible for obtaining such approval or permit from all other agencies affected by the project prior to issuance of the development permit by the director.
11. *Denial.* If the development permit is denied, the director shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the director which shall be a public record.
12. *Duration of validity.* A development permit shall expire two years after its issuance, subject to the following provisions: if the work described in any development permit has not been begun within one year from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire. Application processes shall begin anew for any expired development permit.
13. *Suspension or revocation.* The development permit may be suspended or revoked by the city, as to all or any portion of the land affected by the permit, upon finding that the holder or his or her successor in title is not in compliance with the approved development permit or is in violation of any applicable regulations in the City Code.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

## **Section 1202. Building permit.**

1. The department is hereby authorized to issue building permits in accordance with all provisions of this chapter and relevant chapters of the City Code, but only after the director has issued a development permit, or if no development permit is required, after a review of said building permit for compliance with the provisions of this chapter and applicable regulations of the city.
2. No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any

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lot for the construction of any building or structure be commenced until the building inspector has issued a building permit for such work in conformity with the provisions of this chapter and all applicable building and related codes.

3. Approval of a building permit shall require an application to the department as specified in the minimum standard codes. If the building permit is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the building inspector.
4. Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within 180 days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six months.
5. See the City Code for applicable provisions with regard to administration and enforcement of building permits and minimum standard codes, including reference to Chapter 1 of the International Building Code which shall govern specific procedures and submission requirements.

### **Section 1203. Certificate of occupancy.**

1. A certificate of occupancy issued by the department is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure.
2. A certificate of occupancy, either for the whole or part of a building or use, shall be issued within 72 hours after the erection or structural alterations of such building, or part, or use established, is completed. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter and applicable regulations of the city.
3. If the certificate of occupancy is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the building inspector.
4. See the City Code for applicable provisions with regard to administration and enforcement of certificates of occupancy and minimum standard codes, including reference to Chapter 1 of the International Building Code which shall govern specific procedures and submission requirements.

### **Section 1204. Temporary use permit.**

1204-1. *Authority.* The Planning Director or designee is hereby authorized to issue a temporary use permit for special temporary outdoor activities associated with: (1) holidays and seasonal events which are not intended to serve the primary use of the lot; (2) temporary outdoor retail sale of merchandise associated with an established business, and (3) limited outdoor display on site; which are held in open areas or within temporary structures in association with a temporary outdoor event, in accordance with all provisions of this article and relevant chapters of the City Code for temporary uses, and subject to the following requirements.

1. Applicant shall be required to submit, as a condition of permit approval, a complete Temporary Use Permit application form provided by the department with supplemental documentation and fees established by City Council.
2. Application shall include a dimensioned site plan or legal survey or scaled satellite map sufficient to clearly show:
  - a. Parcel lines and parcel acreage;
  - b. Striped parking spaces allocated to the activity or event on the parcel and within 800 feet as may be permitted by the Director;

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- c. Distances of building to right-of-way and proposed use to right-of-way
  - d. Proposed size and location of each temporary structure, display area, and mobile food vending unit relative to the dimension of the primary building or suite/tenant proposing the event, to demonstrate minimum disruption to other tenants and safe and orderly traffic and pedestrian circulation throughout the parcel;
  - e. Linear dimension of existing building(s) and/or suite frontage;
  - f. Square footage of building(s) and/or suite, whichever is applicable;
  - g. Proposed outdoor conditions on a lot or parcel, including but not limited to the proposed areas of outdoor activity, temporary outdoor storage areas, proposed temporary signage and any other appurtenances or features requested by the director or designee in order to properly consider the application.
3. Written permission from the property owner shall be obtained and submitted by the applicant to the department prior to issuance of a temporary use permit. Other written documentation as may be required by section 731 of the zoning ordinance must also be submitted at the time of the application.
  4. A valid occupation certificate shall be required of the applicant in conjunction with the temporary use permit.
  5. All approvals, permits, or licenses granted under this section must be displayed in a conspicuous manner on the premises at all times for inspection by the city or duly authorized city representatives.
- 1204-2. *Findings and approval.* The application for temporary use permit for temporary outdoor retail display or temporary outdoor seasonal events and activities may be approved provided that the director shall find that the following conditions exist:
1. That there are special circumstances or conditions applying to the business activity in question that are peculiar to such business, and warrant the approval of a temporary use permit.
  2. That the location and siting of the temporary outdoor activity and/or display would be substantially and materially compatible and in scale with uses permitted in the zoning district.
  3. That the proposed temporary use or activity is consistent with the standards and regulations of Article 7 of the city's zoning ordinance.
  4. That the proposed temporary use would provide for an orderly activity within the community in general and the surrounding property in particular.
  5. That the temporary use permit approval would not impair the rights of others or devalue the surrounding property.
  6. That the applicant demonstrates the proposed activity does not violate other city, county, state or federal regulations or ordinances regarding the requested use and the applicant has obtained all necessary approvals from any governmental agency with jurisdiction over said use; and
  7. The director finds that the proposed temporary seasonal, retail sales display, or other temporary outdoor event or activity would not adversely affect the health, safety, morals, convenience and general welfare of the residents of the city.
  8. The applicant shall by the execution of the application form acknowledge that the approval of an application for a temporary use permit grants a temporary license which may be denied, suspended, or revoked for any conduct in violation of this section or for the operation of the business the temporary use of the property in a manner which creates a public nuisance or otherwise violates any other ordinances or laws.

## ***ARTICLE 13. ADMINISTRATION AND ENFORCEMENT***

### **Section 1301. Director of planning and economic development.**

This article shall be administered, interpreted, and enforced by the director, who shall have the duties and authority with respect to this article as provided in the various articles and sections of this article and those necessarily implied by said provisions. Among the various duties, responsibilities, powers, and authority (not exhaustive or all-inclusive) the director is hereby authorized to:

1. Serve the planning commission as the principal administrative agent and, if so appointed, serve as ex-officio secretary or record keeper of the planning commission.
2. Review and recommend for initiation by the planning commission and/or city council, amendments to this article.
3. Maintain as official public records all applications for rezoning, conditional use, variance, and any other applications required by or submitted pursuant to this article, and to serve as the official custodian of all zoning records of the city except those actions of the city council, in which cases the city clerk shall remain responsible.
4. Maintain and update the official zoning map and interpret the boundaries thereof when unclear or questions arise subject to the provisions of Article 2 of this Zoning Ordinance.
5. Issue official letters of zoning compliance and zoning district confirmation.
6. Determine nonconforming situations, and exercise administrative flexibility in terms of correction of nonconforming situations pursuant to Article 9 of this Zoning Ordinance.
7. Establish administrative application forms and guidelines, and waive or modify application requirements enumerated in this article, and establish other requirements for applications in addition to those enumerated in this article.
8. Establish public hearing schedules and deadlines for the submission of applications required or authorized under the terms of this article.
9. Prepare written reports and present orally reports and information to the planning commission and city council with regard to applications for amendments to the official zoning map, conditional uses, variances, and other applications requiring their consideration.
10. Conduct inspections; to that end, the director shall be authorized to enter onto private property after first notifying the property owner of record and occupant if different from the owner, or as otherwise provided by a court of law.
11. Authorize approval of building permits and certificates of occupancy, or withhold authorizing approval of building permits and certificates of occupancy by the building official if work or activity proposed is inconsistent with the requirements of this article or other code requirement of the city.
12. Interpret and enforce the provisions of this article, subject only to provisions for the appeal of administrative decisions pursuant to this article.
13. Exercise any other administrative and enforcement duties specifically assigned or which are reasonably implied within the duties and responsibilities of the director.

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14. Conduct inspections, issue and approve/disapprove building permits, issue and approve/disapprove certificates of occupancy, and exercise any other administrative and enforcement actions reasonably implied within the duties and responsibilities as director.

### **Section 1302. Code enforcement officer/building inspector.**

A code enforcement officer/building inspector shall be authorized to conduct investigations and execute enforcement actions when there is alleged to be a violation of any provision of this article.

### **Section 1303. Enforcement and remedies.**

1. *Notice and warning.* If, through inspection, it is deemed that a person engaged in any activity inconsistent with the provisions of this article, with an approved plan or permit, or with conditions of a permit, a written notice to comply shall be served upon that person or posted upon the subject property. The notice shall set forth the measures necessary to achieve compliance and shall state the date upon which such measures must be completed. This written notice to comply shall serve as a written warning to the violator. If the person engaged in the unlawful activity fails to comply by the date specified, he or she shall be deemed in violation of this article.
2. *Stop work order.* If the violation is not corrected within the time frame provided in the notice, the director shall issue a stop-work order requiring that such unlawful activities be stopped until necessary corrective action or mitigation has occurred. For a third and each subsequent violation, the enforcement agent shall issue an immediate stop-work order. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
3. *Service of notices, warnings, and stop work orders.* Any notices, warnings and/or stop work orders shall be deemed served upon the posting of the same in the permit box, if any, at the location where the activity is or was taking place. It is the responsibility of the permittee to monitor and check the permit box for material issued pursuant to this ordinance. If the violation is by a tenant, person, corporation, firm, or other entity who is not the owner of record of the building, structure, or land, the director shall provide written notice, either personally or by mail, to the owner of record of such building, structure, or land, or by posting the subject property. If the owner of record or responsible party does not bring the use of the building, structure, or land into compliance within the time specified in the notice, warning, or stop work order, the owner or responsible party shall be considered to be in violation of the provisions of this article.
4. *Citation and/or injunction.* If the violation is not corrected within the time frame provided in the notice, the director may issue a citation for violation of this article or other provision of this City Code, requiring the presence of the violator in the municipal court or other court with jurisdiction. The director may also institute an injunction, or institute other appropriate action or proceeding to prevent or abate such violation or to prevent the continuance of use or the occupancy of such building, structure, or land.
5. *Suspension or revocation of permit or other authorization.* Any permit or authorization issued pursuant to this article may be suspended, revoked, or modified by the Zoning Ordinance, as to all or any portion of the land affected, upon finding that the holder or his successor in the title is not in compliance with the approved plan and/or permit or that the holder or his successor in title is in violation of this article, after being so notified as required by this section.
6. *Suspension or revocation of other approvals.* As an additional remedy, the director, designee, or other enforcement office may refuse or deny all city permits, licenses, certificates, utility connection authorization, and applications to said owner or his agents until such violation is abated or corrected.

(Ord. No. 2016-503, Exh. A, 6-13-2016)

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## Section 1304. Penalties for violation.

Any person who violates any provisions of this article or any permit condition or limitation established pursuant to this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. Each day during which violation or failure or refusal to comply continues shall be a separate violation. Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article may be sentenced to a period of confinement of up to 30 days.

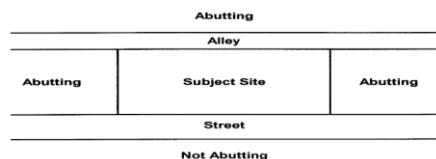
## ARTICLE 14. DEFINITIONS

For the purposes of this resolution [ordinance], certain words or terms used herein shall be defined as follows:

- Words used in the singular include the plural and words used in the plural include the singular.
- Words used in the present tense include future tense.
- The word "erected" includes the words "constructed", "moved", "located", or "relocated".
- The word "lot" includes the word "plot" or "parcel".
- The word "person" includes the words "individuals", "firms", "partnerships", "corporation", "association", "governmental bodies" and other legal entities.
- The word "shall" is always mandatory and never discretionary.
- The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

**Abandon:** To stop the use of property or the occupancy of a building intentionally. Abandonment is presumed when the use of a property or building has ceased and the property or building has been vacant for 12 months or more.

**Abutting:** Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.



### Abutting

**Accessory dwelling unit, attached:** A second dwelling unit that is added to the structure of an existing site-built single-family dwelling, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.

**Accessory dwelling unit, detached:** A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling. Includes the term garage apartment.



PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Adaptive reuse:* Rehabilitation or renovation and occupancy of an existing building(s) or structures for use(s) other than the present use(s).

*Alley:* A public or private thoroughfare which affords only a secondary means of access to abutting property.

*Alteration:* Any change in the supporting members of a building or structure such as bearing walls columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

*Amenity:* Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

*Animal hospital:* An establishment designed or used for the care, observation, or treatment of domestic animals, which may include in-patient and out-patient treatment, indoor or outdoor boarding, ancillary outdoor dog runs or play areas, and emergency 24 hour medical services.

*Animal quarters:* Any structure which surrounds or is used to raise, breed (husbandry), house, shelter, care for, feed, exercise, train, exhibit, display, or show any animals or livestock other than domestic pets. This is not intended to apply to non-structural, fenced land for grazing. This includes the term "barn" when used to shelter livestock or other animals.

*Annexation:* The process by which a parcel of land is transferred from the jurisdiction of unincorporated Gwinnett County to the jurisdiction of the City of Lilburn.

*Apartment:* A building, distinguished from a "duplex" or "two-family" dwelling, designed for or occupied exclusively by more than two families or households with separate housekeeping facilities for each family for rent or lease. The term "apartment" shall include "triplex" and "quadruplex."



### Apartment

*Appeal:* A request for a review of an administrative official's interpretation of any provision of this Zoning Ordinance, or a request for a review of an action taken by an administrative official in the application or enforcement of this Zoning Ordinance.

*Applicant:* A property owner or their authorized representative who has petitioned the city for approval of an application under the terms of this Zoning Ordinance.

*Architectural appearance, exterior:* The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

*Architectural features:* Ornamental or decorative features attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

*Architectural recesses:* Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

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*Assisted living facility:* Residences for the elderly who are in need of assistance that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above, such as transportation, financial services and recreational facilities. Such facilities are also known as institutionalized residential living and care facilities.

*Auction house or auction yard:* Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others). This use is a wholesale trade establishment.

*Automated teller machine:* A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use.

*Automobile sales or service establishment:* Sale, lease, rental or service of new or used car, truck, tractor, trailer, boat, recreational vehicle, camper, motorcycle, and other motorized vehicles, manufactured home and modular building, agricultural implement or equipment, and similar vehicle or piece of equipment. This definition includes automotive services such as car rental, car sharing, and car wash facilities, vehicle maintenance facilities to include fluid replacements, and tire, glass, top and body, paint, transmission and similar mechanical repair shops.

*Awning:* A roof-like cover, often made of fabric or metal, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door.

*Awning, internally illuminated:* A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

*Bank or financial establishment:* A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.

*Basement:* That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

*Batching plant:* A plant for the manufacture or mixing of asphalt, concrete, cement, or concrete or cement products, including any apparatus incidental to such manufacturing and mixing.

*Bed and breakfast inn:* A facility where overnight accommodations for not more than ten residents are provided to transients for compensation, with or without a morning meal. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

*Berm:* An earthen mound or embankment, usually less than three feet if designed to provide visual interest only, and usually six feet or more in height if intended to screen views or reduce noise.



#### Planted Berm

[Big Box: A non-residential structure larger than 20,000 square feet of heated space.](#)

*Block:* A piece or parcel of land entirely surrounded by roads.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

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**Brewery, craft:** Any maker, producer, or bottler of an alcoholic beverage, specifically malt beverages.

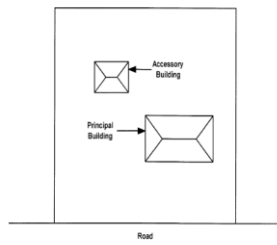
**Broadcasting studio:** A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

**Buffer, natural vegetative:** A strip of land of specified width located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property, and which contains a natural area consisting of trees and/or other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated.

**Building:** The word "building" includes the word "structure."

**Building, accessory:** A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.

**Building, principal:** A building in which is conducted the principal use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the plot on which same is situated, except for detached accessory apartments. When an accessory building is attached to a principal building by a breezeway, passageway, or similar means, the accessory building shall be considered part of the principal building and shall comply with the yard requirements for a principal building.



#### Building, Accessory and Principal

**Building coverage:** The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

**Building coverage, maximum:** The highest percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal and accessory buildings and structures on the lot, not including steps, terraces, and uncovered porches.

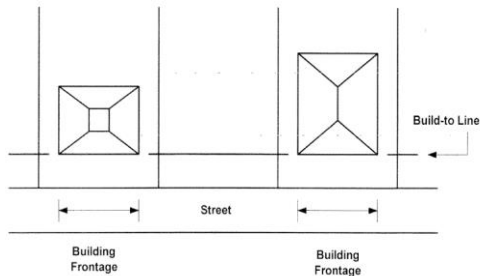
**Building footprint:** The horizontal area of a building as seen in plan view, measured from the outside of all exterior walls and supporting columns.

**Building frontage:** The width in linear feet of the front exterior wall of a particular building, as measured more or less parallel to the front property line.

**Build-to-line:** A front building setback line applied to a principal building on a particular property so that a continuous and consistent building setback will be achieved considering the front building setbacks of buildings on abutting and/or adjacent lots on the same side of the street or right-of-way.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

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**Building Frontage and Build-to-Line**

***Building, height of:*** The vertical distance measured from the finished grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. In this context finished grade is determined as the average elevation of the ground on all sides of a building.

***Building inspector:*** The city's official, or designee, responsible for implementing and enforcing building codes applicable in the city.

***Building materials sales:*** An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

***Building setback line:*** A line establishing the minimum allowable distance between the front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into beyond a required building setback line. For purposes of this Zoning Ordinance, a minimum required building setback line and minimum required yard shall be considered the same.

***Bulk storage:*** The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

***Business service establishment:*** A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, messenger services and couriers, publications and business consulting firms, food catering, interior decorating, and locksmiths.

***Camp or campground:*** Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

***Canopy:*** A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term does not include carport as defined.

***Car wash:*** The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. For purposes of this Zoning Ordinance, a car wash is considered an automobile service establishment whether it is a principal use or accessory to another use or building.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Carport:* A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, made of canvas, aluminum, wood, or any combination thereof, including such materials on movable frames, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

*Catering service:* An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

*Cemetery:* The use of property as a burial place.

*Certificate of occupancy:* A document issued by the director indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

*Character:* Those attributes, qualities and features that make up and distinguish a development project or area of the city and give such project or area of the city a sense of purpose, function, definition, and uniqueness.

*City:* The City of Lilburn, Georgia.

*City council:* The Mayor and Council of the City of Lilburn. The governing body of the city.

*Clinic:* An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

*Club or lodge, nonprofit:* A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include American Legion, Elks, Rotary, Lions, and Veterans of Foreign Wars. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

*Club, private:* Buildings and facilities owned or operated by a corporation, association, person, or persons, and used for assembly of members for a social, educational, or recreational purpose, to which membership is required and where use of premises is restricted to members and their guests. The definition "private club" shall also include a "bona fide private club" as that term is defined in Georgia Code Section 3-7-1.

*Co-generation facility:* An installation that harnesses energy that normally would be wasted to generate electricity, usually through the burning of waste, and which may use, distribute through connection, or sell the energy converted from such process.

*College or university:* An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers an associate, bachelor, master, professional, and/or doctoral degree(s).

*Commercial recreational facility, indoor:* A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, for-profit art galleries, billiard halls and pool rooms, amusement halls, trading card competitions, race carting tracks, whirly ball rinks, skateboard parks, video arcades, ice and roller skating rinks, bowling alleys, fully-enclosed theaters and laser tag or similar ventures.

*Commercial recreational facility, outdoor:* A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, and which all or part of the activities occur outside of a building or structure, including but not limited to the following: amusement parks, water parks, stadiums,

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

amphitheaters, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, skateboard parks, race tracks for animals or motor-driven vehicles, archery ranges, unenclosed firearms shooting ranges and turkey shoots, fish ponds, botanical and zoological gardens, ultra-light flight parks, paintball fields, and bungee jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

*Common area:* Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

*Community living arrangement:* Any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases or such similar state agency as may be reorganized. A community living arrangement with four or fewer adults is considered a household for purposes of this Zoning Ordinance and thus allowed the same as a single family. A community living arrangement with more than four adults is considered a group home for purposes of this Zoning Ordinance.

*Community recreation:* A private recreational facility for use solely by the residents and guests of a particular (usually residential) development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

*Compatibility:* With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, there is harmony in appearance of architectural features in the same vicinity.

*Comprehensive plan:* Any plan adopted by the city council, or any plan adopted by a regional development center covering the local jurisdiction, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a comprehensive plan as provided by the Georgia Planning Act of 1989, if formally adopted by the city council.

*Condition of zoning approval:* A requirement adopted by the city council at the time of approval of a rezoning, zoning amendment, or conditional use, placing greater or additional requirements or restrictions on the property than provided in this Zoning Ordinance in order to mitigate or reduce an adverse impact of the request and to further protect the public health, safety, or general welfare. This definition is not intended to be construed as limiting the legislative powers of the city council in any way.

*Condominium:* A form of ownership as defined by state law in which common elements are jointly owned.

*Condominium building:* A building containing one or more individually owned units or building spaces situated on jointly owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two or more dwelling units, that building is considered an attached, multi-family condominium building.

*Conservation:* The management of natural resources to prevent waste, destruction, or degradation.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Conservation areas, primary:* Any property qualifying as conservation use property under O.C.G.A. § 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

*Conservation areas, secondary:* Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

*Conservation easement:* A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property; assuring its availability for agricultural, forest, recreational, or open-space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archeological, or cultural aspects of real property (O.C.G.A. § 44-10-1); A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the governing body and recorded in the office of the Clerk of Superior Court of Gwinnett County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the governing body and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

*Conservation subdivision:* A subdivision, as defined by this Code, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

*Construction field office:* A structure used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use. It may be an industrial building, as defined herein.

*Construction yard:* An area on or immediately adjacent to a construction site used on a temporary basis for the parking and storage of equipment used in a construction project, and the storage and preparation of materials and other items used in the construction project. Such yards may include one or more construction field offices.

*Continuing care retirement community:* A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

*Contractor's establishment:* An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

*Convenience store:* A retail store, usually with a floor area usually no more than 5,000 square feet, selling convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene, but do not include automotive services.

*Cornice:* Any horizontal member, structural or non-structural, of any building, projecting outward from the exterior walls at the roof line.

*Crisis center:* A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

*Cul-de-sac:* A road having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

*Curb:* A boundary, usually constructed of concrete, usually marking the edge of a roadway or paved area, which is designed to channel storm water to drainage inlets and/or prevent or deter access.

*Custom order shop:* A business establishment that offers merchandise but which maintains no merchandise inventory on site other than display items (which are not visible from the exterior of the building). This use is an enclosed retail trade establishment.

*Day care center:* Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than 24 hours per day, seven or more persons.

*Density:* The quantity of building or dwelling units per unit of area.

*Department:* The Planning ~~and Economic Development Department~~ [Department](#) of the City of Lilburn.

*Detail:* A small feature or element that gives character to a building.

*Detention:* The temporary retaining of storm water on-site.

*Detention pond:* A pond or pool used for the temporary storage of storm water runoff and which provides for the controlled release of such storm water.

*Development:* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed.

*Developmentally disabled person:* A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

*Director:* The person, or his designee, responsible for administration, interpretation, and enforcement of this ordinance who shall have the duties and authority with respect to this article as provided in the various articles and sections of this article and those necessarily implied by said provisions.

*Dormer:* A window projecting from a roof.

*Dormitory:* A building designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes, and which may include common kitchen and/or common gathering rooms for social purposes.

*Drive through:* A retail or service enterprise wherein service is provided or goods are sold to the customer within a motor vehicle and outside of a principal building.

*Dry cleaning plant:* A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.



PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Dumpster:* A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal, or a container (excluding temporary placements) designed to hold refuse that is loaded onto a truck.

*Dwelling:* A building or portion of a building arranged or designed to provide living quarters for one or more families or households on a permanent or long-term basis.

*Dwelling, single-family detached:* A site-built residential building, or an industrialized building, designed for occupancy by one family or household. This term does not include manufactured homes or mobile homes. Single-family, detached dwellings may be under fee-simple (i.e., individual lot) ownership or on a condominium basis.

*Dwelling, single-family detached, fee-simple:* A building designed or arranged to be occupied by one family or household only, and where such dwelling is located on its own lot in fee-simple title.

*Dwelling, multi-family:* A building other than a duplex, designed for or occupied exclusively by three or more families or households with separate housekeeping facilities for each family.

*Dwelling unit:* A building, or portion thereof, designed, arranged and used for living quarters for one or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

*Easement:* A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes.

*Easement, access:* An easement devoted to vehicular access which affords a principal means of access to abutting property or properties, but which is not necessarily open to the general public and which is not necessarily improved to standards of the city.

*Elevation drawing:* An architectural drawing of a building or building façade, intended to illustrate its design, characteristics and major features.



#### End Elevation - Unit

*Exterminator:* An establishment engaged in pest control for businesses, institutions, residences, or industries. Such a use is a business service establishment.

*Extractive industry:* Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations.

*Façade:* The face (exterior elevation) of a building, especially the face parallel to or most nearly parallel to a public street.

*Family:* One or more persons related by blood, marriage, adoption, or guardianship; or not more than four persons not so related who live together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability; or not more than two unrelated persons and any minor children related to either of them.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Family day care home:* A private residence in which a business, registered by the State of Georgia, is operated by any person who receives therein (for pay) for supervision and care for fewer than 24 hours per day, not more than six persons who are not residents in the same private residence. For purposes of this Zoning Ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this Zoning Ordinance.

*Fee simple:* A form of ownership where the owner is entitled to the entire property with unconditional power of disposition during his or her life and which descends to his or her heirs and legal representatives upon his or her death intestate.

*Fence:* An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

*Fence, barbed wire:* One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

*Fence, chain-link:* An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports.

*Fence, decorative:* An ornamental fence made of materials that are decorative in nature. Decorative materials include, but may not be limited to brick, stone, stucco, wood, picket, split rail, wrought iron, or similar materials.

*Fence, solid:* A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

*Finance, insurance, and real estate establishment:* Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

*Flea market:* The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is considered an open air business.

*Forestry:* An operation involved in the growing, conserving, and managing of forests and forest lands. Forestry operations or practices include the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, the construction of roads, insect and disease control, fire protection, and may include the temporary operation of a sawmill and/or chipper to process the timber cut from the parcel or parcels. This term does not include the cutting of timber associated with approved land development.

*Funeral home:* A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles.

*Gable:* The triangular upper portion of an end wall, underneath a peaked roof.

*Gas tank sales:* The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

*Grade, finished:* The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

*Grading:* Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Greenhouse:* A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light.

*Group home:* A single housekeeping unit of more than six unrelated persons, whether or not they are developmentally disabled. See also community living arrangement.

*Guest house:* A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling.

*Harmony:* A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

*Hazardous waste:* Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the government of the United States or the State of Georgia.

*Health spa:* An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," "fitness studios," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

*Hedge:* A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

*Helicopter landing pad:* Any structure or area which is designed or constructed for use, or used, as a helicopter landing area or any structure or area which is used as a helicopter landing area.

*Home occupation:* Any use, occupation or activity conducted on the same site as a dwelling which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, as may be lawfully established under the terms of this Zoning Ordinance.

*Hospital:* An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

*Hotel:* A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this Zoning Ordinance.

*Household:* A family, as defined herein, or a group of not more than four persons, including developmentally disabled persons and their caretakers, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as single housekeeping unit.

*Impact:* The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

*Impervious surface:* A man-made structure or surface, which prevents the infiltration of water into the ground below the structure or surface. Examples are buildings, structures, roads, driveways, parking lots, decks, swimming pools, and patios.

*Improvements:* The physical additions and changes to land that may be necessary to produce usable, desirable and acceptable lots or building sites.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Incinerator:* A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, not including animal or human remains.

*Institutional residential living and care facilities:* An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

*Intermediate care home:* A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

*Junk:* Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

*Kennel:* An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

*Kennel, private:* The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner or occupant of the property.

*Kitchen:* Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

*Land-disturbing activity:* Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including practices specifically exempt from the city's soil erosion, sedimentation, and pollution control ordinance unless the context clearly indicates otherwise.

*Landfill, construction and demolition:* A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

*Landfill, inert waste:* A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste.

*Landfill, sanitary:* The burial of nonhazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

*Landscape strip:* An area of landscaping of specified width.

*Landscaping:* The modification of the landscape for an aesthetic or functional purpose. The area within the boundaries of an individual lot that includes the preservation of existing vegetation and the continued maintenance thereof, as well as, the installation of trees, shrubs, ground covers, grass, and flowers. Landscaping

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

areas may also include decorative rock, bark, mulch and other similar approved materials in addition to vegetation and live plant material.

*Landscaping company:* A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

*Laundromat:* A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A laundromat is considered a personal service establishment.

*Lighting, neon outline:* Outline lighting formed in whole or part with neon.

*Live-work unit:* Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the two uses are physically connected in one unit and residential use of the space is accessory to the primary use as a place of work. This term is distinguished from a home occupation and from a mixed-use building. Live-work units may have larger work spaces than permitted by home occupation, and live/work units design the floor space for both living and working areas. Live-work units are distinguished from mixed-use buildings in that a mixed-use building has residential and nonresidential uses in the same building, but the residential and nonresidential spaces are not necessarily connected or used by the same person.

*Livestock:* Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-bearing animals, customarily bred or raised in captivity, whether owned or board, whether kept for pleasure, utility, or sale.

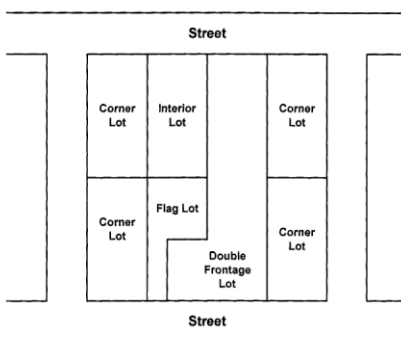
*Lodging service:* A facility that offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including "hotels" and "motels." "Bed and breakfast inn" is defined separately and is not considered a lodging service for purposes of this Zoning Ordinance.

*Lot:* A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. The word "lot" includes the word "plot" or "parcel."

*Lot, corner:* A lot abutting upon two or more streets at their intersection.

*Lot, double frontage:* Any lot, other than a corner lot, which has frontage on two streets.

*Lot, flag:* A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.



### Types of Lots

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

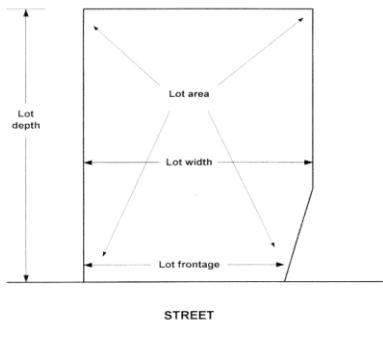
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*Lot area, minimum:* Minimum lot area means the smallest permitted total horizontal area within the lot lines of a lot, exclusive of street and alley rights-of-way but inclusive of easements.

*Lot depth:* The mean horizontal distance between front and rear lot lines.

*Lot frontage:* The width in linear feet of a lot where it abuts the right-of-way of any street.

*Lot width:* The distance between side lot lines measured at the front building line.



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### Lot Definitions

*Lot of record:* A lot which is part of a subdivision, a plat of which has been lawfully recorded in the records of the Clerk of Superior Court of Gwinnett County; or a parcel of land, the deed of which has been lawfully recorded in the same office as of the effective date of this Zoning Ordinance.

*Lumber yard:* A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planing, cutting, and/or other customizing processes.

*Manufactured home:* Any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 32 5401, et seq.

*Manufacturing, processing, assembling:* The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors.

*Marquee:* A roofed structure attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

*Massing:* The overall visual impact of a structure's volume; a combination of height and width and the relationship of the heights and widths of the building's components.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Materials recovery facility:* A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

*Metes and bounds:* A system of describing and identifying land by a series of lines around the perimeter of an area; "metes" means bearings and distances and "bounds" refers to physical monuments.

*Microbrewery:* A small, usually independently owned brewery that produces limited quantities of specialized beers, predominantly for localized distribution, often serving them on the premises in association with food services.

*Mini-warehouse:* (see self-service storage facility).

*Mobile food vending:* To peddle, vend, sell, display, or offer for sale or give away food and/or non-alcoholic beverages from a mobile food vending unit parked or located on a private parcel of property.

*Mobile food vending unit:* A motor vehicle, cart, trailer, tent, table, or other temporary structure that is readily moveable and that is designed and equipped to prepare and serve food as designed by state law and in accordance with the rules and regulations for food service of the Gwinnett, Newton, and Rockdale County Board of Health. Food trucks may not exceed 26 inches in length, and pushcarts may not exceed a maximum size of five feet by ten feet.

*Mobile home:* A structure, transportable in one or more sections, which, in the traveling mode, is eight-body feet or more in width or 40-body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976. Mobile homes are not allowable as permanent residences in the city.

*Model home:* A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home.

*Modular building unit:* Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the current International Building Code Certification and transported to its ultimate site from the factory and assembled on a permanent foundation. Modular homes may consist of one or more stories. A copy of the Current International Building Code Compliance report must be reviewed before installation.

*Motel:* A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby.

*Museum:* A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

*Natural drainage:* Channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

*Nonconforming building or structure:* A building or structure, which may be principal or accessory, that does not meet one or more applicable setbacks for the zoning district in which said building or structure is located, or a

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

building or structure that exceeds the maximum height or building coverage for the zoning district in which said building or structure is located, or a building or structure that otherwise does not comply with dimensional requirements established by this Zoning Ordinance for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

*Nonconforming lot:* A lot which does not conform to the minimum lot frontage requirements of this chapter and/or the minimum lot size and minimum lot width requirements of the zoning district in which the lot is located as established by this chapter but which was a lot of record prior to the effective date of this Zoning Ordinance or its amendment.

*Nonconforming situation:* Any development, land improvement, or activity, not otherwise included within the definition of nonconforming lot, nonconforming building or structure, nonconforming use, or nonconforming sign which does not meet the provisions of this chapter at the time of its adoption or amendment. Examples of nonconforming situations include but are not limited to, noncompliance with off-street parking regulations or access requirements, failure to adhere to landscape strip requirements, tree protection, and insufficient landscaping requirements.

*Nonconforming use:* Any building or use of land or building lawfully existing on or before the effective date of this Zoning Ordinance or as a result of subsequent amendments to this Zoning Ordinance, which does not conform to the use provisions of the zoning district in which it is located.

*Nursery or kindergarten school:* Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this Zoning Ordinance, a nursery or kindergarten school is considered to be a day care center.

*Nursing home:* A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; it complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

*Office:* A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

*Office/warehouse:* A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions, and which does not involve retail sales.

*Opaque:* Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

*Open air business:* Any commercial establishment with the principal use of displaying products in an area exposed to open air on three or more sides, including but not limited to rock yards, nurseries and garden centers and garden supply stores, lumber and building materials yards, flea markets, statuary and monument sales establishments, liquid petroleum dealers and tank sales. A roadside stand is not considered to be an open air business.

*Open space:* Land and water areas retained for use as passive recreation areas or for resource protection or conservation in an essentially undeveloped state.

*Open space, landscaped:* That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of



PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

*Overlay district:* A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay district can be coterminous with existing zoning districts or contain only parts of one or more such districts.

*Outdoor storage:* The keeping of any goods, junk, material, merchandise or commercial vehicles in the same outdoor place for more than 24 hours.

*Parapet:* That portion of a wall which extends above the roof line.

*Parking space:* An area having dimensions of not less than 300 square feet, including driveway and maneuvering area, to be used as a temporary storage space for a private motor vehicle.

*Parking structure:* A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground parking areas under buildings.

*Pedestrian-scale development:* Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. In the case of pedestrian retail districts, there are generally windows or display cases along building façades which face the street.

*Permit:* The authorization necessary to conduct an activity under the provisions of this Zoning Ordinance.

*Permit, development:* An official authorization issued by the department in accordance with this Zoning Ordinance to proceed with land disturbance and grading and site development, as set forth in this Zoning Ordinance. A development permit is separate from, but coordinated with the land disturbance permit required by Lilburn City Code (soil erosion, sediment, and pollution control). A development permit may be required even when a land disturbance permit is not required.

*Person:* Includes a firm, association, joint venture, organization, partnership, corporation, trust and company as well as an individual.

*Personal care home:* Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

*Personal service establishment:* A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated laundromats, full service laundries, dry cleaners, photographic studios, shoe repair and shoeshine shops, travel agencies, massage parlors, escort services, fortune-telling, psychics, clothing or costume rental, dating service, hair removal or replacement, or tanning salon.

*Pervious pavers:* A range of materials and techniques for paving roads and parking lots that which allow the movement of water and air around the paving material.

*Pet, household:* Any animal other than livestock or wild animals, which is kept for pleasure and not sale, which is an animal of a species customarily bred and raised to live in the habitat of residential dwellings or on the premises thereof and is dependent upon residents of the dwelling for food and shelter. Household pets include but

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

are not limited to dogs, cats, rodents, common cage birds, aquarium-kept fish, Purebred Vietnamese Pot Bellied pigs, and small amphibians and reptiles.

*Plan, concept:* A graphic drawn to an engineering scale and submitted with an application for a rezoning, zoning amendment, annexation, or other type of application upon which the applicant has shown the intended development and its design. Approval of such an application containing a concept plan does not constitute approval of the concept plan in terms of authorizing development or building, which is subject to development and building permitting.

*Plan, site:* A drawing of a residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including, among other features, the location of existing streams, existing and proposed roads and driveways, buildings, parking areas, and open spaces or landscaped open spaces. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development. The site plan drawn to an engineering scale and is distinguished from a concept plan which is submitted with zoning and special use applications.

*Planning commission:* The City of Lilburn Planning Commission.

*Planning director:* See "Director".

*Porch:* A projection from a building wall which is covered but enclosed on all sides by a vertical wall.

*Portico:* An exterior appendage to a building, normally at the entry, usually roofed.

*Recreational vehicle:* A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

*Recovered materials:* Materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

*Recovered materials processing:* Any lot, land, structure, or facility, or part thereof, utilized for the purpose of collecting, sorting, processing for resale, and transport of materials to be recycled or reused, including: plastics, glass, paper, aluminum and scrap metals. Recovered materials processing does not include any operation which includes dismantling, or changes the nature of a material, its chemical composition or its physical qualities.

*Relocated residential structure:* A detached, single-family dwelling, site-built (i.e., excluding a manufactured home or mobile home) that is moved or disassembled into more than one structure and moved to another site, whether temporarily or permanently.

*Religious assemblies:* A site or facility maintained by a bona fide religious group for the primary purposes of religious worship, study, prayer, or other religious practices of such religious group. Religious assemblies include but are not limited to churches, temples, mosques, synagogues, and retreat centers.

*Research laboratory:* A facility for scientific laboratory research in technology-intensive fields, including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials, including environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

the analysis of blood, tissue, or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

*Restaurant:* Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafes.

*Restaurant, drive-through:* Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state and in which the principal or accessory method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

*Retail trade establishment, enclosed:* Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores, luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

*Retaining wall:* A wall or similar structure used at a grade change to hold soil on the up-hillside from slumping, sliding, or falling.

*Retention:* The permanent maintenance of storm water on-site.

*Retention pond:* A pond or pool used for the permanent storage of storm water runoff.

*Rezoning:* An amendment to the official zoning map, or an amendment to an overlay zone boundary, that changes the zoning district or overlay zone of one or more properties specified in an application.

*Right-of-way, public:* That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title by the city or other government, for the present or future use of alleys, roads and highways, together with any drainage facilities and other improved ancillary structures.

*Road:* A state highway, a county road, a road adopted as a county-owned right-of-way approved for county maintenance, a street owned and/or maintained by a municipality, a street approved for city maintenance, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties. The term includes "street" but does not include "access easement."

*Road, private:* An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Roadside stand:* A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself. Term includes produce stands.

*Roof:* The cover of a building, including the eaves and similar projections.

*Roof, flat:* A roof having no pitch or a pitch of not more than 2:12 (one foot of rise for each six feet of horizontal distance).

*Roof, pitched:* A shed, gabled, or hipped roof having a slope or pitch greater than 2:12.

*Salvage yard:* A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

*Sidewalk:* A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road or private road.

*Sawmill:* A facility where logs or partially processed wood are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This term does not apply to the processing of timber for use on the same lot by the owner or occupant of that lot.

*School for the arts:* An educational use not operated by the Gwinnett County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

*School, private, elementary, middle, or high:* An educational use for students in grades one through 12 or for only certain ranges of grades one through 12, not operated by the Gwinnett County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.

*School, public:* An educational use for students in grades one through 12 or for only certain ranges of grades one through 12, operated by the Gwinnett County Board of Education.

*School, special:* An educational use not operated by the Gwinnett County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

*School, trade:* An educational use not operated by the Gwinnett County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

*Self-service storage facility:* Mini-warehouse; A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units for exclusively storage purposes.

*Service and fuel filling station:* Any building, structure or land use for the retail sale of motor vehicle fuel and oil accessories, and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

*Short-Term Rental:* An accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented in whole or in part for lodging for a period of time not to exceed 30 consecutive days.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

Such use may or may not include an on-site manager. For purposes of this definition, a residential dwelling shall include all housing types and shall not include group living or other lodging uses.

*Showroom:* A principal or accessory use where wholesale or retail goods are displayed.

*Sight visibility triangle:* The areas at the corners of an intersection of two streets, or at an intersection of a street and driveway, that must be kept free of shrubs, ground covers, berms, fences, structures, or other materials or items that would obstruct views at heights between 30 inches to 12 feet as measured from the ground.

*Slaughterhouse:* A facility for the slaughtering and processing of animals and the refinement of their byproducts. This term includes rendering plants.

*Skilled nursing care facility:* A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being.

*Solid waste transfer facility:* A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

*Special event facility:* A facility or assembly hall available for lease by private parties or special events such as weddings. This term includes wedding chapels.

*Street furniture:* Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

*Streetscape:* An area that may either abut or be contained within a public or private street right-of-way or access way that may contain sidewalks, street furniture, trees and landscaping, and similar features. Streetscape also includes the visual image of a street, including the combination of buildings, parking, signs, and hardscapes.

*Structure:* Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this Zoning Ordinance, swimming pools, and tennis courts, are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures.

*Subdivision:* The division of a tract or parcel of land into two or more lots, building sites, lease lots, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development. The term shall include the opening of a new road, a change in existing roads, or divisions of land involving the extension of water, sewer, or gas lines. The term includes re-subdivision and, where appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

*Substantial accordance:* Strong, yet not precise, conformity such that an ordinary person would conclude that all essential elements are met.

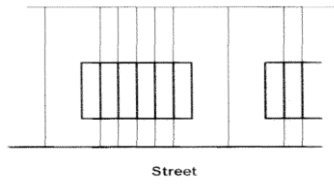
*Taxi-cab or limousine service:* Any place used to dispatch motor vehicles with drivers for hire.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Tow service:* An establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from "wrecked motor vehicle compound" and "salvage yard" as defined herein.

*Townhouse:* One of a group of three or more single-family, attached dwelling units under fee simple ownership.



**Townhouses (Attached Single-Family Fee Simple)**

*Trail:* A way designed for and used by equestrians, pedestrians, and/or cyclists using non-motorized bicycles.

*Trash enclosure:* An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

*Truck stop:* An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck drivers.

*Use, accessory:* A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

*Use, conditional:* A use that would not be appropriate generally or without restriction throughout a particular zoning district and is not automatically permitted by right within said zoning district, but which, if controlled as to number, area, location, relation to the neighborhood or other pertinent considerations, may be found to be compatible and approved by the Lilburn City Council after review and recommendation by the Lilburn Planning Commission within that particular zoning district as provided in certain instances by this Zoning Ordinance. An approved conditional use runs with the property.

*Use, permitted:* A use by right which is specifically authorized in a particular zoning district.

*Use, public:* Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Gwinnett County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

*Use, temporary:* A use or structure is in place for only a short period of time.

*Used:* The word "used" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

*Variance:* A grant of relief from the requirements of this Zoning Ordinance which permits construction or use in a matter otherwise prohibited by this Zoning Ordinance; A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

which are dimensional in nature as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship or practical difficulty upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

*Variance, administrative:* A variance which is authorized to be approved by the director the terms of this Zoning Ordinance.

*Vehicle emission testing facility:* A building, structure, or use which is specifically designed to test the vehicle emissions of vehicles for compliance with air quality standards.

*Veterinary clinic:* A facility for the out-patient treatment of small domestic animals, staffed by at least one doctor of veterinary medicine, with no outdoor dog runs or play areas, and no indoor or outdoor boarding except for indoor boarding directly related to medical treatment and observation. May include ancillary grooming services.

*Warehouse:* A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

*Wetlands:* Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

*Wastewater treatment plant:* A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such waste, whether or not such facility is discharging into state waters.

*Wholesale trade establishment:* An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

*Wireless telecommunication equipment:* Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

*Wireless telecommunication facility:* Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

*Wrecked motor vehicle compound:* An area used to store disabled or impounded motor vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

*Xeriscaping:* Landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

*Yard:* A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

*Yard, front:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. For corner and double frontage lots, front yard requirements apply to all road frontages. Where "build to" line requirements are specified in this Zoning Ordinance, they supersede front yard requirements.

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING ORDINANCE  
ARTICLE 14. DEFINITIONS

---

*Yard, side:* An open, unoccupied space on the same lot with the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

*Yard, rear:* An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

*Yard sale:* The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses, except that this shall not be construed to prevent the sale of such items by another family or household in connection with an event where such items are sold by the occupant of a residence on the premises where the yard sale occurs. This term includes garage sales.

*Zoning map:* The Official Zoning Map of the City of Lilburn.

**Note:** Except as specifically defined herein, all words used in this resolution [ordinance] shall be defined in The Latest Illustrated Book of Development Definitions (2004, Rutgers) or its successor. Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, section and article in which they occur.

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2020-553 , 9-14-2020; Ord. No. 2021-569 , Pt. I, 7-12-2021; Ord. No. 2022-587 , § III, 6-13-2022)