

# TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

155 F. ROAD, LOXAHATCHEE GROVES, FL 33470

## PLANNING AND ZONING BOARD MEETING

### AGENDA

JANUARY 13, 2026 – 6:00 PM



**Jacquelyn Clifton (Seat 4), Chair**

**Vacant (Seat 1), Board Member**

**Cassie Suchy (Seat 2), Board Member**

**Arlene White (Seat 3), Board Member**

**Antonio E. Santiago (Seat 5), Board Member**

#### **Administration**

Town Manager Francine L. Ramaglia

Board Liaison: Caryn Gardner-Young, Community Standards Director

Board Clerk: Gabriella Croasdaile, Assistant to the Town Clerk

**Civility:** Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

**Special Needs:** In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

**Quasi-Judicial Hearings:** Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

**Appeal of Decision:** If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

**Consent Calendar:** Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

**BOARD AGENDA ITEMS**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADDITIONS, DELETIONS, AND/OR MODIFICATIONS TO THE AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) 02/12/25 - Planning and Zoning Board Meeting Minutes
- 08/29/24 - Planning and Zoning Board Meeting Minutes
- 05/19/24 - Planning and Zoning Board Meeting Minutes

**PUBLIC COMMENTS**

**REGULAR AGENDA**

- 2. Introduction and Swearing-In of Board Member Arlene White. Appointed by the Town Council on August 5, 2025.
- 3. Appointment of Planning and Zoning Board Vice Chairperson
- [4.](#) Meeting Schedule
- [5.](#) Discussion and Recommendations Regarding Equestrian Estates

**COMMITTEE MEMBER COMMENTS**

**Vacant (Seat 1), Board Member**  
**Cassie Suchy (Seat 2), Board Member**  
**Arlene White (Seat 3), Board Member**  
**Antonio E. Santiago (Seat 5), Board Member**  
**Jacquelyn Clifton (Seat 4), Chair**

**CONFIRMATION OF THE NEXT MEETING DATE**

- Tuesday, February 10, 2026

**ADJOURNMENT**

Published and Posted on January 8, 2026, at 4:30 PM

By: Gabriella Croasdaile, Assistant to the Town Clerk



# TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

155 F ROAD, LOXAHATCHEE GROVES, FL 33470

## LPA/PLANNING & ZONING BOARD WORKSHOP MINUTES

WEDNESDAY, FEBRUARY 12, 2025 – 6:00 P.M. – 8:15 P.M.



*Meeting Audio Available Upon Request in the Office of the Town Clerk*

### **CALL TO ORDER**

The Planning and Zoning Board Public Workshop was called to order at 6:00 P.M. by Committee Vice Chairperson Lisa El-Ramey as the Acting Chairperson due to the vacancy of former Committee Chairperson Bill Ford in Seat 1.

### **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited by the Planning and Zoning Board, led by Acting Committee Chairperson Lisa El-Ramey.

### **ROLL CALL**

The roll was called, confirming the presence of the following committee members:

- **Seat 1:** Vacant
- **Seat 2:** Brett Raflowitz – Present
- **Seat 3:** Todd McLendon – Present
- **Seat 4:** Jacquelyn Clifton – Present
- **Seat 5:** Lisa El-Ramey, Vice Chair – Present

A quorum was established for the meeting to proceed.

### **Staff Present:**

- Sammie Brown, FRA-RP, MEDP, Town Clerk Assistant

- Town Manager, Francine L. Ramaglia, CPA, AICP, ICMA-CM
- Town Attorney, Ben Saver, Esq.
- Town's Planning Consultant, Kaitlyn Forbes

### **APPROVAL OF THE AGENDA**

There was no motion to approve the agenda as this meeting of the Planning and Zoning Board is held as a workshop for the R.V. Paddock Project with no formal action to take or recommend.

### **REGULAR AGENDA**

#### **PRESENTATION – THE PADDOCK RV RESORT, C ROAD**

The Board received a presentation from Gabriel Bove and Joe Bove of the Bove Company, outlining a proposed RV resort project located north of Southern Boulevard on C Road. The proposed “Paddock RV Resort” spans approximately 47 acres and is intended to function as a high-end, recreational hospitality facility.

The applicants detailed their intent to submit five formal applications to the Town, including:

1. A comprehensive plan text amendment to create a new land use category,
2. A comprehensive plan map amendment to rezone the site,
3. A Unified Land Development Code (ULDC) text amendment to establish the new zoning district,
4. A ULDC map amendment to designate the site accordingly, and
5. A formal site plan.

The proposed development will include two large clubhouses (approximately 15,000 sq. ft. combined), a fitness center, pickleball courts, a pool, and other recreational amenities. The development will maintain 60% green space and install a perimeter buffer, including an 8.75-acre public greenway trail. Water and sewer will be fully connected to municipal utilities, eliminating the use of wells or septic systems. The site will be gated, with on-site management enforcing rules, including a six-month maximum stay for guests.

The applicants emphasized their intent to develop a well-regulated, upscale resort consistent with the Town's rural aesthetic and environmentally responsible design guidelines. They addressed concerns about intensity, noting that RVs are not permanent residences and that guests will not be eligible to vote using the site as a legal address. Furthermore, the Bove Company committed to preserving and planting more than 2,000 trees and mitigating all impacts on-site.



## BOARD QUESTIONS AND DISCUSSION

Committee members of the Planning and Zoning Board asked extensive questions regarding the environmental impact, site design, length of guest stays, enforcement of residency limits, utility connections, traffic impacts, and compatibility with the surrounding community. The Board also raised concerns regarding enforcement of occupancy limits, noise, lighting, and access to community amenities.

The applicant stated that the site will have a gated entry, no on-site mailboxes, and guests will be subject to rules and a formal rental agreement. A professional property management firm will be hired to oversee operations and enforce quiet hours, guest limits, and other policies.

They also clarified that while the resort is a private business, it will offer indirect public benefits such as potential trail access and support of local vendors and services. Jobs will be created during construction and for ongoing maintenance and operations. While most amenities will remain private, community events may occasionally open the space to the public on a limited basis.

## GENERAL COMMENTS FROM THE PUBLIC

Kristy Coleman spoke in opposition to the project. She cited concerns about deviation from the Town's rural land use plan, increased density, traffic impacts, and questionable compatibility with the character of Loxahatchee Groves. She noted that she was not in support and disputed the applicant's claim of unanimous neighbor support.

Sue Cacioppo also expressed opposition. She voiced concerns about the Town's incorporation purpose being undermined, financial risks if the project fails, enforceability of the operational rules, and doubts about the long-term public benefit. She suggested that if the project is approved, the Town should require enforceable, contractual guarantees tied to the applicant's commitments.

Karen Plante raised specific concerns about voter residency and the potential for guests to use the resort as their legal address. She referenced Florida statutes and questioned how this use aligns with residential RV limits for local residents. She also cited a past commercial project that was approved but never built, leaving the property vacant.

Sue Cacioppo (second comment) reiterated the need for binding conditions if the project is approved. She recommended that the Town preserve the ability to enforce the applicant's stated intentions, as verbal assurances alone offer no long-term protection.

## APPLICANT RESPONSE TO PUBLIC COMMENT

Gabriel and Joe Bove responded by reiterating their commitment to tight operational control and adherence to environmental and design standards. They emphasized the project's financial stability, with \$40 million in funding secured through a combination of private equity and bank financing. They reaffirmed that the RV resort will be a non-residential, seasonal hospitality operation and committed to exploring infrastructure improvements (e.g., water line extensions, traffic signal participation) and community partnerships.

They also emphasized the project's environmental benefits, including reduced impact to the aquifer, on-site tree replacement, and adherence to rural Vista design principles. They noted their willingness to accept conditions of approval and remain transparent with the Town throughout the process.

#### **COMMENTS FROM COMMITTEE MEMBERS:**

Committee members continued to raise important questions about site access, benefits to local residents, and long-term viability. Committee member Todd McLendon inquired about traffic patterns, utility extension opportunities, and the potential for municipal benefits, such as a traffic light at C Road. Committee member Jacquelyn Clifton requested clarification on public access, guest regulations, and safeguards for permanent residency. Committee member Brett Raflowitz raised points regarding access, amenities, and potential improvements to community infrastructure.

The applicants responded with additional clarity and agreed to explore conditions such as participating in future utility upgrades and traffic control solutions if development thresholds are met.

#### **REQUEST FOR ADDITIONAL DOCUMENTATION**

Board members requested copies of the most current site plan and survey, which were not included in the workshop packet. Staff clarified that the documents are undergoing revisions in response to the ongoing application review process and public input. Planning Consultant Kaitlyn Forbes confirmed that updated documents will be distributed to the Board as soon as they become available.

Town Manager Francine Ramaglia reiterated that this was a workshop, not a formal hearing, and no votes or motions would be taken at this meeting.

#### **CONFIRM NEXT REGULAR MEETING DATE:**

The date of the next Planning and Zoning Board meeting was to be confirmed at a later time.

#### **ADJOURNMENT**

The Planning and Zoning Meeting was adjourned at 8:15 P.M. with a motion to adjourn made by Committee Member McLendon and seconded by Committee Member Clifton.

**ATTEST:**



Sammie T. Brown, FRA-RP, MEDP  
Town Clerk Assistant

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

Jacquelyn Clifton  
Planning and Zoning Board Chairperson



**TOWN OF LOXAHATCHEE GROVES**  
TOWN HALL COUNCIL CHAMBERS  
155 F ROAD, LOXAHATCHEE GROVES, FL 33470  
**LPA/PLANNING & ZONING BOARD MINUTES**  
**THURSDAY, AUGUST 29, 2024 – 6:02 P.M. – 7:54 P.M.**



*Meeting Audio Available Upon Request in the Office of the Town Clerk*

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**CALL TO ORDER**

The meeting was called to order by Chairperson William Ford at **6:02 PM**, followed by the reciting of the Pledge of Allegiance by the Planning and Zoning Board.

**ROLL CALL**

**Committee Members Present:**

- William Ford, Chair (Seat 1)
- Lisa El-Ramey, Vice Chair (Seat 5)
- Todd McLendon, Member (Seat 3)
- Brett Raflowitz, Member (Seat 2)
- Jacquelyn Clifton, Member (Seat 4)

**Staff Present:**

- Francine Ramaglia, Town Manager (arrived shortly after the start of the meeting)
- Tanya Earley, Town Attorney
- Sammie Brown, Town Clerk Assistant
- Jim Fleischmann, Town Planning Consultant
- Kaitlyn Forbes, Town Planning Consultant
- Teresa Buu, Town Traffic Consultant (virtual)
- Pong Leung, Traffic Consultant (virtual)
- Richard Gallant, Public Works Director (arrived later)

A quorum was confirmed for the meeting to proceed.

## **ADDITIONS, DELETIONS, AND MODIFICATIONS OF THE AGENDA**

There were no additions, deletions, or modifications to the agenda by committee members or staff.

There were no additions, deletions, or modifications to the agenda proposed by staff or committee members.

Chairperson Ford raised a procedural issue, requesting that agenda packets be emailed to board members at least one week in advance of meetings. This request stemmed from recent lapses in timely distribution. Staff confirmed they would reestablish the prior distribution protocol for future meetings.

## **REGULAR AGENDA**

### **Item 1: Groves at Town Center – Revised Documents per July 2024 PZB Meeting**

Planning Consultant Kaitlyn Forbes opened the item with a detailed presentation summarizing changes made to the Groves at Town Center development application since the previous meeting in July. These changes were in response to feedback from the board and the public.

- **Text Amendment Revision:** Clarified that commercial development north of Citrus Grove Boulevard (Parcel 3) would be explicitly prohibited to preserve the intent of the Town's Comprehensive Plan.
- **Traffic Circulation Plan:** The applicant tested a temporary closure of westbound traffic on Avocado Boulevard (between B Road and Kiwi Court) to assess how it impacted congestion. Data showed some improvement, though enforcement was inconsistent due to the use of temporary barricades.
- **Wayfinding Signage:** The applicant proposed placing four directional signs to better route vehicles toward Tangerine Boulevard and away from congested intersections.
- **Park Plan Update:** Revisions to the park included new overlook benches west of the wetland and considerations to remove fencing for a more open feel during events partially.
- **Hotel Building Design:** The architectural plans were revised, lowering the building height from over 60 feet to 52 feet at the peak (roof parapet) and 40 feet to the roof deck. Towers were removed, and aesthetic improvements were made to align with the Town's Rural Vista Guidelines.

Applicant representative Matthew Senior expanded on these points with slides and diagrams, emphasizing that the traffic impact from the proposed hotel remains within vested limits under the original PUD approval. He also cited Publix's temporary closure in Western Wellington as a contributor to increased traffic at the site.

Senior also explained that repeat visitors to the Town Center would gradually adapt to better traffic routes and that the reopening of other points of access, such as to C Road, would further alleviate congestion over time.



The hotel developer, Rahel Svi, later presented architectural renderings of the updated hotel design. He described adjustments made to comply with both brand requirements and local design codes. According to Svi, the hotel brand (Home2 Suites by Hilton) had allowed for full exterior customization to meet the Town's aesthetic standards, including pitched metal roofing and clapboard siding. He compared the revised design to less compatible designs used in similar branded hotels elsewhere and explained the importance of building height for mechanical concealment and appearance.

During discussion, several committee members raised concerns about the scale and visual impact of the hotel. While they acknowledged the developer's responsiveness to previous feedback, concerns remained about:

- Whether the design truly reflected the Town's vision of rural charm and low-intensity development.
- The long-term implications of waiving height restrictions.
- Potential future conflicts created by lighting, signage, and public safety response needs.

**Public Comment (Specific to Item 1):**

Ms. Cassie Suchy spoke in opposition to the proposed hotel revisions. She argued that the current plans represented a shift from a previously promised "boutique" hotel to a generic chain-style development. Ms. Suchy expressed concern over increased crime, lighting pollution, height waivers, and deviations from the Town's rules. She called on the board to hold developers accountable to the standards written in the Town code.

**Committee and Staff Discussion:**

Committee members debated the appropriate interpretation of the height code, questioning the permissibility of 52-foot structures in an area where 35 feet was intended to be a maximum. Planning Consultant Forbes clarified that the waiver request for 40 feet to the roof deck and 52 feet to the parapet was submitted as allowable under ULDC Section 15-010, which permits some flexibility in building heights if supported by architectural features.

Staff noted that wayfinding signage proposed by the applicant would require a standard sign permit but posed no issue for approval. The Town would retain authority to remove signs in the future if desired.

Traffic consultants from Transystems, including Teresa Buu and Pong Leung, confirmed they had reviewed the temporary traffic changes and shared the findings with staff. However, some committee members expressed dissatisfaction with not having access to final conclusions in writing during the meeting.

Committee consensus acknowledged that some traffic challenges may stem more from the adjacent Publix site than the proposed hotel itself, though members stressed the need for a coordinated solution.

## **GENERAL COMMENTS FROM THE PUBLIC**

*There were no public comments for Monday, August 29, 2024, Planning and Zoning Board Meeting.*

### **MOTION 1: DENIAL OF COMPREHENSIVE PLAN TEXT AMENDMENT**

**MOTION:** *Committee Member Todd McLendon moved to deny the Comprehensive Plan Text Amendment submitted by Solar Sportsystems, Inc., which proposed to (1) permit up to 95 lodging units within the subject property (MLU), (2) eliminate the allocation for a 128-bed congregate living facility, (3) establish an allowance for a public park, (4) establish intensity and density measurement standards for the hotel use, and (5) exempt the subject site from Policy 1.2.1 of the Comprehensive Plan which restricts commercial uses to south of East Citrus Drive. Committee Member Lisa El-Ramey properly seconded this motion to deny the Comprehensive Plan Text Amendment as presented. This motion passed unanimously (5–0).*

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### **MOTION 2: DENIAL OF MASTER PLAN / PUD AMENDMENT**

**MOTION:** *Committee Member Todd McLendon moved to deny the Master Plan / PUD Amendment submitted by Solar Sportsystems, Inc., which sought to establish Pod TC for hotel purposes, establish Pod G for public park purposes, and amend existing conditions of approval. Committee Member Lisa El-Ramey properly seconded this motion to deny the Master Plan / PUD Amendment as presented. This motion passed unanimously (5–0).*

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### **MOTION 3: DENIAL OF SITE PLAN FOR HOTEL ON POD TC**

**MOTION:** *Committee Member Todd McLendon moved to deny the Site Plan Approval submitted by Solar Sportsystems, Inc. and Groves Hospitality LLC to establish a four-story, 95-room hotel on Pod TC. Committee Member Lisa El-Ramey properly seconded this motion to deny the Site Plan for the hotel as presented. This motion passed unanimously (5–0).*

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### **MOTION 4: DENIAL OF SITE PLAN FOR PUBLIC PARK ON POD G**

**MOTION:** *Committee Member Todd McLendon moved to deny the Site Plan Approval submitted by Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC to establish a public park on Pod G, to be utilized by the Town. Committee Member Lisa El-Ramey properly seconded this motion to deny the Site Plan for the public park as presented. This motion passed unanimously (5–0).*



**COMMENTS FROM COMMITTEE MEMBERS:**

Committee members reiterated the importance of:

- Adhering to community character guidelines.
- Carefully evaluating waivers, especially regarding building height and scale.
- Holding developers to standards equal to or exceeding those in neighboring municipalities.

*There was also appreciation expressed toward the applicant for attempting to address concerns and revise the hotel design.*

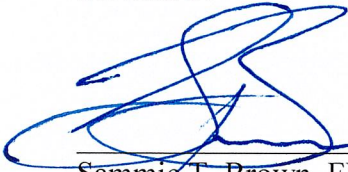
**CONFIRM NEXT REGULAR MEETING DATE:**

No specific date was confirmed during the meeting. Staff advised the committee that the next meeting would be scheduled once traffic review comments were received, and new actions were ready for presentation.

**ADJOURNMENT**

The Planning and Zoning Meeting was adjourned at 7:54 P.M. with a Motion to adjourn by Committee Member Lisa El-Ramey. Committee Member Todd McLendon seconded that motion.

**ATTEST:**



Sammie T. Brown, FRA-RP, MEDP  
Town Clerk Assistant

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

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Jacquelyn Clifton  
Planning and Zoning Board Chairperson

# TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

155 F ROAD, LOXAHATCHEE GROVES, FL 33470

## LPA/PLANNING & ZONING BOARD MINUTES

MONDAY, MAY 19, 2024 – 6:00 P.M. – 7:54 P.M.



*Meeting Audio Available Upon Request in the Office of the Town Clerk*

### **CALL TO ORDER**

The meeting was called to order by Town Clerk Assistant Sammie Brown at 6:00 P.M., followed by the reciting of the Pledge of Allegiance by the Planning and Zoning Board.

### **ROLL CALL**

#### **Board Members Present:**

- Paulo Santana (Seat 1)
- Cassie Suchy (Seat 2)
- Todd McLendon (Seat 3) – Via Zoom virtual meeting platform
- Antonio Evangelista-Santiago (Seat 5)
- Jacquelyn Clifton (Seat 4)

#### **Staff Present:**

- Tanya Earley, Esq., Town Attorney
- Sammie Brown, FRA-RP, MEDP, Town Clerk Assistant
- Kaitlyn Forbes, Town Planning Consultant

A quorum was confirmed for the meeting to proceed.

### **ADDITIONS, DELETIONS, AND MODIFICATIONS OF THE AGENDA**

There were no additions, deletions, or modifications to the agenda by board members or staff.

### **REGULAR AGENDA**

#### **OATH OF OFFICE – NEWLY APPOINTED AND REAPPOINTED BOARD MEMBERS**

The Oath of Office was administered to all board members. Each board member recited the oath and signed their certificate of appointment, officially affirming their commitment to uphold the responsibilities of the Planning and Zoning Board/Local Planning Agency.

### **APPOINTMENT OF PLANNING AND ZONING BOARD CHAIRPERSON AND VICE CHAIRPERSON**

Town Clerk Assistant Sammie Brown opened the floor for nominations for the Chairperson for the LPA/Planning and Zoning Board.

**MOTION: BOARD MEMBER TODD MCLENDON NOMINATED JACQUELYN CLIFTON AS CHAIRPERSON. BOARD MEMBER CASSIE SUCHY SECONDED THE MOTION. VOTE: THE MOTION PASSED UNANIMOUSLY (5-0).**

Town Clerk Assistant Sammie Brown opened the floor for nominations for the Vice Chairperson for the LPA/Planning and Zoning Board.

**MOTION: BOARD MEMBER TODD MCLENDON NOMINATED PAULO SANTANA AS VICE CHAIRPERSON. BOARD MEMBER PAULO SANTANA SECONDED THE MOTION. VOTE: THE MOTION PASSED UNANIMOUSLY (5-0).**

Board Member Jacquelyn Clifton was confirmed as the Planning and Zoning Board Chairperson, and Board Member Paulo Santana was confirmed as the Vice Chairperson of the Planning and Zoning Board.

### **APPROVAL OF THE MEETING MINUTES**

The board discussed the approval of the agenda and a series of historical minutes listed on the agenda (items 4 through 18). There was discussion surrounding the legality of voting on minutes from meetings that current board members had not attended. Legal counsel clarified that the vote was a ministerial act, and all board members were required to vote unless there was a valid recusal.

**MOTION: BOARD CHAIRPERSON CLIFTON MADE A MOTION TO APPROVE ALL MEETING MINUTES ON THE AGENDA. BOARD MEMBER TODD MCLENDON SECONDED THE MOTION. VOTE: THE MOTION PASSED UNANIMOUSLY (4-1) WITH BOARD MEMBER SUCHY DISSENTING.**

### **CLARIFICATION ON BOARD MEMBER APPOINTMENTS**

There was a brief recess to clarify concerns raised by Board Member Todd McLendon regarding the official appointment of Board Members Cassie Suchy and Paulo Santana. After legal review and input from staff, it was confirmed that both members were properly appointed by Town Council action on April 1, 2025, and May 6, 2025, respectively. The attorney affirmed that both members had full voting privileges.

### **ITEM 19: PADDOCK RV RESORT DEVELOPMENT APPLICATION (ITEMS 20-24)**



The five interrelated development applications (Items 20–24) were introduced as part of Item 19, concerning the proposed Paddock RV Resort on approximately 47 acres located east of C Road and north of Southern Boulevard. Town Planning Consultant Kaitlyn Forbes explained that the items included:

- A comprehensive plan text amendment to establish the new “Rural Recreation” land use category (Ordinance 2025-03)
- A future land use map amendment (Ordinance 2025-04)
- A Unified Land Development Code (ULDC) text amendment to establish a “Rural RV Resort” zoning category (Ordinance 2025-05)
- A rezoning of the subject site from Agricultural Residential to Rural RV Resort (Ordinance 2025-06)
- A site plan approval for the RV resort including 272 RV sites, support structures, and recreational facilities (Resolution 2025-33)

For efficiency, the applicant requested that the board hear a consolidated presentation, followed by individual motions and votes. There were no objections from the board.

### **APPLICANT PRESENTATION**

The applicant presented a comprehensive overview of the proposed development, including a description of the site, its alignment with the Town’s rural character and vision plan, and numerous community benefits. The presentation highlighted the development:

- Maintains over 60% green space
- Includes a public eco-trail with access and parking
- Commitment to environmental preservation and on-site wetland mitigation
- Exceeds landscaping and buffering requirements using native trees
- Utilizes one-story clubhouse designs in compliance with Rural Vista guidelines
- Will generate economic benefit through an upfront \$500,000 impact fee and over \$100,000 in recurring revenue
- Restricts use to under 6-month stays and prohibit individual lot sales or permanent residency
- Will be developed and managed with no cost burden to the Town

The applicant team consisted of planners, engineers, landscape architects, and environmental consultants. Throughout the planning process, they discussed traffic, lighting, water, and sewer utilities, environmental mitigation, and community engagement efforts.

### **MOTIONS AND BOARD ACTIONS**

**MOTION: VICE CHAIRPERSON SANTANA MADE A MOTION TO RECOMMEND THE APPROVAL OF ORDINANCE NO. 2025-03. THAT MOTION FAILS FOR LACK OF A SECOND ON APPROVAL.**

**MOTION 1: BOARD MEMBER CASSIE SUCHY MOVED TO RECOMMEND DENIAL OF ORDINANCE NO. 2025-03 – COMPREHENSIVE PLAN TEXT AMENDMENT TO**

**CREATE THE “RURAL RECREATION” LAND USE CATEGORY. BOARD MEMBER SANTIAGO SECONDED THE MOTION. VOTE: MOTION PASSED (4-1) WITH VICE CHAIRPERSON SANTANA DISSENTING.**

**MOTION 2: BOARD MEMBER SANTIAGO MOVED TO RECOMMEND DENIAL OF ORDINANCE NO. 2025-04 – FUTURE LAND USE MAP AMENDMENT FOR APPROXIMATELY 47 ACRES TO “RURAL RECREATION.” BOARD MEMBER SUCHY SECONDED THE MOTION. VOTE: MOTION PASSED (4-1) WITH VICE CHAIRPERSON SANTANA DISSENTING.**

**MOTION 3: BOARD MEMBER CASSIE SUCHY MOVED TO RECOMMEND DENIAL OF ORDINANCE NO. 2025-05 – ULDC TEXT AMENDMENT TO ESTABLISH THE “RURAL RV RESORT” ZONING CATEGORY. BOARD MEMBER SANTIAGO SECONDED THE MOTION. VOTE: MOTION PASSED (4-1) WITH VICE CHAIRPERSON SANTANA DISSENTING.**

**QUASI JUDICIAL CAPACITY AS THE LOCAL PLANNING AGENCY – MOTION 4: BOARD MEMBER CASSIE SUCHY MOVED TO RECOMMEND DENIAL OF ORDINANCE NO. 2025-06 – REZONING OF THE SUBJECT SITE TO “RURAL RV RESORT.” BOARD MEMBER SANTIAGO SECONDED THE MOTION. VOTE: MOTION PASSED (4-1) WITH VICE CHAIRPERSON SANTANA DISSENTING.**

*The Local Planning Agency/Planning and Zoning Board adopted the previous questions and concerns mentioned by residents as part of their recommendation to the Town Council for denial.*

**MOTION 5: BOARD MEMBER SUCHY MOVED TO RECOMMEND DENIAL OF RESOLUTION NO. 2025-33 – SITE PLAN FOR THE PADDOCK RV RESORT. BOARD MEMBER SANTIAGO SECONDED THE MOTION. VOTE: MOTION PASSED (4-1) WITH VICE CHAIRPERSON SANTANA DISSENTING.**

#### **GENERAL COMMENTS FROM THE PUBLIC**

*One public comment was received and read into the record by Ms. Christy Coleman. No additional comments were received by the submission deadline.*

#### **COMMENTS FROM BOARD MEMBERS:**

There were no additional comments from the board members.

#### **CONFIRM NEXT REGULAR MEETING DATE:**

No specific date was confirmed during the meeting. Staff advised the board that the next meeting would be scheduled once traffic review comments were received and new actions were ready for presentation.

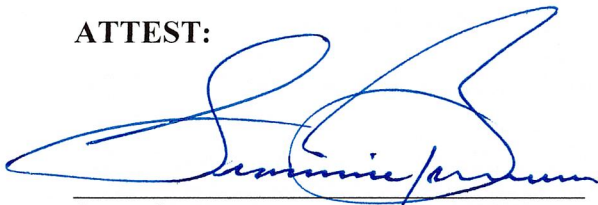
#### **ADJOURNMENT**

*Town of Loxahatchee Groves*  
*Planning and Zoning Board*

*May 19, 2025*  
*Page No. 5*

The Planning and Zoning Meeting was adjourned at 7:20 P.M. with a Motion to adjourn by Board Member Cassie Suchy. Board Member Paulo Santana seconded that motion.

**ATTEST:**



Sammie T. Brown, FRA-RP, MEDP  
Town Clerk Assistant

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

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Jacquelyn Clifton  
Planning and Zoning Board Chairperson





155 F Road Loxahatchee Groves, FL 33470

**TO:** Planning and Zoning Board Members

**FROM:** Caryn Gardner-Young, Community Standards Director

**THRU:** Francine Ramaglia, Town Manager

**DATE:** January 13, 2025

**SUBJECT:** Meeting Dates

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Below are the dates of the Planning and Zoning Board meetings for the calendar year 2026.

Please review your schedule and let me know if you have a conflict with any of the dates so the Board can determine if a meeting needs to be rescheduled.

|                            |
|----------------------------|
| Tuesday, January 13, 2026  |
| Tuesday, February 10, 2026 |
| Tuesday, March 10, 2026    |
| Tuesday, April 14, 2026    |
| Tuesday, May 12, 2026      |
| Tuesday, June 9, 2026      |
| Tuesday, July 14, 2026     |
| Tuesday, August 11, 2026   |
| Tuesday, September 8, 2026 |
| (Day after Labor Day)      |
| Tuesday, October 13, 2026  |
| Tuesday, November 10, 2026 |
| Tuesday, December 8, 2026  |

## Chapter 200. General Provisions

### Section 200-10. Purpose.

This Title 2 is intended to implement the purposes set forth in Section 100-20, and further is enacted for the purposes of promoting the public health, safety, and the general welfare of the present and future inhabitants of Gwinnett County; of lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; protecting natural resources, facilitating the adequate provision of multi-modal transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings and other structures throughout the County; securing economy in government expenditures; and for other purposes, all in accordance with a comprehensive plan for the development of the County.

### Section 200-20. Authority.

This Title 2 is enacted pursuant to Gwinnett County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2; pursuant to Chapters 66 and 70 of Title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by Gwinnett County's authority to enact regulations and exercise powers granted by local laws and by the County's general police powers; and by other powers and authority provided by applicable federal, state, and local laws.

### Section 200-30. Incorporation of Official Zoning Map.

**200-30.1** The location and boundaries of Zoning Districts are hereby established as shown on the map entitled "Official Gwinnett County Zoning Map" which is hereby made a part of this UDO. The Official Gwinnett County Zoning Map may be amended from time to time and maintained in electronic format by the Gwinnett County Geographic Information System .

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

### Section 200-40. Division of County into Zoning Districts.

**200-40.1** For the purposes of this Unified Development Ordinance, the unincorporated area of Gwinnett County, Georgia, is divided into Zoning Districts designated as follows:

|        |  |
|--------|--|
| RA-200 | Agriculture-Residence District             |
| R-LL   | Single-Family Residence-Large Lot District |
| R-100  | Single-Family Residence District           |
| R-75   | Single-Family Residence District           |
| R-60   | Single-Family Residence District           |
| R-SR   | Senior Oriented Residence District         |
| R-TH   | Single-Family Residence Townhouse District |
| R-IF   | Residential In-Fill District               |
| LRR    | Low-Rise Residential Multifamily District  |
| MRR    | Mid-Rise Residential Multifamily District  |



|      |   |
|------|---|
| HRR  | High-Rise Residential Multifamily District    |
| O-I  | Office-Institutional District                 |
| C-1  | Neighborhood Business District                |
| C-2  | General Business District                     |
| C-3  | Highway Business District                     |
| M-1  | Light Industry District                       |
| M-2  | Heavy Industry District                       |
| OSC  | Open Space Conservation District              |
| TND  | Traditional Neighborhood Development District |
| MU-N | Neighborhood Mixed-Use District               |
| MU-C | Community Mixed-Use District                  |
| MU-R | Regional Mixed-Use District                   |

**200-40.2 Inactive Zoning Districts.** No new zoning applications will be accepted for the inactive districts listed below, or any other inactive zoning districts in the County. In these districts, any existing or proposed development shall conform to the development and use standards established by zoning resolution for that particular parcel, or the most similar current zoning district as indicated in 240.2.B below, subject to the provisions of Section 100-60 and any other applicable sections of this UDO.

A. Inactive Zoning Districts include, but are not limited to, the following:

1. MOD Modified Single-Family Development
2. CSO Conservation Subdivision Overlay District
3. R-140 Single Family Residence District
4. RL Lakeside Residence District
5. R-ZT Single Family Residence Zero Lot Line/Townhouse District. (Prior to January 2005)F.R-ZT Single Family Residence District. (After January 2005)
6. R-TH Single Family Residence Townhouse District. (Prior to January 2005)
7. MH Manufacture Housing
8. MHS Manufactured Housing Subdivision District
9. RM Multi-Family Residence District
10. RMD Multi-Family Residence District (Duplexes)
11. RM-6 Multi-Family Residence District
12. RM-8 Multi-Family Residence District
13. RM-10 Multi-Family Residence District
14. RM-13 Multifamily Residence District

15. RM-24 Multifamily Residence District
16. HS Hospital Service District
17. NS Neighborhood Shopping District
18. O-R Office-Residence District
19. OBP Office-Business Park District
20. MUO Mixed-Use Overlay District
21. MUD Mixed-Use Development District
22. Big Haynes Creek Conservation Subdivision Option

B. Similar Current Active Zoning Districts (Inactive District: Active District):

| <u>Inactive District</u>                                     | <u>Active District</u> |
|--|------------------------|
| 1. R-100 MOD:  | R-100                  |
| 2. O-R and R-75 MOD:   | R-75                   |
| 3. CSO and Big Haynes Creek Conservation Subdivision Option: | OSC                    |
| 4. MH, MHS, R-140, and RL:                                   | R-100                  |
| 5. RMD, R-ZT, and R-TH (prior to January 2005):              | R-TH                   |
| 6. RM, RM-6, RM-8, RM-10, and RM-13:                         | LRR                    |
| 7. RM-24:  | MRR                    |
| 8. OBP and HS:   | O-I                    |
| 9. NS:   | C-1                    |
| 10. MUO and MUD:   | MU-C                   |

**200-40.3 Split-Zoned Parcels.** No application for rezoning shall be permitted that creates a split-zoned parcel, unless otherwise authorized by this UDO or by action of the Board of Commissioners.

### **Section 200-50. Interpretation of Zoning District Boundaries.**

**200-50.1** Where uncertainty exists with respect to the location of the boundaries of any Zoning District in Gwinnett County, Georgia, the following rules shall apply.

- A. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a county road, a state highway,

an interstate highway or a railroad right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.

- B. Where a Zoning District boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway, or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the centerline of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.
- C. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, unless otherwise determined by conditions of zoning.
- D. Whenever any street, alley or other public way is vacated or abandoned by official action of the County, the zoning district adjoining each side of the street, alley or public way will be automatically extended to the center of the street, alley or public way.
- E. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by scaling from fixtures, objects, or other structures shown on the map.

## **Section 200-60. Relationship to Comprehensive Plan.**

**200-60.1 Role of the Comprehensive Plan.** The Gwinnett County Unified Plan (Comprehensive Plan), consisting of its Future Development Map and related policies, as may be amended from time to time, is hereby established as the official policy of the County concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property shall be zoned in the unincorporated area of Gwinnett County.

**200-60.2 Relationship between Comprehensive Plan and Zoning.** The Gwinnett County Unified Plan (Comprehensive Plan) does not change the existing zoning districts in Gwinnett County, does not effectuate an amendment to the Gwinnett County Zoning Map, and does not itself permit or prohibit any existing land uses. Instead, the Unified Plan establishes broad planning policy for current and future land uses and should be consulted as a guideline for making decisions about applications to amend the Gwinnett County Zoning Map and text of the UDO.

## **Section 200-70. Incorporation of UDO Design Guidelines.**

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

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

## **Section 200-80. Zoning Certification.**

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

**Section 200-90. Zoning Classification of De-Annexed Property.**

Undeveloped property which has been de-annexed from any municipality or other county will be subject to the same zoning district, including any conditions established prior to annexation. However, if the zoning district within Gwinnett County cannot be determined from existing records or by the Director, a public hearing, as specified in Section 270, will be conducted to establish the appropriate zoning classification for the property. Any lawfully developed, de-annexed property shall be zoned to the nearest compatible zoning district in which the use is permitted. Any non-conforming use shall be subject to the provisions of Chapter 260 of this UDO.

## Chapter 210. Base Residential Zoning Districts

### Section 210-10. RA-200 Agriculture-Residence District.

**210-10.1 Purpose and Intent.** This district is comprised of land having a predominantly rural character. It is the intent of the regulations of this zoning district to provide for agriculture, forestry and very low-density residential uses and to discourage the subdivision of land for urban development requiring such urban services as a public water supply and sanitary sewers.

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

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

### Section 210-30. R-100 Single-Family Residence District.

**210-30.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and related uses.

### Section 210-40. R-75 Single-Family Residence District.

**210-40.1 Purpose and Intent.** This zoning district is intended primarily for single-family detached residences and related uses.

### Section 210-50. R-60 Single-Family Residence District.

**210-50.1 Purpose and Intent.** This zoning district is intended primarily for Single-family detached residences and accessory uses on land where urban services, including public water and sewer are available.

### Section 210-60. R-SR Senior Oriented Residence District.

**210-60.1 Purpose and Intent.** This zoning district is intended for detached single-family homes surrounding a common landscaped courtyard. These developments are appropriate for smaller infill tracts or assemblages of land in areas where public sewerage facilities are available or can be readily obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways.

### Section 210-70. R-TH Single-Family Townhouse District.

**210-70.1 Purpose and Intent.** This zoning district is intended for attached townhouse dwellings and detached single-family and duplex dwellings on small lots. These developments are appropriate for smaller infill tracts or assemblages of land in areas where public sewerage facilities are available or can be readily obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways.

### Section 210-80. R-IF Residential In-Fill District.

**210-80.1 Purpose and Intent.** This zoning district is intended primarily for missing middle housing in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to local streets, collector streets, major thoroughfares or state or interstate highways.

**Section 210-90. LRR Low-Rise Residential Multifamily District.**

**210-90.1 Purpose and Intent.** This zoning district is intended primarily for low-rise multifamily buildings in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways.

**Section 210-100. MRR Mid-Rise Residential Multifamily District.**

**210-100.1 Purpose and Intent.** This zoning district is intended primarily for mid-rise multifamily dwellings where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways.

**Section 210-110. HRR High-Rise Residential Multifamily District.**

**210-110.1 Purpose and Intent.** This zoning district is intended primarily for high-rise multifamily dwellings in areas where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways.

**Section 210-120. Dimensional Standards for Base Residential Zoning Districts**

|   | RA-200 | R-LL   | R-100  | R-75   | R-60  | R-SR               | R-TH            | R-IF | LRR | MRR | HRR  |
|---|--------|--------|--------|--------|-------|--------------------|-----------------|------|-----|-----|------|
| Max. FAR                                    | N/A    | N/A    | N/A    | N/A    | N/A   | N/A <sup>4</sup>   | N/A             | N/A  | 0.5 | 1.0 | None |
| Max. Density<br>(units per acre)            | N/A    | N/A    | N/A    | 3.0    | 4.0   | 6.0 <sup>6</sup>   | 10.0            | N/A  | N/A | N/A | N/A  |
| Min. Lot Size<br>(sq. ft.) <sup>1</sup>     | 40,000 | 32,000 | 15,000 | 10,500 | 7,200 | 5,000 <sup>4</sup> | N/A             | N/A  | N/A | N/A | N/A  |
| Min. Lot Width<br>(ft.)                     | 200    | 125    | 100    | 75     | 60    | 50 <sup>4</sup>    | N/A             | N/A  | 100 | 100 | 100  |
| Max. Coverage<br>(% of lot)                 | 25     | 25     | 45     | 55     | 60    | 70 <sup>4</sup>    | N/A             | N/A  | N/A | N/A | N/A  |
| Min. Front Yard<br>(ft.) <sup>2</sup>       | 35     | 35     | 25     | 20     | 15    | 10 <sup>4</sup>    | 10 <sup>3</sup> | 10   | 0   | 0   | 0    |
| Min. Rear Yard<br>(ft.)                     | 40     | 40     | 30     | 25     | 20    | 20 <sup>4</sup>    | 25 <sup>3</sup> | 20   | 0   | 0   | 0    |
| Min. Side Yard<br>(ft.)                     | 20     | 20     | 10     | 7.5    | 5     | 5 <sup>4</sup>     | 5 <sup>3</sup>  | 7.5  | 0   | 0   | 0    |
| Max. Bldg. Height<br>(ft.)                  | 35     | 35     | 35     | 35     | 35    | 35                 | 40              | 45   | 60  | 75  | N/A  |
| Min. Project Area<br>(acres)                | N/A    | N/A    | N/A    | N/A    | N/A   | 10                 | 2               | N/A  | N/A | N/A | N/A  |
| Min. Open Space<br>(% of area) <sup>5</sup> | N/A    | N/A    | 10     | 10     | 10    | 10                 | 10              | 10   | 10  | 10  | 10   |

<sup>1</sup> Larger minimum lot sizes may be required for lots served by septic.

<sup>2</sup> Where the backs or sides of single-family attached or detached residential units are oriented toward an external public street, a 40-foot-wide setback with a 10-foot-wide landscape strip adjacent to the right-of-way shall be required between the property line and residential units.

<sup>3</sup> External property line setbacks.

<sup>4</sup> For detached lots only. Attached villas are subject to the conditional use requirements of this Chapter.

<sup>5</sup> Does not apply to individual lots within single-family detached residential zoning districts.

<sup>6</sup> For attached villas only. The maximum density for detached lots shall be 4.0.

## Section 210-130. Permitted Uses within Residential Zoning Districts

**210.130.1** The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**P:** Permitted use.

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

**C:** Conditional use subject to the additional requirements in Section 210-120.

| Land Use                                       | RA-200 | R-LL | R-100 | R-75 | R-60 | R-SR | R-TH | R-IF | LRR | MRR | HRR |
|--|--------|------|-------|------|------|------|------|------|-----|-----|-----|
| <b>Agricultural Uses</b>                       |        |      |       |      |      |      |      |      |     |     |     |
| Agricultural Uses (crop or animal production)  | C      |      |       |      |      |      |      |      |     |     |     |
| Agricultura Uses (livestock)                   | C      | C    | C     | C    | C    | C    | C    | C    |     |     |     |
| Animal Hospital or Veterinary Clinic           | S      |      |       |      |      |      |      |      |     |     |     |
| Beekeeping                                     | P      | C    | C     | C    | C    | C    | C    | C    | C   | C   | C   |
| Community Garden                               | C      | C    | C     | C    | C    | C    | C    | C    | C   | C   | C   |
| Country Clubs and Golf Courses                 | C      | S    | S     | S    |      |      |      |      |     |     |     |
| Equestrian Facility, Riding Stables or Academy | S/C    |      |       |      |      |      |      |      |     |     |     |
| Farm Winery                                    | P      |      |       |      |      |      |      |      |     |     |     |
| Farmer's Market (off-site products)            | S/C    |      |       |      |      |      |      |      |     |     |     |
| Farmer's Market (on-site products only)        | C      |      |       |      |      |      |      |      |     |     |     |

|   |               |             |              |             |             |             |             |             |            |            |            |
|---|---------------|-------------|--------------|-------------|-------------|-------------|-------------|-------------|------------|------------|------------|
| Fishing Club or Fishing Pond  | P             |             |              |             |             |             |             |             |            |            |            |
| Forestry and Logging  | P             |             |              |             |             |             |             |             |            |            |            |
| Golf Driving Range  | S             |             |              |             |             |             |             |             |            |            |            |
| Greenhouse or Plant Nursery (wholesale)                               | P             |             |              |             |             |             |             |             |            |            |            |
| Kennel or Pet Boarding  | S/C           |             |              |             |             |             |             |             |            |            |            |
| Livestock Sales Pavilion or Auction Facility                          | S/C           |             |              |             |             |             |             |             |            |            |            |
| Shooting and Archery Ranges and similar outdoor recreation facilities | S/C           |             |              |             |             |             |             |             |            |            |            |
| Wild Animals, keeping of  | S/C           |             |              |             |             |             |             |             |            |            |            |
| <b>Non-Residential Uses</b>   |               |             |              |             |             |             |             |             |            |            |            |
| <b>Land Use</b>   | <b>RA-200</b> | <b>R-LL</b> | <b>R-100</b> | <b>R-75</b> | <b>R-60</b> | <b>R-SR</b> | <b>R-TH</b> | <b>R-IF</b> | <b>LRR</b> | <b>MRR</b> | <b>HRR</b> |
| Bed and Breakfast Inn   | C             | S/C         | S/C          |             |             |             |             |             |            |            |            |
| Cemetery, Family or Mausoleum   | S/C           | S/C         | S/C          | S/C         |             |             |             |             |            |            |            |
| Community Center or Cultural Facility                                 | S/C           |             | S/C          | S/C         |             |             |             |             |            |            |            |
| Day Care Facility (family)  | P             | P           | P            | P           | P           |             |             |             |            |            |            |
| Landfill  | S/C           |             |              |             |             |             |             |             |            |            |            |
| Place of Worship  | C             | C           | C            | C           | C           | C           | C           | C           | C          | C          | C          |
| Recreational Vehicle Park or Campground                               | S             |             |              |             |             |             |             |             |            |            |            |
| Residential Rehab. Center   | S/C           |             | S/C          |             |             |             |             |             |            |            |            |
| Sawmills and Logging Facility   | S             |             |              |             |             |             |             |             |            |            |            |
| School, Private (College or University)                               | S             |             | S            |             |             |             |             |             |            |            |            |
| School, Private (Primary and Secondary)                               | S/C           |             | S/C          |             |             |             |             |             |            |            |            |
| Short-term Rentals  | C             | C           | C            | C           | C           | C           | C           | C           | C          | C          | C          |
| Special Events/Banquet Facility or Rental Hall                        | S/C           |             |              |             |             |             |             |             |            |            |            |
| Utility transmission and monitoring facilities                        | S             | S           | S            | S           | S           | S           | S           | S           | S          | S          | S          |
| <b>Residential Uses</b>   |               |             |              |             |             |             |             |             |            |            |            |
| <b>Land Use</b>   | <b>RA-200</b> | <b>R-LL</b> | <b>R-100</b> | <b>R-75</b> | <b>R-60</b> | <b>R-SR</b> | <b>R-TH</b> | <b>R-IF</b> | <b>LRR</b> | <b>MRR</b> | <b>HRR</b> |
| Customary Home Occupation   | C             | C           | C            | C           | C           | C           | C           | C           | C          | C          | C          |



|  |     |     |     |   |   |   |   |   |   |   |   |
|--|-----|-----|-----|---|---|---|---|---|---|---|---|
| Dormitory                                | S   |     |     |   |   |   |   |   | P | P | P |
| Dwelling, Accessory                      | C   | C   | C   | C | C | C | C | C |   |   |   |
| Dwelling, Boarding or Rooming House      |     |     |     |   |   |   |   |   | C | C | C |
| Dwelling, Cottage Court                  |     |     |     | C | C |   |   | C |   |   |   |
| Dwelling, Duplex                         |     |     |     |   |   |   |   | C | C |   |   |
| Dwelling, Fourplex                       |     |     |     |   |   |   |   | C | C |   |   |
| Dwelling, Live/Work                      |     |     |     |   |   |   | C | C | C | C | C |
| Dwelling, Mobile or Manufactured Home    | P   |     |     |   |   |   |   |   |   |   |   |
| Dwelling, Multifamily                    |     |     |     |   |   |   |   |   | C | C | C |
| Dwelling, Multiplex                      |     |     |     |   |   |   |   | C | C |   |   |
| Dwelling, Senior-Oriented                |     |     |     |   |   | C |   |   |   |   |   |
| Dwelling, Single-Family Detached         | P   | P   | P   | P | P |   |   | P |   |   |   |
| Dwelling, Townhouse                      |     |     |     |   |   |   | P | P |   |   |   |
| Dwelling, Triplex                        |     |     |     |   |   |   |   | C | C |   |   |
| Personal Care Home, Congregate           | S/C | S/C | S/C |   |   |   |   |   |   |   |   |
| Personal Care Home, Family               | C   | C   | C   |   |   |   |   |   |   |   |   |
| Personal Care Home, Group                | S/C | S/C | S/C |   |   |   |   |   |   |   |   |
| Retirement Community, Independent Living |     |     |     |   |   |   |   |   | P | P | P |

## Section 210-140. Conditional Uses within Base Residential Zoning Districts

**210-140.1 Agricultural Uses (crop production).** Corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.

### 210-140.2 Agricultural Uses (livestock)

- A. In the RA-200 Zoning District: The keeping of livestock shall be permitted. Corrals, stables, barns, pens, coops, chicken houses, and other similar livestock quarters shall be located no closer than 100 feet to any property line.
- B. In all other zoning districts: the raising and keeping of livestock for personal pleasure or utility on a parcel which contains the dwelling of the owner of the livestock is permitted, provided that the parcel is at least 3 acres in area and all animal quarters are located no closer than 100 feet from any property line.
  1. In non-agricultural residential zoning districts, the keeping of chickens for personal pleasure or utility on a parcel which contains the dwelling of the owner is permitted, subject to the following requirements:
    - a. The minimum lot size for the keeping of chickens shall be ten thousand five hundred (10,500) square feet.

- b. Chickens must be kept securely in an enclosed yard or 6-sided pen at all times.
- c. Minimum pen area for chickens shall be ten (10) square feet per chicken.
- d. Chickens must be housed at least twenty (20) feet from any property line, and fifty (50) feet from any residence on an adjoining parcel.
- e. Any structure housing chickens must be located in the rear yard.
- f. The keeping of roosters shall be a prohibited use, for which a variance is not authorized.
- g. The maximum number of chickens shall be as follows: Lots 10,500 square feet to 12,499 square feet: maximum of 3 chickens; lots 12,500 square feet to 24,999 square feet: maximum of 5 chickens; lots 25,000 square feet to 39,999 square feet: maximum of 8 chickens; lots of 40,000 square feet to 2.99 acres: maximum of 10 chickens; lots 3 acres or larger: no maximum.
- h. Each coop shall have at least four (4) square feet of floor space per chicken over four (4) months old.
- i. Chickens are only permitted as pets or for egg laying production; chickens cannot be kept for slaughter or sale.
- j. Chickens must be kept under sanitary conditions and shall not be a public nuisance as defined by State law.

**210.140.3 Bed and Breakfast Inn.** Bed and Breakfast Inns shall be subject to the following requirements:

- A. The operator of the establishment shall reside on the site.
- B. The use shall have a lot area of not less than 20,000 square feet. The structure shall have a minimum heated floor area of 2,500 square feet.
- C. No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 days.
- D. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk. Any modifications to the structure shall be compatible with the character of the neighborhood.
- E. Guestrooms may not be equipped with cooking facilities.
- F. Food may be served on the premises only for overnight guests and employees of the Bed and Breakfast Inn.

**210-140.4 Beekeeping.** Beekeeping shall meet the following requirements:

- A. Honeybees shall not be kept on lots containing less than 10,000-square feet. No more than two colonies or hives, with only two swarms, shall be allowed per 10,000 square feet of lot area.
- B. Hives shall be marked or identified to notify visitors.
- C. No hive shall exceed 20 cubic feet in volume.
- D. No hive shall be located closer than ten feet from any property line or 25 feet from any principal building on an adjoining parcel.
- E. No hive shall be located closer than 50 feet from a public right-of-way.
- F. A constant supply of water shall be provided for all hives.
- G. A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.

- H. Any colony or hive which becomes a nuisance as defined by state law must be removed by the owner.
- I. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps) by the owner.

**210-140.5 Cemetery, Family Cemetery or Mausoleum.** Except when accessory to a place of worship; cemeteries, family cemeteries and mausoleums shall conform to the following requirements:

- A. The use shall have frontage on a street classified as a Collector or Arterial roadway or along a State Highway, and the entrance and exits shall only be from the classified street on which it fronts.
- B. The use shall be bordered by a 25-foot in depth buffer and a minimum six-foot-high decorative fence or wall along all its exterior property lines not bordering the frontage street and not extending into the required front yard. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight feet tall and provide an effective visual screen. A 25-foot in depth buffer and a four-foot-high decorative fence or wall shall be installed along the right-of-way of any abutting public street.
- C. Prior to permit approval, a site plan and a covenant for perpetual care shall be submitted to the Department of Planning and Development. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance including the fencing, landscaping, and gravesites.
- D. The covenant for perpetual care and a plat of survey delineating the limits of the use shall be recorded in the Gwinnett County Clerk of Superior Court (Deeds and Records).

**210.140.6 Community Garden.** Community gardens shall be subject to the following requirements:

- A. Outdoor lighting shall be prohibited.
- B. The garden shall be within a fully fenced area.
- C. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
- D. Gardening equipment and machinery must be stored in an enclosed, secure building or shed and meet all required setbacks.
- E. Retail sales shall be prohibited.
- F. Composting is permitted on the premises if stored in a manner that controls odor, prevents insect or rodent infestation, and minimizes runoff into waterways and onto adjacent properties.
- G. The garden must maintain an orderly appearance and may not be neglected or allowed to become overgrown or eroded.
- H. If a community garden ceases operation, and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the Director.

**210.140.7 Community Center or Cultural Facility .** Community centers or cultural facilities shall conform to the following requirements and restrictions. Properties not meeting these requirements shall be required to obtain a Special Use Permit.

- A. The-use shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway on a site of not less than five acres with at least 250 feet of road frontage.
- B. All buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
- C. Parking shall not be permitted within the minimum required front building setback.
- D. A minimum 50-foot in depth buffer shall be provided adjacent to residentially zoned properties.

- E. The following additional uses may be permitted as accessory to a community center or cultural facility only upon approval of a Special Use Permit:
1. Lighted outdoor ball fields, pools, or similar recreation facilities.
  2. Cemeteries or mausoleums.
  3. Day Care Centers.
  4. Private schools (K-12).

**210.140.8 Country Club.** Properties not meeting the following requirements shall be required to obtain a Special Use Permit.

- A. The main clubhouse entrance shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway, unless the entrance is located internal to a planned golf course residential development.
- B. The property shall contain a minimum of ten acres and a minimum 300 feet of road frontage.
- C. Adequate off-street parking shall be provided for the use.
- D. Buildings and parking lots shall be located not less than 50 feet from any street and not less than 40 feet from any side or rear property line.
- E. Any driving ranges shall be located not less than 50 feet from any street and not less than 100 feet from any side or rear property line.

**210.140.9 Customary Home Occupation.** Customary Home Occupations shall be subject to the following requirements and restrictions:

- A. The home occupation shall be carried on only by a member or members of the family residing in the residence.
- B. No sale of items may occur on the premises unless a Special Use Permit is granted by the Board of Commissioners.
- C. Personal services may be provided to a maximum of two clients in the residence at any given time. Service hours shall be limited to between 8 AM to 7 PM daily. A maximum of 5 clients may receive service in any residence per day.
- D. The home occupation shall not involve group instruction or group assembly of people on the premises.
- E. There shall be no exterior evidence of the conduct of a home occupation. The home occupation shall be conducted only within the enclosed living area of the home (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
- F. Except as contained herein, the conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase either on-street or off-street parking.
- G. No equipment. Supplies or materials may be utilized or stored in the conduct of the home occupation except those which are normally used for domestic or household purposes.
- H. No more than 25 percent of the dwelling unit may be used for conducting the home occupation.
- I. One business vehicle used exclusively by the resident is permissible. This vehicle may only be an automobile, pick-up truck, van, or sport-utility vehicle.
- J. Any deviations from these requirements shall require approval as a Special Use Permit.

**210.140.10 Dwelling, Accessory.** Detached accessory dwellings shall only be located in a rear yard, and shall be subject to the following setback requirements:

| Zoning District       | Side Yard Setback | Rear Yard Setback |
|-----------------------|-------------------|-------------------|
| RA-200 and R-LL       | 20 feet           | 40 feet           |
| R-100                 | 10 feet           | 20 feet           |
| R-75, R-60, R-SR, TND | 10 feet           | 15 feet           |
| R-IF                  | 5 feet            | 10 feet           |

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

Accessory dwellings shall be subject to the following requirements:

- A. No more than one accessory dwelling unit per primary dwelling unit.
- B. The primary dwelling unit shall be owner-occupied.
- C. The accessory dwelling unit shall not exceed 50% of the principal residence's heated floor area.
- D. The accessory dwelling unit may be in a separate building from the primary dwelling unit or may be attached to the principal residence and accessible from a separate entrance.
- E. If in a separate building, the height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling.
- F. Detached accessory dwellings shall be constructed with the same or similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling.
- G. Accessory dwelling units shall contain a full kitchen—and at least one full bathroom.
- H. The occupants of an accessory dwelling shall not be included in the calculation of occupancy for the primary dwelling or for the lot under the definition of a family.
- I. An accessory dwelling unit shall have at least one paved off-street parking space dedicated for the use, in addition to any parking spaces for the primary dwelling unit.
- J. An accessory dwelling shall have a separate electrical meter and service panel with main disconnect.
- K. An accessory dwelling shall have a backflow preventer and shut-off valve on the potable water service line.

**210.140.11 Dwelling, Cottage Court.** Cottage Court developments must meet the following additional requirements:

- A. Cottage cluster development shall be designed to accommodate a minimum of four and a maximum of twelve detached dwelling units surrounding a shared internal courtyard. Each unit shall have a usable front porch with direct access to the courtyard.
- B. Front porches may encroach up to 6 feet into the courtyard.
- C. Each dwelling unit shall have a maximum building footprint of 1,200 square feet and a maximum building height of 24 feet or 1.5 stories.
- D. Courtyards shall be a minimum of 3,000 square feet in size or 600 square feet per unit, whichever is greater. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a

minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.

- E. A cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.

**210.140.12 Dwelling, Duplex.** Duplex dwellings shall meet the following additional requirements:

- A. Duplexes shall be oriented toward abutting external streets.
- B. Duplexes may be side-by-side or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Duplexes shall meet the additional following design guidelines:
  - 1. Have a usable front porch.
  - 2. Shall be designed to have the external appearance of one single-family home.
- E. Duplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 5,000 square feet.

**210.140.13 Dwelling, Fourplex.** Fourplex dwellings shall meet the following additional requirements:

- A. Fourplexes shall be oriented toward abutting external streets.
- B. Fourplexes may be side-by-side and/or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Fourplexes shall meet the additional following design guidelines.
  - 1. Have a usable front porch.
  - 2. Shall be designed to have the external appearance of one single-family home.
- E. Fourplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 7,200 square feet.
  - 2. Minimum front yard setback: 15 feet.
  - 3. Minimum rear yard setback: 20 feet.

**210.140.14 Dwelling, Live/work.** Live/work dwellings shall meet the following additional requirements:

- A. Each live/work unit shall contain a minimum of 1,500 square feet of heated floor area, of which the non-residential (work) portion of the unit shall be no less than 500 square feet.
- B. Live/work units shall be on the ground floor and oriented toward the street.
- C. An occupational tax certificate for the non-residential (work) use shall be required. Live/work units shall not be considered home occupations.
- D. Shall be limited to professional office and personal service uses.
- E. Shall meet the parking requirements for both uses.
- F. Live/work units in the R-TH district shall meet the following additional requirements:

1. Shall be limited to no more than 10 percent of total units within a townhouse development.
2. Shall be limited to professional office uses only. No personal service uses shall be permitted.
3. One additional off-street parking space shall be required for each live/work unit.
4. Shall be limited to no more than one business related visitor at any given time. Business related visitors shall be limited to the hours of 8 AM to 5 PM, Monday through Friday.

**210.140.15 Dwelling, Multifamily.** Multifamily dwellings shall meet the following additional requirements:

- A. No more than 20 percent of units may be efficiency units.
- B. No more than 10 percent of units may include three or more bedrooms.
- C. No more than 5 percent of units may be carriage houses. Carriage houses and detached garages shall not be located adjacent to an abutting external street and shall be constructed of the same façade materials of the principal structure(s).
- D. The fronts of buildings shall be oriented toward abutting external streets with at least one direct pedestrian connection to external sidewalks.
- E. No more than 20 percent of provided off-street parking spaces may be located between the façade of the building and the street on which the building faces. All off-street parking areas within the front yard shall be screened from external rights-of-way with landscaping.
- F. In the MMR and HRR zoning districts, up to 10 percent of ground floor space may be utilized as office and/or retail uses.
- G. A minimum of 25 percent of units shall include usable balcony/patio space.

**210.140.16 Dwelling, Multiplex.** Multiplex dwellings shall meet the following additional requirements:

- A. Shall be limited to a minimum of five units and a maximum of 12 units.
- B. No more than 20 percent of units may be efficiency units.
- C. Multiplexes shall be oriented toward abutting external streets.
- D. Multiplex units may be side-by-side and/or stacked.
- E. Shall have one or more direct pedestrian connections to external sidewalks.
- F. Shall include shared open space to include shared lawns, courtyards, community gardens, roof gardens, play areas, etc. Any open space that includes structures such as play equipment, accessory structures, etc. shall be located within the rear yard.
- G. Units shall be accessed from internal corridors with mechanical ventilation. Breezeway and corridor natural ventilation openings in the exterior façade shall be prohibited.
- H. Off-street parking shall not be located within the front yard and shall be screened from external rights-of-way.
- I. Multiplexes shall meet the additional following design guidelines.
  1. Facades shall be broken up horizontally, through building materials and offsets.
  2. In the R-IF District, shall have focused, predominant entryways with no more than two entry points or have the appearance of no more than two entry points. If located on

corner lot, no more than two entry points may be oriented toward an external street.

- J. Multiplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:

1. Minimum lot size: 8,000 square feet.
2. Minimum front yard setback: 15 feet.
3. Minimum rear yard setback: 20 feet.
4. Minimum side yard setback: 10 feet.

**210.140.17 Dwelling, Senior Oriented.** Senior oriented dwellings shall meet the following additional requirements:

- A. Attached Villas shall meet the following requirements:
1. Villa developments shall have at least 50 feet of frontage on an external road.
  2. Units shall be at least 40 feet in width.
  3. A minimum 20 foot setback shall be maintained between buildings.
  4. The following setbacks shall apply to the perimeter of the development: Minimum front yard: 20 feet, Minimum side yard: 10 feet, Minimum rear yard: 20 feet.
  5. Villa buildings shall have a minimum of three units and a maximum of four units.
- B. All homes shall be limited to one-story; however, bonus rooms in attics shall be allowed.
- C. All homes shall include a double-car garage.
- D. All dwellings shall incorporate ADA accessibility standards and shall include the following:
1. Easy access step free feature at entrances to the unit.
  2. Easy passage feature requiring 32-inch wide, clear passage doorways throughout the unit.
  3. Easy use feature requiring wheelchair accessible bedroom(s), kitchen, entertainment area and bathroom(s), via step-free entrance.
- E. The R-SR District shall require a mandatory homeowners association. The association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b) (2) (c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:
1. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older.
  2. Restrictions on single-family residential use only and leasing of units. No more than 10 percent of the total units may be leased by individual owners at any one time.
  3. Maintenance of exterior items such as fences, lawn ornaments and restrictions on removal of landscaped areas and buffers.

**210.140.18 Dwelling, Townhouse.** Townhouse dwellings shall meet the following additional requirements:



- A. All townhouse dwellings shall include a minimum one-car garage that is either under the unit or detached. Garage doors shall be setback at least 18 ft. from the adjacent sidewalk or alley so that a parked vehicle in the driveway will not obstruct the sidewalk or alley.
- B. All townhouse buildings shall include a continuous sidewalk no less than 3 ft. in width connecting front entrances of all dwellings
- C. The fronts of buildings shall be oriented toward abutting external streets with at least one direct pedestrian connection to external sidewalks.
- D. All townhouse units shall provide a usable front porch.
- E. Additional guest parking shall be provided at a ratio of 0.25 spaces per dwelling unit. Guest parking may either be provided as on-street parallel parking or with separate off-street parking lots. Guest parking shall be distributed throughout the development or in a centrally located location.
- F. All townhouse developments shall include a minimum of 50 feet of external road frontage.

**210.140.19 Dwelling, Triplex.** Triplex dwellings shall meet the following additional requirements:

- A. Triplexes shall be oriented toward abutting external streets.
- B. Triplexes may be side-by-side and/or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Triplexes shall meet the additional following design guidelines:
  - 1. Have a usable front porch.
  - 2. Shall be designed to have the external appearance of one single-family home.
- E. Triplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 5,000 square feet.
  - 2. Minimum front yard setback: 15 feet.
  - 3. Minimum rear yard setback: 20 feet.

**210.140.20 Equestrian Facilities, Riding Stables, or Academies.** Stables, corrals, riding rings and other similar facilities shall be located no closer than 100 feet to any property line.

**210.140.21 Farmers' Markets (on-site products only).** Any temporary or permanent structure for the sale of farm products shall be located no closer than 35 feet to any property line and may be no larger than 1,000 square feet.

**210.140.22 Kennels and Pet Boarding.** Dog runs, pens and other similar facilities shall be located no closer than 100 feet to any property line.

**210.140.23 Landfills.** Landfills shall meet the following requirements:

- A. A minimum 200 foot in depth natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
- B. A minimum 75 foot in depth natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.

- C. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
- D. The entire site shall be fenced with a minimum eight-foot-tall chain link security fence.
- E. The landfill shall be located on or have direct private access to a road classified as a major collector, minor arterial, major arterial, or principal arterial.
- F. A report detailing the phasing of the landfill and plans for closure and reclamation shall be provided prior to issuance of any permits.
- G. Sanitary landfills allowed within the Big Haynes Creek Watershed shall utilize synthetic liners and leachate collection systems.
- H. The following waste disposal activities, recycling facilities, and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the Board:
  - 1. Composting, Municipal Solid Waste.
  - 2. Composting, Yard Trimmings.
  - 3. Consumer Recycling Centers.
  - 4. Gas Recovery/Gas Co-generation Plant.
  - 5. Recovered Materials Processing Facility.
  - 6. Solid Waste Transfer Stations.
- I. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.
- J. The property shall contain a minimum of 100 acres.
- K. Within the Big Haynes Creek and Alcovy River Watersheds, landfills and hazardous waste facilities are subject to the following:
  - 1. New sanitary landfills shall utilize synthetic liners and leachate collection systems.
  - 2. Hazardous waste treatment or disposal facilities are prohibited.
  - 3. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.

**210.140.24 Livestock Sales Pavilion or Auction Facility.** Livestock Sales Pavilions or Auction Facilities shall meet the following standards:

- A. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
- B. The property shall contain a minimum of 10 acres.
- C. Livestock sales pavilions, auction facilities, show rings or other arenas for the display, exhibition training or sale of livestock, and animal quarters shall be located no closer than 100 feet to any property line.
- D. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the use.

**210.140.25 Personal Care Home, Congregate.** Congregate Personal Care Homes shall be located on a lot of at least 1 acre in size and shall be limited to sixteen or more residents.

**210.140.26 Personal Care Home, Family.** Family Personal Care Homes shall be located on a lot of at least 1 acre in size and shall be limited to no more than six residents.

**210.140.27 Personal Care Home, Group.** Group Personal Care Homes shall be located on a lot of at least 1 acre in size and shall be limited to between 7 and 15 residents.

**210.140.28 Places of Worship.** In all residential zoning districts, places of worship shall conform to the following requirements. Residentially zoned properties not meeting these requirements shall be required to obtain a Special Use Permit.

- A. They shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway on a site of not less than five acres with 250 feet of road frontage.
- B. The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
- C. Parking shall not be provided in the front building setback area.
- D. A minimum 20-foot in depth buffer shall be provided adjacent to residentially zoned properties. This buffer shall be increased to 50 feet in depth adjoining a detention pond and any church recreation facilities, such as, but not limited to an indoor gym or outdoor playground.
- E. The place of worship may utilize one manufactured building for worship services for an initial period not to exceed one ~~three~~ years.
- F. Uses Requiring Special Use Permit. In residential zoning, the following additional uses may be permitted as accessory to a place of worship only upon approval of a Special Use Permit:
  - 1. Lighted outdoor ball fields, pools, or similar recreation facilities.
  - 2. Cemeteries or mausoleums.
  - 3. Day Care Centers.
  - 4. Kindergartens.
  - 5. Private schools (K-12).
  - 6. Health and social services: including out-patient clinics, transitional housing, shelters, and other similar facilities.

**210.140.29 School, Private.** Private schools shall conform to the following requirements:

- A. The use shall be located on property with direct access to a roadway classified as a collector or higher category.
- B. Minimum Lot Size (based on the highest grade level offered):
  - 1. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.
  - 2. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.
  - 3. High School: five acres, plus one additional acre for each 100 students based on the design capacity of the school.
- C. When adjacent to a residential zoning district, the following additional standards shall apply:

1. A minimum 50-foot in depth natural, undisturbed buffer shall be maintained adjacent to residential zoning is required.
  2. Driveways and parking areas must set back at least 25 feet from side property lines and five feet from any buffer.
  3. Parking lots or outdoor lights shall not be closer than 100 feet from residences on adjacent property.
  4. Outdoor recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- D. Accessory Uses and Facilities. In addition to the accessory uses and facilities that are permitted in Chapter 230 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities.

**210.140.30 Shooting and Archery Ranges and similar Outdoor Recreation Facilities.** Shooting and Archery Ranges and similar Outdoor Recreation Facilities shall conform to the following requirements:

- A. Outdoor shooting ranges shall be located on properties with a minimum of 20 acres.
- B. Outdoor recreation activities may include:
  1. Community or private sports practices or games,
  2. Paintball, zip lines, mudder or obstacle courses, or similar activities.
  3. Other such activities, as may be authorized at the discretion of the Director of Planning and Development.
- C. Adequate off-street parking and restroom facilities shall be provided on-site.
- D. No buildings or facilities associated with the use shall be located closer than 100 feet to any property line. Outdoor shooting ranges shall be a minimum of 300 feet from any property line.

**210.140.31 Short-term Rentals.** Short-term Rental Facilities shall conform to the following requirements:

- A. There shall be no exterior evidence that a dwelling is being used as a short-term rental.
- B. Outdoor parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas consistent with the provisions of this title. There shall be no parking on the street, on neighboring properties, in the yard, or in the right-of-way.
- C. The occupancy for a short-term rental shall be limited to two adults per bedroom. The total number of occupants of a dwelling unit must meet the definition of family provided in this UDO.
- D. The property owner or responsible property manager shall at all times maintain their contact information posted in a conspicuous location near the primary entrance to the home.

**210.140.32 Special Events/Banquet Facility or Rental Hall.** Special Events/Banquet Facilities or Rental Halls shall conform to the following requirements.

- A. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
- B. The property shall contain a minimum of 3 acres.

- C. Activities shall be limited to community or private parties, gatherings or charity events; weddings, wedding receptions; showers; business functions. Other similar events may also be included, at the discretion of the Director of Planning and Development.
- D. Guests shall be limited to no more than 150 (subject to fire code limitations) at any one time. During inclement weather there shall be sufficient space to safely shelter guests. Adequate, permanent restroom facilities shall be provided, which shall meet the minimum requirements of the Board of Health and building code requirements.
- E. Special event hours of operation shall be limited to between 9:00 a.m. and 11:00 p.m.
- F. Adequate off-street parking facilities shall be provided on-site.
- G. A minimum 50-foot-wide buffer shall be provided to all adjacent to all residentially zoned properties.

**210.140.33 Wild Animals (raising and keeping of).** Any resident who keeps a wild or exotic animal shall meet the following requirements:

- A. The owner or custodian of wild or exotic animals shall obtain any and all necessary permits and meet all requirements of the State of Georgia for such activity.
- B. No animal quarters may be located closer than 200 feet to any property line

## Chapter 211. Base Non-Residential Zoning Districts

### Section 211-10. O-I Office-Institutional District.

**211-10.1 Purpose and Intent.** The O-I Office-Institutional District is intended to provide a location for offices, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings.

### Section 211-20. C-1 Neighborhood Business District.

**211-20.1 Purpose and Intent.** The C-1 Neighborhood Business District is intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community. The residential character of the area surrounding this district shall be of primary consideration when Rezonings, Special Use Permits or Variances to these regulations are reviewed.

### Section 211-30. C-2 General Business District.

**211-30.1 Purpose and Intent.** The C-2 General Business District is intended to provide adequate space in appropriate locations along major streets, thoroughfares and intersections for various types of business use. These uses include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. The intensity of development and uses in the C-2 General Business District is greater than in the C-1 Neighborhood Business District because it is intended to serve a greater population and to offer a wider range of goods and services.

### Section 211-40. C-3 Highway Business District.

**211.40.1 Purpose and Intent.** The C-3 Highway Business District is intended for business uses which require locations accessible to major highways and arterials that serve significant portions of the community. The C-3 district allows an intensity of development and uses that is greater than in the C-2 General Business District because it is intended to serve a greater population and to offer a wider range of goods and services. Due to the nature of the businesses permitted within the C-3 district, the zoning district should be limited to property fronting on principal arterials, major arterials or minor arterials, not indicated as residential arterials, as shown on the Long Range Road Classification Map. C-3 Districts should provide an internal transition in intensity or provide a step-down to less intensive zoning districts when adjacent to residential districts.

### Section 211-50. M-1 Light Industry District.

**211-50.1 Purpose and Intent.** The M-1 Light Industry District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit the intensity of industrial operations and processes. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of outdoor storage which is screened and situated in a side or rear yard.

### Section 211-60. M-2 Heavy Industry District.

**211-60.1 Purpose and Intent.** The M-2 Heavy Industry District provides a location for industrial operations and processes conducted both indoors and outdoors, and which due to their intensity of use, should be located on or have ready access to a major thoroughfare or State Highway, and not in close proximity to residential areas.

**Section 211-70. Dimensional Standards for Base Non-Residential Zoning Districts**

|                                    | O-I              | C-1 | C-2 | C-3 | M-1 | M-2 |
|------------------------------------|------------------|-----|-----|-----|-----|-----|
| Max. FAR                           | 3.0 <sup>2</sup> | 0.5 | 1.0 | 2.0 | 1.0 | 2.0 |
| Min. Lot Size (acres) <sup>1</sup> | N/A              | N/A | N/A | N/A | 1   | 1   |
| Min. Lot Width (ft.)               | N/A              | N/A | N/A | N/A | 150 | 150 |
| Max. Coverage (% of lot)           | 80               | 80  | 80  | 80  | 80  | 80  |
| Min. Front Yard (ft.)              | 0                | 0   | 0   | 0   | 50  | 75  |
| Min. Rear Yard (ft.)               | 0                | 0   | 0   | 0   | 50  | 75  |
| Min. Side Yard (ft.)               | 0                | 0   | 0   | 0   | 25  | 35  |
| Max. Bldg. Height (ft.)            | 75               | 35  | 45  | 60  | 45  | 45  |

<sup>1</sup> Larger minimum lot sizes may be required for lots served by septic.

<sup>2</sup> No maximum FAR within Regional Activity Centers.

**Section 211-80. Permitted Uses within Base Non-Residential Zoning Districts**

211.80.1 The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

P: A permitted use.

S: A special use requiring a Special Use Permit subject to approval following the application procedures and requirements in Section 270-30 of the UDO.

C: A conditional use subject to the additional requirements in Section 211-80.

| General Commercial Uses   |     |     |     |     |     |     |
|---|-----|-----|-----|-----|-----|-----|
| Land Use  | O-I | C-1 | C-2 | C-3 | M-1 | M-2 |
| <b>Eating and Drinking Establishments, not included below</b>         |     | P   | P   | P   |     |     |
| Brewpub   |     | P   | P   | P   | P   | P   |
| Restaurant, with drive-in or drive-thru service                       |     |     | P   | P   |     |     |
| <b>Lodging Establishments, not included below</b>                     | P   | P   | P   | P   |     |     |
| Bed and Breakfast Inn   |     | P   | P   | P   |     |     |
| Extended Stay Facility  |     |     | S   | S   |     |     |
| <b>Business, Medical, or Professional Offices, not included below</b> | P   | P   | P   | P   | P   | P   |
| Automobile Brokerage Office, no storage of vehicles                   | C   | C   | C   | C   | C   | C   |
| Medical Laboratory  | P   |     | P   | P   | P   | P   |
| Research and Testing Laboratory                                       | P   |     |     | P   | P   | P   |
| Radio, Recording, or Television Studio                                |     |     | P   | P   | P   | P   |
| <b>Personal Services Establishments, not included below</b>           |     | P   | P   | P   |     |     |
| ATM, standalone drive-up  |     |     | P   | P   |     |     |

|  |            |            |            |            |            |            |
|--|------------|------------|------------|------------|------------|------------|
| Animal Care Establishment, indoor only                                     | P          | P          | P          | P          | P          | P          |
| Animal Care Establishment, with outdoor pens or runs                       |            | S          | S          | P          | P          | p          |
| Appliance or Electronics Repair Establishment                              |            |            |            | P          | P          | P          |
| Bail Bonding Company   |            |            |            | S          |            |            |
| Check Cashing/Payday Loan Establishment, Standalone                        |            |            | S          | S          |            |            |
| Catering Service Establishment   | P          | S          | P          | P          | P          | P          |
| Daycare Facility   | P          | P          | P          | P          | S          | S          |
| Driving Instruction School   |            |            |            | P          | P          | P          |
| Locksmith Establishment  |            | P          | P          | P          | P          | P          |
| Massage Therapy Establishment  |            | P          | P          | P          |            |            |
| Tattoo and Body Piercing Studio  |            |            | P          | P          |            |            |
| Taxidermy Shop   |            |            |            | S          | P          | P          |
| Tutoring and Learning Center   | P          | P          | P          | P          | S          | S          |
| <b>Retail Sales or Rental of Goods Establishments, not included below</b>  |            | <b>P</b>   | <b>P</b>   | <b>P</b>   |            |            |
| Copy and Print Store   | P          | P          | P          | P          | P          | P          |
| Department or Wholesale Store  |            |            | P          | P          |            |            |
| Discount, Dollar, or Thrift Store  |            |            | S          | P          |            |            |
| Furniture Sales or Rental Store  |            |            | P          | P          |            |            |
| Fireworks Sales, ancillary use   |            | P          | P          | P          |            |            |
| Fireworks Sales Establishment, principal use                               |            |            | S          | S          |            |            |
| Garden Supply Center   |            |            | S          | P          |            |            |
| Home Improvement or Building Supply Store                                  |            |            | P          | P          |            |            |
| Pawn Shop  |            |            |            | S          |            |            |
| Precious Metals Dealer Establishment                                       |            |            | P          | P          |            |            |
| Smoke, Novelty, or CBD Shop  |            |            | P          | P          |            |            |
| Swimming Pool Sales or Supply Establishment with Outdoor Display           |            |            |            | P          | P          | P          |
| <b>Entertainment and Recreation Uses</b>                                   |            |            |            |            |            |            |
| <b>Land Use</b>  | <b>O-I</b> | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>M-1</b> | <b>M-2</b> |
| <b>Indoor Entertainment and Recreation Facilities, not included below</b>  |            | S          | P          | P          | P          | P          |
| Adult Entertainment Establishment  |            |            |            |            | C          | C          |
| Health or Fitness Center   |            | P          | P          | P          | S          | S          |
| Hookah, Vapor, or Cigar Lounge   |            |            | S/C        | S/C        |            |            |
| Lounge or Nightclub Establishment  |            |            | S          | P          |            |            |
| Microbrewery or distillery Facility  |            |            | C          | C          | C          | C          |
| Movie Studio   | P          |            |            | P          | P          | P          |
| Movie Theater  |            |            | P          | P          |            |            |
| Pool or Billiard Halls   |            |            | P          | P          |            |            |
| Shooting or Archery Range, indoor  |            |            | S          | S          | S          | S          |
| Special Events Facility  | S          | S          | P          | P          | S          | S          |
| <b>Outdoor Entertainment and Recreation Facilities, not included below</b> |            |            | S          | P          | S          | S          |
| Aircraft Landing Field, private  |            |            | S          | S          | S          | S          |
| Shooting and Archery Range, outdoor  |            |            |            | S          | S          | S          |
| Recreational Vehicle Park or Campground                                    |            |            | S          | P          |            |            |



| Civic and Institutional Uses   |     |     |     |     |     |     |
|--|-----|-----|-----|-----|-----|-----|
| Land Use   | O-I | C-1 | C-2 | C-3 | M-1 | M-2 |
| <b>Civic, Private and Public Institutions, not listed below</b>                  | P   | P   | P   | P   |     |     |
| Club, Lodge, or Fraternal Organization Facility                                  | S   | P   | P   | P   | S   | S   |
| Cemetery or Mausoleum  |     |     | S/C | S/C |     |     |
| Community Center or Cultural Facility  |     | P   | P   | P   | S   | S   |
| Place of Worship   | P   | P   | P   | P   | P   | P   |
| School, college, private, trade, or similar                                      | C   | C   | C   | C   | S/C | S/C |
| Shelters, community or residential   |     |     | S   | S   | S   | S   |
| <b>Hospitals and Related Healthcare Facilities, not included below</b>           | P   |     | P   | P   |     |     |
| Nursing Home   | P   | P   | P   | P   |     |     |
| Residential Rehab Center (alcohol or drug)                                       | S   | S   | S   | S   |     |     |
| Personal Care Home, congregate   | S   | P   | P   | P   |     |     |
| Personal Care Home, Group  | S   | P   | P   | P   |     |     |
| Retirement Community, independent or continuing care                             | S   |     |     |     |     |     |
| Automobile, Truck, Recreational Vehicle, Motorcycle, Boat, ATV, and Related Uses |     |     |     |     |     |     |
| Land Use   | O-I | C-1 | C-2 | C-3 | M-1 | M-2 |
| <b>Vehicle Rental and Related Services Establishments, not included below</b>    | S   |     | S   | P   | P   | P   |
| Heavy Truck and Heavy Equipment Establishment                                    |     |     |     |     | S   | P   |
| Taxi or Limousine Service Establishment  |     |     |     | P   | S   | S   |
| <b>Vehicle Repair, Service, and Body Work Establishments, not included below</b> |     |     | S   | P   | S   | S   |
| Aircraft Hanger or Maintenance Facility  |     |     |     |     | P   | P   |
| Convenience Store, with fuel pumps   |     |     | S   | P   |     |     |
| Heavy Truck or Heavy Equipment Repair Establishment                              |     |     |     |     | S   | P   |
| Parts and Accessories Store, without installation                                |     |     | P   | P   |     |     |
| Parts and Accessories Store, with installation                                   |     |     | S   | P   |     |     |
| Vehicle Washing Establishment  |     |     | S/C | C   |     |     |
| Emissions Inspections Establishment  |     |     | C   | C   | C   | C   |
| <b>Vehicle Sales and Related Services Establishments, not included below</b>     |     |     | S/C | P/C |     |     |
| Heavy Truck and Heavy Equipment Sales Establishment                              |     |     |     |     | P   | P   |
| Industrial Uses  |     |     |     |     |     |     |
| Land Use   | O-I | C-1 | C-2 | C-3 | M-1 | M-2 |
| <b>Contractors Offices, not included below</b>                                   |     |     |     | P   | P   | P   |
| Carpet or Upholstery Cleaning Service Office                                     |     |     | S   | P   | P   | P   |
| Heavy/Civil Construction/Logging Contractors Office                              |     |     |     |     | S   | P   |
| Landscaping Contractors Office   |     |     | S   | P   | P   | P   |
| <b>Heavy Industrial Facilities, not included below</b>                           |     |     |     |     |     | P   |
| Asphalt Plant  |     |     |     |     |     | S   |
| Composting Facility, municipal solid waste                                       |     |     |     |     |     | S   |
| Landfill   |     |     |     |     |     | S   |

|  |            |            |            |            |            |            |
|--|------------|------------|------------|------------|------------|------------|
| Recovered Materials Processing Facility                                      |            |            |            |            |            | S/C        |
| Poultry or Meat Slaughterhouse or Processing Plant                           |            |            |            |            |            | S          |
| Salvage or Junk Yard   |            |            |            |            |            | S/C        |
| Solid Waste Transfer Station   |            |            |            |            |            | S          |
| Quarrying, Mining, or Borrow Pit   |            |            |            |            |            | S          |
| Waste Incineration Facility  |            |            |            |            |            | S          |
| <b>Light Industrial Facilities, not included below</b>                       |            |            |            |            | P          | P          |
| Ambulance or Medical Transport Company                                       |            |            | S          | P          | P          | P          |
| Carpet or Upholstery Cleaning Service  |            |            | S          | P          | P          | P          |
| Crematory, as a principal use  |            |            | S          | S          | S          | S          |
| Stone Yard or Stone Cutting Establishment                                    |            |            | S          | S          | P          | P          |
| Bulk Storage Tank (principal use)  |            |            |            |            | S          | S          |
| Truck Terminal or Intermodal Transfer Station                                |            |            |            |            | S          | S          |
| Towing or Wrecker Service Establishment                                      |            |            |            |            | S          | S          |
| Wood or Lumber Processing Facility   |            |            |            |            | S/C        | C          |
| <b>Warehouse, Wholesale, and Distribution Facilities, not included below</b> |            |            |            |            | P          | P          |
| Auction House  |            |            |            | P          | P          | p          |
| Self-Storage Facility, indoor climate controlled                             |            |            | S/C        | S/C        | S/C        | S/C        |
| Self-Storage Facility, all others  |            |            |            |            | S/C        | S/C        |
| <b>Outdoor Sales, Storage and Display Uses</b>                               |            |            |            |            |            |            |
| <b>Land Use</b>  | <b>O-I</b> | <b>C-1</b> | <b>C-2</b> | <b>C-3</b> | <b>M-1</b> | <b>M-2</b> |
| <b>Outdoor Sales and Storage of Goods, not included below</b>                |            |            | S/C        | C          | C          | C          |
| Automobile or Truck Storage, standalone or offsite                           |            |            |            | S/C        | S/C        | C          |
| Public or Private Parking Garage or Lot, standalone                          | S          | S          | P          | P          | P          | P          |
| Outdoor Display of Goods, retail   | C          | C          | C          | C          | C          | C          |

## Section 211-90. Conditional Uses within Base Non-Residential Zoning Districts

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

**211.90.2 Automobile Brokerage Office.** Automobile Brokerage Offices shall be subject to the following requirements:

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

**211.90.3 Automobile or Truck Storage Lot.** Automobile or Truck Storage Lots shall be subject to the following requirements:

- A. Storage lots for commercial vehicles, semis and/or tractor trailers shall be located on a site containing no less than 10 acres.

- B. The entire lot shall be surrounded by a 15-foot in depth buffer adjacent to any public street, a 25-foot in depth buffer adjacent to a non-residential zoning district, and a 50-foot in depth buffer adjacent to any mixed-use or residential zoning district.
- C. A security fence or wall is required enclosing the lot. The security fence or wall shall meet the requirements of Section 230-80.
- D. No outdoor sound amplification device is permitted.
- E. No inoperable or junk vehicles are permitted.
- F. Outdoor lighting shall consist of cut-off luminaires that shall be directed inward so as not to direct light onto adjacent residential property. When adjacent to residentially-zoned property, any outdoor light fixtures shall not exceed 35 feet in height.

**211.90.4 Cemetery, Family Cemetery or Mausoleum.** Except when accessory to a place of worship; cemeteries, family cemeteries and mausoleums shall conform to the following requirements:

- A. The cemetery may front only on a street classified as a Collector or Arterial roadway or along a State Highway, and the entrance and exits to the cemetery shall only be from the classified street on which it fronts.
- B. The cemetery shall be bordered by a 25-foot in depth buffer and a minimum six-foot-high decorative fence or wall along all of its exterior property lines not bordering the frontage street and not extending into the required front yard. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight feet tall and provide an effective visual screen. A 25-foot in depth buffer and a four-foot-high decorative fence or wall shall be installed along the right-of-way of any abutting public street.
- C. Prior to the approval of a request to use property as a cemetery, a site plan and a covenant for perpetual care shall be submitted to the Department of Planning and Development. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance including the fencing, landscaping, and gravesites.
- D. The covenant for perpetual care and a plat of survey delineating the limits of the cemetery shall be recorded in the Gwinnett County Clerk of Superior Court (Deeds and Records).

**211.90.5 Emissions Inspection Stations.** Emissions inspection stations shall meet the following design standards:

- A. The facility shall be located in a permanent non-combustible structure.
- B. The structure shall include a designated indoor public waiting area (minimum three fixed seats) with restrooms; or as an alternative, shall provide the required designated indoor waiting area and restrooms upon the same lot, within 500 feet of the testing facility.
- C. The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.
- D. If constructed in an existing parking lot, the facility and stacking lane(s) shall not occupy any required on-site parking space or encroach into any minimum required driveway width.

**211.90.6 Hookah/Vapor Bar or Lounge.** Hookah/Vapor Bars and Lounges shall be subject to the following restrictions:

- A. Smoking of vapor products or hookah in any establishment that serves alcohol or food shall be prohibited.

- B. Hookah bars and lounges shall not serve patrons under the age of 21.
- C. Hookah bars and lounges shall be additionally subject to the requirements of the Smoke-free Ordinance in Article V, Chapter 38 of the Gwinnett County Code of Ordinances.

#### **211.90.7 Landfills**

- A. A landfill may be permitted in certain zoning districts of Gwinnett County by Special Use Permit, after a public hearing, provided the following conditions are met:
  - 1. A minimum 200 foot in depth natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
  - 2. A minimum 75 foot in depth natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
  - 3. The limits of any 100 year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
  - 4. The entire site shall be fenced with a minimum six foot high chain link security fence.
  - 5. The landfill shall be located on or have direct private access to a road designated on the Long Range Road Classification Map as a major collector, minor arterial, major arterial, or principal arterial.
  - 6. The applicant shall include with the Special Use Permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
- B. The following waste disposal activities, recycling facilities and recovery activities shall be permitted as accessory uses to landfills, unless otherwise stipulated by the Board:
  - 1. Composting, Municipal Solid Waste.
  - 2. Composting, Yard Trimmings.
  - 3. Consumer Recycling Centers.
  - 4. Gas Recovery/Gas Co-generation Plant.
  - 5. Recovered Materials Processing Facility.
  - 6. Solid Waste Transfer Stations.
- C. Within the Big Haynes Creek and Alcovy River Watersheds, landfills and hazardous waste facilities are subject to the following:
  - 1. New sanitary landfills shall utilize synthetic liners and leachate collection systems.
  - 2. Hazardous waste treatment or disposal facilities are prohibited.
  - 3. Facilities which handle hazardous materials, of the types and amounts determined by the Georgia Department of Natural Resources, shall perform all operations on impermeable surfaces having spill and leak protection systems as prescribed by the Georgia Department of Natural Resources.

#### **211-90.8. Lodging Establishment** Lodging establishments shall be subject to the following requirements:

- A. Guest rooms shall be accessed internally to the building with no direct room access to the outside. This does not prohibit balconies on individual rooms.

- B. Each hotel/motel must provide management on duty 24 hours a day.
- C. No business may operate from any guest room within the facility.

**211.90.9 Microbrewery/Microdistillery.** Microbreweries and Microdistilleries shall be subject to the following standards.

- A. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.
- B. Outdoor placement of grain silos shall be allowed, subject to the Department of Planning and development review and approval of their appearance, signage, location and height.
- C. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.

**211.90.10 Outdoor Display or Sales of Merchandise.** Outdoor display or sales of merchandise shall be subject to approval of a Special Use Permit, with the following exceptions:

- A. Automobile, truck and other vehicle sales facilities shall be exempt for the parking of vehicle inventory.
- B. Businesses which have obtained a valid Temporary Outdoor Activity Permit shall be exempt during the permit period.
- C. Merchandise may be displayed on the front sidewalk immediately adjacent to a retail building or immediately beneath an actively operating fuel island canopy, subject to the following restrictions and requirements:
  1. Merchandise shall be permitted only along the business' tenant bay or storefront façade.
  2. Merchandise shall not block an entrance or exit to or from the building.
  3. Merchandise displayed for sale shall be that normally found within the on-premises business.
  4. Merchandise shall not be located on sidewalks that are less than six feet in depth and may not extend beyond the limits of the sidewalk.
  5. All such display or sales shall meet applicable building, fire and safety codes.

**211.90.11 Outdoor Sales and Storage of Goods**

- A. Outdoor storage in residential zoning districts shall be governed by the Gwinnett County Property Maintenance Ordinance (PMO).
- B. In mixed-use and non-residential zoning districts (other than industrial), outdoor storage of equipment, materials and/or merchandise shall be subject to approval of a Special Use Permit.
- C. In industrial zoning districts, outdoor storage of equipment and materials shall be allowed subject to the following restrictions and requirements:
  1. Outdoor storage shall be set back at least 15 feet from any side or rear property lines.
  2. Shall not be located within a required front yard.
  3. Outdoor storage shall not be located in the area between the front of the principal structure and the public street.
  4. Outdoor storage shall be fully screened by a solid wood fence, masonry wall or slatted chain-link fence at least 8 feet in height.

5. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.
6. The setback distance shall be landscaped to provide a year-round vegetative screen.

**211.90.12 Recovered Materials Processing Facility.** Recovered Materials Processing Facilities shall meet the following design standards:

- A. The minimum lot area for such facilities shall be 2 acres.
- B. Activities shall be limited to collection, sorting, compaction and shipping.
- C. Along the entire road frontage (except for approved access crossings), provide a 3-foot-high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum 6 foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- D. The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.
- E. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
- F. Materials collected shall not be visible and deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
- G. No outdoor storage of uncontainerized materials shall be allowed.
- H. Any outside storage areas shall be screened by a minimum eight-foot-high, solid wood fence, masonry wall or slatted chain-link fence. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.

**211.90.13 Salvage Operation or Junk Yard.**

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

**211.90.14 School, college, private, trade, or similar.** Private schools shall conform to the following requirements. Properties not meeting these standards shall be required to obtain a Special Use Permit:

- A. This use shall not be located except on property with direct access to a roadway designated as a collector or higher category on the latest Gwinnett County Long Range Road Classification Map.
- B. Minimum Lot Size (based on the highest grade level offered):
  1. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.
  2. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.
  3. High School: five acres, plus one additional acre for each 100 students based on the design capacity of the school.
- C. When adjacent to a residential zoning district, the following additional standards shall apply:
  1. A minimum 50-foot in depth natural, undisturbed buffer shall be maintained adjacent to residential zoning is required.

2. Driveways and parking areas must set back at least 25 feet from side property lines and five feet from any buffer.
  3. Parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.
  4. Outdoor recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.
- D. Accessory Uses and Facilities. In addition to the accessory uses and facilities that are permitted in Chapter 230 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities.

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

- A. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.
- B. Site access shall not be onto roadways classified as local residential streets.
- C. Outdoor speakers or sound amplification systems shall be prohibited.
- D. Dumpsters shall not be located within 150 feet of residentially zoned properties.
- E. Provide adequate loading and unloading areas outside of fire lanes.
- F. Adequate screening via a 6-foot-tall privacy fence and vegetation shall be provided adjacent to residentially zoned properties and subject to the review and approval of the Department of Planning and Development.
- G. Shall be indoor, climate controlled self-storage buildings without any exterior roll-up doors for individual storage units.

**211.90.16 Vehicle Sales and Related Services Establishment.** Vehicle Sales and Related Services Establishments shall meet the following restrictions and design standards:

- A. Such establishments shall be located on lots with a minimum size of two acres.

**211.90.17 Vehicle Washing Establishments.** Vehicle Washing Establishments shall meet the following restrictions and design standards:

- A. All newly constructed conveyor car washes shall install a recycled water system which captures and reuses water used in the wash or rinse cycles. A minimum of 50 percent of the water utilized shall be recycled. Car wash facilities, including hand car washes, shall utilize floor drains connected to the sanitary sewer system for collection and proper disposal of all wastewater.

**211.90.18 Wood or Lumber Processing Facility.** Wood Chipping and Shredding and Log Splitting Facilities shall meet the following restrictions and design standards:

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

## Chapter 212. Special Residential Zoning Districts

### Section 212-10. OSC Open Space Conservation District.

**212-10.1 Purpose and Intent.** The purposes of this zoning district are as follows:

- A. To encourage the development of residential communities to preserve and protect natural and environmental resources while providing safe, walkable neighborhoods and communities that include value-added amenities such as conservation space and recreational opportunities.
- B. To enhance land, water, air, and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover, and encouraging retention and conservation of natural resources in common areas.
- C. To reduce infrastructure maintenance costs as a result of efficient community design.
- D. To increase conservation space and the number of interconnected greenway trails and wildlife corridors within and among residential communities.
- E. To encourage recreation opportunities within walking distance of neighborhood residents.
- F. To preserve significant historical and archeological features.
- G. To preserve and protect contiguous conservation space within developed areas of Gwinnett County.

### Section 212-20. TND Traditional Neighborhood Development District.

**212-20.1 Purpose and Intent.** The purpose of the Traditional Neighborhood Development District (TND) is to create an innovative zoning classification that encourages a pattern of neighborhood development that will be distinguished from other residential zoning districts through a diversity of lot sizes, housing types and sizes to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that is well integrated with the County's neighborhoods, parks, civic spaces, and supportive services.

### Section 212-30. Dimensional Standards for Special Residential Zoning Districts

|                                      | OSC   | TND             |
|--------------------------------------|-------|-----------------|
| Max. Density (units per acre)        | 2.5   | 8.0             |
| Min. Lot Size (sq. ft.) <sup>1</sup> | 5,000 | N/A             |
| Min. Lot Width (ft.)                 | 50    | N/A             |
| Max. Coverage (% of lot)             | 70    | 80 <sup>3</sup> |
| Min. Front Yard (ft.) <sup>2</sup>   | 10    | 10 <sup>3</sup> |
| Min. Rear Yard (ft.)                 | 20    | 20 <sup>3</sup> |
| Min. Side Yard (ft.)                 | 5     | 5 <sup>3</sup>  |
| Max. Bldg. Height (ft.)              | 35    | 35              |
| Min. Project Area (acres)            | 10    | 5               |
| Min. Open Space (% of project area)  | 40    | 10              |

<sup>1</sup> Larger minimum lot sizes may be required for lots served by septic.

<sup>2</sup> Where the backs of single-family attached or detached residential units are oriented toward an external public street, a 4-foot-wide setback and a 10-foot-wide landscape strip shall be required between the sidewalk and residential units.

<sup>3</sup> For detached single family lots.



**Section 212-40. Permitted Uses within Special Residential Zoning Districts**

**212.40.1** The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**P: A permitted use.**

**C: A conditional use subject to the additional requirements in Section 212-50.**

| Land Use   | OSC | TND             |
|--|-----|-----------------|
| Beekeeping   | C   | C               |
| Community Garden   | C   | C               |
| Customary Home Occupation                                | C   | C               |
| Day Care Facility (family)                               | P   | P <sup>1</sup>  |
| Dwelling, Accessory                                      | C   | C               |
| Dwelling, Cottage Court                                  |     | C               |
| Dwelling, Duplex   |     | C               |
| Dwelling, Live/Work                                      |     | C               |
| Dwelling, Single-Family Detached                         | P   | P               |
| Dwelling, Townhouse                                      |     | C               |
| Non-Residential Uses in the O-I and C-1 Zoning Districts |     | per Sec. 211-80 |
| Short-term Rentals                                       | C   | C               |

<sup>1</sup> Within single-family detached homes only

**Section 212-50. Conditional Uses within Special Residential Zoning Districts**

**212-50.1 Beekeeping.** Beekeeping shall meet the following requirements:

- A. Honeybees shall not be kept on lots containing less than 10,000 square feet. No more than two colonies or hives, with only two swarms, shall be allowed per 10,000 square feet of lot area.
- B. Hives shall be marked or identified to notify visitors.
- C. No hive shall exceed 20 cubic feet in volume.
- D. No hive shall be located closer than ten feet from any property line or 25 feet from any principal building on an adjoining parcel.
- E. No hive shall be located closer than 50 feet from a public right-of-way.
- F. A constant supply of water shall be provided for all hives.
- G. A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
- H. Any colony or hive which becomes a nuisance as defined by state law must be removed by the owner.

- I. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps) by the owner.

**212.50.2 Customary Home Occupation.** Customary Home Occupations shall be subject to the following requirements and restrictions:

- A. The home occupation shall be carried on only by a member or members of the family residing in the residence.
- B. No sale of items may occur on the premises unless a Special Use Permit is granted by the Board of Commissioners.
- C. Personal services may be provided to a maximum of two clients in the residence at any given time. Service hours shall be limited to between 8 AM to 7 PM daily. A maximum of 5 clients may receive service in any residence per day.
- D. The home occupation shall not involve group instruction or group assembly of people on the premises.
- E. There shall be no exterior evidence of the conduct of a home occupation. The home occupation shall be conducted only within the enclosed living area of the home (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
- F. Except as contained herein, the conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase either on-street or off-street parking.
- G. No equipment. Supplies or materials may be utilized or stored in the conduct of the home occupation except those which are normally used for domestic or household purposes.
- H. No more than 25 percent of the dwelling unit may be used for conducting the home occupation.
- I. One business vehicle used exclusively by the resident is permissible. This vehicle may only be an automobile, pick-up truck, van, or sport-utility vehicle.
- J. Any deviations from these requirements shall require approval as a Special Use Permit.

**212.50.3 Dwelling, Accessory.** Detached accessory dwellings shall only be located in a rear yard, and shall be subject to the following setback requirements:

| Zoning District | Side Yard Setback | Rear Yard Setback |
|-----------------|-------------------|-------------------|
| TND             | 5 feet            | 10 feet           |

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

Accessory dwellings shall be subject to the following requirements:

- A. No more than one accessory dwelling unit per primary dwelling unit.
- B. The primary dwelling unit shall be owner-occupied.
- C. The accessory dwelling unit shall not exceed 50% of the principal residence's heated floor area.
- D. The accessory dwelling unit may be in a separate building from the primary dwelling unit or may be attached to the principal residence and accessible from a separate entrance.
- E. If in a separate building, the height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling.

- F. Detached accessory dwellings shall be constructed with the same or similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling.
- G. An accessory dwelling unit shall contain a full kitchen and at least one full bathroom.
- H. The occupants of an accessory dwelling shall not be included in the calculation of occupancy for the primary dwelling or for the lot under the definition of a family.
- I. An accessory dwelling unit shall have at least one paved off-street parking space dedicated for the use, in addition to any parking spaces for the primary dwelling unit.
- J. An accessory dwelling shall have a separate electrical meter and service panel with main disconnect.
- K. An accessory dwelling shall have a backflow preventer and shut-off valve on the potable water service line.

**212.50.4 Dwelling, Cottage Court.** Cottage Court developments must meet the following additional requirements:

- A. Cottage cluster development shall be designed to accommodate a minimum of four and a maximum of twelve detached dwelling units surrounding a shared internal courtyard. Each unit shall have a front porch with direct access to the courtyard.
- B. Front porches may encroach up to 6 feet into the courtyard.
- C. Each dwelling unit shall have a maximum building footprint of 1,200 square feet and a maximum building height of 24 feet or 1.5 stories.
- D. Courtyards shall be a minimum of 3,000 square feet in size or 600 square feet per unit, whichever is greater. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.
- E. A cottage development may be subdivided into individual lots that do not meet the minimum lot development standards and may be treated as fee-simple or condominium lots.

**212.50.5 Dwelling, Duplex.** Duplex dwellings shall meet the following additional requirements:

- A. Duplexes shall be oriented toward abutting external streets.
- B. Duplexes may be side-by-side or stacked.
- C. Each unit shall have a full kitchen and at least one full bathroom and bedroom.
- D. Duplexes shall meet the additional following design guidelines:
  - 1. Have a usable front porch.
  - 2. Shall be designed to have the external appearance of one single-family home.
- E. Duplexes in the R-IF District shall be located on individual lots meeting the following additional requirements:
  - 1. Minimum lot size: 5,000 square feet.

**212.50.6 Dwelling, Live/work.** Live/work dwellings shall meet the following additional requirements:

- A. Live/work dwellings shall only be permitted within townhouse buildings.
- B. Each live/work unit shall contain a minimum of 1,500 square feet of heated floor area, of which the non-residential (work) portion of the unit shall be no less than 500 square feet.

- C. Live/work units shall be on the ground floor and oriented toward the street.
- D. An occupational tax certificate for the non-residential (work) use shall be required. Live/work units shall not be considered home occupations.
- E. Shall be limited to no more than 10 percent of total units within a TND development.
- F. Shall be limited to professional office uses only. No personal service uses shall be permitted.
- G. One additional on-street or off-street parking space shall be required for each live/work unit.
- H. Shall be limited to no more than one business related visitor at any given time. Business related visitors shall be limited to the hours of 8 AM to 5 PM, Monday through Friday.
- I. Shall be within owner-occupied townhouses.

**212.50.7 Dwelling, Townhouse.** Townhouse dwellings shall meet the following additional requirements:

- A. All townhouse dwellings shall include a minimum one-car garage that is either under the unit or detached. Garage doors shall be setback at least 18 ft. from the adjacent sidewalk or alley so that a parked vehicle in the driveway will not obstruct the sidewalk or alley.
- B. All townhouse buildings shall include a continuous sidewalk no less than 3 ft. in width connecting front entrances of all dwellings.
- C. The fronts of buildings shall be oriented toward abutting external streets with at least one direct pedestrian connection to external sidewalks.
- D. All townhouse units shall provide a usable front porch.
- E. Additional guest parking shall be provided at a ratio of 0.25 spaces per dwelling unit. Guest parking may either be provided as on-street parallel parking or with separate off-street parking lots. Guest parking shall be distributed throughout the development or in a centrally located location.

**212.50.8 Short-term Rentals.** Short-term Rental facilities shall conform to the following requirements:

- A. There shall be no exterior evidence that a dwelling is being used as a short-term rental.
- B. Outdoor parking shall only be provided on hard surface areas on the property and shall not be permitted outside such hard surface areas consistent with the provisions of this title. There shall be no parking on the street, on neighboring properties, in the yard, or in the right-of-way.
- C. The occupancy for a short-term rental shall be limited to two adults per bedroom. The total number of occupants of a dwelling unit must meet the definition of family provided in this ordinance.
- D. The property owner or responsible property manager shall at all times maintain their contact information posted in a conspicuous location near the primary entrance to the home.

## **Section 212-60. Additional Design and Development Standards for the OSC Open Space Conservation District**

### **212-60.1. Conservation Space Requirements.**

- A. The following areas may not be disturbed, unless otherwise permitted by this UDO:
  - 1. Land within the 100-year floodplain.
  - 2. Stream buffers and impervious surface setback areas.
  - 3. Slopes greater than 40 percent.
  - 4. Wetlands (unless permitted by the US Army Corp of Engineers)

5. Endangered or threatened species and/or their habitats.
  6. Archaeological sites.
  7. Cemeteries and burial grounds.
  8. Features and structures of historical importance.
  9. Peaks and rock outcroppings.
  10. Viewsheds.
  11. Prime agricultural lands consisting of at least five contiguous acres.
  12. Existing trails that connect to neighboring areas.
  13. Healthy, native forests of at least one contiguous acre.
  14. Existing lakes and ponds.
- B. The following uses and activities may occur within required undisturbed conservation areas:
1. Soft surface trails and greenways.
  2. Removal of invasive plants, non-native plants, and hazardous trees.

**212-60.2 Required Minimum Open Space Exclusions and Credits.**

- A. Open space calculations shall not include the following: .
1. Area within any single-family residential lot.
  2. Land area within a utility easement.
  3. Land area within a public right-of-way or private street easement.
- B. Open space calculations may include the following.
1. All undisturbed conservation areas
  2. Proposed permanent lakes and wet detention areas designed as amenities.
  3. All common areas and amenities, except for detention pond lots.
  4. Any required landscape strips on the site.

**210-60.3 Conservation Space Ownership.** Conservation space shall be owned in fee-simple by a mandatory property owner's association or other entity approved in advance by the Board of Commissioners. Conservation space shall be recorded by deed and plat prior to or concurrent with the recording of the first final subdivision plat. An access easement, that follows the proposed alignment of future public streets, may be recorded connecting the required conservation space to said final plat. "Pocket Parks" and/or "Neighborhood Greens" shall be deeded concurrent with the unit or phase of the final plat of which it is a part.

**212-60.4 Property Owner's Association.** The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

- A. Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
- B. Responsibility for maintenance of the conservation space.
- C. Responsibility for insurance and taxes.

- D. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
- E. Conditions and timing of transferring control of the association from the developer to the lot owners.
- F. Guarantee that the association will not be dissolved without the prior approval of the Board of Commissioners.
- G. Conservation surety language as stated in Section 212-50.11.

**212-60.5 Maintenance.** The property owner's association, or other entity approved in advance by the Board of Commissioners, shall be responsible for the continuous maintenance of buffers, conservation space and amenity areas.

**212-60.6 Conservation Surety.** Conservation space delineated on the Final Plat and required to be in a primary conservation area shall be permanently protected by either one or both of the following options:

- A. Option 1. Conveyance to the Public and Subdivision Lot Owners. A deed conveying ownership of the conservation space to the mandatory property owner's association shall be recorded and delivered prior to, or concurrent with, the approval of the Final Plat for the first phase of the subdivision. The deed, Final Plat, and the subdivision declaration of covenants shall contain, at a minimum, the following covenant:

"The conservation space conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, cleared or developed except in accordance with O.C.G.A. § 36-22-1 et seq., having the following Greenspace goals: protection of streams, floodplains and wetlands; steep slopes; woodlands, open fields and meadows; historical and archeological features, including cemeteries; significant wildlife habitats; scenic vistas; encouragement of native species; passive recreation and connectivity with nearby open spaces.

The following uses may be allowed: passive recreational amenities, such as paths, greenways community hiking, running, dog walking, bird watching, biking and similar outdoor uses.

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

- B. Option 2. Conveyance to Other Qualified Organizations or Entities. Except for "Pocket Parks" or "Neighborhood Greens," developed recreation areas or Conservation Areas not desired for permanent protection, Conservation Space shall be permanently protected by the:
  1. Recording of a covenant or conveyance of an easement which runs in perpetuity under OCGA § 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or,
  2. Conveyance of a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants under OCGA § 44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of Georgia, Gwinnett County, or authorities of the State of Georgia or Gwinnett County.

3. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement.
4. The developer shall record the necessary legal instrument to accomplish protection of the Conversation Space prior to, or concurrent with, the recording of the Final Plat.
5. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.

#### **212-60.7 Public Improvements.**

##### **Streets.**

- A. Streets shall be designed to:
  1. Parallel and preserve existing tree lines, hedgerows, existing historic structures, and water elements.
  2. Minimize alteration of natural, cultural, or historic features.
  3. Minimize the acreage devoted to streets.
  4. Calm traffic speeds.
  5. Promote pedestrian movement.
  6. Secure the view to prominent natural vistas.
  7. Be aligned so that the "terminal vista" is of civic buildings or Conservation Space land, either man-made (such as greens, commons, squares, or parks) or natural.
  8. Minimize crossing of Conservation Areas.
- B. All streets, except for loop streets, shall terminate at other streets within the conservation subdivision, and at least two streets shall provide connections to existing or proposed through-streets or collectors outside the OSC zoned property, where practicable.
- C. New streets shall be built in accordance with Chapter 900 of the UDO.

##### **Streetlights.**

- A. Streetlights are to be provided along one side of every street and shall be a minimum of 16 feet high and a maximum of 20 feet high if overhanging into the street and placed no more than 160 feet apart.

##### **Sidewalks.**

- A. Sidewalks shall be provided as required in Title 3 of this UDO.
- B. Public sidewalks shall create a linked network of walkways connecting all homes in the district with parks and other Conservation Space land areas.

##### **Street Trees and Lot Trees.**

- A. Street trees and lot trees shall be in accordance with the requirements of this UDO.

##### **Underground Utilities.**

- A. Utilities shall be located underground.
- B. For all new construction and redevelopment, utilities along public streets must be placed underground. The Director may approve an exception, if a unique technical or physical hardship makes such

installation infeasible. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.

- C. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

## **Section 212-70. Additional Application Requirements for the OSC Open Space Conservation District**

### **212-70.1 Existing Features Site Analysis Plan.**

- A. As part of the rezoning application an Existing Features Site Analysis Plan shall be prepared by an authorized registered professional, botanist, ecologist, or a biologist or a combination thereof and submitted by the applicant or developer.
- B. The purposes of the Existing Features Site Analysis Plan are to:
  - 1. Delineate areas that have been identified as worthy of permanent protection in conservation space because of their environmental values.
  - 2. Set forth the particulars of the site, including but not limited to boundary, flora and fauna ecosystems, topographic data (minimum 4-foot contour intervals), existing structures and utility easements.
- C. The Existing Features Site Analysis Plan shall include at a minimum the following information:
  - 1. Closed boundary of the site.
  - 2. Flora and fauna ecosystems with their locations mapped and delineated on the plan.
  - 3. The date in which the flora and fauna were surveyed.
  - 4. Identification of protected plant species as listed by the Georgia Department of Natural Resources, to be certified by a forester, arborist, biologist, botanist, or horticulturist.
  - 5. Perennial and intermittent streams, FEMA designed 100-Year Flood Hazard Zones and Wetlands. The source of this information shall also be indicated.
  - 6. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.
  - 7. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth.
  - 8. Delineation of steep slope areas (25 percent or greater). Slopes greater than 25 percent shall be undisturbed except for vegetation needed to deter erosion.
  - 9. Identification of historical, archaeological, or other significant features.
  - 10. The plan also shall include certification by the owner that timber harvesting activity has not occurred on the property in the previous 24 months prior to filing an application for OSC zoning.
  - 11. Identification of Primary Conservation Space, Secondary Conservation Space, and other common areas.

## **Section 212-80. Additional Design and Development Standards for the TND Traditional Neighborhood Development District**

### **212.80.1 Mix of Housing Types**

- A. Each TND development shall include at least three of the following housing types:



1. Single-family detached dwellings.
  2. Duplex dwellings.
  3. Accessory dwelling units.
  4. Townhouses.
  5. Live/Work units.
  6. Cottage Courts
- B. A maximum of 50 percent of anyone housing type shall be permitted.

**212.80.2 Building and Site Design Standards.** TND developments shall meet the following additional requirements:

- A. The fronts of all dwelling units shall be oriented toward the street with at least one direct pedestrian sidewalk connection to an adjacent sidewalk.
- B. All units shall have a covered usable front porch.
- C. The minimum front yard setback shall also serve as the maximum front yard setback.
- D. All TND developments shall have a minimum 10,000 square foot centrally located common area with amenities, regardless of the required minimum open space requirement.
- E. No unit shall be located more than 1,000 feet from a common area.
- F. When the rear of units are oriented toward an external public street, an additional 30-foot-wide landscaped buffer shall be provided between the units and the right-of-way.
- G. All single-family lots shall include a side-by-side two-car garage that is either attached or detached.

**212-80.3 Public Improvement Standards.** All streets, driveways, alleys, sidewalks, multiuse paths, and greenways shall conform to the requirements of this UDO and the following additional standards:

- A. *Streets.*
  1. The street network shall form an interconnected grid pattern. Cul-de-sacs and dead-end streets shall be prohibited.
  2. The maximum permitted block length shall be 500 feet.
- B. *Driveways and Alleys.*
  1. All driveways shall be accessed from an alley.
  2. Garage doors shall be setback at least 18 ft. from the adjacent alley so that parked vehicles in the driveway will not obstruct the alley.
  3. Alleys shall provide a continuous connection between two streets.
  4. Alleys shall be graded to ensure proper drainage, installed on a minimum 4-inch gravel aggregate base with a minimum 2-inch asphalt topping or other approved surface of, concrete, porous concrete, or porous asphalt.
  5. Joint driveways may be permitted by the Director where appropriate to allow flexible development opportunities.
- C. *Pedestrian Connectivity.*
  1. There shall be adequate separation of pedestrian walkways from automobile traffic within a development. Appropriate design elements or traffic calming measures, such as paving material

variation or barrier (structural or spatial) shall be provided to distinguish vehicular and pedestrian access points.

2. Safe, convenient, and continuous pedestrian walkways a minimum of five feet in width shall be provided throughout the development.
- D. *Sidewalks, Multiuse Paths, and Greenways.*
1. Sidewalks shall be provided on both sides of all internal and external streets.
  2. Multiuse paths, where provided, shall be designed in conformity with Title 3 of this UDO.
  3. Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the 2014 Gwinnett County Open Space and Greenway Master Plan as well as the 2018 Gwinnett Countywide Trails Master Plan and be maintained in accordance with Title 3 of this UDO and other applicable sections of the UDO. If a project abuts a greenway, then a multiuse path shall be provided to connect the greenway for pedestrian and bicyclist use. The final location of the greenways or greenway access shall be coordinated with the Department of Community Services.
  4. Unless otherwise noted, areas located outside of the 100-year floodplain where greenways and multiuse paths are constructed, shall be designated as common area and be maintained by a mandatory property owner's association.

#### **212-80.4 Landscaping.**

- A. Minimum five-foot wide landscape strips shall be located on both sides of all streets.
- B. Street trees shall be provided 40 feet on center within required landscaped strips.
- C. Pedestrian lights shall be located between every other street tree (80 feet on center), unless waived by the Director due to adequate lighting from streetlights.
- D. Streetlights shall be located as required by the Department of Planning and Development and Department of Transportation.
- E. Spacing of street trees and pedestrian lights may be adjusted to account for driveways, utility poles, fire hydrants and other obstructions and to provide adequate visual clearance for intersections, driveways and traffic control devices as approved by the Gwinnett County Department of Transportation and the Department of Planning and Development.

#### **212-80.5 Underground Utilities.**

- A. For all new construction and redevelopment, utilities along public streets must be placed underground. This requirement does not apply to the temporary provision of electricity, including but not limited to construction power.
- B. Water and sewer utilities shall be located in either street rights-of-way or easements located at the outer edge of street rights-of-way.

#### **212-80.6 Maintenance of Common Areas.**

- A. The TND District shall require a mandatory property owner's association that shall be responsible for ownership, operation, insurance and maintenance of all land, facilities, buildings, and utilities within the common areas of the development that is outside individual lots and land dedicated to the county. A landscape maintenance easement shall be recorded for the grounds surrounding buildings of attached residential units and said lands shall also be maintained by the aforementioned property owners association.

## Chapter 213. Mixed-Use Zoning Districts

### Section 213-10. Mixed-Use Districts.

There are three mixed-use zoning districts, each with its distinct purpose and intent: Neighborhood Mixed-Use District (MU-N), Community Mixed-Use District (MU-C) and Regional Mixed-Use District (MU-R). The primary purpose of these districts is to promote pedestrian-oriented mixed-use developments that will facilitate a more efficient use of land and infrastructure and preserve open space, while allowing varying densities, intensities and flexibility in zoning and development requirements.

### Section 213-20. MU-N Neighborhood Mixed-Use District.

**213-20.1 Purpose and Intent.** The purpose of the Neighborhood Mixed-Use District (MU-N) is to promote complementary groupings of small-scale mixed-use buildings that are within walking distance and compatible with the surrounding neighborhood. It is the intent of this district to provide for diverse housing options to accommodate multigenerational communities with a range of residential building forms, lot sizes and dwelling sizes and neighborhood-oriented retail, services and low intensity office uses that are within convenient walking distances.

### Section 213-30. MU-C Community Mixed-Use District.

**213-30.1 Purpose and Intent.** The purpose of the Community Mixed-Use District (MU-C) is to promote complementary groupings of community-scale mixed-use buildings and activity areas along commercial corridors at locations that have adequate infrastructure and transportation access. The intent of this district is to promote diverse uses, including places of employment, shopping and commercial services, varied housing options for multigenerational communities within pedestrian and bicycle friendly mixed-use activity centers and corridors that are compatible with established surrounding neighborhoods.

### Section 213-40. MU-R Regional Mixed-Use District.

**213-40.1 Purpose and Intent.** The purpose of the Regional Mixed-Use District is to encourage the development, redevelopment, or revitalization of commercial and residential areas along major transportation corridors into vibrant, high density, pedestrian friendly, live-work-play environments that offer employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles. The intent of this district is to allow flexibility in design standards and high-density residential development in exchange for innovative and high standards inclusive of landscaping, green space, urban space, and public amenities within a distinct, unified theme that can improve the viability of the development and surrounding communities.

### Section 213.50. Dimensional Standards for Mixed-Use Zoning Districts

Table 213.1. Dimensional Standards.

| Project Area Standards |              |               | External Setbacks |          |                 |                     |        |        |
|------------------------|--------------|---------------|-------------------|----------|-----------------|---------------------|--------|--------|
| District               | Minimum Area | Road Frontage | Max. Height       | Max. FAR | Min. Open Space | Front <sup>1</sup>  | Side   | Rear   |
| MU-N                   | None         | 40 ft.        | 60 ft.            | 1.0 FAR  | 10%             | 15 ft. <sup>2</sup> | 10 ft. | 25 ft. |
| MU-C                   | 3 ac.        | 60 ft.        | 75 ft.            | 2.0 FAR  | 10%             | 0 ft.               | 10 ft. | 25 ft. |

|             |       |        |                     |                     |     |      |        |        |
|-------------|-------|--------|---------------------|---------------------|-----|------|--------|--------|
| <b>MU-R</b> | 5 ac. | 80 ft. | varies per<br>bonus | Varies per<br>bonus | 10% | 0ft. | 10 ft. | 25 ft. |
|-------------|-------|--------|---------------------|---------------------|-----|------|--------|--------|

<sup>1</sup> Where the backs of single-family attached or detached residential units are oriented toward an external public street, a 40-foot-wide setback with a 10-foot-wide landscape strip shall be required between the sidewalk and residential units.

<sup>2</sup> For detached single family lots. Zero (0) feet for all other uses.

## **Section 213-60. Permitted Uses within Mixed-Use Zoning Districts**

**213.60.1** The uses set forth below shall be permitted only as listed within each corresponding zoning district and only in the manner so listed. Any use not listed within each corresponding zoning district shall be prohibited, except as contained herein. Additionally, for any use not listed below, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**213-60.2** Uses in the MU-N, Neighborhood Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-N, Neighborhood Mixed-Use District shall be permitted as allowed in the C-1, Neighborhood Business District and the O-I, Office-Institutional District.
- B. Residential uses within the MU-N, Neighborhood Mixed-Use District shall be permitted as allowed in the R-IF, Residential In-Fill District and the LRR, Low-Rise Residential Multifamily District.
- C. Include at minimum two major land use categories chosen from office, retail, or residential. No single land use category shall constitute less than 5 percent of the gross floor area of the entire development.

**213-60.3** Uses in the MU-C, Community Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-C, Community Mixed-Use District shall be permitted as allowed in the C-1, Neighborhood Business District and the O-I, Office-Institutional District.
- B. Residential uses within the MU-C, Neighborhood Mixed-Use District shall be permitted as allowed in the MRR, Mid-Rise Residential Multifamily District.
- C. Include at minimum two major land use categories chosen from office, retail, or residential. No single land use category shall constitute less than 10 percent of the gross floor area of the entire development. A minimum of 25% of required non-residential uses shall be located on the ground floor of vertically mixed-use buildings. Up to 50% of non-residential ground floor uses within a vertically mixed-use building may be constructed as convertible space for future non-residential occupancy or constructed as live-work units.

**213-60.4** Uses in the MU-R, Regional Mixed-Use District, shall be subject to the following:

- A. Non-residential uses within the MU-R, Regional Mixed-Use District shall be permitted as allowed in the C-2, General Business District and the O-I, Office-Institutional District, with the following exceptions:
  - 1. The following uses shall be prohibited in the MU-R District unless approved as a Special Use Permit:

- a. Aircraft Landing Field, private
  - b. Animal Care Establishment, with outdoor pens or runs
  - c. Carpet or Upholstery Cleaning Service Office
  - d. Cemetery or Mausoleum
  - e. Hookah, Vapor, or Cigar Lounge
  - f. Landscaping Contractors Office
  - g. Light Industrial Facilities
  - h. Personal Care Home, congregate
  - i. Restaurant, with drive-in or drive-thru service
  - j. Self-Storage Facility
  - k. Shooting or Archery Range, indoor
  - l. Recreational Vehicle Park or Campground
  - m. Vehicle Rental and Related Service Establishments (unless located within a parking structure)
  - n. Vehicle Repair, Service, and Body Work Establishments
  - o. Vehicle Sales and Related Service Establishments
- B. Residential uses within the MU-R, Regional Mixed-Use District shall be permitted as allowed in the HRR, High-Rise Residential Multifamily District.
- C. Include at minimum two major land use categories chosen from office, retail, or residential. No single land use category shall constitute less than 10 percent of the gross floor area. A minimum of 50% of required non-residential uses shall be located on the ground floor of vertically mixed-use buildings. Up to 50% of non-residential ground floor uses within a vertically mixed-use building may be constructed as convertible space for future non-residential occupancy or constructed as live-work units.

**213-70 Minimum Development Standards for development within the MU-R Regional Mixed-Use District.**

- A. The Floor Area Ratio (FAR) and maximum height of development, without density bonuses, within the MU-R District shall be 3.0 FAR and 75 feet in maximum height, unless otherwise approved as a zoning condition by the Board of Commissioners or through density bonuses outlined in this UDO.
- B. Additional bonuses as listed below may be granted by the Director or as a zoning condition by the Board of Commissioners, subject to the approval of a site-specific concept plan.

**Table 213.2: Amenities Eligible for FAR Bonus for MU-R District**

| Amenities  | FAR Bonus*                                |
|--|---|
| For each 1 percent of common area in excess of the required minimum.   | Additional 0.1 FAR/each 1% over           |
| For each one half-acre of contiguous area consisting of environmentally sensitive natural, undisturbed area (i.e., wetlands, floodplain, specimen trees) or culturally sensitive features that are preserved and dedicated as conservation space.                                    | Additional 0.25 FAR/ each 1/2-acre tract. |
| Structured Parking:<br>50% of minimum required.<br>25% of minimum required.  | Additional 1.0 FAR<br>Additional 0.5 FAR  |
| For each 1 percent increase over the minimum amount of vertical mixed-use development.   | Additional 0.25 FAR                       |
| Mixed-use development that includes at least 10% of units affordable to households earning between 60% and 120% of area median income.   | Additional 0.5 FAR                        |
| Mixed-use development that includes at least 10% of units affordable to households earning between 30% and 60% of area median income.  | Additional 1.0 FAR                        |
| Mixed-use development that includes office space constituting at least 40 percent of the total GFA.  | Additional 0.5 FAR                        |
| Transit passenger shelter and related support facilities.  | Additional 0.25 FAR                       |
| Documentation by a LEED-certified professional that the project, if constructed as proposed, meets the "Silver" standards of LEED or the standards of ASHRAE Standard 189.1 for Sustainable Design, or another comparable third-party certification program approved by the Director | Additional 0.5 FAR                        |
| Multiuse paths located outside of the floodplain, or within the development and meeting the standards of Section 900-100. A bonus may be granted proportionately to the FAR/path ratio if more or less than 1000 feet of path is provided.   | Additional 0.2 FAR/1000 feet path         |
| Regional stormwater management facility meeting the standards of Section 800-90.   | Additional 0.75 FAR                       |
| Within the required common areas, at least 50 percent of the area is developed into a contiguous green space for public gathering and related functions (i.e., pocket park, plaza, amphitheater, or greenways).  | Additional 0.2 FAR                        |
| <i>These bonuses are additive and can be accumulated subject to total maximum FAR of 5.0</i>   |   |

**Table 213.3: Maximum Allowable Building Height for the MU-R District** (Subject to Approved Bonus Density)

| FAR         | Building Height |
|-------------|-----------------|
| 0.00 — 3.00 | 140 ft.         |
| 3.01 — 4.00 | 210 ft.         |
| 4.01 — 5.00 | 300 ft.         |

**Section 213-80. Minimum Design Standards of Mixed Use Districts.**

All mixed-use districts MU-N, MU-C and MU-R shall comply with the applicable site related provisions contained in Title 3 of the UDO and the following additional standards.

**213-80.1 Open space.** Open space shall meet the following design standards:

- A. Open space shall meet all standards set forth in this UDO.
- B. Open Space shall include at least one conveniently located public gathering area or activity center with related amenities and improvements in the form of a square, green, plaza, or similar approved element that is accessible by the general public from at least three points of entry by sidewalks.
- C. Open space may include greenways or greenway access to satisfy the requirements of the 2014 Gwinnett County Open Space and Greenways Master Plan as well as the 2018 Gwinnett Countywide Trails Master Plan.

**213-80.2 Connectivity.**

- A. *Interconnected network.* It is the intent of this section that the public access ways, walkways, transportation facilities, and improvements in the mixed-use district contribute to an inter-connected and continuous network providing convenient vehicular and pedestrian access to abutting properties. The design of developments and related public improvements shall provide for maximum connections for automobiles, pedestrians, bicycles, and public transportation to off-site and on-site attractions such as concentrations of employment, shopping, housing and community services, public parking, parks, and public facilities.
- B. *Vehicular connectivity.*
  - 1. No streets may be longer than 500 feet without an intersection with another street or alley.
  - 2. Any private vehicular garages shall be served from alleys and shall not be visible from an external right-of-way. Garage doors shall be setback at least 18 ft. from the adjacent alley so that parked vehicles in the driveway shall not obstruct the alley.
  - 3. The street network shall form a connected pattern (grid system). Cul-de-sacs shall be prohibited. Street shapes should form an interconnected grid pattern. Street patterns shall also be designed to respect and follow existing terrain as much as possible to minimize earthmoving and disruption of the existing topography.
  - 4. New streets shall contribute to an inter-connected network and meet all of the following standards:
    - a. Location of the new street shall be reviewed and approved by the Gwinnett DOT. Such approval shall be contingent on a finding that the new street will serve a public purpose such as improving traffic safety, reducing traffic congestion, or improving vehicular and pedestrian circulation and access to major thoroughfares.
    - b. Right-of-way and design of the new street shall meet applicable requirements provided in this UDO.
    - c. Streets may not be gated.
- C. *Pedestrian Connectivity.*
  - 1. There shall be minimum 5-foot-wide landscape strip separating pedestrian walkways from automobile traffic within a development. Appropriate design elements or traffic calming measures, such as paving material variation or barrier (structural or spatial) shall be provided to distinguish vehicular and pedestrian access points.
  - 2. Safe, convenient, and continuous pedestrian walkways shall be provided:
    - a. Between building entrances for all buildings in the same block.
    - b. Along both sides of the street frontage of all streets.

- c. Through parking lots and parking structures at regular intervals connecting to building entrances and the public sidewalks on surrounding streets.

### **213-80.3 Public Improvements.**

- A. Sidewalks shall be provided as required in Section 900-90.
- B. Multiuse Paths shall be provided on both sides of streets classified as arterials and shall comply with Section 900-100. Eligible FAR Bonus, if applicable, may be granted by the Director for multiuse paths constructed on streets.<sup>7</sup>
- C. Crosswalks and pedestrian crossing signage shall be provided consistent with the most recent edition of the Manual of Uniform Traffic Control Devices (MUTCD) and AASHTO, as per Gwinnett DOT approval.
- D. Greenway Access.
  - 1. Greenways shall be provided in accordance with the 2014 Gwinnett County Open Space and Greenway Master Plan as well as the 2018 Gwinnett Countywide Trails Master Plan and maintained in accordance to Sections 900-110, and other applicable sections of the UDO. Final location of the greenways shall be coordinated with the Department of Community Services.
  - 2. If a project abuts a greenway, then a multiuse path shall be provided connecting to the greenway for pedestrian and bicycle use.

### **213-80.4 Access Easements and Inter-parcel Access.**

- A. Inter-parcel access, joint driveways, cross-access drives, and access easements shall be provided, as follows, except where the Director determines that they are infeasible because of topographic or other site-specific constraints:
  - 1. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-residential properties;
  - 2. Joint driveways and cross-access easements shall be established for all adjoining parcels.;
  - 3. Roads are to be designed with a design speed of 25 mph and a two-way travel aisle, with a minimum of 22 feet to accommodate automobiles, service vehicles, and loading vehicles;
  - 4. Driveway aprons, stub-outs, and other design features or traffic calming features may be required by the Director or Gwinnett DOT to indicate cross access or service drive for traffic safety or per County standards.

### **213-80.5 Parking Management.**

- A. *Vehicle Parking.*
  - 1. The maximum number of required off-street parking spaces shall be as provided in Chapter 240. There shall be no minimum required parking within Mixed-Use Districts
  - 2. All off-street parking must be located to the side or rear of the principal buildings within MU-N and MU-C Districts and screened from residential districts per Section 620-80, No Access Easement Screening Requirements, and the UDO Design Guidelines. In MU-R, no more than 20 percent of the required parking for a building shall be in parking lots located between the facade of the building and the street on which the building faces. These parking lots shall be limited to two rows of parking spaces with a center drive aisle meeting the requirements of this UDO.
- B. *Bicycle Racks.*



1. All uses shall provide bicycle racks consistent with each of the standards below:
  - a. Provide at least one bicycle rack space for every 30 parking spaces provided for motorized vehicles.
  - b. No single building shall provide less than 2 bicycle parking spaces or be required to provide more than 30 bicycle rack spaces.
  - c. Bicycle racks shall be anchored to a concrete pad and shall be located outside of the street right-of-way, in a well-lighted area, no more than 50 feet from the primary entrance of the building. Multifamily buildings shall provide indoor lockable bicycle storage.

#### **213-80.6 Building Services.**

- A. Off-street loading and servicing areas shall be enclosed with a parking structure or located to the rear of all buildings and screened from public view.
- B. All retaining walls and fences shall be constructed of materials and colors that are compatible with those of the principal building facade.
- C. Access ways and loading areas used for delivery trucks, service vehicles, and driveway and loading areas for garbage trucks shall provide safe means of ingress and egress from public streets such that delivery vehicles and garbage trucks are not required to back into streets classified as arterials or collectors on the Gwinnett County Long Range Road Classification Map.
- D. All access ways and loading areas shall provide a minimum horizontal and vertical clearance of 14 feet at all points.
- E. Mechanical equipment located at ground level, roof level, or attached to buildings shall be screened from view from all streets and public rights-of-way with screening walls or landscaping.

#### **213-80.7 Transition Height along Exterior Boundaries.**

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

#### **213-80.8 Landscape, Buffers, and Tree Protection.**

- A. The purpose of landscape requirements in Mixed-Use Districts is to provide for flexibility of design based upon the pedestrian and vehicular connectivity, the type of common space areas, architectural design, and density, while the objective is to maintain the health and well-being of the trees.
- B. Buffers and tree protection shall be in conformity with this UDO.
- C. Trees within the Mixed-Use Development must meet street tree, parking lot tree and 16 tree density units per acre requirements. Street trees may count towards meeting the tree density units.
  1. Street trees.
    - a. Trees on major entry drives throughout the development shall be canopy trees.
    - b. Trees on local streets throughout the development may be canopy or small trees.
    - c. If tree wells are provided within sidewalks, a tree grate, or pavers shall be provided for each tree. Engineered soils and irrigation for each tree is required. An owner or developer shall submit to the Department of Planning and Development the engineered soil specifications prior to issuance of development permit. Details of the tree grates are required to be on the plan.
  2. Parking Lot Trees.

- a. Parking rows shall terminate with a planting island unless adjacent to a landscape strip.
- b. Landscape islands shall be provided within parking lots no farther apart than every 15 parking spaces meeting all other requirements of this UDO.
- c. Recommendations for parking lot planting area designs:
  - i. The use of elongated planting strips that is perpendicular to the parking stalls;
  - ii. Irrigation and a long-term maintenance plan for newly planted trees and shrubs; and,
  - iii. The use of at-grade planting areas (bioswales) in parking lots to promote stormwater runoff treatment.
- D. Screening Off-Street Parking Lots.
  - 1. Off-street parking lots shall be screened from adjacent roadways and sidewalks by a landscape strip consistent with the UDO Guidelines of Chapter 600.

#### **213-80.9 Streetscape Design.**

- A. The location and specifications of other improvements in public rights-of-way, including streetlights, bike racks, trash receptacles, benches, street trees, and landscaping, shall be as provided below:
  - 1. Lighting.
    - a. A unified lighting plan must be submitted with the development permit application for approval by the Department in accordance with Section 240-100 and other sections as applicable. Such lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas such as building entrances, parking, service delivery and pedestrian walkways. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties. Such lighting plan must include typical designs for shielded light fixtures, light poles, and lighting levels that are compatible with or complement the surrounding developments.
  - 2. Pedestrian amenities.
    - a. Public gathering areas shall be designed with appropriately scaled and thematic site furnishings or amenities such as decorative seating, planters, or water fountains. Site furnishings and amenities shall be located outside of the street right-of-way and be privately maintained.
    - b. Materials should be durable and variable in texture, color, and form. Plastic or petroleum-based resin materials are prohibited.
  - 3. Landscaping shall be separated from vehicular uses by some form of barrier such as high back concrete curb, bollards, curb stops, or other suitable permanent alternative.
  - 4. A minimum 5-foot-wide strip shall be provided between the sidewalk and the curb. This strip shall be grassed when not adjacent to on-street parking and shall be constructed with pavers or similar materials approved by the Department if adjacent to on-street parking spaces.
  - 5. Street trees shall be provided at least 50' on center between the sidewalk and the street.
  - 6. Pedestrian lights shall be provided between every other street tree (at least 100' on center) between the sidewalk and the street.
  - 7. Streetlights shall be provided as required by the Department of Planning and Development and Department of Transportation.

**213-80.10 Utilities.**

- A. All proposed utilities located along streets in the Mixed-Use Districts, except for substations and major electric transmission lines located on separate easements, are required to be placed underground or relocated to the rear of the property so that they will be less visible from streets.

**213-80.11 Signs.** Signs for buildings with an individual use or tenant shall be permitted in accordance with the Gwinnett County Sign Ordinance.

**213-80.12 Building Design.**

- A. Odor Scrubbing.
  - 1. Where residential uses are located with other non-residential uses within the same building, odor scrubbing equipment shall be required of the non-residential tenant to eliminate obnoxious odor as deemed appropriate for each use.
- B. Doors and Entrances.
  - 1. Buildings must have a primary entrance door facing a public sidewalk and accessible to the public during business hours. Entrances at building corners may be used to satisfy this requirement.
  - 2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

**213-80.13 Outdoor Operations.**

- A. All uses and operations except off-street parking, off-street loading and delivery and walk-up customer service windows shall be conducted completely within enclosed buildings, except as follows:
  - 1. Outdoor seating for restaurants shall be subject to the supplemental use regulations of this UDO and be located outside of the street right-of-way.
  - 2. Outdoor display or sales of merchandise shall be subject to the supplemental use regulations of this UDO and be located outside of the street right-of-way.

**213-80.14 Property Owners Association.**

- A. Open space, stormwater management facilities, floodplain and wetland areas shall be owned in fee-simple by a mandatory property owner's association or approved entity. The developer shall record the deed to the common area prior to, or concurrent with, the recording of the first final subdivision plat.
- B. The property owner's association, or other approved entity shall be responsible for the continuous maintenance and protection of buffers, common areas, and recreation areas established pursuant to this Section.
- C. At minimum, the property owner's association bylaws or covenants, shall contain the following provisions:
  - 1. Governance of the association by the Georgia Property's Association Act (OCGA Section 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
  - 2. Responsibility for maintenance of the open space or common area.
  - 3. Responsibility for insurance and taxes.
  - 4. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.

5. Conditions and timing of transferring control of the association from the developer to the lot owners.
6. Guarantee that the association will not be dissolved without the advance approval of the Board of Commissioners.

**213-80.15 Application Process.** The Mixed-Use rezoning process shall follow the process for rezoning as prescribed in Section 270-20 with the following modifications:

- A. Each applicant for the mixed-use district shall provide evidence of the unified control of the entire parcel. During the development process, more than one owner may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the Zoning Exhibit approved for the property as a whole.

**213-80.16 Phasing Plan.** A phasing plan shall be submitted with the development permit application, and approved by the Director, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the Mixed-Use development over a number of years, including the sequence, timing, and responsibility for construction of each building, support facilities, infrastructure, and utilities. The revision of the phasing plan is permitted and must be approved by the Department prior to each construction phase.

**213-80.17 Other Requirements.** The applicant shall adhere to all other applicable requirements of this Ordinance and other applicable requirements of Gwinnett County. In any case where the standards and requirements of this district conflict with other provisions of the Gwinnett County Code of Ordinances, the requirements of this district shall govern.

## Chapter 214. Overlay Zoning Districts

### Section 214-10. Interpretation and Applicability of Overlay Districts.

#### 214-10.1 Purpose and Intent.

- A. This Chapter establishes standards that apply to the development, use, or alteration of land, buildings, and structures within the boundaries of an overlay district.
- B. The overlay districts in this Chapter contain development procedures and standards that are supplemental to other provisions of this UDO. All development and building permits for lots located within an overlay district contained in this Chapter shall meet all of the requirements of the base zoning district in which it is located, all conditions of rezoning or special use permit approvals and, in addition, shall meet the requirements of the overlay district applicable to the lot.

#### 214-10.2 Applicability.

- A. The procedures and standards contained in the overlay districts in this Chapter apply to each application for a permit for the development, use, or alteration, or modification of any structure where the subject property lies within the boundaries of an overlay district as established by the Board of Commissioners and recorded on the Gwinnett County Zoning Maps, as they may be amended from time to time.
- B. The procedures and standards of overlay districts apply only to property within the boundaries of the overlay districts as established by the Board of Commissioners.
- C. In any case where the standards and requirements of an overlay district in this Chapter conflict with those of the base zoning district, the standards and requirements of the overlay district shall govern.
- D. In any case where the conditions of approval for rezoning or special use permit approved by the Board of Commissioners conflict with the provisions of an overlay district, the conditions shall take precedence.

**214-10.3 Map Amendments.** No change in the boundary of an Overlay district shall be authorized, except by the Gwinnett County Board of Commissioners pursuant to procedures in Chapter 270.

### Section 214-20. Activity Center/ Corridor Overlay District.

**214-20.1 Findings and Purposes.** The Activity Center/Corridor Overlay District is intended to enhance the viability and livability of the area surrounding major activity centers in Gwinnett County as designated by the Board of Commissioners. The purpose of the Overlay District is to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, and signage; and to promote alternative modes of transportation within the district through the provision of pedestrian and local public transit.

#### 214-20.2 Applicability.

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

5. Highway 124/324/Hamilton Mill Road Overlay District Map.
6. Highway 78 Corridor Overlay District Map.
6. These standards shall apply to all new construction and shall apply to the applicable and affected portions of a redeveloped site or refurbished building as determined by the Director of Planning and Development.

### **214-20.3 Design Requirements.**

#### **A. Transportation/Infrastructure.**

1. Provide interparcel vehicle access points between all contiguous multifamily, commercial, office, industrial or attached residential tracts. This requirement may be waived by the Director only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.
2. All new utility lines shall be located underground.
3. Sidewalks shall be required adjacent to all public rights-of-way and into and throughout attached residential developments. The location of sidewalks shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. A sidewalk that is a minimum of four feet wide shall connect entrance(s) of buildings to the public rights-of-way.
4. At the following locations, sidewalks shall be constructed with an additional 2-foot by 8-foot concrete pad, located outside of the right-of-way, designed to accommodate future pedestrian amenities such as benches, planters, and trash containers.
  - a. At intersections of the corridor with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map.
  - b. At locations along the corridor designated for a transit stop or future transit stop by Gwinnett County Department of Transportation.
  - c. At locations along the corridor designated for a school bus stop by the Gwinnett County Board of Education.
  - d. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the street.
5. Amenity pads located along an existing transit route shall include pedestrian amenities at time of installation. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.

#### **B. Streetlights.**

1. Provide streetlights along all public rights-of-way utilizing decorative light poles/fixtures. Streetlights shall be staggered, 150 feet on-center, along both sides of the roadway. All street lighting shall be subject to review and approval of the Gwinnett County Department of Transportation. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. Specifications of light fixtures are provided in Table 214.1.

**Table 214.1: Light Fixture Requirements for Public Rights-of-Way**

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

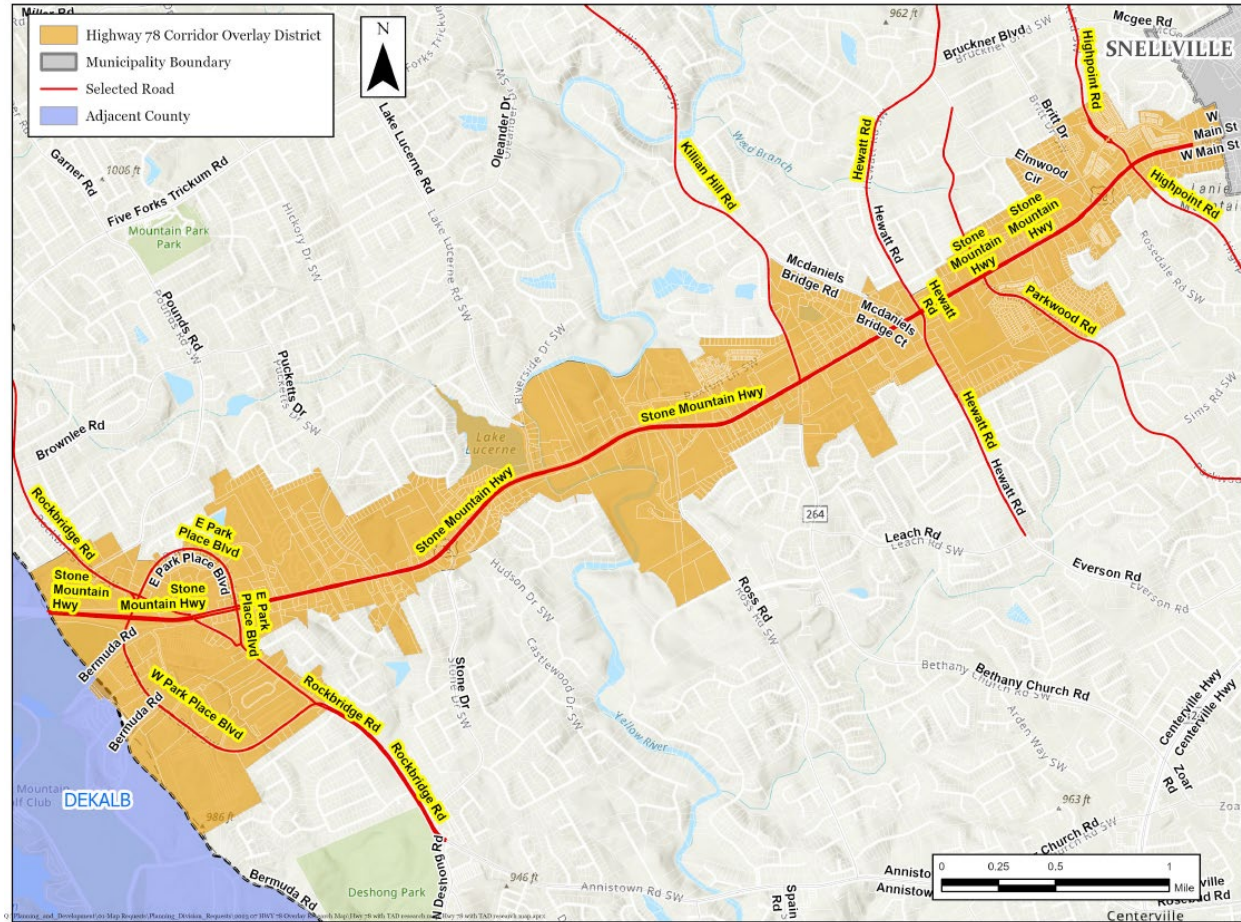
2. Refer to Section 240-100 for lighting in parking lot requirements.
- C. *Greenway Access.* Where required, construction of greenway or greenway access, or dedication of greenway easement shall be in accordance with the Gwinnett County Open Space and Greenway Master Plan and be maintained in accordance with Section 900-10 and other applicable sections of the UDO. If a project abuts a greenway, then a multi-use path shall be provided to connect the greenway for pedestrian and bicyclist use. Final location of the greenways or greenway access shall be coordinated with the Department of Community Services.
- D. *Landscaping Requirements.*
1. Provide, at a minimum, 20 Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with this UDO. At least 50 percent of plantings shall consist of trees 3 inches caliper or greater. 2. Landscape islands shall be provided within parking lots no farther apart than every 15 parking spaces, meeting all other requirements of this UDO.
  3. Provide a minimum 10-foot-wide landscaped strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots. At a minimum, landscaped strips shall be planted in accordance with this UDO.
  4. Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center adjacent to the right of way on the following roads:
    - a. Mall of Georgia Overlay:
      - i. Buford Drive
      - ii. Woodward Crossing Boulevard
      - iii. Mall of Georgia Boulevard
    - b. Civic Center Overlay:
      - i. Sugarloaf Parkway
      - ii. Satellite Boulevard
      - iii. Duluth Highway
      - iv. Old Peachtree Road
      - v. Meadow Church Road
      - vi. North Brown Road
    - c. Grayson/Highway 20 Overlay:
      - i. Grayson Highway
      - ii. Loganville Highway
      - iii. Sugarloaf Parkway
      - iv. Webb Gin House Road
      - v. Hillside Drive
      - vi. Cooper/Ozora Road
      - vii. Oak Grove Road
      - viii. Hope Hollow Road
      - ix. Hoke O'Kelly Mill Road



- x. Brand Road
  - d. Centerville/Highway 124 Overlay:
    - i. Scenic Highway
    - ii. Centerville Highway
    - iii. Highpoint Road
    - iv. Everson/Springdale Road
    - v. Bethany Church/Zoar Road
    - vi. Zoar Church Road
    - vii. Annistown/Centerville-Rosebud Road
    - viii. Campbell Road
    - ix. Lee Road
    - x. Anderson-Livsey Lane
  - e. Highway 124/324/Hamilton Mill Overlay
    - i. Braselton Highway
    - ii. Gravel Springs Road
    - iii. Auburn Road
    - iv. Hamilton Mill Road
  - f. Highway 78 Overlay
    - i. E. Park Place Blvd
    - ii. Hewatt Road
    - iii. Highpoint Road
    - iv. Killian Hill Road
    - v. Parkwood Road
    - vi. Rockbridge Road
    - vii. Stone Mountain Highway
    - viii. W. Park Place Blvd.
- 5. All street trees shall be a minimum 3-inch caliper at the time of planting. Street trees shall be located between the sidewalk and back-of-curb within a minimum 5-foot-wide landscape strip, or hardscape strip if adjacent to on-street parking, subject to review and approval of the Georgia or Gwinnett Department of Transportation. Street trees shall be chosen from the Tree Species List in the UDO Appendix.
- 6. Natural vegetation shall remain on the property until issuance of a development permit.
- E. *Parking and Accessory Structures.*
  - 1. For retail developments exceeding 125,000 square feet of gross floor area, at least ten percent of all provided parking spaces shall be provided in parking areas of porous paving or grass paving

systems, such as "Grasscrete" or "Grasspave," not to exceed 1,000 parking spaces or as approved by the Director of Planning and Development.

2. Up to 25 percent of the provided parking spaces for any development may be compact spaces reduced in total area, width, or depth for designated compact vehicle parking. Each compact vehicle parking space shall not be less than eight feet in width and 17 feet in depth.
  3. No more than 10 percent of parking spaces may be located between the front building line of a building and the right-of-way. This parking shall be limited to no more than one double row of parking. No more than 30 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).
  4. Primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.
  5. Decorative, commercial-quality, bicycle racks subject to all bicycle parking regulations of this UDO shall be provided for all multifamily, commercial, and office developments.
  6. Benches and trash receptacles shall be required for all multifamily, retail, and office developments adjacent to the public sidewalk, and outside of the right-of-way.
  7. Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality.
  8. Vending machines, if provided, shall be located within a building.
- F. *Signage; Temporary Uses; Peddling.*
1. Except as contained herein, sizes and amount of signage shall not exceed the requirements of the Sign Ordinance.
  2. Oversized Signs or Billboards shall not be permitted.
  3. Ground signs shall be limited to monument-type signs. Base and sign structure shall be constructed of materials such as brick, stone, stucco, wood, or metal consistent with the architecture and exterior treatment of the building.
  4. Canopy and awning sign(s) shall be limited to 15 square feet per road frontage. If lighted, lettering shall be individually formed and lighted. No spreader bar signage shall be allowed except as required by the State Fire Marshall.
  5. Blinking, exposed neon, portable, inflatable, and temporary signage shall be prohibited.
  6. Peddlers shall be prohibited.
- G. *Architectural Standards/ Design.*
1. Refer to the Gwinnett County Architectural Design Standards and UDO Design Guidelines. All development in the Activity Center/ Corridor Overlay District shall be in conformity with the Gwinnett County Architectural Design Standards and in substantial conformity to the UDO Design Guidelines.
  2. Building plans shall be subject to review and approval of the Director prior to issuance of a building permit. Building designs that are inconsistent with these standards shall be denied. Denial of the Director's decision shall be subject to appeal pursuant to Chapter 270, Procedures, of this UDO.



## Section 214-30. Venture Drive Redevelopment Overlay District.

**214-30.1 Purpose and Intent.** The purpose of the Venture Drive Redevelopment Overlay District is to promote a mix of high-end, dense, residential housing; commercial businesses and office buildings in an urban setting while offering the residents opportunities for recreation and alternative modes of transportation. Specifically, the Overlay District is intended to:

- A. Encourage efficient land use and redevelopment plans forming a live-work-play environment that offers residents and employees the opportunity to fulfill their daily activities with minimal use of single-occupant vehicle trips.
- B. Allow and encourage development densities and land use intensities that will provide for productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling, and walking.
- C. Encourage the revitalization of underutilized commercial areas into pedestrian-oriented developments that provide a complementary mix of uses, including a variety of residential options, within convenient walking distance.

- D. Encourage formation of a well-designed, pedestrian-friendly activity center with high-density residential, commercial and office development that increases choices for safe living environments for the citizens of Gwinnett County.
- E. Promote development standards that incorporate the design of innovative projects providing for current and future trends in urban design, public amenities, and green space concepts.
- F. Promote a distinct, unified theme that will reinforce the branding process and improve the market attractiveness of the area for investments by the private and public sectors.
- G. Provide appropriate incentives to encourage redevelopment consistent with the Gwinnett County Unified Plan.
- H. Provide for connectivity of streets and sidewalks for improved vehicular and pedestrian circulation and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel.
- I. Encourage design that improves public safety and security.

#### **214-30.2 Applicability.**

- A. The boundaries of the Venture Drive Redevelopment Overlay District shall be as shown on the official overlay district map, maintained by the Department of Planning and Development, and which may be amended from time to time by the Board of Commissioners. (See Exhibit A)
- B. The Venture Drive Redevelopment Overlay District shall function as an overlay zoning, wherein the underlying zoning at the time of enactment of the overlay remains effective until such time as the property owner elects to proceed with a redevelopment project in accordance with Venture Drive Redevelopment Overlay District provisions. Once property is proposed for development under the requirements of the Venture Drive Redevelopment Overlay District each parcel of land remains subject to all of the terms and conditions of the Venture Drive Redevelopment Overlay and the Concept Plan approved for the property as a whole and in perpetuity.
- C. Redevelopment Overlay Exhibit reviews, and any subsequent plat approvals, land disturbance permits, development permits, and building permits for each parcel located within this district shall meet all applicable requirements of this UDO and the applicable UDO Design Guidelines.
- D. Each applicant for a Redevelopment Project within the Venture Drive Redevelopment Overlay shall provide evidence of the unified control of the entire parcel or parcel assemblage. During the development process, more than one owner may participate in the development of the approved plan provided that each parcel of land remains subject to all of the terms and conditions of the Concept Plan approved for the property as a whole.

#### **214-30.3 Definitions.**

The following words, terms, and phrases shall have the following meanings when used in this ordinance:

- A. Active Uses — space serviced by plumbing, heating and electricity and are limited to uses permitted within this ordinance.
- B. Block Length — the dimension of a block defined by continuous frontage between streets and/or pedestrian ways.
- C. Block Area — total land area within the rights of way forming such block.
- D. Director — the director of planning and development or designee.
- E. Gross Land Area — the entirety of a panel of land prior to designation of any portion thereof to streets.
- F. Open Space — usable, generally publicly available land meeting the standards of Section 214-30.10.

- G. Pedestrian Way — an external area permitting public accessibility to pedestrian-only traffic containing an unobstructed pedestrian path meeting all requirements of Section 214-30.9.
- H. Sidewalk Level — any building floor located within 5 vertical feet of the adjacent sidewalk, supplemental zone, or pedestrian way.
- I. Supplemental Zone — the area located between any sidewalk zones and/or pedestrian ways and a building façade.

#### **214-30.4 Permitted Uses.**

Uses permitted in the Venture Drive Redevelopment Overlay District are listed here below:

|   |
|---|
| <b>Agricultural and Rural Recreational Uses</b>                   |
| Beekeeping  |
| Community Garden  |
| <b>Commercial and Retail Uses</b>                                 |
| Antique Shop  |
| Art and School Supply Store                                       |
| Automatic Teller Machine  |
| Bicycle Shop  |
| Book, Music, and Media Store                                      |
| Camera/Photographic Supply Store                                  |
| Catering Service  |
| Cellular Phone Store  |
| Clothing, Apparel and Shoe Stores                                 |
| Convenience Store (with or without fuel pumps)                    |
| Copy, Blueprint or Printing Shop                                  |
| Department Store  |
| Discount Department Store, Big-Box Specialty Store or Supercenter |
| Electronics and Computer Stores                                   |
| Farmer's Market (off-site products)                               |
| Fireworks Sales, ancillary use                                    |
| Florist or Flower Shop  |
| Food Store, Specialty (butcher, greengrocer, bakery)              |
| Furniture or Home Furnishings Store                               |
| Gift Shop or Greeting Card Shop                                   |
| Grocery Store   |
| Hair Salon, Beauty Parlor, or Barber Shop                         |
| Hardware Store  |
| Health Club, Spa or Fitness Center                                |
| Hotel or Motel  |
| Interior Decorating Shop  |
| Jewelry Store   |
| Laundry or Dry Cleaners   |
| Lounge or Nightclub   |
| Massage, Therapeutic  |
| Movie Theater, Cineplex, or Multiplex                             |

|   |
|---|
| Musical Instrument Store                                    |
| Parking Garage or Lot                                       |
| Pet Grooming  |
| Pet Shop or Pet Supply Store                                |
| Pharmacy or Drug Store                                      |
| Recreation and Entertainment Facility (indoor)              |
| Repair Shop, Shoe, and Leather                              |
| Restaurant (coffee shop, doughnut shop or ice cream parlor) |
| Restaurant (drive-in or drive thru fast food)               |
| Restaurant (full service)                                   |
| Sporting Goods Store  |
| Sports Training Facility (indoor)                           |
| Studio, Art   |
| Studio, Dance or Martial Arts                               |
| Studio, Photography   |
| Tailor, Dressmaker, Sewing Shop                             |
| Tanning Salon   |
| Toy Store, Hobby Shop or Game Store                         |
| Travel Agency   |
| <b>Industrial and Manufacturing Uses</b>                    |
| Convention Facility   |
| Depot/Passenger Terminal (bus or rail)                      |
| Recording/Rehearsal Studio                                  |
| <b>Office, Institutional, and Cultural Uses</b>             |
| Animal Hospital or Veterinary Clinic                        |
| Art Gallery   |
| Bank or Financial Services Institution                      |
| Club, Lodge, or Fraternal Organization                      |
| Community Center or Cultural Facility                       |
| Corporate Training and Education Centers                    |
| Day Care Facility   |
| Medical Office or Clinic                                    |
| Meditation Center   |
| Museum or Library   |
| Office (business)   |
| Office (professional)                                       |
| Place of Worship  |
| School or College, Business/Career (for profit)             |
| School, Montessori  |
| School, Private (College or University)                     |
| School, Private (Primary and Secondary)                     |
| Special Events/Banquet Facility or Rental Hall              |
| Stadium, Concert Hall, or Amphitheater                      |
| Tutoring and Learning Centers                               |
| <b>Residential Uses</b>                                     |
| Customary Home Occupation                                   |

|                       |
|-----------------------|
| Dwelling, Live/Work   |
| Dwelling, Multifamily |

**214-30.5 Accessory Uses and Structures.**

Accessory uses and structures shall be permitted in the Venture Drive Redevelopment Overlay District in accordance with the provisions of this UDO.

**214-30.6 Special Uses.**

Special Uses may be permitted in the Venture Drive Redevelopment Overlay District. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Chapter 211 of this UDO.

|   |
|---|
| <b>Agricultural and Rural Recreational Uses</b> |
| Golf Driving Range                              |
| <b>Commercial and Retail Uses</b>               |
| Hookah/Vapor Bar or Lounge                      |
| Outdoor Sales, Storage or Display (retail)      |
| Recreation and Entertainment Facility (outdoor) |
| <b>Industrial and Manufacturing Uses</b>        |
| Data Center                                     |
| <b>Office, Institutional, and Cultural Uses</b> |
| School, Trade or Vocational                     |

**214-30.7 Density, Height, and Bulk Requirements.**

- A. The maximum allowable density within the Venture Drive Overlay is a 5.0 FAR.
- B. Building setbacks are established as the outer edge of the prescribed sidewalk and supplemental zones.
- C. FAR is based upon gross land area prior to the removal of land associated with proposed streets and/or pedestrian ways.
- D. On projects containing more than one block, FAR may be distributed in any manner desired so long as the total allowable FAR for the entire property is not exceeded.

**214-30.8 Block Standards and Connectivity Requirements (See Exhibit A).**

- A. Block sizes — New developments shall be planned containing new streets and/or pedestrian ways such that no block within the development shall contain a block frontage greater than 500 feet in one direction and 400 feet in the opposite direction without an intervening street or pedestrian way.
- B. Developments shall extend streets and/or pedestrian ways to adjoining property in a manner that facilitates their future extension or provide easements for such future extensions
- C. Streets and pedestrian ways for projects containing multiple blocks may be phased with respect to traffic and pedestrian circulation needs relative to each phase. Phasing will be such to complete block as developed.

**214-30.9 Street and Pedestrian Way Standards (See Exhibits A & B).**

- A. Streets.

All proposed streets will contain:

1. Minimum 12-foot-wide travel lanes.



2. Minimum 8-foot-wide parallel parking spaces on both sides of the street.
  3. Minimum 6-inch-wide header curb.
  4. Minimum 15-foot-wide sidewalks measured from back of curb consisting of minimum 5-foot-wide street tree, lighting, and furniture zone and 10 foot wide clear zone for circulation.
  5. An additional minimum 5-foot-wide supplemental zone is required which may be either paved or landscape as appropriate to the adjacent use.
  6. Street lighting will be provided (Gwinnett CID Standards).
  7. Street furnishing will be provided (Gwinnett CID Standards).
  8. The right of way will extend to the edge of the outer clear zone on each side of the street.
- B. Pedestrian Ways.
1. Will be a minimum of 45 feet in width from building-to-building facades.
  2. Will contain a minimum 30-foot-wide public zone consisting of landscape, seating, pedestrian level lighting and a minimum 8 foot wide clear zone sidewalk.

**214-30.10 Open Space Requirements (See Exhibit A).**

- A. All development shall provide 20% of net lot area as open space.
- B. All clear zone and supplemental zone sidewalk areas may be counted as open space.
- C. The minimum 30-foot-wide public zone of pedestrian ways may count as open space.
- D. On projects containing multiple blocks the required open space may be distributed across multiple blocks or aggregated within a single block, so long as the total required open space is achieved.
- E. Open space which includes the accommodation of stormwater management as an amenitized element of the open space is allowed and encouraged.
- F. Where a development proposes to aggregate the required open space of a phased development, such open space must be built with the first phase of such a development. When a strict adherence of this requirement is deemed infeasible for site development, the Director of Planning may grant a reduction in the amount of open space required for the initial phase. Such a variance in no way relieves the obligation for the ultimate total open space requirements of the development.
- G. All areas utilized to meet the open space requirements will be generally accessible to the public and will be designed to support gathering, social interaction, dining (including outdoor areas specific to restaurants) and special events. Open spaces may be predominately paved or landscape and will be designed to facilitate adequate pedestrian circulation.
- H. All areas counted as open space must be within 5 feet of elevation (above or below) adjoining street/sidewalk elevations. In cases where an open space is utilized for stormwater management, the base pool elevation may be 8 feet below the adjoining street/sidewalk elevation, so long as the dimension from the edge of any adjoining public sidewalk is a minimum of 40 feet from the center of the proposed pool.

**214-30.11 Parking Requirements.**

- A. The following parking requirements are established:

|        | Maximum        | Minimum |
|--------|----------------|---------|
| Office | 4 per 1,000 sf |         |
|        | NRA            | None    |

|             |                 |      |
|-------------|-----------------|------|
| Retail      | 5 per 1,000 NRA | None |
| Residential | 1 per bedroom   | None |
| Hotel       | 1 per room      | None |

- B. On-street parking provided does not count towards maximum retail parking in full and multi-family parking.
- C. Shared parking is allowed and encouraged.
- D. No surface parking lots shall be permitted between any street and the front building line of any building.
- E. Surface parking lots shall provide internal landscape islands at the end of all parking stalls and within parking lots at least every 15 parking spaces, subject to the planting requirements of this UDO.
- F. Bicycle parking shall be provided at a minimum ratio of one (a) bicycle parking spaces per 30 automobile parking spaces. No single building shall provide less than two (2) bicycle parking spaces or be required to provide more than 30 bicycle rack spaces. Multifamily buildings shall provide indoor lockable bicycle storage.
- G. At least one public transit shelter shall be provided along each external street with transit service, subject to the review and approval of the Georgia or Gwinnett Department of Transportation.

#### **214-30.12 Architectural Requirements.**

- A. Pedestrian Level Facades. All building facades facing a street (public or private), or pedestrian way utilized to define specified block requirements shall be subject to the following requirements:
  - 1. Building facades greater than 50 ~~100~~ feet of continuous length shall include variety in façade treatments. Treatments may be in the form of materials, textures, and window and door patterns and colors.
  - 2. The length of a façade oriented toward a sidewalk or street without intervening fenestration shall be 20 feet.
  - 3. All residential and/or office buildings shall provide at least one major entry via a sidewalk level lobby. The lobby door must address and be clearly visible for the adjoining sidewalk. Lobbies shall be clearly articulated.
  - 4. All retail uses shall provide direct access to adjoining sidewalks or pedestrian ways. All entrances shall be clearly articulated.
  - 5. All facades must contain at least 50% fenestration at the sidewalk level. The total building façade shall contain an overall average of 40% fenestration.
  - 6. Glass for windows and doors shall utilize clear or tinted glass. Tinted glass shall have a minimum transmittance factor of 50% and a visible light reflectance factor of ten or less.
  - 7. Arcades or deeply recessed retail or office facades are discouraged. Where utilized, size and spacing of arcade columns must all clear visibility to 65% of the retail or office storefront from any parallel point on the sidewalk.
  - 8. Parking structure facades shall incorporate finish materials that are consistent and complementary with the façade finish of the primary buildings.
- B. Sidewalk Level Active Uses.
  - 1. Active uses shall be provided along all designated streets and/or pedestrian ways.

2. The finished floor elevation of any active use will be set no greater than five feet above or below the adjacent sidewalk. Where strict adherence to this requirement cannot be achieved due to existing topographical challenges, a variance may be granted by the Planning Director.
  3. Active uses shall be a minimum of 20 feet of depth measured from the sidewalk street level building façade.
  4. Sidewalk level active uses exclude storage areas and parking.
  5. Queueing lanes or driveways parallel to the adjoining street are not allowed in the active use zone.
  6. The following use shall be placed within a building or parking structure and are subject to the active use provisions, except at their automotive ingress and egress points:
    - a. Structures which feature fueling stations with accessory fueling pumps, service bays, and/or car washes.
    - b. Drive-thru windows for any use including all areas associated with queueing.
- C. General.
1. Each building shall display a street address number clearly visible from the public sidewalk. Said address numbers shall be a minimum of 6 inches in height.
  2. No up-lighting shall be placed a height of less than 8 feet above the required adjoining public sidewalk.
  3. External storefront security grilles shall:
    - a. Be designed as to appear as part of the building architecture.
    - b. Be fully retractable.
    - c. Not be solid or opaque.
    - d. Allow visibility into the store when in use.

**214-30.13 Service, Loading, Mechanical, and Accessory Features.**

- A. All external dumpsters and trash compactors shall be located to the rear of buildings and be enclosed with decorative masonry walls and decorative gates to a height of 8 feet or located within a building or parking structure.
- B. All loading and service areas shall be located and oriented in a manner that minimizes visibility for any public or private street or pedestrian way that is utilized to meet the block requirements or located within a building or parking structure.
- C. Any mechanical and accessory features (including satellite dishes) shall be:
  1. Prohibited between the building and any street.
  2. Located on the roofs of buildings.
  3. Screened to a height equal to the height of the units.
  4. Wall mounted utility equipment shall be screened and/or painted to match the adjacent façade finish.
- D. No barbed wire, razor wire, or similar elements shall be permitted.

**214-30.14 Submittals and Approvals Process.**

- A. Any new construction and renovation of more than 60% of the principal structure of an existing property requires the issuance of a Special Administrative Permit (SAP) prior to the application for any demolition, land disturbance or building permit.
- B. Applicants needing a SAP shall schedule a pre-application meeting with the Director of Planning (or the designee) prior to the submission for any SAP. Said meeting will be scheduled within 14 days and held within 30 days of an applicant's request. The purpose of the meeting will be to:
  - 1. Ensure the applicant's understanding of the overlay requirement and approvals process.
  - 2. Inform the staff of the applicant's vision and limits of property.
- C. Requirements for the submittal of a SAP are as follows:
  - 1. Property boundary survey no more than 2 years old from date of application.
  - 2. Site plan indicating proposed block divisions and street/pedestrian way locations.
  - 3. Calculations of required and provided open space.
  - 4. Plans indicating all building locations and streetscape requirements.
  - 5. Design including materials for all park or plaza spaces utilized to meet open space requirements.
  - 6. Building elevation illustrating requirements set forth in Architectural Standards.
  - 7. Notification to planning for any and all variations from the standards established, whether by result of hardship or meeting the goals of the ordinance through equal or superior methods.
- D. Review and Response.
  - 1. Within 4 weeks of submittal, the Director will establish a meeting with the applicant and present to the applicant any comments relative to the lack of compliance with the standards of the ordinance. If the Director has no comments and the application is deemed to be in compliance, a SAP will be issued on that date.
  - 2. The applicant shall make amendments to plans and resubmit as noted. If all changes are in accordance with the comments rendered in the review meeting, the Director will issue the SAP within 30 days of resubmittal.
- E. Variations.

The Director of Planning may grant variation from any of the standards set forth in this ordinance with the exception that there will be no variations granted for uses not listed as permitted. Variations may be granted when in the opinion of the Director:

  - 1. The strict adherence to a provision creates a hardship due to extreme topographical or site conditions.

2. The applicant proposes a solution which meets and exceeds the minimum standards of this ordinance in a manner that in the opinion of the Director provides a superior environment.

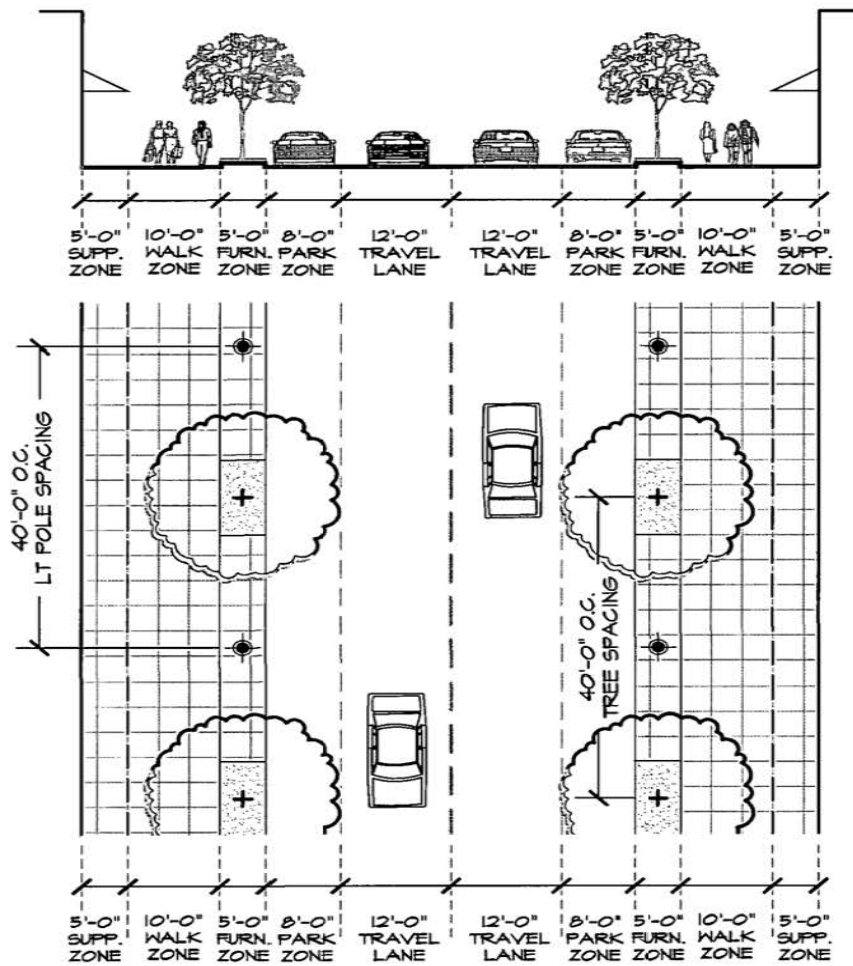


EXHIBIT A  
STREET STANDARDS

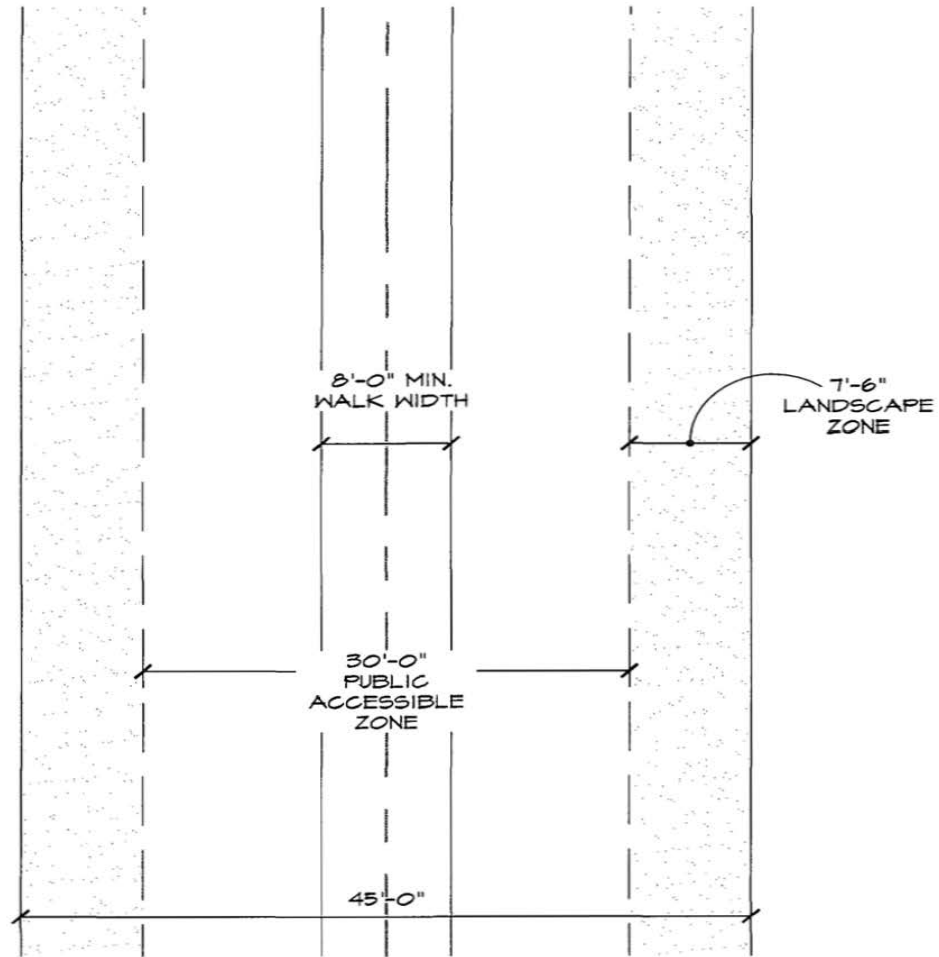


EXHIBIT B  
PEDESTRIAN WAY STANDARDS

**Section 214-40. Gateway 85 Overlay District.****214-40.1 Purpose and Intent.**

The purpose of the Gateway 85 Overlay District is to enhance the vitality and livability of the Gateway 85 business district. Specifically, the district is intended to:

- A. Create an attractive setting for business growth that supports the tax base, provides jobs, and promotes the district's continued success;
- B. Promote quality redevelopment that will reinforce the district's brand and improve its market attractiveness for investment;
- C. Encourage the revitalization of underutilized commercial and industrial properties;
- D. Reduce and eliminate incompatible land uses;
- E. Achieve and maintain a unified and pleasing aesthetic quality in landscaping, site planning, and signage;
- F. Establish standards for high-quality, useable open space in commercial and mixed-use projects;
- G. Promote safe and convenient vehicular, pedestrian, bicycle, and transit mobility; and
- H. Encourage design that improves public safety and security.

**214-40.2 Applicability**

- A. The boundaries of the Gateway 85 Overlay District shall be as shown on the official overlay district map, except that this overlay does not apply to areas zoned exclusively for single-family detached or attached residential development.
- B. The Gateway 85 Overlay District shall function as an overlay zoning, wherein the underlying zoning district standards remain in effect and the standards of this overlay apply in addition. Whenever this overlay imposes a standard that is more or less restrictive, the requirements of this Overlay District shall govern.
- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this overlay according to Section 220.40.3.
- D. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this overlay, provided that the construction under the terms of such permit is diligently followed until its completion subject to all applicable provisions of this UDO.
- E. It is not the intent of this overlay to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this overlay shall govern.
- F. *Definitions.* The following term shall have the following meaning when used in this overlay:
  - 1. *Priority Corridor.* High visibility corridors that are held to a higher design standard, including:

- a. Beaver Ruin Road;
- b. Buford Highway;
- c. Crescent Drive;
- d. Dawson Boulevard;
- e. Indian Trail Road;
- f. Jimmy Carter Boulevard;
- g. Oakbrook Parkway;
- h. Rockbridge Road;
- i. Singleton Road; and
- j. South Norcross Tucker Road.

### **214-40.3 Redevelopment Thresholds**

#### **A. *Redevelopment thresholds.***

- 1. *Renovations.* Renovations, alterations, adaptations, restorations, repairs, or other physical modification to a structure or portion of a structure that existed before adoption of this overlay, shall be subject to the Non-conforming Use provisions of this UDO.
- 2. *Expansion.* Expansions to any building or use shall be subject to the provisions of this overlay with the exception of Section 214.40.5 Streetscape Standards and Section 214.40.8 Access Management.
- 3. *Site Disturbance.* Any Site disturbance or modifications shall be subject to the provisions of this overlay with the exception of Section 214.40.8 Access Management.
- 4. *Change of use.* Change from a use that existed before adoption of this overlay shall be subject to the provisions of this overlay with the exception of Section 214.40.5 Streetscape Standards and Section 214.40.8 Access Management.
- 5. *Multiple thresholds.* When a proposed activity includes multiple thresholds identified in "2" through "4" immediately above, the provisions of each applicable threshold shall apply.

### **214-40.4 Use Provisions.**

- A. *General.* Uses shall be in accordance with the underlying zoning district, except as specifically otherwise stated in this section.
- B. *Prohibited Uses.* The following use are prohibited in this overlay:
  - 1. Adult entertainment;
  - 2. Salvage operation or junk yard;
  - 3. Pawn shops; and
  - 4. Used tire sales as a principal use or accessory to any use.
- C. *Used automobile sales and rental use standards.* The minimum lot size shall be 2-acres.
- D. *Vehicle repairs.* All vehicle repairs shall be fully conducted indoors, regardless of whether the vehicle repairs are a principal or accessory use.



- E. *Used vehicle sales.* Used vehicles shall not be displayed for sale on any premises unless the premises is used for a conforming automobile sales, car dealership use, or unless such used vehicle sales is a continuation of an activity that was a legally occurring on the premises on the effective date of this overlay.
- F. *Outdoor display or sales standards.*
  - 1. Prohibited outdoor displays or sales. In addition to the conditional use requirements of this UDO for outdoor storage in non-residential districts, the following are prohibited:
    - a. Outdoor display or sales of merchandise associated with a pawn shop;
    - b. Outdoor display or sales of used merchandise associated with any use;
    - c. Outdoor display of tires for sale, rental, or storage; and
    - d. Outdoor display of or sales of appliances associated with any use.
- G. *Convenience Stores with Fuel Pumps.* Shall be prohibited in the C-1, Neighborhood Business District and shall require a Special Use Permit in the C-2, General Business District and C-3, Highway Business District.

#### **214-40.5 Streetscape Standards.**

- A. Streetscapes shall be installed along public rights-of-way as specified in Table 214.4: Streetscape Table, except as provided in "B" immediately below for an alternative multi-use trail. Streetscapes shall include a sidewalk landscape strip adjacent to the roadway, a sidewalk, and a landscape strip at the back of the sidewalk on private property.
- B. A multi-use trail may be required instead of a sidewalk landscape strip and sidewalk where identified as a multi-use trail in the Gwinnett County Trails Master Plan.
- C. Sidewalks shall be constructed with an additional 2-foot by 8-foot concrete pad, located outside of the right-of-way, designed to accommodate existing or future pedestrian amenities such as benches, planters, and trash containers, at the following locations:
  - 1. At intersections of Priority Corridors with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map;
  - 2. At locations along Priority Corridors designated for a transit stop or future transit stop by Gwinnett County Department of Transportation;
  - 3. At locations along Priority Corridors designated for a school bus stop by the Gwinnett County Board of Education; and
  - 4. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the Priority Corridor.
- D. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett and/or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.
- E. All new utility lines shall be buried.
- F. Streetlights shall be provided. (Gwinnett CID Standards)

**Table 214.4 Streetscape Table**

| Street Type   | Sidewalk Landscape Strip | Sidewalk   | Landscape Strip                | Streetlights |
|---|--------------------------|------------|--------------------------------|--------------|
| Principal Arterial, Major Arterial, Minor Arterial, Major Collector | Min. 2 ft.               | Min. 8 ft. | Min. 10 ft. per Section 620-20 | Required     |
| Local   | Min. 2 ft.               | Min. 5 ft. | Min. 10 ft. per Section 620-20 | Required     |

**214-40.6 Lighting Standards.**

- A. Rope lighting is prohibited, including on the interior of a building when visible from the exterior.

**214-40.7 Pedestrian Access.**

- A. A walkway shall be provided from all buildings to an adjacent public right-of-way, as follows:
1. Parcels under 2 acres shall provide a walkway with a minimum width of 5 feet, except as specified in "3" immediately below.
  2. Parcels 2 acres or larger shall provide a walkway with a minimum width of 5 feet and a landscape strip with a minimum width of 5 feet along both sides of the required walkway, except as specified in "C" immediately below.
  3. Walkways and landscape strips are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
    - a. Render the parcel non-conforming with regards to parking; or
    - b. Result in a 10% or more reduction in the number of parking spaces on the parcel; or
    - c. Require the construction of retaining walls, site grading, site excavation, or site fill; or
    - d. Is determined by the Director of Planning and Development to be infeasible because of topographic or other site-specific constraints.
  4. The required or provided walkway surface shall be hardscape but may not be asphalt.
- B. The required or provided landscape strip shall be planted in accordance with the standards of Section 620-20.

**214-40.8 Access Management.**

- A. Driveways may not be located on a Priority Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor, except where the Director of Planning and Development determines it is infeasible due to conflicts with adjacent land uses.

**214-40.9 Building Design.**

- A. *Foundation plantings.* All building foundations along a Priority Corridor shall conform to these standards, except as provided for in "3" immediately below:
1. All portions of foundations that extend more than 12 inches above finished grade shall be screened from Priority Corridors with continuous evergreen or semi-evergreen shrubs;
  2. At the time of installation, the screening shall be at least 1 foot in height and reach a height of 3 feet within 3 years of planting; and

3. Foundation plantings are not required adjacent to ground floor commercial storefronts when said plantings would obstruct views into the commercial establishments, subject to approval of the Director of Planning and Development.

#### **214-40.10 Screening.**

- A. *Wall-mounted equipment.* Wall-mounted equipment shall be screened from Priority Corridors as follows:
  1. Wall-mounted equipment located on any surface shall be screened from Priority Corridors by an opaque fence or wall, or landscaping;
  2. The screening design shall be compatible with the principal building in terms of texture, quality, material, and color; and
  3. Screening shall be of a height equal to or greater than the height of the mechanical equipment being screened.

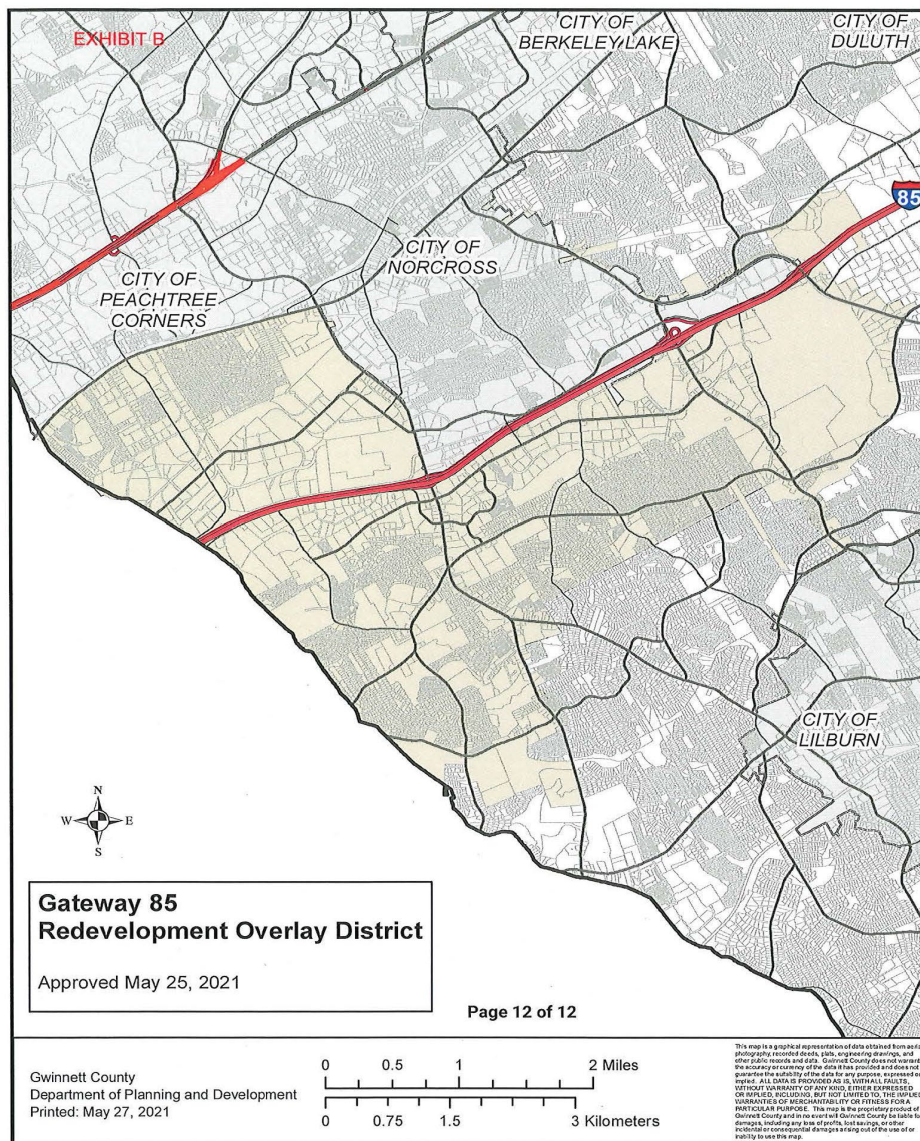
#### **214-40.11 Site Accessories.**

- A. *Fences and walls.* This section applies to all fences and walls, regardless of whether they are intended to satisfy screening requirements.
  1. Chain link fencing is prohibited, except in M-1 and M-2 zoning districts and only when the change link fencing is not visible from a Priority Corridor.
  2. Barbed wire, razor wire, or similar elements are prohibited, except in M-1 and M-2 zoning districts and only when not visible from any street.
  3. Any wall or fence which extends into the required front yard shall be ornamental or decorative and either constructed as:
    - a. A solid wall faced in brick, stucco, or stacked stone wall; or
    - b. As a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).
  4. When fences or walls are located within the streetscape landscape strip listed in Sec. 214-40.5, they shall be set back at least 5 feet from the public right-of-way to provide landscaping between the fence and the sidewalk.
- B. *Shopping cart corals.* Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality. Shopping cart storage shall be screened from view from the parking lot.

#### **214-40.12 Common Area.**

- A. At least 5 percent of the net project acreage (total acreage of the project excluding 100-year floodplain and wetland areas) of all new non-industrial developments over 10 acres in size shall be provided as Common Area as required by this section.
- B. Required Common Area shall be provided outdoors and appropriately improved as a pedestrian amenity and/or for aesthetic appeal.
- C. Common Area may be met in one contiguous open area or in multiple open areas on a parcel; however, to receive credit, the area shall be at least 20 feet in width and length, and at least 50% of the required amenity space shall be located in one contiguous open area.

- D. All Common Area, other than rooftop areas shall be located at grade.
- E. Common Area may be roofed provided it is part of the Common Area facilities and it is not enclosed.
- F. Common Area shall not be parked or driven upon, except for emergency access and permissible temporary events.
- G. In calculating the minimum Common Area requirement, the following or similar facilities may be included:
  - 1. Ground-level Common Area facilities such as sidewalks/walkways, swimming pool, playground, sport court, dog park, garden, community garden, park, green pavilion, seating area or plaza, landscape areas, bio-retention areas (when designed as an amenity), pond/lakes, and water features.
  - 2. Upper-level Common Area facilities such as a common balcony, rooftop deck or rooftop garden.
  - 3. Required buffers and/or State stream buffer may not be considered Common Area.



## Section 214-50. Innovation Overlay Zoning District

### 214-50.1 Purpose and Intent

The purpose of the Innovation Overlay Zoning (IOZ) District is to promote sustainable, environmental stewardship; to facilitate a knowledge community including medical, agricultural, and environmental research uses, and a mix of housing options; and to provide civic space and parks; entertainment and hospitality amenities; and businesses and entrepreneurial space in a cohesively designed setting. The IOZ District encourages opportunities for recreation and alternative modes of transportation throughout the district. The entirety of the district is conceived as a place where a focus on people and ideas creates special environments. The district shall be guided by a series of unifying principles:

- A. Respect for the natural contour of the land;
- B. Provide a diversity of housing types;
- C. Create highly collaborative environments supportive of programming for the arts, music, and education;
- D. Inspire settings where people can feel, touch, experience and create the future; and
- E. Promote access to a wide variety of people, companies, and institutions.

Specifically, the IOZ District is intended to:

- A. Allow for a range of innovation and research facilities, and the broad exchange of ideas between residents and employees;
- B. Promote a framework for innovative design solutions with respect to environmental resources and functions within the landscape;
- C. Allow development that will support and benefit from alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling, and walking;
- D. Support the clustering of land uses and development patterns that support pedestrian circulation;
- E. Encourage formation of pedestrian-friendly activity centers with residential, commercial, and office development that incorporate safe living environments for the residents of Gwinnett County;
- F. Promote development standards that incorporate the design of innovative projects providing for current and future trends in urban design, public amenities, and green space concepts;
- G. Provide a distinct district that will improve the market attractiveness of the area for investments by the private and public sectors;
- H. Provide appropriate guidelines to encourage development consistent with the 2040 Unified Plan, as amended;
- I. Provide for connectivity of streets, multipurpose trails, and sidewalks for improved vehicular and pedestrian circulation and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel; and
- J. Provide for the integration and preservation of open space which incorporates a multiuse trail system that provides connectivity within the district and to the larger region, when possible.

#### **214-50.2 Applicability**

- A. The boundaries of the Innovation Overlay Zoning District shall be as shown on the official Overlay District Map, maintained by the Department of Planning and Development.
- B. The Innovation Overlay Zoning District shall function as an overlay zoning, wherein the underlying zoning at the time of enactment of the overlay remains effective. Whenever this overlay imposes a standard that is more restrictive or less restrictive, the requirements of this Overlay District shall govern per the redevelopment thresholds in Section 214.50-4.

- C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this Overlay according to Section 214-50.4
- D. It is not the intent of this Overlay to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this Overlay shall govern.
- E. All properties located in the Rowen Innovation Subdistrict shall be developed in conformity with the Rowen Design Guidelines, adopted by the Board of Commissioners on September 27, 2022, incorporated herein by reference, including any amendments thereto.

### **214-50.3 Reserved**

### **214-50.4 Redevelopment Thresholds and Nonconforming Uses**

- A. Renovations, expansions, and site disturbance of any structure or site existing before the adoption of this Overlay shall be subject to the provisions of Chapter 260-Non-Conformation Uses, of this UDO, with the following exceptions:
  - 1. Renovation. Renovations to a structure, or portion of a structure, that existed before adoption of this Overlay in the Rowen Innovation Subdistrict shall apply if they impact 60 percent or more of a building.
  - 2. Expansion. Expansions to any building or use by more than 10 percent shall be subject to the provisions of this Overlay, except for 214.50.6.D and 7.D Street Standards.
  - 3. Site Disturbance. Site disturbance greater than 5,000 square feet shall be subject to the provisions of this Overlay, except 214.50.6.A and 7.A Permitted Uses, 214.50.6.C and 7.C Building Standards, and 214.50.6.D and 7.D Street Standards.
  - 4. Change in Use. Any change in use from one occupancy classification to another shall be subject to the following provision of this Overlay: 214.50.6.A and 7.A Permitted Uses.

### **214-50.5 Use and Development Standards**

The Rowen Innovation Subdistrict is intended to accommodate a critical mass of innovation and research facilities representing a wide range of industries.

- A. Permitted Uses
  - 1. Low and medium density research and office uses limited to research, professional office, and some incidental assembly; and
  - 2. High density mixed use.
- B. Prohibited Uses. The following uses are prohibited:
  - 1. Adult Establishments
  - 2. Ambulance or Medical Transport Company

3. Appliance Repair Shop
4. Automobile Brokerage
5. Automobile, Truck, Motorcycle, ATV, Recreational Vehicle or Marine Related Uses including any establishment selling, installing, repairing, or servicing vehicles in any manner, including:
  - a. Accessories Sales and Installation
  - b. Auction
  - c. Brokerage
  - d. Customization, Modification, and Rebuilding
  - e. Emissions Inspections
  - f. Parts Store
  - g. Rental (unless as an accessory use to a hotel and located entirely within a parking structure)
  - h. Repair or Lubrication
  - i. Sales and Related Service
  - j. Tire Sales and/or installation
  - k. Washing and/or Detailing
6. Bail Bonding Company
7. Bank or Financial Service with Drive-Thru
8. Blood Plasma Donation Center
9. Building Materials Sales
10. Carpet and Upholstery Cleaning Service
11. Cement, Concrete, or Masonry Plant
12. Cemetery or Mausoleum
13. Check Cashing or Payday Loan Facilities
14. Contractor's Office with Outdoor Storage
15. Convenience Stores with Fuel Pumps
16. Driving Instruction
17. DUI School
18. Electronics Waste (e-waste) Collection/Recycling
19. Funeral Home
20. Golf Driving Range
21. Ice Vending Machines, Bulk



- 22. Janitorial and Maid Services
  - 23. Kennel or Pet Boarding
  - 24. Lawn Treatment Service
  - 25. Manufactured Building or Mobile Home Sales
  - 26. Lawn and Garden Equipment Sales and Service
  - 27. Outdoor Sales and Storage
  - 28. Pawn Shop
  - 29. Recreational Vehicle Park or Campground
  - 30. Restaurant with drive-in or drive-thru service
  - 31. Self-Storage or Mini-Warehouse Facility
  - 32. Shooting and Archery Ranges and similar outdoor recreation facilities
  - 33. Shooting Ranges, indoor
  - 34. Smoke Shop or Novelty Shop
  - 35. Sports Training Facility, outdoor
  - 36. Standalone ATM
  - 37. Standalone Parking Lots
  - 38. Stone Yard and Stone Cutting
  - 39. Swimming Pool Sales and Supply Stores
  - 40. Taxi or Limousine Service
  - 41. Title Loan Facility
- C. General District Requirements: All development and/or redevelopment of property within the district shall adhere to the Rowen Design Guidelines, per Section 214-50.2.E, with the exception of the standards outlined below.
- 1. Development of individual sites with the Rowen Innovation Subdistrict shall be developed according to the applicable character area in which they are located, as indicated in the Rowen Design Guidelines. The development of these sites shall meet the following minimum standards:
    - a. Low Density Office/Research Character Area:
      - i. Maximum Site Coverage: 60%
      - ii. Density: Maximum 0.9 Floor Area Ratio (FAR)
      - iii. Maximum Building Height: 5 stories
    - b. Medium Density Office/Research Character Area:
      - i. Maximum Site Coverage: 75%
      - ii. Density: Maximum 1.25 Floor Area Ratio (FAR)
      - iii. Maximum Building Height: 8 stories

- c. Village Character Area:
  - i. Density: Maximum 2.5 Floor Area Ratio (FAR)
  - ii. Maximum Building Height: 8 stories

D. Submittal and Approval Process

1. Special Administrative Permit (SAP) Required: Applicants shall submit an SAP application on forms provided by the Department of Planning and Development prior to submittal of a land development or building permit application.
2. SAP applicants shall schedule a pre-application meeting with the Director (or designee) prior to the submission of an SAP application on forms provided by the Department of Planning Development. The purpose of the meeting will be to:
  - a. Ensure the applicant's understanding of the Overlay requirement and approvals process.
  - b. Inform the staff of the applicant's plan for developing the property.
3. Minimum submittal requirements for an SAP application are as follows:
  - a. Official approval documentation from the Rowen Architectural Guidance and Design Review Board.
  - b. Approved plans, building elevations, and other documents approved by the Rowen Architectural Guidance and Design Review Board.
  - c. Any other required information to demonstrate compliance with this overlay district and the Rowen Design Guidelines.
  - d. Any other requirements determined necessary by the Department of Planning and Development.
4. SAP application review procedures, include:
  - a. Upon acceptance of a complete application, the Department of Planning and Development shall review the submitted application and provide a list of comments to the applicant.
  - b. The applicant shall make amendments to plans and resubmit, as noted.
  - c. A meeting with the applicant may be requested, if necessary, to discuss any application deficiencies.
  - d. Once the application is approved, an SAP shall be issued which is required prior to submittal of a land development application.

**214-50.6-10 Reserved**

## Chapter 230. Standards Applying to All Districts

### Section 230-10. Permitted and Special Uses.

**230-10.1** The uses established by each zoning district within this UDO shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Director shall have the authority to determine the most appropriate zoning district(s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.

**230-10.2** Any use not listed in a particular zoning district shall be prohibited in that zoning district, unless it is a non-conforming use lawfully established prior to the effective date of the ordinance or amendment that rendered it legally non-conforming. See Chapter 260.

**230-10.3** Restrictions on the location of telecommunication facilities in certain zoning districts are provided in the Gwinnett County Telecommunications Tower and Antenna Ordinance.

**230-10.4** Restrictions on the location and operation of adult establishments are provided in Section 230-130.

**230-10.5** Restrictions on the location and operation of temporary outdoor activities are provided in the Temporary Outdoor Activity Ordinance. Temporary outdoor activities shall also meet the parking requirements of Chapter 240 of this UDO.

**230-10.6** All uses identified in this UDO are intended to mean: 1) terms as may be specifically contained in the definitions section of this ordinance; and 2) to have the commonly accepted definitions contained in the most recent edition of the Complete Illustrated Book of Development Definitions .

### Section 230-20. Conditional Use Standards.

#### 230-20.1 Purpose and Intent.

- A. The purpose of the e Conditional Uses in this UDO is to provide more specific standards for certain uses for which additional use restrictions, site development and/or design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, promote the health, safety and welfare of the community and meet the intent of the Gwinnett County Unified Plan.
- B. These standards apply to specific uses in all zoning districts (unless otherwise noted) and shall be enforced by the Department.
- C. Any use that is regulated by this UDO and is authorized in a zoning district shall be developed in conformity with the applicable Conditional Use Standards for that use provided. No permit shall be issued for a use, building or structure that does not conform to applicable Conditional Use provisions; except that, where any requirement of the Conditional Use Standards conflicts with a condition of rezoning, special use permit or other action of the Board of Commissioners, the condition shall prevail.

### Section 230-30 Accessory Use, Building, and Structure Standards.

**230-30.1** All accessory buildings, structures, and uses shall also be subject to other sections of this UDO, but not limited, to the Conditional Use Standards.

**230-30.2** All accessory buildings, structures and uses of land shall be clearly subordinate to and supportive of the principal use and located on the same lot as the principal use to which they are accessory.

**230-30.3** Accessory buildings or structures shall not be erected on a lot prior to the time of construction of the principal building to which it is accessory, unless otherwise authorized by the Director of Planning and Development.

**230-30.4** Accessory buildings or structures shall not be utilized unless the principal structure on that lot is occupied, unless otherwise authorized by the Director of Planning and Development.

**230-30.5** If a principal building is removed from a property, all accessory buildings or structures on that property shall be removed within 180 days unless a new principal building is constructed.

**230-30.6** No accessory uses or structures except driveways and individual mailboxes shall be located within the public right-of-way. Landscaping, unless required by this UDO, shall not be located within the public right-of-way unless approved by Gwinnett County Department of Transportation.

**230-30.7** All accessory buildings or structures shall be located in the rear or side yard unless explicitly stated otherwise in this section.

**230-30.8** Accessory buildings, structures or uses shall not be allowed in a front yard except those permitted by this UDO.

**230-30.9** Except as provided herein, accessory structures shall be located no closer than five feet to all property lines. Accessory buildings shall meet the following minimum setback requirements adjacent to all property lines:

**Table 230.1: Accessory Building Setback Requirements**

The following setback shall apply to accessory buildings, unless otherwise specified in this UDO:

| Accessory building size, in area | Required setback distance |
|----------------------------------|---------------------------|
| 0 - 500 sq. ft.                  | 5 ft.                     |
| Over 500 sq. ft.                 | 10 ft.                    |

**230-30.10** Driveways, concrete patios, sidewalks, and fences may be located along a property line.

**230-30.11** In all zoning districts, the following accessory uses and structures shall be allowed in front and side yards: fences, walls, gates and gatehouses, signs, mailboxes, covered mail kiosks, sidewalks, walkways, driveways, parking pads, parking lots, parking decks, EV charging stations with canopies, lampposts, flagpoles, basketball goals adjacent to driveway, birdbaths, birdhouses, arbors, trellises, landscaping, and similar features. In the RA-200 zoning district, provided the lot is a minimum of three acres in size, the following shall also be allowed in front and side yards: barns and stables, silos, animal quarters, and agricultural buildings that are customarily related to commercial farming.

In all non-residential zoning districts, the following shall also be allowed in front yards, as applicable: fountains, statuary, and similar decorative features; gasoline pumps and canopies; cart corrals; vacuum stands and canopies, and similar features.

**230-30.12** In all residential zoning districts, except RA-200, the following requirements shall apply to all accessory buildings:

- A. Accessory buildings greater than 120 square feet in floor area shall abide by the following design guidelines:
  - 1. Exterior walls shall be finished with materials and/or colors similar to that of the principal building.
  - 2. Internal floors shall be a solid surface and constructed with materials such as, but not limited to, concrete or wood. Gravel and dirt floors are prohibited.

3. Building height shall not exceed the maximum height permitted by the zoning district or the height of the principal building, whichever is less.
- B. The maximum cumulative total square footage of all accessory buildings allowed on a property shall be no more than 50% of the square footage of the principal building unless a variance is approved by the Zoning Board of Appeals.
- C. Accessory buildings shall not be used for any commercial operation whether permanent or part-time or for any type of human habitation except as part of an approved accessory dwelling, as provided in this UDO.
- D. Accessory buildings shall not be used for the storage of hazardous materials, waste products or putrescent materials.
- E. No commercial vehicles, as defined by this UDO, shall be stored inside an accessory building located within a residential zoning district.

#### **230-30.13 Dumpsters.**

- A. Location. Dumpsters shall be located in the rear or side yard. Dumpsters are not allowed in front yards. Dumpsters, including the enclosure structure, shall be located a minimum of 5 feet from property lines and buffers.
- B. Pad. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. The size of the pad shall not be less than 10 feet wide by 30 feet long.
- C. Screening. Dumpsters that are not inside a building shall be surrounded by an opaque enclosure not less than 6 feet in height with access via an opaque metal gate. Dumpster enclosures shall be constructed from brick or masonry materials.
- D. Lid and Plug. Dumpsters shall be required to have lids and are prohibited from connecting to sanitary sewer utilities or the stormwater system.
- E. Construction dumpsters for construction material and debris are permitted only for 30 days or with an active building permit and are exempt from screening requirements.

**230-30.14 Flagpoles.** In all districts, flagpoles shall be permitted as accessory structures subject to the following restrictions:

- A. Shall be setback from property lines a distance equal to the height of the flagpole or greater.
- B. Each lot or parcel shall be allowed a maximum of three flagpoles.
- C. Flagpoles shall be 20 feet in height or less in residentially zoned districts and 80 feet in height or less in non-residentially zoned districts.

**230.30.15 Drive-through Service Windows.** Drive-through service windows shall meet the standards for Section 240-80, Stacking Lanes for Drive Through Facilities or Service Windows, and the additional following items:

- A. Each drive-through service window is allowed one additional incidental sign adjacent to the drive-through window that shall not exceed 24 square feet in area.
- B. No outdoor speakers shall be employed within 100 feet of any residential use.

#### **230.30.16 Collection Bins.**

- A. Permit required; dates of issuance, expiration.
  1. It shall be unlawful to erect, place, maintain, or operate any collection bin in unincorporated Gwinnett County without first obtaining a permit issued by Gwinnett County.

2. A permit issued under this Section shall be valid for one year and renewable for one-year periods thereafter.
  3. Collection bins owned and/or operated by one person or entity for the benefit of permit applications for another person or entity require the contact information for both entities.
- B. Fee required. The Fee for the Initial Application and Renewal Applications shall be \$250.00. The Sticker Fee shall be \$25.00. These fees shall remain in effect unless otherwise modified by the Gwinnett County Department of Planning and Development's Fee Schedule.
- C. Qualifications of Permittee and Form of Application. In order to qualify as a Permittee under this Section, an applicant must either be (1) an organization exempt from taxes under 26 U.S.C. § 501(c)(3) of the United States Internal Revenue Code, and in good standing with the State of Georgia; (2) a business organization in good standing with the State of Georgia; or (3) a natural person. The application for a collection bin permit shall include the following information from the applicant:
1. If the applicant claims to be a qualified nonprofit organization; (1) a copy of the determination letter issued by the Internal Revenue Service stating that the applicant is an organization exempt from taxation under Internal Revenue Code, 26 U.S.C. § 501(c)(3); and (2) a certificate of good standing issued by the Office of the Georgia Secretary of State. If the applicant is a business organization not exempt from taxation, a certificate of good standing issued by the Office of the Georgia Secretary of State. A certificate of good standing must not be older than 3 months at the time of application for a permit.
  2. Name, address, and telephone number of the contact person of the applicant who will agree in writing to be available by telephone between the hours of 8 a.m. to 5 p.m., Monday through Friday, to receive and respond to complaints or other inquiries regarding the permitted collection bin.
  3. Name, address, and telephone number of a person who is authorized by the owner or operator of the collection bin to accept service of process and to accept citations issued by the County on behalf of the applicant for violations of this Section.
  4. Written and signed consent from the Site Host or the Lawful Occupant, if applicable, to place the collection bin on the property, including name, address, and telephone number of the Site Host or Lawful Occupant and the name, address, and telephone number of the person authorized by the Site Host or Lawful Occupant to accept service of process and to accept citations issued by the County on behalf of the Site Host or Lawful Occupant. A copy of the lease, rental agreement, or other instrument between the Site Host or Lawful Occupant and the Permittee shall be sufficient to satisfy this requirement provided that the lease, rental agreement, or instrument contains the name, address, and telephone number information required above.
  5. Permittee must provide proof to Gwinnett County of a Certificate of Liability Insurance of at least \$1 million covering the liability of the Permittee arising out of the placement and maintenance of a collection bin.
  6. Permittee must provide a closed boundary survey and a site plan drawn to scale which will indicate the zoning of the property, indicate if there are zoning or overlay conditions on the proposed Site, and show the location of any and all existing bins on the Site; show, and label the dimensions of the proposed bin; show the footprint of the principal building for the Site; show and label the front, rear, and side building setbacks on the Site; label concrete or asphalt surfaces; label landscape and planter areas; label and dimension all buffers (if applicable); show and identify adjacent public streets and rights-of-way; provide a dimension of the distance between the collection bin and the public right-of-way; and any other information deemed necessary by the Director.

7. In addition to the information listed in this Section, the application shall be made on the form provided by the Gwinnett County Department of Planning and Development.
  8. Applications which are not complete when submitted shall be returned to the applicant with a list of items that are missing from the application.
  9. A complete Collection Bin Permit Application meeting all of the requirements set forth in Subsections (C)(2), (C)(3), and (C)(6) of this section, which is submitted to the Gwinnett County Department of Planning and Development with the required application fee, shall be approved or denied within thirty (30) days of its receipt. Any complete application not approved or denied within 30 days shall be deemed to be approved.
- D. Proof of Permit. Gwinnett County shall provide the Permittee with one permit Sticker for each approved permit. The permit Sticker shall be placed in a conspicuous place on the front of the collection bin that is installed on the permitted property. Gwinnett County will provide replacement Stickers for (\$25.00) should the original Sticker become damaged, fall off, or disappear.
- E. Management, Maintenance; Requirements.
1. Permittee must maintain the aesthetic presentation of each collection bin including fresh paint, readable signage, and general upkeep.
  2. Permittee must provide the County and Site Host or Lawful Occupant a telephone number for requests to respond to collection bin maintenance complaints.
  3. Permittee must respond to complaints within 48 hours of receiving said complaint from the County by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday. This response may be via telephone and should include a time frame for resolving the complaint.
  4. Permittee must remove graffiti within 48 hours following receipt of notice of its existence by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
  5. If a collection bin becomes damaged or vandalized, it shall be repaired, replaced, or removed within five days of receipt of notice of such condition by telephone during regular business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday.
  6. Permittee shall clearly post on its collection bin that no items shall be left outside the collection bin and Permittee shall remove any materials, trash, or other debris placed outside the collection bin within 48 hours following receipt of notice of its existence by telephone during regular business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.
  7. Collection bins shall have a receiving door that can be closed so that only an authorized representative of the owner may access the items deposited in the collection bin.
- F. Location and Placement of Collection Bins.
1. On parcels of land which constitute ten (10) acres or less, there shall be no more than two collection bins per parcel of land.
  2. On parcels of land greater than ten (10) acres, the Director shall have the discretion to allow for one (1) additional collection bin per every two (2) additional acres of land, provided, however, that all bins are separated by at least 500 feet.
  3. Collection bins shall only be permitted as an accessory use on developed property which is zoned C-1, C-2, C-3, M-1, or M-2; or on the premises of a church or school, consistent with all applicable ordinances and policies, within any zoning district. Collection bins located on County-owned properties shall meet the requirements of subsection (C) 6.

4. Collection bins shall not be located on property if the principal structure is vacant.
  5. Collection bins shall not be placed in a right-of-way and shall be placed no closer to any adjacent right-of-way than 50 feet or the front or side building plane of the principal structure located on the site, whichever is greater.
  6. Collection bins shall be placed on the Site in a manner that does not impede vehicular or pedestrian traffic flow.
  7. Collection bins shall not be placed in designated parking spaces or reduce the number of parking spaces below the minimum number required by the Unified Development Ordinance, any other Gwinnett County Ordinance, or state law.
  8. Collection bins shall be placed on a concrete or asphalt surface.
  9. Collection bins shall not be placed within any landscape strip, landscaped parking lot island, any type of buffer, or within five feet (5') of a zoning buffer.
  10. Collection bins shall not be placed on sidewalks.
  11. Collection bins shall not be placed within the sight triangle, as defined in The Complete Illustrated Book of Development Definitions, Fourth Edition, and its subsequent revisions, of any intersection and shall not interfere with on-site traffic circulation.
  12. Collection bins located at public libraries shall meet the requirements of subsections a through k above.
- G. Information and Label Requirement for all Bins. Every collection bin shall display the following information in boldface letters at least two inches high located on the front of the collection bin and directly underneath the deposit door or on the deposit door:
1. The name, address, telephone number, and the Internet Web Address of the Permittee.
  2. Each bin shall meet the requirements set forth by the State of Georgia as found in Title 43, Chapter 17 of the Official Code of Georgia Annotated.
- H. Size, Appearance, and Screening of Bins.
1. Collection bins shall not cover a ground surface area in excess of five feet by five feet, nor be more than seven feet in total height.
  2. The exterior of collection bins shall be of neutral, or earth tone color schemes as found in the Architectural Design Standards, Color and Finish Chart found in the Appendix of the Gwinnett County Unified Development Ordinance. High-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited; however, the use of black color for lettering and accent use is not prohibited provided, however, the majority of the bin shall not be black in color.
  3. Collection bins shall be surrounded by a three-sided opaque enclosure not less than six feet in height, with an open side facing away from any public road. Collection bin enclosures shall have a finish consistent with the finish materials of the building facade and conform substantially with the Unified Development Ordinance Design Guidelines.
- I. Violations and Penalties.
1. In addition to any other penalties or remedies prescribed for ordinance violations pursuant to the Official Code of Georgia Annotated and this Unified Development Ordinance, Sections 120-60, 120-70, and 120-80, any person, corporation, company, or entity who places a collection bin on property prior to receiving a permit shall be subject to a penalty of \$300 for each violation.



2. In addition to any other penalties or remedies prescribed for ordinance violations pursuant to the Official Code of Georgia Annotated and this Unified Development Ordinance, Sections 120-60, 120-70, and 120-80, if a Permittee is found to have violated any provision of this Section, after notice and opportunity to cure the alleged violation, the Permittee shall be subject to a penalty of \$250.00 for each violation, including but not limited to the following violations:
  - a. Failure to adequately respond to maintenance request;
  - b. Failure to maintain collection bins as set forth in Section C(5) above;
  - c. Failure to adhere to collection bin placement and removal provisions; or as set forth in Section C(6) above;
  - d. Failure to adhere to all permit requirements.
3. If a Permittee is found to have violated the provisions of Section 230-130.4(C) and ignores mitigation on more than 3 occasions in a calendar year, the Permittee shall, in addition to all penalties set forth in this Section along with those allowed by the Official Code of Georgia Annotated, be deemed ineligible to place, use, or employ a collection bin, and apply for any renewal permits for collection bins, within the County for a period of one year, and the County may require removal of any or all of such Permittee's collection bins upon 30 days advance notice.
- J. Liability; protections. The Site Host or Lawful Occupant will be held harmless by the Permittee for the removal of an unauthorized collection bin or where removal is necessary to comply with zoning ordinances.

**230.30.17 Outdoor Seating.** Outdoor seating for restaurant service is permitted subject to the following requirements and restrictions:

- A. No outdoor seating associated with a sidewalk café shall be used for calculating seating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment nor shall the additional seats be used to claim any exemption from any other requirement of any county or state code or ordinance.
- B. The perimeter of the outdoor seating area shall be delineated using non-permanent fixtures such as railings, planters, decorative chains, or other similar decorative fixtures.
- C. Tables, chairs, umbrellas, canopies, awnings, and other similar fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
- D. Design, materials, and colors shall be compatible with the abutting building for all locations, and any applicable design guidelines.
- E. Outdoor seating abutting a public sidewalk shall be subject to the following additional development standards:
  1. A minimum of one unobstructed pedestrian path of at least six feet wide shall be maintained parallel along the sidewalk connecting to any abutting businesses.
  2. A minimum of one unobstructed pedestrian path of at least six feet wide shall be maintained to connect the building entrances to the sidewalk or curb line of the abutting street.

## **Section 230-40. Application of Dimensional Standards.**

**230-40.1** Proposed structures exceeding the height limitations established by the zoning districts contained within this UDO, and which have not been granted approval by the Board of Commissioners through a concurrent

variance, shall be subject to a variance by the Zoning Board of Appeals. The height limitations of this Section shall not apply to:

- A. Cupolas, weathervanes, chimneys, parapets and similar architectural features, or satellite dishes or other necessary mechanical rooftop appurtenances, which extend 12 feet, or less, above the allowable building height.
- B. Steeples, domes, belfries, or ornamental towers which are 100 feet in height, or less.
- C. Barns, silos, and similar agricultural structures which are 35 feet in height, or less within the RA-200 zoning district.
- D. Water towers, smokestacks, conveyors, derricks, and similar industrial structures which are 75 feet in height, or less.
- E. These exclusions shall not apply in the vicinity of airports where Federal Aviation Administration runway protection zone standards shall apply.

#### **230-40.2 Minimum Lot Size.**

- A. Lots shall meet the minimum lot size and minimum lot width established by each zoning district within this UDO. In addition, no lot served by a septic tank shall have a lesser area than that approved by the Environmental Health Section for safe drinking water and septic tank operation.
- B. For a lot fronting on a cul-de-sac, lot width shall be measured along a straight line tangent and perpendicular to the midpoint of the minimum required curved front setback line.

**230-40.3 Reduction in Lot Dimensions.** No lot shall be reduced in size so that the minimum lot size established by each zoning district within this UDO is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose or for unbuildable lots such as those used exclusively for subdivision identification signage, entrance or landscape features, common areas, mail kiosks, or stormwater facilities.

**230-40.4 Substandard Lots of Record.** Any lot of record existing at the time of the adoption or amendment of the UDO, that has an area or width that is less than is required by the UDO, may be used, subject to the following exceptions and modifications.

- A. **Adjoining Lots.** When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of the UDO and such lots, individually, have an area or width that is less than is required by the UDO, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located and are required to be combined.
- B. **Individual Lot Not Meeting Minimum Lot Size Requirements.** Except as set forth below in 230-20.5.A, in any Zoning District in which one-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of the UDO which has an area, width or depth less than that required by the UDO may be used as a building site for a one-family dwelling.
  - 1. In any case of such a lot, when it is not possible to provide the required side setbacks and at the same time build a minimum width one-family dwelling, an administrative variance may be granted reducing the side setback requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side setbacks be less than 5 feet in width.

#### **230-40.5 Contextual Front Yard Setback Requirements for Single-Family Residential Lots.**

- A. The front setback requirements of the UDO shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or partially within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front setback depth.

- B. If the average depth of the front yards is greater than the required front setback, the minimum front setback for such lot shall be within the range of depths of the front yards of the above referenced buildings.
- C. If the average depth of the front yards is less than the required minimum front setback depth, the depth of the front setback of such lot shall be within the range of depths of the front yards of the above referenced buildings.
- D. These provisions shall not apply to properties located within the RA-200 zoning district.

**230-40.6 County Approvals that are Required.** All County approvals that are required for the use of the land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted with a request for a development permit, building permit, or a certificate of occupancy.

**230-40.7 Temporary Buildings.** A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period upon issuance of a building permit for the temporary building(s).

**230.40.8 Industrialized Buildings.**

- A. After the effective date of this UDO, all newly installed industrialized buildings in Gwinnett County are subject to the requirements of this UDO, the State of Georgia Industrialized Buildings Act O.C.G.A. Title 8, Chapter 2, Article 2, Part 1 and "Rules of the Commissioner of Community Affairs, 110-2 Industrialized Buildings".
- B. Industrialized buildings shall conform to all requirements of the UDO and other applicable codes of Gwinnett County and the State of Georgia. The installation of an industrialized building shall require zoning certification and a building permit. Industrialized buildings shall conform to the Gwinnett County Architectural Design Guidelines that are otherwise applicable to such buildings or uses in accordance with this UDO.
- C. Prior to approval of a building permit, the installer shall provide to the Department of Planning and Development a site plan and a set of building design plans to show compliance of each industrialized building unit with this UDO. Evidence of approval by the Georgia Department of Community Affairs shall also be provided.
- D. Transportation of industrialized buildings or components on the streets and highways of Gwinnett County shall be in accordance with applicable requirements of the Georgia State Highway Patrol.
- E. Prior to relocation of an existing building that was constructed in an industrialized fashion but does not bear the insignia of approval of the Commissioner of the Department of Community Affairs required for new industrialized buildings, the owner of such building shall apply for and receive certification of the Department of Community Affairs as provided in Section 110-2-11 of the Rules of the Commissioner of the Department of Community Affairs.

**Section 230-50. Minimum Space between Dwelling Units.**

The minimum distance between dwelling units shall be 10 feet measured at the closest points between the two structures, excluding building projections such as cornices, eaves, steps, handrails, gutters, and downspouts, except where a greater distance is required by the Gwinnett County Construction Code.

**Section 230-60. Permitted Encroachments upon Required Setbacks.**

**230-60.1** Cornices, eaves, chimneys, landings, porches, bay windows, or other similar architectural features may extend into the required front, side, and rear setbacks provided such extensions do not exceed 3 feet. Unenclosed Decks, porches, steps, and landings may extend into the minimum required side or rear setback, but

no closer than 5 feet from any property line. Unenclosed decks, porches, steps, and landings may extend into the minimum required front yard setback provided that such extensions do not exceed 10 feet and are located at least 5 feet from the front property line.

**230-60.2** Canopies, covered entrances or walkways for non-single-family residential uses may extend into the required side or rear setbacks provided such extensions do not exceed 3 feet. Such features may extend into the front setback provided such extensions are no closer than 15 feet from the front property line.

**230-60.3** Canopies over fuel pump islands or over pedestrian walkways may extend into any yard provided such extensions are at least 5 feet from any property line.

## **Section 230-70. Street Access**

**230-70.1** No buildable lot shall be created that does not have access to either a public street, a publicly approved street, publicly maintained street, or private street.

## **Section 230-80. Fences and Retaining Walls.**

**230-80.1 Height of Fencing** Except as provided in Section 230-80.2, no fence shall exceed 4 feet in height within a required front yard setback or 8 feet in height in any other location. .

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

- A. A fence that encloses an approved stormwater management facility may be a maximum of 6 feet in height.
- B. A fence or wall enclosing a sports court may be a maximum of 12 feet in height within a required rear or side yard setback.
- C. The Board of Commissioners may condition the approval of a rezoning or special use permit to require that walls or fences of a height in excess of these regulations shall be placed in any yard where such walls or fence is necessary to provide screening.
- D. Through lots may have a fence up to 6 feet in height along the property line without driveway access.
- E. Subdivision entrance features may be a maximum of 10 feet in height.

### **230-80.3 Fence Design Standards.**

- A. Any fence which extends into the required front yard on property less than 3 acres in area shall be constructed of brick, stone, wood, wrought iron, or split rail.
- B. No wall or fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard. Woven wire or metal fabric fences may extend into a front yard when property contains a minimum of 3 acres and is used for agricultural purposes.
- C. Electric and barbed wire fences shall be prohibited except on lots which meet or exceed the minimum requirements for raising and keeping of livestock (3 acres) or industrially zoned properties.
- D. Exposed concrete blocks, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items shall be prohibited as fence material.
- E. Posts shall be anchored in concrete and for privacy fencing shall face inward to the subject property.
- F. Temporary chain link security fences up to 8 ft. in height may be erected to surround a non-single-family residential property up to 30 days prior and 30 days following completion of demolition, rehabilitation, or new construction.

**230-80.4 Height of Retaining Walls.** No retaining wall shall exceed 4 feet in height within 10 feet of a front property line.

**230-80.5 Retaining Wall Design Standards.**

- A. Walls visible from an adjoining property shall be tiered so that no single tier is taller than 20 feet.
- B. Retaining walls visible from the public right-of-way shall be constructed of decorative concrete modular block or shall be faced with stone, brick, or textured cement masonry.

**Section 230-90. Protection of Existing Cemeteries.**

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

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

**Section 230-100. Standards for Zoning Buffers.**

**230-100.1 Zoning Buffer Requirements.**

- A. All property zoned for non-residential use shall provide and maintain a zoning buffer along any rear and side property lines abutting a residential zoning district.
- B. All zoning buffers shall meet the planting and maintenance standards for permanent buffers as outlined in Title 3 of this UDO.
- C. Buffers shall meet the minimum width requirements for dissimilar districts as shown in Table 230.1 "Table of Minimum Buffer Requirements" as provided in this Section or as required by a condition of zoning, special use permit, or variance approval. Where conflicts exist between the standards of this section and a condition of approval, the stricter requirement shall apply.

Table 230.2. Table of Minimum Buffer Requirements

| Zoning District of New Development              | Adjacent Zoning District                        |        |        |                                       |        |                        |                         |      |                         |
|---|---|--------|--------|---------------------------------------|--------|------------------------|-------------------------|------|-------------------------|
|   | Single-Family Detached Residential <sup>1</sup> | R-TH   | R-IF   | Multi-Family Residential <sup>2</sup> | TND    | Mixed-Use <sup>3</sup> | Commercial <sup>4</sup> | O-I  | Industrial <sup>5</sup> |
| Single-Family Detached Residential <sup>1</sup> | None  | None   | None   | None                                  | None   | None                   | None                    | None | None                    |
| R-IF  | None  | None   | None   | None                                  | None   | None                   | None                    | None | None                    |
| R-TH  | 35 ft.  | None   | None   | None                                  | None   | None                   | None                    | None | None                    |
| Multi-Family Residential <sup>2</sup>           | 50 ft.  | 30 ft. | 10 ft. | None                                  | 10 ft. | None                   | None                    | None | None                    |

|                              |         |         |        |        |        |        |        |        |      |
|------------------------------|---------|---------|--------|--------|--------|--------|--------|--------|------|
| <b>TND</b>                   | 40 ft.  | None    | None   | None   | None   | None   | None   | None   | None |
| <b>Mixed-Use<sup>3</sup></b> | 75 ft.  | 30 ft.  | None   | None   | 10 ft. | None   | None   | None   | None |
| <b>C-1</b>                   | 50 ft.  | 20 ft.  | 10 ft. | 10 ft. | 30 ft. | 10 ft. | None   | None   | None |
| <b>C-2</b>                   | 75 ft.  | 30 ft.  | 20 ft. | 20 ft. | 40 ft. | 20 ft. | None   | None   | None |
| <b>C-3</b>                   | 85 ft.  | 40 ft.  | 30 ft. | 30 ft. | 50 ft. | 30 ft. | None   | None   | None |
| <b>O-I</b>                   | 50 ft.  | 20 ft.  | 10 ft. | 10 ft. | 30 ft. | 10 ft. | None   | None   | None |
| <b>M-1</b>                   | 50 ft.  | 50 ft.  | 50 ft. | 50 ft. | 50 ft. | 50 ft. | 30 ft. | 30 ft. | None |
| <b>M-2</b>                   | 100 ft. | 100 ft. | 50 ft. | 50 ft. | 50 ft. | 50 ft. | 30 ft. | 30 ft. | None |

<sup>1</sup> RA-200, R-LL, R-100, R-75, R-60, R-SR, & OSC (Inactive Districts: CSO, R-140, RL, R-ZT)

<sup>2</sup> LRR, MRR, & HRR (Inactive Districts: MH, MHS, RM, RMD, RM-6, RM-8, RM-10, RM-13, RM-24)

<sup>3</sup> MU-N, MU-C, & MU-R (Inactive Districts: MUO, MUD)

<sup>4</sup> C-1, C-2, & C-3 (Inactive Districts: O-R, HS, NS, OBP)

<sup>5</sup> M-1 & M-2

## Section 230-110. Architectural Design Standards

**230-110.1 Purpose.** The purpose of these Architectural Design Standards is to enhance the viability and livability of Gwinnett County and encourage pleasing aesthetic design quality in architecture. The Architectural Design Standards promote high quality and aesthetically attractive development and construction in Gwinnett County and establish the basic requirements for architectural and associated landscape components.

**230-110.2 Applicability.** The Gwinnett County Architectural Design Standards shall apply to all buildings and structures constructed in unincorporated Gwinnett County. Wherever the provisions and/or conditions of a zoning case and the requirements of these standards impose a more restrictive, greater, or higher standards, the requirements of the strictest requirement shall prevail.

**230-110.3 Architectural Design Review.** Buildings and structures not requiring a Detailed Architectural Design Review, as indicated below, shall adhere to the following:

- A. Building elevations shall be included in the construction plans submitted for a building permit and shall include a finish legend that specifies each product style name and color for all exterior materials and finishes.
- B. Alternate building designs may be granted upon review by the Director of the Department of Planning and Development. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain design compatibility with surrounding buildings and community features. The Director may authorize a review of an Alternative Architectural Review by the Planning Commission. Such Alternative Architectural Reviews shall be submitted on forms provided by and as directed by the Department of Planning and Development.

**230.110.4 Special Architectural Design Areas.** Certain buildings and structures shall adhere to special review and design requirements.

- A. Buildings and structures within the following areas, or meeting the following thresholds, shall be subject to the following additional review procedures and additional design standards throughout this Section of the UDO:
  1. Those located in an Activity Center/Corridor Overlay Zoning Districts
  2. Those located in a Mixed-Use Zoning Districts
  3. Those located in a Multifamily Residential Zoning Districts

4. Any new building or structure exceeding 100,000 square feet of gross floor area, regardless of location

B. Additional review procedures include:

1. Color elevations of all sides of each building shall be included in the construction plans submitted for a building permit and shall include a finish legend that specifies each product manufacturer, product style name and color for all exterior materials and finishes.
2. An architectural design guide illustrating building and site accessory design elements and features shall also be submitted with the construction plans.

C. Alternate building designs may be granted upon review by the Director of the Department of Planning and Development. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain design compatibility with surrounding buildings and community features. The Director may authorize a review of an Alternative Architectural Review by the Planning Commission. Such Alternative Architectural Review shall be submitted on forms and as directed by the Department of Planning and Development.

**230.110.5 Building Design for Parcels with Zoning Conditions.** Building designs required by zoning conditions as specified by the Board of Commissioners shall be subject to review and approval of the Director of Planning and Development, or his/her designee, prior to the issuance of a building permit.

- A. Whereas a parcel that is subject to zoning conditions and the Architectural Design Standards of this section, the most stringent design condition/standard of each regulation shall apply to the building design.
- B. The director may approve a modification request, pertaining to the designated parcel zoning conditions, to allow alternate façade design and materials provided the building design modification proposes composition and façade finish materials of a quality which exceeds the parcel zoning conditions requirements. Any design modification request pertaining to parcel zoning conditions denied by the Director shall be submitted by application to obtain a Change in Conditions by the Board of Commissioners.

**230.110.6 Architectural Design Standards for Commercial and Non-residential Buildings**

**A. Design Composition**

1. Existing industrial or warehouse buildings constructed prior to the adoption of these standards are exempt.
2. Building designs shall incorporate façade treatments with a composition of materials, textures, and window and door patterns and colors. Building designs shall integrate at least one material change and color variation averaged over each façade. Buildings with facades longer than one hundred (100) feet shall have an articulated façade that incorporates at least one significant modulation that includes a plan offset and/or color and texture change.
3. The appearance and materials of the rear and side walls shall be similar to and compatible with the front of the building. Generally, the primary exterior material(s) incorporated on the front of the building shall be incorporated on all sides.
4. Building designs shall incorporate a composition of façade features. Features include, but are not limited to, columns, storefront, windows, piers, pilasters, changing rooflines, plan offsets, cornice,

- tower elements, architectural patterns and texture, cupolas, and dormers.
5. Building designs with greater than four (4) stories shall incorporate at least one significant color change, material change, or architectural feature on either the lower story or upper story.
  6. Building facade elevation colors shall be neutral, earth tone, and natural finish.
  7. The use of business identity colors may be allowed as part of an entrance feature subject to review by the Director.
  8. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screens shall be a material consistent with the adjacent building or permanent vegetative landscaping.
  9. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
  10. Electrical and gas meters on buildings shall be painted to blend with the surrounding wall.
  11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment with building materials that complement the building facade.
  12. PTAC wall units on buildings located in Special Architectural Design Areas shall incorporate ornamental louvers or screens.
  13. Modular buildings with permanent foundation connection shall have an exterior façade of fiber cement panels which resembles horizontal siding or textured stucco finish. Metal façade panels are prohibited.
  14. Portable buildings shall be prohibited.

#### **B. Design Materials**

1. Building façade finishes shall be permanent durable materials.
2. Smooth face concrete masonry units are prohibited.
3. Textured face concrete masonry shall not exceed 25% of the non-fenestration surface area of any building facade.
4. Architectural smooth and industrial ribbed metal panels may be allowed subject to review by the Director.
5. Low temperature refrigeration buildings may have insulated metal panels subject to review by the Director.
6. Buildings in zoning districts that allow industrial classified buildings with industrial factory occupancies may have precast concrete or tilt-up concrete panels with textured coating finish.
7. Concrete panels shall have a design pattern of architectural reveals and/or insets.
8. The building facades shall incorporate a minimum of two colors.
9. Vinyl siding is prohibited.
10. Exposed plywood/OSB/pressed wood sheathing is prohibited.
11. Exterior burglar bars and steel roll-down curtains are prohibited.
12. Exposed neon, LED or other types of exposed bulb accent lighting shall be prohibited. Light emitting graphic features or signage located on interior walls or bulkheads shall be located a minimum of eight (8) feet behind the exterior glass façade.
13. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.
14. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
15. Equipment screens for roof mounted units and appliances shall be a finish and color consistent



- with the finish materials of the building facades. Screening shall not resemble mechanical louvers.
16. Under “glow” lighting of fabric, vinyl, or translucent material awnings is prohibited.

### **230.110.7 Architectural Design Standards for Multifamily Residential Buildings**

#### **A. Design Composition**

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, windows, doors, balconies, pilasters, changing rooflines, plan offsets, cornice, porch entrances, tower elements, architectural patterns and texture, cupolas, and dormers. The maximum wall length without façade features shall not exceed thirty (30) feet.
2. Building design shall incorporate a minimum two (2) foot plan offset and/or a color change every one hundred (100) feet.
3. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade.
4. The appearance and materials of the rear and side walls shall be similar to and compatible with the front of the building. Generally, the primary exterior material(s) incorporated on the front of the building shall be incorporated on all sides.
5. Building designs with greater than four stories shall incorporate at least one significant color change, material change, or architectural feature on either the lower story or upper story.
6. Building façade elevation colors shall be neutral, earth tone, and natural finish.
7. Buildings located in Special Architectural Design Areas shall incorporate ornamental louvers or screens on PTAC wall units.
8. Exterior burglar bars and steel roll-down curtains are prohibited.
9. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screening shall not resemble mechanical louvers.
10. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment. Screening shall not resemble mechanical louvers.
11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment. Screening shall not resemble mechanical louvers.

#### **B. Design Materials**

1. Building walls shall incorporate brick, cast stone, and/or stone for at least 30% of the non-fenestration façade area in the first and second story. Exposed basement walls shall be considered as part of the first story.
2. Smooth face concrete masonry units are prohibited.
3. Exposed plywood/OSB/pressed wood sheathing is prohibited.
4. Architectural smooth and industrial ribbed metal panels may be allowed subject to review by the Director.
5. Exposed neon, LED or other types of exposed bulb accent lighting shall be prohibited, unless otherwise authorized by this UDO.
6. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.

7. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
8. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.

#### **230.110.8 Architectural Design Standards for Attached Residential Buildings**

##### **A. Design Composition**

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, architectural windows, balconies, pilasters, changing rooflines, cornice, ornamental roof brackets, porch entrances, tower elements, material patterns, cupolas, and dormers.
2. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade.
3. Setbacks and/or roof lines shall be varied so that no more than three (3) adjoining dwelling units within a single building shall have the same front setback or roof line.
4. Allowed building elevation colors shall be neutral, earth tone, and natural finish.
5. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
6. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
7. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment.

##### **B. Design Materials**

1. Front building walls shall incorporate brick, cast stone, and/or stone for at least 50% of the non-fenestration facade area.
2. Concrete masonry units and metal wall panels are prohibited.
3. Industrial metal siding is prohibited.
4. Exposed plywood/OSB/pressed wood sheathing is prohibited.
5. Exposed neon, LED or other types of exposed bulb accent lighting is prohibited.
6. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade or provide vegetative landscape screening immediately around the units. Screening shall not resemble mechanical louvers.
7. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
8. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.

#### **230.110.9 Architectural Design Standards for Detached Residential Buildings**

##### **A. Design Composition**

1. Building designs shall incorporate a composition of features. Features include, but are not limited

to, columns, architectural windows, balconies, pilasters, changing rooflines, cornice, ornamental roof brackets, porch entrances, tower elements, material patterns, cupolas, and dormers.

2. Building designs shall incorporate neutral, earth tone, and natural finish colors.

#### **B. Design Materials**

1. Concrete masonry units, metal wall panels and metal siding are prohibited.

### **230.110.10 Architectural Design Standards for Parking Decks and Structures**

#### **A. Design Composition**

1. Building designs shall incorporate a composition of features. Features include, but are not limited to, columns, pilasters, tower elements, ornamental grilles, ornamental wall screens, plan offsets, and architectural material patterns.
2. Building designs shall incorporate a composition of colors and materials. Building designs shall integrate at least one material change and color variation averaged over each façade. Buildings with facades longer than one hundred (100) feet shall have an articulated façade that incorporates at least one significant modulation that includes a plan offset, color change, and/or texture change.
3. Parking decks and structures in Special Architectural Design Areas must maintain architectural compatibility with the adjacent principal building(s).
4. Exterior facades shall incorporate ornamental or solid guardrail designs.
5. Building façade elevation colors shall be neutral, earth tone, and natural finish.
6. Accent colors for unique façade design features may be allowed subject to the review of the Director.
7. Facades facing public streets or private driveways shall incorporate landscape areas immediately in front of the parking structure.
8. Openings for ventilation, service, or emergency access located in the façade of the first level must be decorative and shall be designed as an integral feature of the overall façade design.
9. Ground mounted electrical, mechanical, and like utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
10. Wall mounted electrical, mechanical, utility meters, and other utility equipment shall be screened. Screening height shall be equal to the height of the equipment.
11. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment.

#### **B. Design Materials**

1. The front, sides, and rear facades of parking decks and structures shall have a primary composition of brick, stone, architectural pre-cast concrete, and/or formed concrete with textured finish that relates and is compatible to the finishes of the adjacent primary building.
2. Back lit translucent wall panels shall be prohibited.
3. Equipment screens for ground mounted units shall have a finish that is consistent with the finish materials of the building façade, or provide vegetative landscape screening immediately around the units.
4. Equipment screens for wall mounted units shall have finish that is consistent with the finish materials of the building façade, or vegetative landscape screening shall be provided

- immediately in front of the equipment units. Screening shall not resemble mechanical louvers.
- 5. Equipment screens for roof mounted units and appliances shall be a material consistent with the finish materials of the building facades. Screening shall not resemble mechanical louvers.
- 6. Under “glow” lighting of fabric, vinyl, or translucent material awnings shall be prohibited. Screening shall not resemble mechanical louvers.

#### **230.110.11 Architectural Design Standards for Commercial and Non-residential Canopy Structures**

##### **A. Design Composition**

- 1. Canopy designs shall incorporate neutral, earth tone, and/or natural finish colors that matches the adjacent primary building.
- 2. Canopy design may include one six-inch height horizontal feature featuring a business color.
- 3. Other business identity color features and graphics may be allowed as signage.
- 4. All under canopy lighting for gas/service islands must be fully recessed fixtures.

##### **B. Design Materials**

- 1. Columns shall have full height brick, stone, stucco, and/or architectural wood case with a finish that complements the finish of the primary adjacent building. Columns shall be a minimum of 12 inches by 12 inches plan size.
- 2. Exposed rough timber columns may be allowed subject to review by the Director.
- 3. The vertical fascia panels shall be an opaque material. Backlit translucent panels shall be prohibited. The color of the vertical façade panels shall match the main color of the adjacent primary building.

**230.110.12 Architectural Design Standards for Commercial, Non-residential, and Multifamily Miscellaneous Site Structures** (Miscellaneous site structures include but are not limited to trash enclosures, shopping cart corrals, and vending/self-service machines. Refer to Section 5.0.0. for color and finish standards.)

##### **A. Design Standards for Commercial, Non-residential, and Multifamily Miscellaneous Site Structures**

- 1. Dumpsters shall be screened from view on all sides with an opaque wall and gate. Dumpster enclosures screen walls shall have a finish consistent with the finish materials of the building façade. Screen walls shall be a minimum of six (6) feet in height and shall be at least equal in height to the height of the dumpster.
- 2. Trash receptacles shall be screened from view on all sides with an opaque wall or decorative fence. Trash enclosures shall have a finish consistent with the finish materials of the building façade. The screen wall or fence shall be at least equal in height to the height of the trash receptacles.
- 3. Shopping cart corrals, located in parking lots, shall have decorative side rails and posts with at least 50 percent infill screen. Shopping cart corrals located directly at the facade of the building shall be screened with an opaque decorative masonry wall at least equal in height to the height of the carts.
- 4. Vending/self-service machines shall not be located directly in front of glass/window storefront areas. The vending machines shall not exceed the ratio of one vending machine per 25 linear feet of tenant store frontage.

**230.110.13 Architectural Design Standards Color and Finish Chart****A. Definition of Colors and Materials**

1. Neutral – Colors that have a low (less than 50%) color value and low (less than 50%) color saturation intensity.
2. Color value (also known as lightness or luminosity) is the measure of the relative lightness or darkness of a color.
3. Color saturation is the measure of the intensity of a color.
4. Earth Tone – Colors that draw from a color palette of browns, tans, warm grays, greens, oranges, whites, and some reds, and some blues. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.
5. Natural Finish – Colors and patterns that naturally occur in wood grain textures or stone without a tinted finish.

Table 230.3.Color and Finish Chart

The following chart represents, but is not limited to, typical and common building finishes.

|                             |   |
|-----------------------------|---|
| Brick                       | Natural clay colors or paint finish earth tone and neutral colors.  |
| Stone                       | Natural finish colors.  |
| Stucco/EIFS                 | Earth tone and neutral colors.  |
| Tilt-up Concrete            | Earth tone and neutral colors of textured coating finish.   |
| Pre-cast Concrete           | Concrete with earth tone and/or neutral color coating or architectural concrete with exposed aggregate finish.  |
| Metal Panels                | Earth tone and neutral colors. Metal panels with simulated natural finish may be allowed subject to review by the Director.   |
| Ceramic Accent Tile         | Earth tone and neutral colors. Tile with simulated natural finish may be allowed subject to review by the Director.   |
| Standing Seam Metal Roof    | Colors shall be earth tone, neutral, dark green, silver, black, dark metallic bronze, or beige, and/or aged copper.   |
| Standing Seam Metal Awnings | Colors shall be earth tone, neutral, dark green, silver, black, dark metallic bronze, or beige, and/or aged copper.   |
| Fabric Awnings              | Colors shall be earth tone, neutral, dark green, and/or black. Alternative colors may be utilized provided that the awnings and other alternative color features do not exceed 10 percent of any single façade surface area. Graphic stripes or non-object graphics may be allowed subject to the review of the Director. |

|  |   |
|--|---|
| Canopy Fascia Panels                         | Earth tone and neutral colors – colors shall be consistent with features/colors of the primary adjacent building.         |
| Slate or Stone Shingles                      | Natural stone finish color.   |
| Architectural Roof Tiles                     | Natural terra cotta or slate color.   |
| Dimensional Shingles                         | Shingles with slate or natural stone color appearance.  |
| Wood Shakes                                  | Natural Finish.   |
| Wood Siding & Fiber Cement Siding and Panels | Earth tone, neutral, and natural finish colors for the main field and accents.  |
| High Pressure Laminate (HPL)                 | Earth tone and neutral colors. HPL panels with simulated natural finish may be allowed subject to review by the Director. |

## Chapter 240. Off-Street Parking Standards

**Section 240-10. General Requirements.****240-10.1 Purpose and Intent.**

- A. To ensure that the development and redevelopment of property provides safe and adequate parking for automobiles and bicycles for the convenience and safety of all residents, employees, visitors, and shoppers, including persons with disabilities.
- B. To provide design standards for parking facilities and driveways that minimize harm to motorists and private property, provide adequate emergency vehicle access, and to protect the safety and capacity of public streets.
- C. To ensure that the number of off-street parking spaces does not impact adjacent residential areas from encroachment of commercial parking into neighborhood streets.
- D. To minimize the impacts of stormwater runoff from off-street parking facilities due to erosion and pollution of water bodies.

**240-10.2 Applicability.** Vehicle parking shall be in accordance with this Chapter of the UDO.

**240-10.3 Parking surfaces.**

- A. In any non-residential district, the parking of any vehicle on other than a paved surface (or other system approved by the Director) is prohibited.
- B. In a residential district, the parking of any motor vehicle except on a hard-surfaced driveway or in carport or garage with hard-surfaced flooring is prohibited. Any recreational vehicle or non-motor vehicle may only be parked in a carport, enclosed structure, or in the side or rear yard on a paved surface or approved porous or grassed paving system. Any vehicles parked in the side or rear yard not in a carport or an enclosed structure must be parked at least 15 feet from the property line. Vehicles or equipment used for agricultural purposes on residential property with 5 or more acres are exempt from hard surface requirements if parked outside the required front setback.
- C. Maximum allowable paved parking or hard surface area in the front yard of single-family residential development (excluding walkways and required sidewalks):
  - 1. Single-family attached development - not more than 75 percent. Driveways for adjoining units shall be separated by at least a 4-foot-wide grassed strip, unless the units have shared driveways.
  - 2. Single-family detached development - not more than 35 percent.

**240-10.4 Application for Additions, Renovations, and Change in Use.**

- A. Additional parking and loading space is required for each addition or renovation to a building or use which results in a gross floor area increase of 500 feet or more. Residential uses are exempt from this provision provided that the addition or renovation does not increase the number of families.
- B. Whenever a change in use occurs for all or a portion of a building, off-street parking must be provided to accommodate the new use.

**240-10.5 Prohibited Uses.** No parking areas may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless permitted by the zoning district in which the area is located.

**Section 240-20. Parking Space Requirements.**

**240-20.1 Minimum Parking Space Requirements.** The minimum number of parking spaces shall be determined based on the spaces required for principal uses from the Table of Minimum Parking Requirements, unless the development qualifies for a reduction in minimum parking requirements as provided in Section 240-30 or is located within a zoning district that does not require minimum parking. Where parking requirements for any use are not specifically defined in the Table of Minimum Parking Requirements, such requirements shall be determined by the Director based upon the most comparable use specified herein, and other available data.

**240-20.2 Maximum Parking Requirements.** Maximum parking requirements are established in order to promote efficient use of land, enhance urban form, encourage alternate modes of transportation, provide for better pedestrian movement, reduce the amount of impervious surface and protect air and water quality.

**240-20.3 Required area for each parking space.**

- A. Each automobile space shall be 9 feet wide and 18 feet deep for perpendicular spaces. Angled parking spaces shall be a minimum of 9 feet wide and 20 feet deep. Parallel parking spaces shall be a minimum of 9 feet wide and 22 feet in length. All spaces are measured from face-of-curb.
- B. Alternative surfaces used for parking and approved by the Director which do not require curb and gutter, shall be 9.5 feet wide and 18.5 feet deep as measured from the terminating edge.
- C. Up to 15 percent of the overall parking spaces for non-single-family residential development may be in the form of compact spaces. Compact parking spaces shall be 8.5 feet in width and 16.5 feet in depth as measured from the face-of-curb and shall be clearly marked as compact spaces.
- D. If off-street parking is provided wholly within a parking structure, there shall be no maximum number of parking spaces.

**TABLE 240.1: Minimum and Maximum Parking Requirements.**

| Use/Development   | Minimum   | Maximum   |
|---|---|---|
| Category  | Parking Spaces                                      | Parking Spaces                                      |
| Adult establishments  | 1 per 400 sq. ft.                                   | 1 per 25 sq. ft.                                    |
| Automobile or truck rental                                    | 1 per 400 sq. ft.                                   | 1 per 200 sq. ft.                                   |
|   | No min. for inventory                               | No max. for inventory                               |
| Automobile sales; used car or new car dealership              | 1 per 500 sq. ft.                                   | 1 per 200 sq. ft.                                   |
|   | No min. for inventory                               | No max. for inventory                               |
| Automobile service center, tire store or lubrication facility | 1 per 300 sq. ft.                                   | 1 per 200 sq. ft.                                   |
| Bank, Credit Union  | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                   |
| Billiard or Pool Hall   | 1 per 500 sq. ft.                                   | 1 per 200 sq. ft.                                   |
| Bowling Alley   | 1 per 500 sq. ft. or                                | 1 per 200 sq. ft. or                                |
|   | 2 per bowling lane                                  | 4 per bowling lane                                  |
| Call Center (Office)/Data Center                              | 1 per 500 sq. ft.                                   | 1 per 200 sq. ft.                                   |
| Car wash, full service (including vacuum parking spaces)      | 1 per 500 sq. ft., plus 4 stacking spaces per line  | 1 per 300 sq. ft., plus 10 stacking spaces per line |
| Car wash, self service  | 1 within each wash bay                              | 2 per wash bay                                      |
| Place of Worship*   | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building       |
| Community Garden  | No min.   | 5 spaces  |



|   |   |  |
|---|---|--|
| Convenience store, gasoline stations                                | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Daycare center  | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Equestrian Facility   | 1 per 10 stables                                    | 1 per 2 stables                                  |
| Equipment rental  | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Funeral home  | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Golf course   | 15 per 9 holes                                      | 25 per 9 holes                                   |
| Golf driving range  | 1 per tee box                                       | 1.5 per tee box                                  |
| Health Club, freestanding   | 1 per 500 sq. ft.                                   | 1 per 200 sq. ft.                                |
| Hospital, nursing home, or personal care home                       | 1 per 4 beds  | 1 per 2 beds                                     |
| Hotel/motel   | 0.5 per unit  | 1.5 per unit                                     |
| Industrial/manufacturing  | 1 per 3,000 sq. ft.                                 | 1 per 1,500 sq. ft.                              |
| Kennel  | 2 spaces  | 20 spaces  |
| Laboratory/scientific research center                               | 1 per 2,000 sq. ft.                                 | 1 per 500 sq. ft.                                |
| Lodges and clubs  | 1 per 300 sq. ft.                                   | 1 per 200 sq. ft.                                |
| Mini-warehouses   | 2 for office, plus 1 per 6,000 sq. ft.              | 2 for office, plus 1 per 3,000 sq. ft.           |
| Office; business or professional                                    | 1 per 500 sq. ft.                                   | 1 per 250 sq. ft.                                |
| Office, medical   | 1 per 500 sq. ft.                                   | 1 per 250 sq. ft.                                |
| Plant nursery   | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Private club/Country club   | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
|   | Golf course additional                              | Golf course additional                           |
| Public assembly   | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building    |
| Public assembly   |   |  |
| Recreation Area, subdivision  | 1 per 20 homes                                      | 1 per 10 homes                                   |
| Recreation, indoor  | 1 per 500 sq. ft.                                   | 1 per 200 sq. ft.                                |
| Recreation, outdoor (miniature golf)                                | 10 spaces   | 20 spaces  |
| Recreation, outdoor (water park, amusement park, etc.)              | 1 space per 4,000 sq. ft. of the gross site area    | 1 space per 2,000 sq. ft. of the gross site area |
| Residences (one and two family dwellings on individual lots)        | 2 per dwelling                                      | 4 per dwelling                                   |
| Residences (townhomes)  | 2 per dwelling                                      | 3 per dwelling                                   |
| Residences (multifamily)  | 1.5 per dwelling                                    | 2.5 per dwelling                                 |
| Residences (multifamily age restricted)                             | 1 per dwelling                                      | 2 per dwelling                                   |
| Restaurant, freestanding  | 1 per 200 sq. ft.                                   | 1 per 100 sq. ft.                                |
| Retail use, shopping center, or regional shopping mall              | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                                |
| Rooming/boarding house  | 1 per beds  | 1 per 3 beds                                     |
| School, private (elementary and middle, offering general education) | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building    |
| School, private (high school offering general education)            | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building    |

|                                       |   |   |
|---------------------------------------|---|---|
| School, trade, vocational, or college | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building |
| Shelter                               | 1 per 4 beds  | 1 per 2 beds                                  |
| Theater                               | 1 per every 4 people allowed to occupy the building | 1 per 3 people allowed to occupy the building |
| Warehouse (including office)          | 1 per 3,000 sq. ft.                                 | 1 per 1500 sq. ft.                            |
| Wholesale Membership Club             | 1 per 500 sq. ft.                                   | 1 per 300 sq. ft.                             |

## Section 240-30. Reduction in Minimum Parking Requirements.

**240-30.1 Off-site Parking.** If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than 500 feet from the main entrance to the principal use. In this situation the applicant shall submit with his/her application for a building permit or an occupancy permit an instrument duly executed and acknowledged which accepts as a condition for the issuance of a building permit or an occupancy permit the permanent availability of such off-street parking spaces to serve his /her principal use.

**240-30.2 On-street Parking.** Buildings and uses directly adjacent to on-street parking located within a right-of-way may count such spaces towards the minimum required parking at a ratio of 0.5 spaces per on-street parking space provided.

**240-30.3 Administrative variance.** The Director shall have the authority to grant a reduction in the total number of off-street parking spaces by up to 10 percent of the number required by the Table of Minimum Parking Requirements through administrative variance. Increases to the maximum number of permitted off-street parking spaces shall require approval as a variance from the Zoning Board of Appeals or a concurrent variance by the Board of Commissioners. However, the maximum number of parking spaces may be increased by up to 10 percent over the number required by the Table of Maximum Parking Requirements if such parking is provided on a approved pervious parking surface. The above administrative variances require review and approval of the applicant's written documentation and justification that one or more of the following conditions exist:

- A. Because of unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique and undue hardship.
- B. The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized.
- C. The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.

## Section 240-40. Parking Structures.

**240-40.1** Non-residential, mixed-use, and multifamily residential developments exceeding 1,500 overall parking spaces shall be required to provide at least 50 percent of their overall parking total within a decked or underground parking structure. A building height increase of 1 vertical foot is permitted for each 1 vertical foot of parking placed under a structure. Single-family detached residential or townhouse component(s) of mixed-use developments shall not be subject to this requirement.

**240-40.2** Parking structures shall conform substantially with the Architectural Design Standards for façade and elevation. Screening is required for each parking structure facade facing a public street and shall be approved by the Director.

**240.40.3** Parcels where all off-street parking is provided within a parking structure shall not be subject to the maximum number of parking space requirements of this UDO.

### **Section 240-50. ADA Parking.**

Off-street parking shall comply with ADA standards and Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multifamily and non-residential uses.

### **Section 240-60. Construction and Dimensional Requirements of Parking Areas.**

**240-60.1 Layout.** Except for single and two-family residential uses, all off-street parking areas for more than 5 vehicles shall be constructed and maintained in accordance with the following requirements:

- A. All parking areas shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.
- B. Adequate interior driveways shall connect each parking space with a public right-of-way or private street. The design of driveways and parking aisles, shall conform with all requirements of this UDO.
- C. Bumper stops shall be installed to separate each parking space from sidewalks, rights-of-way, adjacent properties and landscape strips to prevent overhangs or encroachments. Where required, bumper stops shall be a minimum of 6 inches in height and 6 inches in width. Bumper stops shall be constructed of concrete, stone, or approved equal, and be permanently secured to the pavement surface.

#### **240-60.2 Pedestrian Circulation.**

- A. Parking lots containing 100 spaces or more shall incorporate pedestrian access corridors into their design.
- B. Pedestrian corridors shall include 4-foot wide sidewalks with 2-foot grassed strips along both sides of primary driveways. The pedestrian corridors shall connect parking areas directly with buildings and adjacent public streets. These corridors shall not apply to auto sales lots.
- C. Where pedestrian corridors cross a driveway, they shall be constructed as a raised, flat hump with a height of 4 inches and a 6-foot wide top with 4-foot wide ramps and marked as a crosswalk.
- D. Parking spaces shall not be located more than 100 feet from any pedestrian corridor.

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

- A. Parking lots shall be graded to ensure proper drainage, installed on a minimum 4-inch gravel aggregate base with a minimum 2-inch asphalt topping or other approved surface of, concrete, porous concrete, or porous asphalt. An approved porous concrete, porous asphalt or grassed paving system may be permitted for surplus parking. Spaces with surfaces of modular block or grass shall be located on the outside perimeter of a parking lot.
- B. Each parking space, except for approved grassed paving systems, shall be clearly marked by a painted stripe no less than 3 inches wide running the length of each of the sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot. Single and two-family residential uses are exempt from this provision.
- C. Maintenance and Appearance: Parking lots shall be maintained in good condition, free of potholes, faded paving markings, weeds, dust, trash and debris. Porous paving and grass paving systems shall be maintained to function as designed.

**Section 240-70. Driveways.****240-70.1 Interior driveways.**

- A. Interior driveways shall connect each parking space with a public right-of-way or private street.
- B. Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-single-family residential properties. This requirement may be waived by the Director only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety or topographic concerns.
- C. Interior driveways, without parking, shall be a minimum 10 feet wide for one-way traffic, and 22 feet wide for two-way traffic. Interior driveways, with parking, shall be a minimum 12 feet wide for one-way traffic, and 24 feet wide for two-way traffic. Any driveways that are determined to be essential fire access shall be a minimum of 20 feet in width.
- D. Interior driveways providing primary access to loading/unloading zones or loading docks for truck traffic shall be increased to 14 feet in width per travel lane.
- E. Interior driveways surrounding gasoline pumps shall be no more than 40 feet in total width (as measured from the base of the gasoline pump islands to the face-of-curb).

**240-70.2 Single-family detached and attached residential driveways.**

- A. The minimum driveway width shall be 10 feet.
- B. The minimum driveway depth shall be 18 feet measured from the garage door or edge of driveway to the sidewalk or right-of-way, whichever is closer.

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

**240-80.1** A driveway and stacking lane is required for any drive-through window, bank drive-through, ATM stand-alone structure, or drop-off or pick-up area. These stacking lanes shall not interfere with circulation of the lot or free movement or access to parking spaces.

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

- A. Each drive-thru lane shall provide adequate stacking space for a minimum of five cars per lane outside of the required through-lane providing circulation around the building or service facility.
- B. Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions.
- C. Stacking spaces shall be a minimum of 12 feet in width along curved segments.
- D. Stacking spaces shall be provided from the point of ordering if ordering is provided prior to the drive-through pick-up window and/or drive-up service location.

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

- A. Drive-through lanes shall be separated by striping or curbing from off-street parking areas, loading areas, and service areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- B. Drive-thru lanes shall be a minimum of 10 feet in width, and parallel the entire length for the drive-through service area.
- C. Drive-thru lanes shall be a minimum of 12 feet in width along curved segments.

- D. Drive-thru lanes shall be delineated from traffic aisles, through lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- E. Entrances to drive-thru lane(s) shall provide a minimum length to keep awaiting vehicles outside of the nearest intersection and/or public right-of-way.
- F. Drive-thru lanes shall be designed to prevent circulation congestion, both on-site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
- G. Drive-thru lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. An emergency by-pass or exit shall be provided prior to the drive-through pick-up window and/or drive-up service location
- H. Service areas and drive-thru lanes shall be set back 5 feet from all lot lines and roadway right-of-way lines.

### **Section 240-90. Landscaping in Parking Lots.**

Parking lots shall be designed with landscape areas, in accordance with all provisions of this UDO.

### **Section 240-100. Lighting in Parking Lots and Pedestrian Areas.**

**240-100.1 Within non-residential and multifamily developments the following lighting standards shall apply:**

- A. All lighting fixtures designed or placed so as to illuminate any portion of a parking area and its perimeter shall meet the following requirements:
  - 1. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop Dish Refractors are prohibited.
  - 2. Light source shall be Light Emitting Diodes (LED). Alternate light sources shall be submitted to the Director for approval. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of sight.
  - 3. The minimum mounting height for a parking lot pole fixture is 12 feet. Refer to Table 240.3 for maximum mounting height.
  - 4. The maximum height for a pedestrian walkway pole is 14 feet.
  - 5. The average level of illumination (See Table 240.2) shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
  - 6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
  - 7. All site lighting shall be designed so that the minimum and maximum levels of illumination as measured in foot-candles (f-c) at any one point meets the standards shown in Table 240.2.
- B. All lighting fixtures designed or placed so as to provide decorative accent lighting for an outdoor courtyard, activity plaza, or outdoor dining patio shall be exempt from these requirements.

Table 240.2: Illumination Levels (In Foot-Candles)

| Location or Type of Lighting                         | Minimum Level at Single Point | Maximum Average Level | Maximum Level at Single Point <sup>1</sup> |
|--|-------------------------------|-----------------------|--|
| Non-residential Parking Lots                         | 0.6                           | 4.5                   | 10.0                                       |
| Multifamily Parking Lots                             | 0.2                           | 2.0                   | 10.0                                       |
| Fuel Canopies  | 10.0                          | 15.0                  | 25.0                                       |
| Security Entrances Safety                            | 0.6                           | 10.0                  | 15.0                                       |
| ATM Locations  | 0.6                           | 15.0                  | 25.0                                       |
| Walkways, Access Drives, Loading and Unloading Areas | 0.2                           | 2.0                   | 10.0                                       |
|  | 0.2                           | 4.5                   | 10.0                                       |
| Landscaped Areas                                     | 0.0                           | 0.5                   | 5.0  |

Table 240.3: Light Fixture Requirements for Parking Areas

| Location   | Fixture Head (Parking Lot) | Pole Type (Parking Lot)  | Pole Type (Pedestrian)  |
|--|----------------------------|--|---|
| Mall of Georgia and Civic Center Overlay District/Corridor                                 | Box Head                   | Smooth Black (50' max.)  | Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director of Planning and Development) |
| Grayson/Hwy 20, Centerville/Hwy 124, Hamilton Mill/Hwy 124 & 324 Overlay District/Corridor | Box Head                   | Smooth Black (35' Max.)  | Smooth or Fluted Black (14' Max)  |
| Venture Drive Redevelopment Overlay District   | Box head                   | Smooth (35' Max.) (Colors subject to approval by the Director of Planning and Development) | Smooth or Fluted (14' ) (Colors subject to approval by the Director of Planning and Development)                |
| Gateway 85 Overlay district  | Box head                   | Smooth (35' Max.) (Colors subject to approval by the Director of Planning and Development) | Smooth or Fluted (14' ) (Colors subject to approval by the Director of Planning and Development)                |
| Mixed Use Districts (MU-N, MU-C)   | Box head                   | Smooth Black (35' Max.)  | Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director of Planning and Development) |
| Mixed Use District (MU-R) and High-Rise Residence District (HRR)                           | Box Head                   | Smooth Black (35' Max.)  | Smooth or Fluted Black (14' Max) (Other colors subject to approval by the Director of Planning and Development) |
| Other County Areas   | Box Head                   | Smooth Black (35' Max.)  | Smooth or Fluted Black (14' Max)  |

<sup>1</sup> Maximum levels for high security areas shall be 12.0 foot-candles. Examples of high security areas include entrances and exits of buildings and ATM machines.

C. Exceptions to site lighting standards:

1. Security lighting activated by motion sensor.
2. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
3. Security lighting less than 2.0 average foot-candles.

D. Site Lighting Plans shall be submitted to the Planning and Development prior to issuance of a development permit, or building permit if no site development is proposed, or prior to the installation or replacement of any site lighting which shall indicate the following:

1. Location and mounting information for each light.
2. Illumination calculations showing light levels in foot candles at points located on a 10 foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurements.
3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and number of lumens.
4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.
5. An illumination summary, including the minimum average and maximum foot-candle calculations ("array values") and the total number of array points (points used on the 10 foot grid calculations).

### **Section 240-110. Restricted Vehicles in Parking Areas.**

**240-110.1** In any non-single-family residential zoning district, delivery/service vehicles and vehicles displaying advertising must be parked within the side or rear yard and may not be parked within the front yard.

**240-110.2** Except as permitted in Section 240-10.3 in all residential zoning districts, the parking of the following vehicles is prohibited: any vehicle for hire including but not limited to limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments, pull behind cement mixers, or trailers, bucket trucks, buses, earth moving machinery, semi-trailers, any vehicle exceeding 20 feet in length, any vehicle exceeding 7 feet in height, and any vehicle exceeding 7 feet in width. Vehicles used for agricultural purposes on residential property with five (5) acres or more are permitted if parked outside the required front yard setback.

**240-110.3** Notwithstanding the above provisions of Section 240-110, in all residential zoning districts, the parking of the following vehicles is permitted:

- A. An automobile, pick-up truck, van, or SUV used to provide daily transportation to and from work (except those vehicles that fall under the requirements for Section 230-130 Customary Home Occupation).
- B. A commercial vehicle that is parked temporarily in conjunction with construction under a valid permit, a commercial service, sale, or delivery.

### **Section 240-120. Off-Street Loading Standards.**

#### **240-120.1 Purpose and intent.**

- A. To ensure that off-street loading facilities and driveways are adequate to protect the safety and capacity of public streets.
- B. To ensure that the design and location of off-street loading facilities do not have a negative impact on adjacent property or surrounding residential areas.

**240-120.2 Application.** Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area shall be provided in accordance with this section of the UDO. Loading docks may be used to meet this requirement.

**240-120.3 Minimum number of spaces.** Off-street loading spaces shall be provided as follows:

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

**Table 240.3: Off-street Loading Requirements.**

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

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

- A. All required off-street loading spaces shall be located on the same lot as the building that they are intended to serve or on an adjacent lot where shared with the use occupying said adjacent lot.
- B. Each required off-street loading space shall have access to a street or alley that provides safe and adequate ingress and egress for trucks.

**240-120.5** Areas reserved for off-street loading, in accordance with the requirements of this UDO, shall not be reduced in area or changed to any other use unless the permitted use that is served, is discontinued or modified; except where equivalent loading space is provided and approved by the Director.

### **Section 240-130. Construction and Dimensions of Off-street Loading.**

**240-130.1 Required dimensions for each loading stall.** Each loading stall shall be a minimum of 10 feet wide and 30 feet in length, except that for wholesale and industrial use, loading stalls shall be a minimum of 10 feet wide and 50 feet in length.

**240-130.2** Loading areas shall provide adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than 4 percent. The loading area shall not exceed a grade of 2 percent.

**240-130.3 Paving.** All required loading areas shall be paved with asphalt or concrete or other materials subject to approval by the Director. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.



**120-130.4 Screening.** Loading areas shall be screened from public view with vegetative or non-vegetative material such as an opaque fence, wall, or evergreen trees and shrubs or a combination thereof. Screening requirements can be found in Section 610-20.3 of this Ordinance.

### **Section 240-140. Electric Vehicle Charging Equipment.**

**240-140.1.** Commercial and multifamily developments which exceed 50 parking spaces shall provide at least one electric vehicle charging station (pedestal) for each 50 parking spaces.

**240-140.2.** Commercial and multifamily redevelopments which exceed 50 parking spaces shall provide at least one electric vehicle charging station (pedestal) for each 50 parking spaces. Compliance with this subsection is required for redevelopment projects where site work and/or repaving of existing parking areas and driveways (greater than 50 parking spaces) exceeds 50% of the existing impervious surface area.

**240.140.3** Charging spaces may be counted as part of minimum required parking spaces, but shall not be counted toward maximum parking.

## Chapter 245. On-Street Parking Standards

### Section 245-10. General Requirements.

#### 245-10.1 Purpose and Intent.

- A. To ensure that the development and redevelopment of property provides safe and adequate parking for automobiles and bicycles for the convenience and safety of all residents, employees, visitors, and shoppers, including persons with disabilities.
- B. To provide design standards for parking facilities and driveways to minimize harm to motorists and private property, provide adequate emergency vehicle access, and to ensure the provision of safe effective and efficiently designed public streets.
- C. To ensure that the number of on-street parking spaces does not impact adjacent residential areas from encroachment of commercial parking into neighborhood streets.
- D. To minimize the impacts of stormwater runoff from on-street parking facilities causing erosion and pollution of water bodies.

#### 245-10.2 Applicability.

- A. On-street parking may be used on Gwinnett County maintained public streets and shall be limited to local streets internal to development.
- B. On-street parking shall be subject to Gwinnett County Department of Transportation and the Director of the Gwinnett County Department of Planning and Development.
- C. Individual businesses shall not designate any one on-street parking space for exclusive use by their patrons.

### Section 245-20. Parking Space Requirements.

**245-20.1** Parking areas shall comply with all ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses.

**245-20.2** A maintenance agreement for on-street parking shall be authorized between the owner/developer and the Department of Transportation prior to development permit issuance.

**245-20.3** On-street parking shall be constructed to the street standards as established in this UDO and maintained in accordance with GCDOT Standards and further maintained so as not to create any hazards with traffic flow on the adjacent street. A mandatory property owners association shall be established. The property owner's association shall be responsible for the maintenance of any on-street parking in the development. A maintenance responsibility statement for on-street parking shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for on-street parking.

## Chapter 260. Non-Conforming Uses

### Section 260-10. Determination of Non-Conforming Status.

#### 260-10.1 Determination of Non-Conforming Status

- A. The burden of proving a nonconformity was lawfully established rests entirely with the subject property owner.
- B. A preponderance of evidence must be provided by the subject landowner and be sufficient to show that the nonconformity was lawfully established before adoption of the subject regulations. Evidence must also indicate that the nonconformity has been continuous, and that the situation has not lost its nonconforming status. Examples of reliable evidence include occupational tax certificates; building permits; zoning compliance permits; city/county billing records; utility billing records; assessment, tax or rent records; and directory listings.
- C. The Planning and Development Director shall determine whether adequate proof of nonconforming status has been provided by the subject landowner.

### Section 260-20. Continuance of Non-Conforming Uses.

#### 260-20.1 Continuance of Non-Conforming Uses.

- A. The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:
  - 1. Extended to occupy a greater area of land.
  - 2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure.
  - 3. Reestablished after discontinuance for twelve months.
  - 4. Changed to another non-conforming use.

### Section 260-30. Continuance of Non-Conforming Buildings.

#### 260-30.1 Continuance of Non-Conforming Buildings.

- A. A non-conforming building existing at the time of the enactment or amendment of this Ordinance may be retained except as follows:
  - 1. No building other than a single-family detached dwelling may be enlarged, or altered except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
  - 2. No building other than a single-family detached dwelling shall be rebuilt, altered, or repaired after damage exceeding 50 percent of the replacement cost of the above-ground structure at the time of destruction, except in conformity with this Ordinance, provided that such damage

occurred as a result of fire, flood, wind, earthquake, or other natural disaster. Section 260-40. Continuance of Non-Conforming Development Features.

**260-30.2 Continuance of Non-Conforming Development Features.**

- A. A nonconforming development feature may remain except as otherwise expressly stated in this UDO, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this UDO.
- B. No change to any nonconforming development feature shall be made which increases the degree of nonconformity with the requirements of the UDO, but changes may be made which result in the same or a lesser degree of nonconformity, subject to compliance. In cases where land is taken for public purposes in such a manner as to reduce existing off-street parking, loading or other development features that is required by the regulations for the current district, the deficiency thus created shall be construed as a nonconforming development feature.

**Section 260-40. Buildings and Structures Where Construction Has Begun.**

**260-40.1** To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, or a subdivision development plan or final subdivision plat was lawfully approved, prior to the effective date of the UDO or amendment thereto, provided:

- A. Such permit or approval has not by its own terms expired prior to such effective date.
- B. Actual building construction is commenced prior to the expiration, or valid renewal, of such permit or approval.
- C. Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

**Section 260-50. Prior Authorization.**

Variances, rezonings, and special use permits lawfully authorized and granted and conditions of such approvals or occurring prior to the effective date of this Title 2 shall continue to be enforced provided the terms and conditions of said authorization are followed.

## Chapter 265. Temporary Outdoor Activity Uses

### Section 265-10. General Requirements and Restrictions.

- A. The following requirements and restrictions apply to all temporary outdoor activities:
1. All activities governed by this chapter shall require a temporary outdoor activity permit which is issued by the Department of Planning and Development. The Department of Planning and Development shall collect a fee for the issuance of such permits per the adopted fee schedule.
  2. All activities governed by this chapter shall require an Occupation Tax Certificate, which is issued by the Department of Planning and Development, as required by the Gwinnett County Code.
  3. Written permission from the property owner, if not the applicant, shall be obtained and submitted by the applicant to the Department of Planning and Development prior to the issuance of a temporary outdoor activity permit.
  4. All activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress, pedestrian movement, and parking.
  5. No display shall be erected or installed, nor shall any activities take place, within 20 feet of a county or state right-of-way.
  6. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
  7. All temporary signage shall meet the requirements of the Gwinnett County Sign Ordinance.

### Section 265-20. Temporary Outdoor Sales.

- A. In addition to the provisions of Section 265-10, temporary outdoor sales activities shall adhere to the following provisions:
1. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
  2. Temporary outdoor sales activities shall only be permitted within non-residential zoning districts and mixed-use zoning districts with non-residential uses.
  3. A temporary outdoor activity permit for temporary outdoor sales shall not be issued on parcels of land that are less than two acres in size.
  4. Multiple temporary outdoor activity permits for temporary outdoor sales shall not be simultaneously issued for a single parcel of land.
  5. Temporary outdoor sales activities shall be conducted on a paved surface and not on grassed or landscaped areas.
  6. Temporary outdoor sales activities shall be prohibited on vacant parcels.
  7. No more than four temporary outdoor activity permits for temporary outdoor sales shall be permitted per calendar year per parcel of land.

8. Each temporary outdoor sales activity shall be limited to a maximum of 5 consecutive days, except holiday activities as indicated in this Chapter.

### **Section 265-30. Temporary Outdoor Events.**

- A. In addition to the provisions of Section 265-10, temporary outdoor events shall adhere to the following provisions:
  1. No more than two temporary outdoor activity permits for outdoor events shall be permitted per calendar year per parcel of land.
  2. Each temporary outdoor event shall be limited to a period not to exceed 14 consecutive days.
  3. A temporary outdoor activity permit for temporary outdoor events shall not be issued on parcels of land that are less than two acres in size.
  4. No temporary sanitary facility or trash receptacle shall be located within 100 feet of a property zoned for residential use (not including mixed-use developments).
  5. Temporary outdoor events shall be limited to parcels with vehicular access from a street classified as an arterial or collector street.
  6. All event parking must be accommodated on-site on a paved surface or through a shuttle service to an off-site parking area.

### **Section 265-40. Temporary Outdoor Holiday Activities.**

- A. In addition to the provisions of Section 265-10, holiday activities , shall adhere to the following provisions:
  1. A temporary outdoor activity permit for holiday activities shall not be issued on parcels of land that are less than two acres in size.
  2. Multiple temporary outdoor activity permits shall not be simultaneously issued on a parcel of land containing less than five acres.
  3. The activity shall be permitted for 30 consecutive days due to the seasonal nature of such activities.
  4. Pumpkin sales shall be permitted from September 15 through October 31 due to the seasonal nature of such sales.
  5. Christmas tree sales shall be permitted between November 1 and December 31 due to the seasonal nature of such sales.
  6. Holiday carnivals shall be permitted as temporary holiday activities so long as no structure or equipment is located within 100 feet of any single-family residential property line.
  7. No more than four temporary outdoor activity permits for holiday activities shall be permitted per calendar year per parcel of land.

### **Section 265-50. Mobile Food Service Units.**

#### **265-50.1 Exemptions from Temporary Outdoor Activity Permit Requirements.**

- A. Mobile food service units may operate with the written approval of the property owner in the following zoning districts and locations without issuance of a temporary outdoor activity permit:

1. Gwinnett Entertainment District: the buildings and property currently known as the Infinite Energy Center, including any future development as envisioned on the Infinite Energy Center Master Plan 2015.
  2. Any commercial development having at least 750,000 square feet of commercial space.
  3. Property zoned MU-R Regional Mixed Use District.
- B. Mobile food service units shall be permitted in association with a Temporary Outdoor Event or Holiday Activity without a separate permit, regardless of location.

**265-50.2 Standalone Temporary Activity Permit Requirements.**

- A. In addition to the provisions of Section 265-10, mobile food service units shall adhere to the following provisions:
1. Shall be limited to properties zoned for office, commercial, and mixed-use development and shall only be located on a lot containing a principal building.
  2. Shall be located at least 100 feet from the main entrance of any eating or drinking establishment.
  3. No mobile food service unit shall conduct business or operate within 50 feet of the public right-of-way unless otherwise invited or permitted.
  4. A mobile food service unit shall maintain documentation of permission from the property owner to operate on the premises while in operation.
  5. A mobile food service unit shall not create sounds, play music, or make announcements to call attention to the mobile food service either while traveling on the public rights-of-way or when the unit is stationary. At all times the mobile food service units shall comply with the County's noise control requirements set forth in Article III of Chapter 38 of this Code.
  6. Mobile food service units shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
  7. Mobile food service units shall comply with all state, federal and local health and safety regulations and requirements, shall comply with all provisions of this Code of Ordinances, and shall obtain and maintain any and all licenses required by any other health, or governmental organization or entity having jurisdiction over this subject matter.
  8. No more than four temporary outdoor activity permits for mobile food units shall be permitted per calendar year per parcel of land. This limitation shall not apply to office developments without restaurants on-site.
  9. Each temporary outdoor sales activity permit for a mobile food unit shall be limited to a maximum of 3 consecutive days.

**Section 265-60. Inspections.**

The Director of the Department of Planning and Development, or designee, is hereby authorized to inspect the temporary outdoor activity for compliance with the provisions of this article.

## Chapter 270. Procedures

### Section 270-10. Administration and Legislative Bodies.

The provisions of this Title 2 of the UDO shall be administered by the Department of Planning and Development, in association with and in support of the Planning Commission, Zoning Board of Appeals, and Board of Commissioners, as described herein.

### Section 270-20. Zoning Ordinance Text and Map Amendments.

#### 270-20.1 Zoning Ordinance and Official Zoning Map Amendment Procedure.

- A. The Zoning Ordinance (as contained in Titles 1 and 2 of this UDO), including the Official Zoning Maps, may be amended from time to time by the Board of Commissioners, but no text or map amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.
- B. If the Planning Commission fails to submit a report within 30 days of its first meeting after it has received an amendment request complete in all respects, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment. However, the Planning Commission may table or continue the hearing on the matter to a specific future date and time in accordance with Section 270-25.B.

#### 270-20.2 Public Hearing Required; Required Notice of Public Hearing.

- A. Before the Planning Commission submits a report or the Board of Commissioners enacts or denies an amendment, they shall each hold a public hearing thereon, and the Board of Commissioners shall hold any additional public hearings required by law.
- B. At least fifteen but not more than forty-five days prior to the date of each such hearing, the Board of Commissioners shall cause to be published within a newspaper of general circulation within the territorial boundaries of Gwinnett County, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing. In addition, the notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
- C. A sign containing the information outlined above shall be placed in a conspicuous location on the property not less than fifteen days prior to the date of the hearing. A sign shall be erected at or near the right-of-way line (near the center of the frontage). Such sign shall not interfere with the sight distance at any intersection or driveway. The Director of Planning and Development may require the placement of signs at multiple locations for large acreage tracts or sites with multiple road frontages.
  - 1. The sign shall contain the following information: location of the property, the present zoning of the property, the proposed zoning of the property, and the date, time, and location of the public hearing.
  - 2. For cases tabled to a subsequent month, the sign shall be updated with the revised public hearing dates.
- D. In addition to the notices outlined above, the applicant shall give notice of the proposed zoning action by first class mail to all property owners of record within 1,000 feet of the subject property as shown by Gwinnett County tax records. Such notice shall be mailed at least fifteen (15) days prior to the first



Planning Commission public hearing and shall include: a copy of the application cover sheet, letter of intent, applicant/contact person, vicinity map, site plan, zoning action case number, and the date, time, and place of the public hearings. A certificate of mailing from the U.S. Postal Service must be submitted to the Planning Division a minimum of fifteen (15) days prior to the first scheduled public hearing. Failure to timely submit the certificate of mailing will result in an administrative hold by the Department.

### **270-20.3 Public Participation.**

- A. Public Participation is required for any Zoning Map Amendment, Change-in-Conditions, or Special Use Permit application meeting the following thresholds:
  1. Any of the following Zoning Amendment Applications:
    - a. Those resulting in the creation of more than ten new residential lots and/or units.
    - b. Those resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
    - c. Those resulting in more than 10,000 square feet of land disturbance.
  2. Any of the following Special Use Permit Applications:
    - a. Those resulting in the construction of more than 5,000 square feet of non-residential buildings and/or additions to buildings.
    - b. Those resulting in more than 10,000 square feet of land disturbance.
  3. Any of the following Change-in-Conditions Applications:
    - a. Those resulting in the creation of more than ten additional residential lots and/or units.
    - b. Those resulting in the construction of more than 5,000 square feet of additional non-residential buildings and/or additions to buildings.
    - c. Those resulting in more than an additional 10,000 square feet of land disturbance.
    - d. Those requesting any increase in building height, reduction of any building setback from an external property line, reduction of buffers, changes to the architecture of exterior facades, change in use or mixture of uses, or major changes to approved site plans as determined by the Director of Planning and Development.
- B. The Public Participation process consists of the following two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.
  1. *Public Participation Plan Required.* All applications requiring public participation are required to create and submit a Public Participation Plan which must be filed simultaneously with the application. The plan shall be implemented prior to the first public hearing. The minimum standards for the plan are as follows:
    - a. Identification of all property owners within 1,000 feet of the site. Written notice shall be provided by the applicant to all property owners a minimum of 14 days prior to the meeting.
    - b. A summary of methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified above, of the purpose, place, and time of the meeting. The applicant may schedule additional meetings as deemed necessary to ensure that interested parties have adequate opportunity to participate in the process.

- c. The applicant or representative thereof shall attend this meeting and provide an opportunity for dialogue with interested parties.
  - d. Applicant's schedule for completion of the Public Participation Plan.
2. **Public Participation Report Required.** All applications requiring public participation are required to provide a Public Participation Report to the Department of Planning and Development no later than 15 calendar days prior to the Planning Commission hearing. This report shall be made a part of the official file and will be provided to the Planning Commission and the Board of Commissioners. The minimum standards for the report are as follows:
- a. Provide a list of all parties that were contacted, the methods of notification that were used, and a copy of the notification letter(s).
  - b. Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (Attach meeting notices, letters, etc.)
  - c. Provide the number of people who participated in meetings held to discuss an application with sign-in sheets.
  - d. A summary of concerns and issues expressed by interested parties.
  - e. A summary of the applicant's response to these concerns and issues.

**270-20.4 Initiation of Amendments.** Applications for zoning map amendments may be initiated by resolution of the Board of Commissioners, or by motion of the Planning Commission, Director of Planning and Development, or by petition of any property owner addressed to the Board of Commissioners. Amendments to the text of the UDO may be initiated by resolution of the Board of Commissioners, or by motion of the Planning Commission, or Director of Planning and Development. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

**270-20.5 Limitation on Permits.** Once a map amendment is initiated by the Board of Commissioners, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, or for a Variance or Special Use Permit for the affected property shall be accepted for processing or acted upon until final action is taken by the Board of Commissioners on the proposed map amendment. Provided, however, that if the Board of Commissioners does not take final action on the proposed map amendment within six (6) months from the date of initiation, Permit, Variance and Special Use Permit applications shall again be accepted and reviewed pursuant to existing zoning. And further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed zoning district.

**270-20.6 Standards Governing the Exercise of Zoning Power.** The Board of Commissioners finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

- E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

**270-20.7 Impact Analysis.** If a proposed amendment is for the rezoning of property, then:

- A. The initiating party, if a party other than the Board of Commissioners, shall be required to file, with its application for amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 270-20.5, above. Such a zoning proposal and analysis shall be a public record.
- B. The Department shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 270-20.5 above.
- C. The Department shall make a written record of its investigation and recommendations, and this record shall be a public record.
- D. The Planning Commission shall, with respect to each such zoning proposal, investigate and make a recommendation based on their investigation, the Department's evaluation, and information presented during the public hearing, which includes the consideration of the matters enumerated in Section 270-20.5 above. The Department shall make a written record of the Planning Commission recommendation, and this record shall be a public record.

**270-20.8 Action by Board of Commissioners.** Following its public hearing the Board of Commissioners may:

- A. Approve the proposed amendment as presented;
- B. Approve the proposed amendment with conditions;
- C. Approve a similar or less intense use (including special uses), with or without conditions, if the proposed amendment is for the rezoning of property;
- D. Deny the proposed amendment in whole or in part;
- E. Deny the proposed amendment without prejudice, which means the action will not appear in any future staff case reports related to a zoning application impacting the property;
- F. Remand the matter back to the Planning Commission for reconsideration;
- G. Table final action to a future regularly scheduled business session or public hearing, or table the final action indefinitely.

**270-20.9 Plans and Other Documents Showing Proposed Use and Impact Required.** An application for an amendment to create or extend a Zoning District shall be accompanied by a sketch plan at scale and such other plans, elevations or additional information as the Director and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional information may include without limitation traffic studies developed in accordance with Gwinnett County Department of Transportation Guidelines utility studies, and drainage studies. All application requirements must be satisfied as outlined in the Department's Procedures and Instructions for Rezoning, Change-in-Conditions, and Special Use Permit Applications.

**270-20.10 Change in Conditions of Zoning.** Changes to the conditions of an approved Rezoning shall be subject to the same application, review, and approval process as a new application, including the payment of relevant fees.

**270-20.11 Appeals of a Zoning Ordinance Text and Map Amendment Decision.** Appeals of a decision by the Board of Commissioners to approve or deny an amendment may be taken in the manner provided by law.

**270-20.12 Actions to be Taken if Plans are not Implemented within Specified Time Limits.**

- A. For any zoning map amendment for which the Board of Commissioners is not the applicant, and upon which property no development permit, building permit, or certificate of occupancy has been issued within 12 months of the date of approval of said amendment, the Board of Commissioners may review the zoning district classification of the property and determine whether it shall be continued or initiated for rezoning.
- B. Such properties shall first be reviewed by the Planning Commission, which shall make such findings and recommendations as it deems appropriate.

**270-20.13 Concurrent Variances.** In cases where an applicant is proposing a zoning map amendment and where the applicant files an application to obtain a variance at the same time of filing an application for zoning map amendment, the variance application may be processed simultaneously. Granting of concurrent variances shall be subject to compliance with the applicable Standards Governing Exercise of the Zoning Power, as determined by Sec. 270-20.5.

### **270-25 Public Hearing Rules of Procedure.**

- A. Exercise of zoning power shall conform to the standards expressed in the county land use plan, as amended from time to time, and Section 270.20.5.
- B. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except if, in the judgment of a majority of the quorum of the Planning Commission or Board of Commissioners, as applicable, special circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
- C. If there are multiple applications for the same property, including applications to rezone property from one zoning classification to another pursuant to Section 270-20, applications for a Special Use Permit pursuant to Section 270-30, applications for a concurrent variance pursuant to Section 270-20.11 or Section 270-30.14, or applications for a change in conditions to a previously approved rezoning or special use permit, a single public hearing covering all applications shall be held.
- D. Prior to the presentation of zoning matters, the Chairperson of the Planning Commission or Board of Commissioners, as applicable, shall make an announcement that may include, but not be limited to, the following:
  - 1. A reminder that the public hearings are being held at an official public meeting at which important business is conducted, and a request that audience members refrain from applause and all other extraneous remarks and cooperate to maintain an orderly meeting.
  - 2. A request that individuals intending to make a comment in support or opposition to any of the matters take a seat toward the front of the auditorium before the item they wish to address occurs on the agenda.
  - 3. A request that individuals provide their name and address for the public record when they come to the microphone.
  - 4. Instructions for the placement of any maps, photos, or other items to be viewed by the commissioners.
  - 5. Notice that the clerk will be keeping time with ten minutes allocated for presentation in support and ten minutes in opposition and that questions from commissioners will not take away from presentation time.

- E. At least five calendar days prior to the first hearing on an application, any person wishing to speak in opposition to said application who has made campaign contributions aggregating \$250.00 or more to a commissioner within the two-year period immediately preceding the filing of said application, must have provided a written disclosure of campaign contributions in accordance with O.C.G.A. Title 36, Ch. 66 (O.C.G.A. § 36-67A-1 et seq.). A similar disclosure is required of applicants and representatives of applicants at the time an application is filed.
- F. All hearings held by the Planning Commission and Board of Commissioners shall be conducted in accordance with the following rules of procedure:
1. The Chairperson or presiding member of the Planning Commission or Board of Commissioners, as applicable, shall open a public hearing for each matter that requires a public hearing.
  2. The Chairperson or presiding member may call for a presentation by the Department that includes the recommendation of the Department and Planning Commission, if applicable, on each such matter. Following the Department presentation, the commissioners may ask the Department questions pertinent to the application.
  3. The Chairperson or presiding member shall then call for parties in interest on the matter who shall have privilege on the floor. The parties shall identify themselves by name, address and affiliation with any business or organization which would be relevant to the matter being considered.
  4. Proponents shall speak first; opponents shall speak second. All comments and questions from the parties in interest shall be directed to the commissioners. Proponents and opponents shall generally be provided ten minutes per side to present data, evidence, and opinions in support of their position. The Chairperson or presiding member shall have the power and discretion to expand the period of time for presentation if, in the Chairperson's or presiding member's judgment, circumstances surrounding the matter warrant such action and any such expansion is granted equally to the proponents and opponents. The applicant may request that any unused portion of the allotted time be reserved for rebuttal. In the event that there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time period.
  5. In the event that an official who represents a municipality or an agency of federal, state, or local government wishes to speak on an agenda item, such official representative may be heard at the time established on the agenda for such matter and subject to the time limits set by the Chairperson. Such time shall not reduce the time otherwise allotted to the proponents or opponents to present their public comments.
  6. Should the commissioners ask questions of an opponent, proponent or an official, the time taken to respond to questions will not take away from presentation time.
  7. The Chairperson or presiding member shall call for questions from the commissioners to the proponents or opponents immediately after their individual presentation and before moving to the next speaker.
  8. When the allotted public hearing time period is complete or there are no additional speakers to address the commissioners during the allotted time period and questions or comments by the

commissioners have been concluded, the Chairperson or presiding member shall close the public hearing and call for a motion for action on the issue and a second of the motion. The Chairperson or presiding member shall then call for discussion of the matter and voting thereon.

9. Once discussion has begun, no further comment or presentation shall be made by parties in interest unless a commissioner has a specific question for a party in interest or the Department, or the Chairperson or presiding member deems further comment to be appropriate or germane to the issues surrounding the matter.
10. Authorized action by the Planning Commission and Board of Commissioners shall consist of any of the actions specified in this UDO.

- G. The rules of procedure governing public hearings shall be made available in written form to the public in the Department, the office of the Board of Commissioners and at public hearings.

### Section 270-30. Special Use Permits.

**270-30.1 Purpose.** The purpose of a Special Use Permit is to provide a process for review of a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration, and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses.

**270-30.2 Authority.** The Board of Commissioners shall take final action on applications for Special Use Permits in accordance with the procedures, standards, and limitations of the UDO. In order to accommodate these special uses, the Special Use Permit allows the Board of Commissioners to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth in this UDO and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All Special Use Permit applications shall be for a specific development proposal and use. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

**270-30.3 Special Use Permit Procedure.** The application and review process for a Special Use Permit, including all public notice and public hearing requirements and procedures, shall be the same as those contained in Section 270-20 and Section 270-25 herein. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. All application requirements must be satisfied as outlined in the Department's Procedures and Instructions for Rezoning, Change-in-Conditions, and Special Use Permit Applications.

**270-30.4 Staff Analysis and Recommendation.** The Staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20, herein. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings.

**270-30.5 Public Hearing Required.** The public hearing process, impact analysis and application of the Standards Governing the Exercise of Zoning Power for a Special Use Permit shall be the same as those contained in Section 270-20, herein.

**270-30.6 Action by the Board of Commissioners.** When considering a Special Use Permit application, the Board of Commissioners shall consider the policies and objectives of the Unified Plan and Future Development Map, particularly in relationship to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially in regard to but not limited to traffic, storm drainage, impacts

to the usability of adjacent and nearby properties, and compatibility of land use activities. Following its public hearing the Board of Commissioners may:

- A. Approve the proposed special use as presented;
- B. Approve the proposed special use with conditions;
- C. Deny the proposed special use in whole or in part;
- D. Deny the proposed amendment without prejudice, which means the action will not appear in any future staff case reports related to a zoning application impacting the property;
- E. Remand the matter back to the Planning Commission for reconsideration;
- F. Table final action to a future regularly scheduled business session or public hearing, or table the final action indefinitely.

**270-30.7 Special Uses Within or Accessory to a Dwelling.** An application for a Special Use Permit in a residential zoning district where the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

- A. The special use shall operate within the dwelling on the property or, if approved by the Board of Commissioners, in an accessory structure.
- B. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the Board of Commissioners.
- C. The owner of the property or business shall occupy the property and shall operate any business associated with the special use.

**270-30.8 Change in Conditions or Modification of a Special Use Permit.** Changes to the conditions or modification of an approved Special Use Permit shall be subject to the same application, review, and approval process as a new application, including the payment of relevant fees.

**270-30.9 Development of an Approved Special Use.**

- A. The issuance of a Special Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.
- B. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions.

**270-30.10 Compliance with Special Use Permit Requirements.** The Planning and Development Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions.

**270-30.11 Appeal of a Special Use Permit Decision.** Appeals of a decision by the Board of Commissioners to approve or deny a Special Use Permit application may be taken in the manner provided by law.

**270-30.12 Designated Official for Appeals.** The County Attorney is hereby authorized to accept service of any appeal of a quasi-judicial decision on behalf of the Board of Commissioners, during normal business hours, at the regular offices of the County Attorney.

**270-30.13 Concurrent Variances.** In cases where an applicant is proposing a special use permit and where the applicant files an application to obtain a variance at the same time of filing an application for a special use

permit, the variance application may be processed simultaneously. Granting of concurrent variances shall be subject to compliance with the applicable Standards Governing Exercise of the Zoning Power, as determined by Sec. 270-20.5.

### **Section 270-40. Conditional Approvals.**

**270-40.1** In adopting an amendment to the Official Zoning Map, or approving a Special Use Permit, the Board of Commissioners may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Unified Plan.

**270-40.2 Such conditions shall:**

- A. Only be valid if they are included in the motion approving the amendment for adoption;
- B. Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the text of the UDO or the Official Zoning Maps.
- C. Be continually in effect, or for the period of time specified in the amendment.
- D. Be required of the property owner and all subsequent owners as a condition of their use of the property.
- E. Be interpreted and continually enforced by the Director in the same manner as any other provision of this UDO.
- F. Where any condition conflicts with a UDO requirement, the stricter requirement shall apply unless otherwise indicated in this UDO.

**270-40.3 Violations of Conditions.** Notwithstanding any other remedies available in this UDO and under local and state law, violations of conditions imposed pursuant to this Section 270-40 shall be handled in accordance with Chapter 120.

### **Section 270-50. Withdrawal of Application.**

**270-50.1** Once an application for an amendment to the Official Zoning Map, Change-in-Conditions, Special Use Permit, or Variance has been made, the applicant may withdraw such application without prejudice only until such time as the official withdrawal deadline published in the Public Hearing Schedule, maintained by the Department.

**270-50.2** An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline, all applications shall be considered by the Board of Commissioners or Zoning Board of Appeals, as appropriate, and shall receive final action, unless having been administratively withdrawn for cause by the Department.

### **Section 270-60. Lapse of Time Requirement for Reapplication.**

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

**270-60.1** No application or reapplication for any zoning map amendment, Change-in-Conditions, or Special Use Permit affecting the same land or any portion thereof shall be acted upon within 6 months from the date of last action by the Board of Commissioners.

No application or reapplication for the same type of Variance affecting the same land or any portion thereof shall be acted upon within 6 months from the date of last action by the Zoning Board of Appeals.



**270-60.2** Administrative variances, as outlined in Section 270-130, shall not be subject to this time lapse requirement.

## **Section 270-70. Zoning Board of Appeals.**

**270-70.1 Authority.** The Zoning Board of Appeals shall have the authority granted by enabling ordinance approved by the Board of Commissioners of Gwinnett County, Georgia, on September 17, 1985, and as may be amended from time to time.

**270-70.2 Membership and Appointment.** The Zoning Board of Appeals shall consist of five members residing within Gwinnett County, appointed by the County Commissioners of Gwinnett County. One member of the Zoning Board of Appeals may be a member of the Planning Commission. No other member of the Zoning Board of Appeals shall simultaneously hold any employment or elected office within the Gwinnett County Government which is inconsistent with his or her duties on the Zoning Board of Appeals.

### **270-70.3 Terms of Office.**

- A. The term of office of each member of the Zoning Board of Appeals shall be for one year, or thereafter until his successor is appointed and qualified. Members may be reappointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- B. Members shall be removable for cause by the Board of Commissioners of Gwinnett County upon written charges and after a public hearing.
- C. Any member of the Zoning Board of Appeals shall be disqualified to act upon a matter in which the member has an interest.

**270-70.4 Officers.** The Zoning Board of Appeals shall elect one of its members, other than the member of the Planning Commission, as Chairperson and one member as Vice-Chairperson. The Chairperson and Vice-Chairperson shall serve for one year or until reelected or until successors are elected. The Department shall serve as the Secretary of the Zoning Board of Appeals.

**270-70.5 Procedure.** The Zoning Board of Appeals shall adopt rules of procedure. Meetings of the Zoning Board of Appeals shall meet on a regular schedule as determined by the Department and at the call of the Chairperson and at such other times as the members of the Zoning Board of Appeals may determine. The Chairperson or, in his absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

### **270-70.6 Powers of the Zoning Board of Appeals.**

- A. The Zoning Board of Appeals shall have the following powers:
  - 1. To hear and decide appeals of determination made by the Director of Planning and Development in the enforcement of this UDO.
    - a. In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of Title 2 of the UDO, reverse decisions or determinations from which the appeal is taken and, to that end, shall have all the powers of the Director from whom the appeal is taken and may issue or revoke or direct the issuance or revocation of a Building or other permit.
  - 2. To authorize variances from the terms of Title 2 and applicable sections of Title 3 of the UDO.

**Section 270-80. Appeals to the Zoning Board of Appeals.**

**270-80.1 Appeals to the Zoning Board of Appeals may be taken by any person aggrieved by any decision of the Director.**

- A. Such appeal shall be taken within 15 days after the written decision of the Director by filing with the Department and Director a Notice of Appeal specifying the grounds thereof.
- B. The Director shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. A public hearing shall be held by the Zoning Board of Appeals within 60 days of the receipt of an appeal.

**270-80.2** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Director certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application and notice to the Director for good cause shown.

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

**270-90.1 Authority.** Unless otherwise provided for in the UDO, the Zoning Board of Appeals shall have authority to grant variances from the requirements of Title 2, and applicable standards in Title 3, in accordance with the standards and procedures as set forth in this UDO.

**270-90.2** The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the UDO would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.

**270-90.3 Initiation.** A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms and with required exhibits as provided by the Department and shall not be considered accepted unless complete in every respect.

**270-90.4 Application Procedures.** An application for a variance shall be filed with the Department, accompanied by a non-refundable fee, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application. The application shall be in such form and shall contain at a minimum the following information and documentation:

- A. Name, address, telephone number, and email address of owner(s) and applicant, if not owner.
- B. Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
- C. The size of the subject property.
- D. The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
- E. The specific provision of Title 2 from which a variance is requested.
- F. A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the UDO and the Unified Plan.
- G. Any other requirements requested by the Department.

**270-90.5 Staff Report.** The staff of the Department shall conduct a site inspection and shall prepare an analysis of each application for variance. The staff report shall be presented in written form to the Zoning Board of Appeals at least 7 days prior to the scheduled hearing date.

**270-90.6 Public Hearing Procedures.**

- A. Before the Zoning Board of Appeals acts upon an application for a Variance, it shall hold a public hearing thereon.
- B. The notice of the time, place and purpose of such hearing shall be published at least thirty days prior to the hearing in the official organ/of the County. Written notice of the time, place and purpose of the hearing shall also be mailed to the owner of the property that is the subject of the application at least thirty days prior to the hearing. At the hearing, any party may appear in person or by agent or attorney.
- C. In addition, a sign shall be erected in a conspicuous place on the property which shall contain information as to the Variance applied for and the time and place of hearing.
- D. The rules of procedure of meetings are as follows:
  - 1. The Chairman shall call the matter before the Zoning Board of Appeals.
  - 2. The Chairman shall then call parties in interest that shall have privilege on the floor after appearing before the Zoning Board of Appeals and identifying themselves by name, address, and affiliation with any business or organization, which would be relative to the matter being considered.
  - 3. Proponents shall speak first, and opponents shall speak second. All comments and questions from the parties in interest shall be directed to the Zoning Board of Appeals. Neither proponents nor opponents shall generally have more than five (5) minutes total to present their interest and the Chairman shall have the power to restrict or expand the period of time for presentations if, in his or her judgment, circumstances surrounding the matter may warrant such action.
  - 4. The Chairman shall call for questions from the Zoning Board of Appeals to the proponents or opponents immediately after their individual presentations.
  - 5. The Chairman shall then call for discussion of the matter by the Zoning Board of Appeals and the voting thereon. Once discussions by the Zoning Board of Appeals has been called for, no further comment or presentation shall be made by parties in interest unless a Zoning Board of Appeals member has a specific question for a party in interest, or the Chairman deems further comment to be appropriate and germane to the issues surrounding the matter before the Zoning Board of Appeals.
  - 6. All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of a majority of the Zoning Board of Appeals members, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time.
  - 7. The Zoning Board of Appeals may table a vote on a specific matter to a specified future date and time after a public hearing.

**270-90.7 Standards for Granting Variances.**

- A. *Granting Variances.* The Zoning Board of Appeals shall not grant a variance unless evidence is presented supporting conclusions that the variance meets one or more of the following criteria:
  - 1. Arises from a condition that is unique and peculiar to the land, structures and buildings involved.

2. Is necessary because the particular physical surroundings, the size, shape, or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience if the provisions of the UDO are literally enforced.
  3. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
  4. The condition is created by the regulations of the UDO and not by an action or actions of the property owner or the applicant.
  5. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
  6. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
  7. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the Gwinnett County Unified Plan.
- B. *No variance shall be authorized to:*
1. Allow a structure or use not authorized in the applicable zoning district.
  2. Allow a density or intensity of development that is not authorized within such district.
  3. To decrease the minimum lot size authorized by the applicable zoning district.
  4. Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a Special Use Permit by the Board of Commissioners.
  5. Permit the expansion or enlargement of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, or non-conforming use requiring a Special Use Permit.
  6. Permit the re-establishment of any non-conforming use of land, non-conforming use of land and buildings in combination, non-conforming use of land and structures in combination, or non-conforming use requiring a Special Use Permit where such use has lapsed.
- C. The Zoning Board of Appeals may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.

**270-90.8 Standards for Considering Appeals of Administrative Decisions.** In considering whether to uphold an administrative decision, the Zoning Board of Appeals shall consider the following criteria:

- A. Whether the official acted within the scope of their authority.
- B. Whether the decision was based on an erroneous finding of material fact.
- C. Whether the decision was based on the standards set forth in this UDO and whether the standards were properly applied or the official making the decision acted in an arbitrary manner in making the decision.
- D. Whether the official adhered to the plain language of this UDO in making the decision, or if the language is determined to be ambiguous, whether or not the decision satisfies the intent of this UDO.

**Section 270-100. Burden of Proof in Appeals and Variances.**

**270-100.1 Requirements.** It shall be the responsibility of an applicant seeking relief to present facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the UDO.

**270-100.2 Review.** It is the duty of the Zoning Board of Appeals to review such facts and evidence in light of the intent of the UDO to balance the public health, safety, and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO on the applicant's property.

**Section 270-110. Appeals to Decisions of the Zoning Board of Appeals.**

**270-110.1** Any person or persons seeking an appeal from a final decision of the Zoning Board of Appeals shall appeal to Superior Court in the manner provided by law.

**270-110.2** Appeals from a final decision of the Department made pursuant to the provisions of Section 270-90 shall be to the Zoning Board of Appeals in accordance with Section 270-110. Decisions made by the Zoning Board of Appeals shall be final. All Appeals of decisions made by the Zoning Board of Appeals shall be made pursuant to Section 270-120.1.

**270-110.3** The Director of Planning and Development or designee is hereby authorized to approve or issue any form or certificate necessary to perfect any petition described in Title 5 of the Official Code of Georgia Annotation for review of lower judicatory bodies and is further authorized to accept service of any such petition on behalf of the Zoning Board of Appeals, during normal business hours, at the regular offices of the Department. The County Attorney is hereby authorized to accept service of an appeal to a decision of the Zoning Board of Appeals on behalf of the Zoning Board of Appeals, during normal business hours, at the regular offices of the County Attorney.

**Section 270-120. Administrative Variances.**

**270-120.1** The Director shall have the power to grant variances from the certain development standards as established in Title 2 of the UDO where, in his/her opinion, the intent of the ordinance can be achieved, and equal performance obtained by granting a variance.

**270-120.2** The authority to grant such variances shall be limited to variances from the following requirements:

- A. Required Minimum Front Yard Setback for a Principal Structure - variance not to exceed 10 feet.
- B. Required Minimum Side Yard Setback for a Principal Structure - variance not to exceed 5 feet. No side yard setback shall be reduced to less than 5 feet.
- C. Required Minimum Rear Yard Setback for a Principal Structure - variance not to exceed 10 feet. No rear yard setback shall be reduced to less than 5 feet.
- D. Required Minimum Lot Width – variance not to exceed 10 percent of the minimum required lot width.
- E. Required Maximum Lot Coverage – variance not to exceed 5 percent of the maximum required lot coverage.
- F. Required Minimum Side Yard or Rear Yard Setback of an Accessory Structure (including Accessory Dwelling Units) - variance not to exceed 5 feet. No setback shall be reduced to less than 5 feet.
- G. Minimum Road Frontage – variance not to exceed 10 feet.

- H. Maximum Fence Height – variance not to exceed 1 foot in the front yard, 2 feet in any other yard, and up to 3 feet in one yard on a corner lot with two front yard setbacks.
- I. Maximum Retaining Wall Height – variance not to exceed 2 feet in the front yard within 10 feet of a front property line.
- J. Reduction in Minimum Parking per Section 240-30.
- K. Reduction in the Minimum Number of Off-Loading Spaces – variance not to exceed 1 space. At least 1 off-street loading space shall be provided.
- L. Maximum Building Height - variance not to exceed 5 feet.
- M. Zoning Buffers - variance not to exceed 25 percent of the minimum required buffer width.

**270-120.3 Application Procedures.**

- A. *Application form and Documentation.* Applications for administrative variances shall be in such a form and contain such information and documentation as shall be prescribed by the Department, but shall contain at least the following:
  - 1. Name and address of the applicant.
  - 2. Legal description of the subject property.
  - 3. Size of the subject property.
  - 4. A statement of the hardship imposed on the applicant by the UDO and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
  - 5. A non-refundable application fee shall accompany the application, as established from time to time by the Board of Commissioners, to defray the actual cost of processing the application.
- B. *Standards for Issuance of Administrative Variances.* In deciding whether to grant an application for an Administrative Variance, the Department shall consider all the applicable standards provided in Title 2 and Title 3 of the UDO.

## Sec. 6.1.1. - Purpose and intent.

The purpose of this section is to establish zoning districts and regulations to ensure that development is compatible with surrounding uses, served by adequate public facilities, sensitive to natural resources, and consistent with the Comprehensive Plan. All development and uses within each district shall comply with LDR and specific zoning district regulations.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)

## Sec. 6.1.2. - Zoning districts.

To implement the Comprehensive Plan, the following zoning districts are hereby established and defined as Wellington's Zoning Districts:

- A. *Residential Single-Family (RS)*: The purpose and intent of the RS district is to accommodate single-family dwelling units. The RS district is consistent with the Residential B and C Future Land Use Map designations of the Land Use Element of the Comprehensive Plan and not located within the Equestrian Preserve Area (EPA).
- B. *Residential Medium Density (RM)*: The purpose and intent of the RM district is intended primarily for the development of multiple-family dwelling units at moderate densities. The RM district is consistent with the Residential D, E, and F Future Land Use Map designations of the Land Use Element of the Comprehensive Plan.
- C. *Residential High Density (RH)*: The purpose and intent of the RH district is intended primarily for the development of multiple-family dwelling units at a high density. The RH district is consistent with the Residential G and H Future Land Use Map designations of the Land Use Element of the Comprehensive Plan.
- D. *Residential Equestrian (ER)*: The ER district is established to protect and enhance the equestrian lifestyle and quality of life of residents in areas designated as equestrian residential, to protect watersheds and water supplies, and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to equestrian and residential purposes. The ER district is consistent with the Residential A and B Future Land Use Map designation in the Land Use Element of the Comprehensive Plan that are located within the EPA.
- E. *Community Commercial (CC)*: The CC district is established for commercial, office, and medical office uses. The CC district is consistent with the Community Commercial Future Land Use Map designations of the Land Use Element of the Comprehensive Plan.
- F. *FLEX*: The purpose and intent of the FLEX district is to permit a wide range of light industrial and commercial uses including light manufacturing, processing, fabrication, or storage of products in addition to construction storage yards. The FLEX district is consistent with the Flex Future Land Use designation of the Comprehensive Plan.

G.



*Community Facilities (CF):* The CF district is established for public and institutional facilities and uses including schools, government offices, assembly, utility services, and other infrastructure-related facilities. The CF district is consistent with all land use categories and in particular Community Facilities and Park Future Land Use Map designations of the Land Use Element of the Comprehensive Plan.

- H. *Planned Unit Development (PUD):* The PUD district is established to offer a residential development alternative that provides greater flexibility and encourages more design creativity than may be available under conventional development approaches. The intent of the PUD is to promote the design of largely and primarily residential neighborhoods, that incorporates commercial, recreational, civic, and institutional uses that support the neighborhoods. It also provides for preservation of natural features and scenic areas and promotes creation of a continuous non-vehicular circulation system. The PUD is consistent with all Residential, Commercial, and Regional Commercial/LSMU Future Land Use Map designations of the Land Use Element of the Comprehensive Plan. When the PUD is located in the EPA, consistency with the Comprehensive Plan includes Residential A, B, and C Future Land Use Map designations, along with the Equestrian Commercial Recreation Future Land Use Map designation and is referred to as an "Equestrian Development" (ED).
- I. *Multiple Use Planned Development (MUPD):* The MUPD is established to promote the design of mixed-use developments of land that includes a mix of residential, commercial, and office land uses and to provide for the efficient use of land by the integration of multiple uses within a single development. The MUPD is consistent with the Mixed Use, Regional Commercial/LSMU, and Commercial Future Land Use Map designations of the Land Use Element of the Comprehensive Plan. All properties previously designated as Mixed Use Planned Developments (MXPDP) on the Official Zoning Map are hereby considered MUPD. This change will not give entitlements to MUPD projects that do not currently apply and it will not take away entitlements from MXPDP properties.
- J. *Medical Center Planned Development (MCPD):* The purpose and intent of the Medical Center Planned Development (MCPD) Zoning District is to provide for the orderly planned development of major health care facilities consisting of a hospital with clinics, medical offices, extended care facilities, and other ancillary or medical care support facilities. The MCPD district provides appropriate architectural design standards and locations for large-scale developments that ensure capacity of the campus facilities meets the future evolution of healthcare services for the community and the region. The MCPD provides for flexibility of certain property development regulations, placement and clustering of buildings and provision for site design. The MCPD is consistent with the Commercial Future Land Use Map designation of the Land Use Element of the Comprehensive Plan.
- K. *Equestrian Commercial Recreation (ECR):* The purpose and intent of the Equestrian Commercial Recreation district is to provide regulations for those properties that contain equestrian commercial arenas/venues and/or limited non-residential equestrian services that support the equestrian community. This district is located within the Equestrian Overlay Zoning District and is compatible with the Equestrian Commercial Recreation Future Land Use Map designation of the Land Use Element of the Comprehensive Plan.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)



In addition to the zoning districts in Section 6.1.2, the following overlay zoning districts are established which provide development and property standards for the specific districts which are in addition to the underlying zoning district:

- A. *Equestrian Overlay Zoning District (EOZD)*: The EOZD is established to protect and enhance the EPA of Wellington, as created by the Comprehensive Plan; to preserve, maintain and enhance the equestrian community, equestrian lifestyle, and development patterns which are consistent with the overall character of the equestrian community; and to identify and encourage types of land uses that are supportive of the equestrian character. The EOZD is consistent with the Residential A, Residential B, Residential C, and Equestrian Commercial Recreation Future Land Use Map designations of the Land Use Element of the Comprehensive Plan.
- B. *Little Ranches Overlay Zoning District (LROZD)*: The LROZD is established to implement the community vision and values established in the Wellington Charter and the Equestrian Element of Wellington's Comprehensive Plan to preserve the equestrian character and lifestyle of the Palm Beach Little Ranches community and maintain the existing residential and equestrian development patterns in the neighborhood. The LROZD is consistent with the Residential B Future Land Use Map designation of the Land Use Element of the Comprehensive Plan.
- C. *Rustic Ranches Overlay Zoning District (RROZD)*: The RROZD is established to that implement the community vision and values established in the Wellington Charter and the Equestrian Element of Wellington's Comprehensive Plan to preserve the equestrian character and lifestyle of the Rustic Ranches community and to maintain the existing residential and equestrian development patterns in the neighborhood. The RROZD is consistent with the Residential B Future Land Use Map designation of the Land Use Element of the Comprehensive Plan.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)

#### Sec. 6.1.4. - Official zoning map.

- A. The location and boundaries of the districts established in this article shall be set forth on the Official Zoning Map of Wellington and the official zoning map is incorporated by reference into this article. A copy of the official zoning map is available for inspection by the general public during regular business hours in the offices of the PZB department.
- B. All amendments to the official zoning map are approved by the Wellington Council. The PZB director shall ensure the official zoning map reflects approved amendments within seven business days from the effective date.
- C. Drafting and clerical errors or omissions may be corrected at any time, but no such corrections shall have the effect of amending the official zoning map.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)

## Sec. 6.2.1. - General.

- A. Uses permitted by right, as a special use, or conditional use shall be determined as listed in the use regulation schedule (Table 6.2-1). All uses included in the use regulation schedule shall be limited to the districts in which they appear as permitted, special use, or conditional use on the table. Any use not reflected for any particular district shall be prohibited in the district.
- B. Uses listed are those uses that are compatible and functional within a given zoning district. In the event that any particular proposed use is not shown anywhere in the use regulation schedule, the PZB director shall determine what listed use is most similar to the use not specifically listed in the use regulation schedule and that use shall be classified as such in accordance with the interpretation and appeals criteria in the LDR.
- C. Uses, densities, and intensities for all Planned Development Districts (PDD) shall be regulated by the approved/valid master plan for the project. Any conflicts that may arise between the LDR and the approved master plan shall comply with the most restrictive requirements.
- D. The corresponding numbers listed to the right of the use type within Table 6.2-1 shall identify additional use-specific regulations that are provided in the supplementary use standards of this article.

Table 6.2-1. Use Regulation Schedule

P = Permitted Use      C = Conditional Use      S = Special Use      Blank = Prohibited Use

| Use Types                          | Zoning Districts |    |    |    |    |    |            |             |                         |                          |             |                              |                               |     |       |       |            |      |
|------------------------------------|------------------|----|----|----|----|----|------------|-------------|-------------------------|--------------------------|-------------|------------------------------|-------------------------------|-----|-------|-------|------------|------|
|                                    | See Supp<br>Regs | RS | RM | RH | CC | CF | PUD        |             |                         |                          | EOZD        |                              |                               |     |       |       |            | MUPD |
|                                    |                  |    |    |    |    |    | Res<br>Pod | Comm<br>Pod | Community<br>Facilities | Open<br>Space/Rec<br>Pod | Res<br>(ER) | Res<br>Pod<br>within<br>a PD | Comm<br>Pod<br>within<br>a PD | ECR | LROZD | RROZD | Res<br>Pod |      |
| Residential Uses                   |                  |    |    |    |    |    |            |             |                         |                          |             |                              |                               |     |       |       |            |      |
| Congregate Living Facility 1       | 6.2.2.A.1        | P  | P  | P  |    |    | P          |             |                         |                          | P           | P                            |                               |     | P     | P     | P          |      |
| Congregate Living Facility 2       |                  |    | C  | C  |    |    | C          |             |                         |                          |             |                              |                               |     |       |       | C          |      |
| Congregate Living Facility 3       |                  |    |    |    |    |    | C          | C           |                         |                          |             |                              |                               |     |       |       | C          |      |
| Multi-Family                       | 6.2.2.A.2        |    | P  | P  |    |    | P          |             |                         |                          |             |                              |                               |     |       |       | P          |      |
| Security/Caretakers<br>Quarters    | 6.2.2.A.3        |    |    |    | S  | S  |            | S           | S                       |                          | S           | S                            | S                             | S   | S     | S     |            |      |
| Single Family                      | 6.2.2.A.4        | P  | P  | P  |    |    | P          |             |                         |                          | P           | P                            |                               |     | P     | P     | P          |      |
| Vacation Rental                    | 6.2.2.A.5        | S  | S  | S  | S  |    |            | S           |                         |                          |             | S                            | S                             |     | S     | S     | S          |      |
| General Services and Entertainment |                  |    |    |    |    |    |            |             |                         |                          |             |                              |                               |     |       |       |            |      |
| Adult Entertainment                | 6.2.2.B.1        |    |    |    |    |    |            |             |                         |                          |             |                              |                               |     |       |       |            |      |
| Bed and Breakfast                  | 6.2.2.B.2        | C  |    |    |    |    | C          |             |                         |                          | C           | C                            |                               |     | C     | C     | C          |      |
| Car Wash and Auto<br>Detailing     | 6.2.2.B.3        |    |    |    | C  |    |            | C           |                         |                          |             |                              |                               |     |       |       |            |      |
| Catering                           | 6.2.2.B.4        |    |    |    | P  |    |            | P           |                         |                          |             |                              | P                             | P   |       |       |            |      |
| Day Care, Adult/Children           | 6.2.2.B.5        |    |    |    | C  |    |            | C           | C                       |                          |             |                              |                               |     |       |       |            |      |
| Day Care, Family                   | 6.2.2.B.6        | P  | P  | P  |    |    | P          |             |                         |                          | P           | P                            |                               |     | P     | P     | P          |      |
| Entertainment, Indoor              |                  |    |    |    | P  |    |            | P           |                         |                          |             |                              |                               |     |       |       |            |      |



|                                    |            |   |   |   |   |   |   |   |   |  |   |   |   |   |   |   |   |
|------------------------------------|------------|---|---|---|---|---|---|---|---|--|---|---|---|---|---|---|---|
| Entertainment, Outdoor             | 6.2.2.B.7  |   |   |   | C | C |   | C |   |  |   |   | C | C |   |   |   |
| Entertainment, Outdoor (Temporary) | 6.2.4.G    | S | S | S | S | S | S | S | S |  | S | S | S | S |   |   | S |
| Financial Institution              |            |   |   |   | P |   |   | P |   |  |   |   | P |   |   |   |   |
| Fitness Center                     | 6.2.2.B.8  |   |   |   | P |   |   | P |   |  |   |   | P |   |   |   |   |
| Funeral Home                       | 6.2.2.B.9  |   |   |   | C |   |   | C |   |  |   |   |   |   |   |   |   |
| Gun Club/Gun Range                 | 6.2.2.B.10 |   |   |   |   |   |   |   |   |  |   |   |   |   |   |   |   |
| Hotel/Motel                        | 6.2.2.B.11 |   |   |   | C |   |   | C |   |  |   |   |   |   |   |   |   |
| Home Occupation                    | 6.2.2.B.12 | P | P | P |   |   | P |   |   |  | P | P |   |   | P | P | P |
| Kennel                             | 6.2.2.B.13 |   |   |   | C |   |   | C |   |  | C |   |   |   | P | P |   |
| Lounge                             | 6.2.2.B.14 |   |   |   | P |   |   | P |   |  |   |   | P |   |   |   |   |
| Nightclub                          | 6.2.2.B.15 |   |   |   | C |   |   | C |   |  |   |   | C |   |   |   |   |
| Personal Service                   |            |   |   |   | P |   |   | P |   |  |   |   | P | P |   |   |   |
| Restaurant                         | 6.2.2.B.16 |   |   |   | P |   |   | P | P |  |   |   | P | P |   |   |   |
| Vehicle Brokering                  | 6.2.2.B.17 |   |   |   | P |   |   | P |   |  |   |   |   |   |   |   |   |
| Veterinary Clinic                  | 6.2.2.B.18 |   |   |   | P |   |   | P |   |  | P |   | P | P | C | C |   |

**Office/Medical**

|                               |           |  |  |  |   |  |  |   |  |  |  |  |   |   |  |  |   |
|-------------------------------|-----------|--|--|--|---|--|--|---|--|--|--|--|---|---|--|--|---|
| Hospital                      | 6.2.2.C.1 |  |  |  |   |  |  |   |  |  |  |  |   |   |  |  |   |
| Medical/Dental Office         | 6.2.2.C.2 |  |  |  | P |  |  | P |  |  |  |  |   |   |  |  |   |
| Nursing/Convalescent Facility | 6.2.2.C.3 |  |  |  |   |  |  |   |  |  |  |  |   |   |  |  | C |
| Professional/General Office   | 6.2.2.C.4 |  |  |  | P |  |  | P |  |  |  |  | P | P |  |  |   |

**Retail and Trade**

|                            |           |  |  |  |   |   |  |   |   |  |  |   |   |  |  |  |  |
|----------------------------|-----------|--|--|--|---|---|--|---|---|--|--|---|---|--|--|--|--|
| Gasoline Sales             | 6.2.2.D.1 |  |  |  | C |   |  | C |   |  |  |   |   |  |  |  |  |
| Mobile Vendor              | 6.2.2.D.2 |  |  |  | S |   |  | S |   |  |  | S | S |  |  |  |  |
| Pharmacy                   | 6.2.2.D.3 |  |  |  | P |   |  | P |   |  |  |   |   |  |  |  |  |
| Retail                     |           |  |  |  | P |   |  | P |   |  |  |   |   |  |  |  |  |
| Temporary/Seasonal Sales   | 6.2.4.E   |  |  |  | S | S |  | S | S |  |  |   |   |  |  |  |  |
| Vehicular Sales and Rental | 6.2.2.D.4 |  |  |  | C |   |  | C |   |  |  |   |   |  |  |  |  |

**Industrial/Manufacturing/Distribution**

|                            |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----------------------------|-----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Automotive Paint/Body Shop | 6.2.2.E.1 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Contractors Storage Yard   | 6.2.2.E.2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

|                                      |            |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
|--------------------------------------|------------|--|--|---|---|--|---|---|--|--|--|--|--|--|--|--|--|
| Craftsman/Contractor Services        | 6.2.2.E.3  |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Flex Space                           | 6.2.2.E.4  |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Manufacturing/Fabrication            |            |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Medical/Dental Laboratory            |            |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Microbrewery                         |            |  |  | P |   |  | P |   |  |  |  |  |  |  |  |  |  |
| Packing, Distribution and Processing | 6.2.2.E.5  |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Recycling Plant                      | 6.2.2.E.6  |  |  |   | C |  |   |   |  |  |  |  |  |  |  |  |  |
| Repair and Maintenance, Large        | 6.2.2.E.7  |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Repair and Maintenance, Small        | 6.2.2.E.8  |  |  |   | P |  |   | P |  |  |  |  |  |  |  |  |  |
| Research and Development             |            |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Self storage, Indoor and/or Outdoor  | 6.2.2.E.9  |  |  |   | C |  |   |   |  |  |  |  |  |  |  |  |  |
| Towing Service and Storage           | 6.2.2.E.10 |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |
| Warehouse                            | 6.2.2.E.11 |  |  |   |   |  |   |   |  |  |  |  |  |  |  |  |  |

## Civic/Institutional/Recreational/Assembly

|                              |           |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|------------------------------|-----------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arena/Auditorium/Stadium     | 6.2.2.F.1 |   |   |   |   | C |   |   | C |   |   |   |   |   |   |   |   |
| Assembly                     | 6.2.2.F.2 |   |   |   | P | P |   | P | P | P |   |   | P | P | P |   |   |
| College or University        |           |   |   |   | C | C |   | C | C |   |   |   |   |   |   |   |   |
| Community Garden             |           |   |   |   | P | P |   |   | P |   |   |   |   |   |   |   |   |
| Golf Course                  | 6.2.2.F.3 |   |   |   |   | C |   |   |   | C |   |   |   |   |   |   |   |
| Government Services          |           | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Park                         |           | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Recreational Vehicle Park    | 6.2.2.F.4 |   |   |   |   |   |   |   |   |   |   |   | C | C |   |   |   |
| School, Secondary or Primary | 6.2.2.F.5 |   |   |   | C | C |   | C | C |   |   |   | C |   |   |   |   |
| Trade School                 |           |   |   |   | P |   |   | P |   |   |   |   |   |   |   |   |   |
| Wildlife Sanctuary           | 6.2.2.F.6 |   |   |   |   |   |   |   |   |   | C |   |   |   |   |   |   |

## Transportation/Communications/Infrastructure

|               |           |  |  |  |  |  |   |  |  |  |  |   |   |  |  |   |  |
|---------------|-----------|--|--|--|--|--|---|--|--|--|--|---|---|--|--|---|--|
| Landing Strip | 6.2.2.G.1 |  |  |  |  |  | C |  |  |  |  | C | C |  |  | C |  |
|---------------|-----------|--|--|--|--|--|---|--|--|--|--|---|---|--|--|---|--|

|  |           |   |   |   |   |   |   |   |   |  |   |   |   |   |   |   |   |
|--|-----------|---|---|---|---|---|---|---|---|--|---|---|---|---|---|---|---|
| Electric Transmission Facilities         |           |   |   |   |   | P |   |   | P |  |   |   |   |   |   |   |   |
| Helipad                                  | 6.2.2.G.2 |   |   |   |   | P |   |   | P |  |   | C |   | C | C |   |   |
| Utilities                                |           | P | P | P | P | P | P | P | P |  | P | P | P | P | P | P | P |
| Wireless Communication Facilities/Towers | 6.2.2.G.3 |   |   |   | C | C |   | C | C |  | C |   | C | C |   |   |   |

**Equestrian/Agricultural**

|                              |              |  |  |  |  |   |  |  |  |  |   |   |   |   |   |   |  |
|------------------------------|--------------|--|--|--|--|---|--|--|--|--|---|---|---|---|---|---|--|
| Agricultural Retail/Service  | 6.8.9.A      |  |  |  |  |   |  |  |  |  |   |   | P | P |   |   |  |
| Aviculture                   | 6.8.9.B      |  |  |  |  |   |  |  |  |  |   |   |   |   | P | P |  |
| Barn/Stable                  | 6.8.9.C      |  |  |  |  |   |  |  |  |  | P | P | P | P | P | P |  |
| Bona Fide Agriculture        | 6.8.9.D      |  |  |  |  | P |  |  |  |  | P | P | P | P | P | P |  |
| Equestrian Arena, Private    |              |  |  |  |  |   |  |  |  |  | P | P | P | P | P | P |  |
| Equestrian Instruction       |              |  |  |  |  |   |  |  |  |  | P | P | P | P | P | P |  |
| Equestrian Services          | <u>6.8.6</u> |  |  |  |  |   |  |  |  |  |   |   | P | P |   |   |  |
| Equestrian Uses, Seasonal    | 6.8.9.H      |  |  |  |  |   |  |  |  |  | S | S | S | S | S | S |  |
| Livestock Raising            | 6.8.9.K      |  |  |  |  |   |  |  |  |  | P | P | P | P | P | P |  |
| Major Equestrian Venue       | 6.8.9.L      |  |  |  |  |   |  |  |  |  |   |   | C | C |   |   |  |
| Minor Equestrian Venue       | 6.8.9.M      |  |  |  |  |   |  |  |  |  | C |   | C | C |   |   |  |
| Nursery, Wholesale or Retail | 6.8.9.N      |  |  |  |  |   |  |  |  |  | C |   | C |   | C | C |  |

**Other**

|                     |         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---------------------|---------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Accessory Dwelling  | 6.2.3.A | P | P | P |   |   | P |   |   |   | P | P |   |   | P | P | P |
| Accessory Structure |         | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Grooms Quarters     | 6.2.3.F |   |   |   |   |   |   |   |   |   | P | P | P |   | P | P |   |

\*Uses, densities and intensities are determined by the underlying land use designation.

(Ord. No. 2020-11, § 1(Exh. A), 8-25-2020; Ord. No. 2021-12, § 1(Exh. A), 9-13-2021; Ord. No. 2023-06, § 1(Exh. A), 3-14-2023; Ord. No. 2023-13, § 1(Exh. A), 2-13-2024, eff. 3-1-2024)

#### Sec. 6.2.2. - Supplementary standards for principal uses.

This section contains supplementary standards for specific uses. In the case of conflict with district or other regulations of the LDR, the more restrictive requirement shall apply.

##### A. Residential uses:

##### 1. Congregate living facilities (CLF):

- Shall be in compliance with the minimum essential facilities regulations contained in the Florida Building Code as determined by the Florida Agency for Health Care Administration (AHCA) and/or Department of Children and Families (DCF) through licensing and inspections.
- Shall follow the regulations below:

|                                     | Type 1          | Type 2A         | Type 2B                       | Type 3                   |
|-------------------------------------|-----------------|-----------------|-------------------------------|--------------------------|
| Maximum Occupancy (excluding staff) | Up to 6 persons | 7 to 14 persons | 15 to 21 elderly persons only | Dependent on DO approval |



The property development regulations of the LDR shall apply to all property in Wellington based on zoning district in which it is located. Such regulations include, but are not limited to, minimum lot size and dimensions, minimum and maximum density, floor area ratio (FAR), building coverage, and setbacks. Additional regulations may be required based on the proposed use and as approved for planned developments. The following general regulations and standards shall apply to properties village-wide, unless specifically indicated otherwise as part of a previously approved development order under regulations at the time of approval.

A. General property development regulations are provided in Table 6.3-1:

Table 6.3-1. General Property Development Regulations

| Zoning Districts   | Minimum Lot |  |        | Maximum FAR | Maximum Building Coverage | Minimum Setbacks                         |        |        |        |
|--------------------|-------------|--|--------|-------------|---------------------------|--|--------|--------|--------|
|                    | Size        | Width                                    | Depth  |             |                           | Front                                    | Side   | Corner | Rear   |
| RS <sup>(1)</sup>  | 6,000 sf    | 65 ft                                    | 75 ft  | —           | 40%                       | 25 ft                                    | 7.5 ft | 15 ft  | 15 ft  |
| RM <sup>(2)</sup>  | —           | 65 ft                                    | 75 ft  | —           | 35%                       | 25 ft                                    | 15 ft  | 25 ft  | 15 ft  |
| RH <sup>(2)</sup>  | —           | 65 ft                                    | 75 ft  | —           | 40%                       | 25 ft                                    | 15 ft  | 25 ft  | 15 ft  |
| CC                 | 1 acre      | 100 ft                                   | 200 ft | 0.35        | 25%                       | 30 ft                                    | 30 ft  | 30 ft  | 30 ft  |
| CF <sup>(3)</sup>  | —           | —  | —      | —           | —                         | —  | —      | —      | —      |
| FLEX               | 1 acre      | 100 ft                                   | 200 ft | 0.45        | 45%                       | 40 ft                                    | 15 ft  | 25 ft  | 20 ft  |
| PUD <sup>(1)</sup> | 10 acres    | Determined by Approved Development Order |        |             | 45%                       | Determined by Approved Development Order |        |        |        |
| MUPD               | 5 acres     |  |        |             | 45%                       |  |        |        |        |
| MCPD               | 20 acres    |  |        |             | 45%                       |  |        |        |        |
| ER                 | 10 acres    | 300 ft                                   | 300 ft | —           | 20%                       | 100 ft                                   | 50 ft  | 50 ft  | 100 ft |
| ECR                | 3 acres     | 200 ft                                   | 300 ft | 0.45        | 45%                       | 80 ft                                    | 50 ft  | 80 ft  | 50 ft  |

| Overlay Districts    |  |  |  |      |     |  |  |  |  |
|----------------------|--|--|--|------|-----|--|--|--|--|
| EOZD <sup>(4)</sup>  | Determined based on ER or ECR Zoning Districts, Subarea, or Approved Development Order |  |  | 0.20 | 20% | Determined based on ER or ECR Zoning Districts, Subarea, or Approved Development Order |  |  |  |
| LROZD <sup>(4)</sup> |  |  |  | 0.20 | 20% |  |  |  |  |
| RROZD <sup>(4)</sup> |  |  |  | 0.20 | 20% |  |  |  |  |

## Notes:

(1) FAR is not calculated for residential structures. Alternative setbacks are available for zero lot line properties and non-traditional lot layouts as long as Palm Beach County Fire separation requirements and Building Code requirements are in compliance. See the supplementary standards for the unit type for further information.

(2) Minimum lot size shall be determined based on ownership and management of parcel(s) and units. FAR is not calculated for residential structures. Alternative setbacks may be proposed and approved as part of a development order.

(3) CF shall be exempt from the development regulations.

(4) See the EOZD section of [Article 6](#) for specific development regulations based on the subarea of the equestrian preserve.

## B. The following are property development regulations for zero lot line and townhomes:

| Housing Type                            | Minimum Lot |       |        | Maximum FAR | Maximum Building Coverage | Maximum Building Height | Minimum Setbacks   |   |        |       |
|---|-------------|-------|--------|-------------|---------------------------|-------------------------|--|---|--------|-------|
|   | Size        | Width | Depth  |             |                           |                         | Front  | Side  | Corner | Rear  |
| Zero Lot Line/Patio Home <sup>(1)</sup> | 4,500 sf    | 45 ft | 100 ft | —           | 50%                       | 35 ft                   | 10 ft - Dwelling unit<br>25 ft - Garage<br>10 ft - Side entry garage | 0 ft - Zero lot line<br>10' - Non-zero lot line | 15'    | 10 ft |

|                  |             |       |        |  |       |  |  |       |       |
|------------------|-------------|-------|--------|--|-------|--|--|-------|-------|
| Townhouse<br>(2) | 1,600<br>sf | 16 ft | 100 ft | Determined by<br>Approved<br>Development Order | 35 ft | 20 ft -<br>Dwelling<br>unit<br>30 ft -<br>Garage | 0 ft -<br>Between<br>units<br>15' - End<br>unit to<br>property<br>line | 25 ft | 25 ft |
|------------------|-------------|-------|--------|--|-------|--|--|-------|-------|

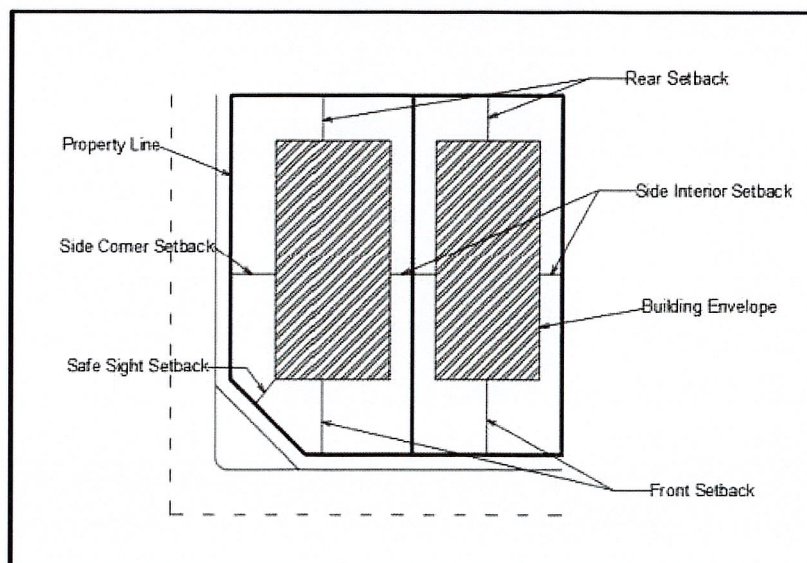
**Notes:**

- (1) All zero lot line homes are required to have two parking spaces. Openings such as doors or windows (including the second and third floors of the home), shall not be allowed in the portion of the home abutting the zero lot line.
- (2) Townhouses shall have a maximum of eight units per building. If the townhomes are part of a multi-building project then the separation between buildings shall be a minimum of 25 ft. if the lots are 100% fee simple for the unit only, an HOA or POA shall be required for the exterior building, parking lot and common area maintenance.

**C. Lot dimensions and setbacks:**

1. For pie-shaped lots, the minimum lot frontage shall be measured at the midpoint between the front property line and the setback line. Any proposed reduction to the minimum frontage of a lot due to curving street or cul-de-sac may not exceed 40 percent of required frontage.
2. Setbacks shall be measured from the property line to the base building line. When the property line and the center line of a road are the same line, the setback shall be measured from the right-of-way line or roadway easement line to the base building line. Figure 6.3-1 provides a graphic depiction for standard setbacks.

**Figure 6.3-1 Setback Diagram**





Legal, non-conforming lots may use the setback reductions provisions in accordance with Article 1 of the LDR.

4. Residential side interior and rear setbacks may be reduced by 30 percent for principal structures and 50 percent for accessory structures when 75 percent of the subject lot is adjacent to open space or water bodies greater than 50-feet wide.
5. All accessory structures used as dwelling units, or those that exceed ten feet in height, shall meet the required setbacks for principal structures. All accessory uses that exceed 120 SF in area shall meet the accessory structure setback requirements. All other accessory structures less than ten feet in height and less than 120 SF in area shall maintain a five foot setback from the side and rear property lines, unless otherwise provided for in the LDR.
6. If there is a conflict between a setback and any type of easement, the structure may not encroach the easement. No portion of any habitable structure or any structure that is not easily removable shall be permitted to encroach an easement.
7. Any setback regulations provided in the principal and/or accessory use standards of this article, or provided on a valid development order, shall supersede the general setback regulations.
8. Whenever a lot in a non-residential zoning district, or pod of a planned development, is contiguous to an alley, one-half of the alley width may be considered as a portion of the required rear yard, but in no case shall the rear yard be reduced to less than five feet.
9. Setbacks from safe sight corners shall be a minimum of ten feet for residential properties and 25 feet for non-residential properties. The setback shall be measured perpendicular from the interior property line of the safe sight triangle. Common areas, entry features, and other non-residential structures of a residential planned development shall meet the non-residential safe sight setbacks.

D. Density:

1. Density shall be calculated by dividing the number of dwelling units on a lot by the lot area (in acres). When the result is other than a whole number it shall be rounded down to the nearest 100ths.
2. Densities proposed to exceed the maximum permitted density of a zoning district shall meet at least one of the following conditions:
  - a. A density bonus has been approved as part of the redevelopment incentive provided in the LDR; or
  - b. The density of a residential pod in a PD may exceed the maximum density of the zoning district as long as the overall density of the PD does not exceed the permitted density of the district. Refer to the PDD section of this article for additional information on transferring units within a PD.

E. FAR calculations shall be expressed as a decimal and both gross floor area and site area shall be expressed in square feet.

F. Building coverage shall be expressed in square feet and shall include all awnings, overhangs, coverings, breezeways, etc.

G. Building height:

1. No building or structure or part thereof shall be erected or altered to a height exceeding 35 feet unless the use is specifically exempt within this section.
2. No building, structure, or part thereof shall be erected or altered to a height exceeding 25 feet in districts with a future land use map designation of Conservation, Park, Equestrian Commercial Recreation, and Open Space Recreation.

3.

No building, structure, or part thereof shall be erected or altered to a height exceeding 56 feet in Planned Development districts with a future land use map designation of Residential E, F, G, and H.

4. No building, structure, or part thereof shall be erected or altered to a height exceeding 72 feet in districts with a future land use map designation of Regional Commercial/Large Scale Multiple Use or for the following uses within the State Road 7 Corridor, which is the area located within one mile of State Road 7, from Southern Boulevard to Lake Worth Road:
  - a. Colleges or universities;
  - b. Employment centers which shall be defined as non-retail development that employ 100 or more people in predominantly technical or professional occupations;
  - c. Government services;
  - d. Hospital or medical centers;
  - e. Hotel or motel;
  - f. Medical or dental laboratories;
  - g. Professional business offices;
  - h. Light industrial and research park uses;
  - i. Congregate living facilities; and
  - j. Multi-family residential buildings.
5. All buildings or structures in excess of 35 feet shall require Wellington Council approval and shall be subject to additional requirements as listed below:
  - a. The building(s) shall provide one foot of additional setback beyond the minimum requirement for every one foot in height for all portions of the building or structure that exceeds 35 feet.
  - b. The property shall not be located adjacent to single-family residential property. Non-collector roadways and canals are not considered separation.
  - c. The property shall be a minimum of two acres in size.
  - d. Residential E, F, G, and H land uses shall be located within a planned development and shall be within 500 linear feet of a collector road or road with a higher classification. These buildings may be eligible for an additional 15 percent height allowance, approved by Wellington Council, based on the following criteria:
    - i. The area proposed to exceed the maximum building height shall be limited to mechanical equipment, architectural features and/or common use areas and shall not include living area, occupiable floor area, or dwelling units;
    - ii. The area proposed to exceed the maximum building height shall be limited to 35 percent of the overall building footprint. A technical deviation for additional height for a portion of the building footprint greater than 35 percent shall be approved by council;
    - iii. The area proposed to exceed the maximum building height shall be setback one and one-half feet beyond the minimum setback lines for every foot above the proposed building height; and
    - iv. The site design must include at least three or more of the following design criteria:
      - (1) A parking structure that results in reduced paved parking areas and additional open green space;
      - (2) Provide on-site amenities such as outdoor recreation, benches, civic spaces, and/or focal points;



- (3) Incorporate eco-design such as car charging stations, green roofs, solar panels and/or bio swales;
  - (4) Privately improved and maintained public amenities on or contiguous to the project such as replacing/widening sidewalks, adding or improving bus shelters/stops, public art, public open space, or pedestrian streetscape enhancements;
  - (5) LEED based design or Florida Green Building design certification of silver or higher;
  - (6) Architectural details that are unique and exceed the multi-family architectural design regulations of the LDR;
  - (7) Landscape enhancements that exceed Article 7 of the LDR and the additional criteria as listed in this section;
  - (8) Provide fee simple or for-sale units;
  - (9) Providing housing with prices/rents available/accessible to households within 80 percent—140 percent of Wellington's median income;
6. Pods or parcels with building heights in excess of 35 feet shall provide and maintain, additional palm/tree plantings, based upon a ratio of one tree per 20 linear feet within, and in addition to, the required landscape buffer, or fraction thereof.
7. All buildings or structures exceeding 35 feet shall be required to meeting the landscape requirements as provided in Article 7 of the LDR and shall also provide the following:
- a. Twenty-five percent of the palms shall have a gray or brown wood height equal or greater than one-third the overall height of the buildings or structure. These palms shall be located within the foundation plantings of the structure.
  - b. Twenty-five percent of the palms shall have a minimum gray or brown wood height in excess of 12 feet and be placed within the foundation plantings of the structure.
  - c. Five percent of the palms shall have a minimum gray or brown wood height in excess of eight feet and can be placed anywhere within the project.
  - d. All palm plantings under this section are credited 1:1 towards the tree planting standards requirements.
  - e. Exception can be made for using "Phoenix" palms wherein this palm will receive credit for four palms if:
    - i. The phoenix palm size (as measured by clear wood below the root remnants) is equal in height to the tallest measurement of the palms that it is replacing; and
    - ii. The phoenix must be placed in the area of the project where the palms it is replacing is located.
  - f. Any required palms approved to obtain a height bonus shall remain as a condition of the approval and must remain as long as the structure remains. Any and all palms that die, become diseased, or disfigured must be replaced in a reasonable time period and be the same size as the palm(s) they replaced.
8. Exclusions from height limitations:
- a. Spires, ornamental belfries, towers, stage towers or scenery loft appurtenant to civic or cultural buildings, chimneys, mechanical equipment, mechanical equipment rooms and parapet walls used to screen mechanical equipment shall not be included in measuring the overall height of a building or structure if:
    - i. They do not exceed 30 percent of the roof area in gross area; or

- ii. They do not exceed 25 percent of the proposed maximum building height.
- b. Water towers, public utilities, civic buildings, and publicly-owned facilities shall be exempt from height regulations in all zoning districts.
- c. Wireless communications towers and facilities, including accessory radio towers, amateur radio/TV antennas, and commercial communication towers and antennas may be erected subject to the supplementary standards of the LDR.

(Ord. No. 2021-12, § 1(Exh. A), 9-13-2021)



155 F Road Loxahatchee Groves, FL 33470

**TO: Planning and Zoning Board**

**FROM: Caryn Gardner-Young, Community Services Director**

**THRU: Francine Ramaglia, Town Manager**

**DATE: January 13, 2026**

**SUBJECT: Planning and Zoning Board Workshop**

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The Town Council is looking for the appointed Town Committees to workshop various possible zoning text amendments. At a recent Town Council meeting, there was a discussion on the possibility of creating Equestrian Estates regulations. The idea is to allow a large lot parcel to be more intensive and contain possible different uses and structures.

Why the Town Needs Clear Rules for Equestrian Estates: Loxahatchee Groves is seeing an increase in property owners who want to design and build true equestrian estates—large rural properties centered on horses, not subdivisions and not traditional farms. The problem is that our current code was never written for equestrian estate design. It was written for single homes on large lots or basic agricultural use

This conversation about creating rules for equestrian estates is not about increasing density, allowing subdivisions, changing zoning, or taking away horse or farm rights. None of that is on the table. What is on the table is how equestrian properties are laid out. Our current code was written for only a simple rural residential home with a few accessory buildings—not for modern equestrian estates. Even well-designed equestrian estates struggle to fit within today's rules, creating delays, workarounds and inconsistent outcomes:

- Setbacks assume one house and a handful of small structures. Equestrian estates, however, need barns near arenas, arenas set back from neighbors to manage dust and lighting, and manure areas located for safe truck access. Applying setbacks to one building at a time often forces poor layouts, pushes barns closer to neighbors, and leads to unnecessary variance requests.
- Clustering is another problem. Grouping barns, arenas, and service areas together reduces impacts and preserves open space—but our code unintentionally discourages it. Instead, buildings get scattered across large properties, increasing visual, drainage, and access impacts.
- Structure counts create confusion. The code focuses on dwelling units, but equestrian estates require multiple non-residential buildings and often a caretaker unit. This blurs the

line between housing density, which is not increasing, and functional estate design, which simply needs more structures.

- Access standards assume one driveway and residential traffic. Equestrian estates need separate service access, trailer turning space, and reliable emergency access to barns and arenas. The current rules make safe circulation harder than it needs to be.

When setbacks, clustering, structure limits, and access are addressed separately, good equestrian projects get redesigned poorly or delayed, neighbors see more impacts—not fewer—and staff are left managing workarounds. Clear equestrian estate standards would improve layout, reduce conflicts, protect neighbors, and preserve rural character—without changing zoning or increasing density. Doing nothing keeps us stuck in the gray area and causes unnecessary costs and conflicts over the desires of today’s property owners. Council recognizes this and accordingly is asking the PZB to consider the addition of Equestrian Estates in the Town’s municipal limits.

Items to consider:

1. Do we want to allow this type of development?
2. What should be the minimum lot size?
3. Should there be a restriction on the number of horses allowed? If yes, what is that? Sliding scale or set amounts based upon square footage?
4. What accessory structures should be allowed or permitted?
  - a. Grooms quarters
  - b. Business Office
  - c. Gym
  - d. Caretakers quarters
  - e. Guest quarters
  - f. Barns
  - g. Riding Rinks
  - h. RV use
5. What uses should be allowed as of right or as a special exception?
  - a. Dressage rink
  - b. Race Track
  - c. Training Facility
  - d. Equine Hospital
  - e. Surgical Facility
  - f. Riding School
  - g. Stable, commercial
  - h. Stable, pleasure
6. Should maintenance requirements be included?
  - a. Address manure
  - b. Address drainage
  - c. Address animal welfare

7. Should there be a trail connection requirement

Attached are several residential zoning regulations from other jurisdictions that reflect large lots or agricultural uses.

The Town Council is asking the Planning and Zoning Board to discuss and recommend possible Equestrian Estates regulations.



## Chapter 18.12 A-E ZONE AGRICULTURAL ESTATE

### Sections:

- 18.12.02 Intent and Purpose.**
- 18.12.06 Permitted Uses.**
- 18.12.08 Uses Which may be Permitted by Conditional Use Permit.**
- 18.12.10 Lot Area.**
- 18.12.12 Lot Dimensions.**
- 18.12.16 Yard Spaces.**
- 18.12.18 Permitted Heights.**
- 18.12.20 Permitted Coverage.**
- 18.12.22 Distance Between Buildings.**
- 18.12.24 Walls, Fences, and Structures in the Setback Areas.**
- 18.12.26 Off-Street Parking.**
- 18.12.28 Size of Dwellings.**
- 18.12.32 Signs.**
- 18.12.34 Water Works Facilities.**
- 18.12.42 Encroachments for Driveways.**

### **18.12.02 Intent and Purpose.**

It is hereby found and declared that the City of Norco lies in a natural setting of rural, scenic and historical beauty; that this rural environment generates a strong characteristic for development of Norco as a new equestrian focal point in southern California; that this unique rural environment and historically significant location contributes a material economic advantage to the citizens, businesses, and industries within the City and particularly to the property owners who reside therein; and that development in an orderly manner with compatible uses and appearances of structures within and between zones and with the natural rural environment is necessary to maintain such historic and economic advantage, to stabilize, protect, and maintain property values, and to encourage permanence of desirable residential areas.

This zone is intended to provide and encourage the development of agricultural estate areas designed to take advantage of the rural environment, as well as the outdoor recreation potential of the community by maintaining contiguous undeveloped open land on each and every residential lot. (Ord. 1019 Sec. 1, 2017; Ord. 924 Sec. 1, 2010)

### **18.12.06 Permitted Uses.**

The following uses are permitted and land shall be used and buildings and structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following uses only:

- A. Single-family detached dwellings. No more than one such dwelling shall be permitted on any lot.



B. Public parks and playgrounds.

C. Accessory Structures and Uses.

1. Accessory buildings as regulated by Chapter [18.68](#) subject to the lot development standards of this zone.
2. *Deleted by Ord. 924.*
3. Home occupation, as defined in Section [18.02.04](#)(31) and subject to conformance to the criteria for home occupations provided in Chapter [18.32](#) and all the provisions thereof.

D. Agricultural Uses:

1. Nurseries, greenhouses, orchards, aviaries, apiaries, the raising of field crops and tree crops, berry and bush crops, and vegetable, flower, and herb gardening on a commercial scale including the drying, packing, and other accepted methods of processing of fruits, nuts, vegetables, and other horticultural products where such drying, packing, or processing is primarily in conjunction with a farming operation and provided the permanent buildings and structures used in conjunction with such drying, packing, and processing operations are not nearer than 20 feet from the boundaries of the premises.
2. The keeping and maintaining of horses, cattle, swine, sheep, and goats (hereinafter referred to as "keeping," it being the intent that whenever the term "keeping" or "kept" is used in this section it shall mean that portion of a lot upon which such animals receive food and/or water and/or shelter) shall be permitted on the basis of maximum number of adult animal units per lot.
3. Adult animal units shall be determined as follows:

| Animal               | Shall Equal     |
|----------------------|-----------------|
| One Equine           | One Animal Unit |
| One Bovine           | One Animal Unit |
| One Swine            | One Animal Unit |
| Two Sheep            | One Animal Unit |
| Two Goats            | One Animal Unit |
| Two Miniature Horses | One Animal Unit |

- i. Offspring of permitted adult animal units shall not be counted in determining the permitted number of adult animal units on a given lot, if such offspring do not exceed the following age limitation:

Equine, six months

Bovine, six months

Swine, 60 days

Sheep, 90 days

Goats, 90 days

- ii. Offspring of nonpermitted adult animal units shall be counted as adult animal units, notwithstanding their age at any particular time.

4. The maximum number of adult animal units permitted in relation to lot size shall be determined as follows:

| Lot Size                            | Maximum Animal  |
|-------------------------------------|-----------------|
| 40,000 but less than 45,000 sq. ft. | 11 Animal Units |

| Lot Size                            | Maximum Animal  |
|-------------------------------------|-----------------|
| 45,000 but less than 50,000 sq. ft. | 12 Animal Units |
| 50,000 but less than 55,000 sq. ft. | 13 Animal Units |
| 55,000 but less than 60,000 sq. ft. | 15 Animal Units |
| 60,000 but less than 75,000 sq. ft. | 16 Animal Units |

i. One additional animal unit shall be permitted for each additional 4,000 square feet of lot area beyond 75,000 square feet.

ii. Notwithstanding anything to the contrary contained herein, not more than one swine shall be allowed for each 10,000 square feet of property or any multiple thereof. However, a miniature pig shall be allowed for each 5,000 square feet of property or any multiple thereof.

5. The nonconforming use of adult animal units on a lot of less than 40,000 square feet in area shall be determined as follows:

| Lot Size                            | Maximum Animal Units |
|-------------------------------------|----------------------|
| 10,000 but less than 15,000 sq. ft. | 2 Animal Units       |
| 15,000 but less than 20,000 sq. ft. | 4 Animal Units       |
| 20,000 but less than 25,000 sq. ft. | 5 Animal Units       |
| 25,000 but less than 30,000 sq. ft. | 6 Animal Units       |
| 30,000 but less than 35,000 sq. ft. | 7 Animal Units       |
| 35,000 but less than 40,000 sq. ft. | 8 Animal Units       |

6. Notwithstanding anything to the contrary stated in subsection (D) of this section, no adult animal unit or offspring thereof, as defined in subsection (D)(3) of this section, shall be permitted on a lot, unless the lot has at least 500 contiguous square feet of land, which does not slope more than 15 degrees, for each animal unit proposed to be kept or maintained on said lot. This provisions shall not apply to goats or sheep.

7. No adult animal unit or offspring thereof shall be kept, or maintained at a distance less than 35 feet from a dwelling located on an adjacent lot. Except for swine, an adult animal unit or offspring thereof may be kept or maintained at a distance less than 35 feet from dwelling on an adjacent lot, if the owner of said animal unit or offspring thereof constructs a solid fence not less than six feet high on his lot in a manner that screens said adult animal unit or offspring thereof from a dwelling located on an adjacent lot. Under no circumstances shall swine be kept or maintained at a distance less than 35 feet from a dwelling on an adjacent lot.

If any lot is developed in such a manner as to cause an owner or occupant of a lot adjacent thereto to be in violation of this section, the developer of said lot shall provide the screening as required hereinabove.

8. Adult animal units, including offspring thereof, which are being kept or maintained by the following uses:



4-H Projects

Future Farmers Projects

Horse Ranches

Training Stables

Boarding Stables

Breeding Farms

may be so kept or maintained in excess of the quantities provided in subsections (D)(4) and (5) of this section, subject to the issuance of a conditional use permit therefor pursuant to the procedures set forth in Chapter [18.45](#) (Conditional Use Permits).

- i. For the purposes of this subsection the use "horse ranches" shall mean selling, purchasing, trading, and exchanging horses for profit.
- ii. In the case of an application for a use permit related to 4-H and Future Farmers of America uses, no filing fee shall be required to accompany the application.

9. A temporary or permanent stand for the display and sale of the products of any permitted use, produced upon the premises upon which such stand is located or upon lands owned or leased by the owner or occupant of such premises. Such stand shall be located not nearer than 20 feet to any street or highway line upon which such property fronts. Where the stand permitted by this subsection is of a permanent nature, there shall be provided adequate off-street automobile storage space for use in conjunction therewith.

10. A nonlighted sign, single or double faced, not exceeding 12 square feet in area per face and pertaining only to the sale, lease or hire of the premises or of the products produced by the owner or occupant of the premises, including articles used in conjunction with farming or agriculture or activities or services carried on by such owner or occupant. Temporary signs of a similar nature not exceeding six square feet in area shall be permitted for seasonal use only and may be placed to the street line.

E. Child home care.

F. Other similar uses permitted by Commission determination in accordance with Chapter [18.42](#) (Similar Uses).

G. Shoeing horses, if said use is not being conducted at a fixed place of business, which is being operated wholly or partially for farrier purposes.

H. Farrier at a fixed place of business which is being operated wholly or partially for farrier purposes.

I. Mobile homes, on lawfully existing nonconforming lots consisting of less than 20,000 square feet. No more than one such dwelling shall be permitted on any lot, subject to all provisions of the A-E Zone.

J. Supportive housing as defined in Chapter [18.02](#).

K. Transitional housing as defined in Chapter [18.02](#).

L. Single-resident occupancy as defined in Chapter [18.02](#) and regulated by Section [18.66.06](#). (Ord. 1019 Sec. 1, 2017; Ord. 969 Sec. 1, 2014; Ord. 924 Sec. 1, 2010; Ord. 818, 2004; Ord. 675 Sec. 1, 1993; Ord. 664, 1993; Ord. 624 Sec. 1, 1991; Ord. 497 Sec. 3, 1983; Ord. 471 Sec. 4, 1982; Ord. 306 Sec. 3, 1974; Ord. 277 Sec. 2 (part), 1974)

#### **18.12.08 Uses Which may be Permitted by Conditional Use Permit.**

The following uses may be permitted, subject to the approval of a conditional use permit as provided in Chapter [18.45](#) (Conditional Use Permits):

A. Public schools.

- B. Private schools providing education as required under the California State Education Code.
- C. Day nurseries or nursery schools.
- D. Public golf courses, tennis clubs, swimming clubs and other similar recreation facilities.
- E. Restaurants and other related facilities only when associated with and incidental to a golf course, tennis club, or other recreational facility. In granting a permit for such activities, the Planning Commission shall ensure, through the imposition of appropriate conditions, that no interference with the conduct of nearby residential uses occurs.
- F. Churches, temples or other places used exclusively for religious worship.
- G. Public utility uses, both publicly and privately owned.
- H. Caretaker dwellings.
- I. Small and large animal hospitals.
- J. Farms devoted to the hatching, raising, butchering or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and eggs, rabbits, fish, frogs, mink, chinchilla, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed or maintained on a parcel of less than five acres. No commercial poultry shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway.
- K. Packing, freezing, or processing, which use is primarily in conjunction with a farming operation on a commercial scale, and provided the permanent buildings and structures used in conjunction with such packing, freezing, and processing operations are not nearer than 20 feet from the boundaries of the premises.
- L. Sales yards limited to agricultural commodities, livestock and farm implements.
- M. Accessory Structures and Uses. Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, covered corrals and pens, and similar animal-keeping/agricultural structures that exceed 864 square feet, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit review. (Ord. 924 Sec. 1, 2010; Ord. 497 Sec. 4, 1983; Ord. 308 Sec. 2, 1974)

#### **18.12.10 Lot Area.**

All lots in this zone shall contain a minimum lot area of least 40,000 square feet and no lot in this zone shall be reduced below this minimum.

#### **18.12.12 Lot Dimensions.**

All lots shall maintain the following minimum standards:

- A. Width: Minimum width of 80 feet.
- B. Cul-de-Sac Lots: Minimum average width of 80 feet and minimum frontage of not less than 50 feet.
- C. Depth: Minimum depth of 150 feet.

(Ord. 364 Sec. 1(a), 1976)

#### **18.12.16 Yard Spaces.**

Subject to Section [18.14.24](#), the following shall apply:

- A. Front Yard. Minimum of 25 feet from the right-of-way line as determined by the master plan of streets and highways.
- B. Side Yard.



1. Interior. All lots on which dwellings or buildings are located shall have side yards on each side of the dwelling, and the width of one side yard shall be no less than five feet and the width of the other side yard shall have such a dimension that the sum of the widths of the two yards shall be no less than 20 feet; provided, however, the width of the other yard shall not be less than 12 feet.

2. Corner Side. A side yard on the street side of 20 percent of the lot width but no more than 15 feet need be provided.

C. Rear Yard: A minimum of 30 feet. (Ord. 264 Sec. 2 (part), 1973)

#### **18.12.18 Permitted Heights.**

The maximum height of an accessory building shall be per the regulations of Chapter [18.68](#). (Ord. 1019 Sec. 1, 2017; Ord. 924 Sec. 1, 2010)

#### **18.12.20 Permitted Coverage.**

The maximum lot coverage of all structures shall be not more than 40 percent of the total lot area. All in-ground pools and spas along with a five-foot coping around the perimeter of said structures shall be included in the building coverage calculations. (Ord. 1019 Sec. 1, 2017; Ord. 741, 1998; Ord. 499 Sec. 3, 1983)

#### **18.12.22 Distance Between Buildings.**

The minimum space between separate buildings on the same lot shall be 10 feet.

#### **18.12.24 Walls, Fences, and Structures in the Setback Areas.**

The provisions of Section [18.31.08](#) (Walls, Fences, and Structures in the Setback Areas) shall apply.

#### **18.12.26 Off-Street Parking.**

The provisions of Chapter [18.38](#) (Off-Street Parking) shall apply. No required front or corner side yard shall be used for parking.

#### **18.12.28 Size of Dwellings.**

Every single-family dwelling having two bedrooms or less shall have a floor area of not less than 1,200 square feet, exclusive of porches and garages.

All other single-family dwellings shall have a minimum floor area of not less than 1,500 square feet, exclusive of porches and garages. The architecture and general appearance of such building shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located.

#### **18.12.32 Signs.**

The provisions of Chapter [18.37](#) (Signs) shall apply.

#### **18.12.34 Water Works Facilities.**

Water works facilities, both public and private for the production and distribution of water for primarily irrigation purposes shall not be subject to any of the provisions of this chapter.

#### **18.12.42 Encroachments for Driveways.**

*Deleted by Ord. 701. (Ord. 639 Sec. 1, 1991; Ord. 400 Secs. 1—3 (part), 1977; Ord. 294 Sec. 2(a) (part), 1974)*

The Norco Municipal Code is current through Ordinance 1131, passed July 2, 2025.

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## Chapter 18.13 A-1 ZONE AGRICULTURAL LOW DENSITY

### Sections:

- 18.13.02 Intent and Purpose.**
- 18.13.04 Sub-Zones of the A-1 Zone.**
- 18.13.06 Permitted Uses.**
- 18.13.08 Uses Which May Be Permitted by Conditional Use Permit.**
- 18.13.10 Lot and Pad Area.**
- 18.13.11 Primary Animal Keeping Area**
- 18.13.12 Lot Dimensions.**
- 18.13.16 Yard Spaces.**
- 18.13.18 Permitted Heights.**
- 18.13.20 Permitted Coverage.**
- 18.13.22 Distance Between Buildings.**
- 18.13.24 Walls, Fences, and Structures in the Setback Areas.**
- 18.13.26 Off-Street Parking.**
- 18.13.28 Size of Dwellings.**
- 18.13.30 Additional Dwellings on a Lot.**
- 18.13.32 Signs.**
- 18.13.34 Water Works Facilities.**
- 18.13.42 Encroachments for Driveways.**

### **18.13.02 Intent and Purpose.**

It is hereby found and declared that the City of Norco lies in a natural setting of rural, scenic and historical beauty; that this rural environment generates a strong characteristic for development of Norco as a new equestrian focal point in southern California; that this unique rural environment and historically significant location contributes a material economic advantage to the citizens, businesses, and industries within the City and particularly to the property owners who reside therein; and that development in an orderly manner with compatible uses and appearances of structures within and between zones and with the natural rural environment is necessary to maintain such historic and economic advantage, to stabilize, protect, and maintain property values, and to encourage permanence of desirable residential areas.

This zone is intended to provide and encourage the development of agriculturally oriented low-density living areas designed to take advantage of the rural environment, as well as the outdoor recreation potential of the community by maintaining contiguous undeveloped open land on each and every residential lot. (Ord. 1019 Sec. 1, 2017; Ord. 924 Sec. 1, 2010)



**18.13.04 Sub-Zones of the A-1 Zone.**

This zone shall be separated into sub-zones to delineate required minimum lot size. The sub-zone shall be identified by a numerical suffix after the "A-1" designation on the zoning map; and each and every area zoned A-1 in the City of Norco shall have a numerical suffix appended thereto. Said numerical suffixes shall designate the required minimum lot size in either thousands of feet, or in number of acres. Any numerical suffix of 20 or more shall mean thousands of square feet; any numerical suffix of less than 20 shall mean acres. For example:

A-1-20 = 20,000-square-foot minimum lot size (\*see note below);

A-1-2 = two-acre minimum lot size;

A-1-5 = five-acre minimum lot size; etc.

\* A-1-20 shall refer to all lots created before the effective date of Ordinance No. 977, when the minimum lot size was 20,000 square feet, and to all lots created after the effective date of Ordinance No. 977 and the minimum lot size is 21,780 square feet net.

(Ord. 977 Sec. 1, 2014)

**18.13.06 Permitted Uses.**

The following uses are permitted and land shall be used and buildings and structures shall hereafter be erected, altered, enlarged, or otherwise modified for the following uses only:

A. Single-family detached dwellings. No more than one such dwelling shall be permitted on any lot.

B. Public parks and playgrounds.

C. Accessory Structures and Uses.

1. Accessory buildings as regulated by Chapter [18.68](#) subject to the lot development standards of this zone.

2. Deleted by Ord. 924.

3. Home occupation, as defined in Section [18.02.04](#)(31) and subject to conformance to the criteria for home occupations provided in Chapter [18.32](#) and all the provisions thereof.

D. Agricultural Uses:

1. Farms devoted to the hatching, raising, butchering, or marketing on a commercial scale of chickens, turkeys, or other fowl or poultry and rabbits, fish, frogs, or other small animal farms of a similar nature; provided, however, that not more than 500 turkeys per acre, in addition to brooding stock, shall be kept, fed, or maintained on a parcel of less than five acres. No commercial poultry operation shall be established on a parcel containing less than nine acres or with a width of less than 300 feet, and all poultry buildings and structures shall be set back a minimum of 25 feet from the rear and side lines of the parcel and 50 feet from any public road or highway. Unless otherwise noted below, the provision for fowl or poultry shall not include roosters. Roosters shall be regulated as noted below:

a. The maximum number of roosters permitted, for noncommercial animal-keeping, in relation to lot size shall be determined as follows:

| Lot Size                            | Maximum Roosters |
|-------------------------------------|------------------|
| 10,000 but less than 19,999 sq. ft. | 4                |
| 20,000 but less than 24,999 sq. ft. | 16               |



| Lot Size   | Maximum Roosters |
|--|------------------|
| 25,000 but less than 29,999 sq. ft.  | 17*              |
| 30,000 but less than 34,999 sq. ft.  | 34*              |
| 35,000 but less than 39,999 sq. ft.  | 43*              |
| 40,000 or more   | 55*              |
| *Conditional use permit required for keeping more than 16 roosters regardless of lot size. |                  |

- b. When it can be determined by appearance or crowing that a bird is a stag, it shall be included in the count regardless of the age of the stag.
- c. All properties with more than 16 roosters shall be required to obtain a conditional use permit and shall be required to have roosters contained on the property at all times, with said roosters maintained a minimum of 50 feet from the nearest adjacent residence. Any operation consisting of 55 or more roosters shall be considered a commercial operation and in addition to requiring approval of a conditional use permit, shall have the same restrictions pertaining to a commercial poultry business noted in subsection (D)(1) of this section.
- d. It is unlawful and a public nuisance to keep or maintain more than 16 roosters on any property in the A-1 zone without the approval of a conditional use permit.
2. Nurseries, greenhouses, orchards, aviaries, apiaries, the raising of field crops and tree crops, berry and bush crops, and vegetable, flower, and herb gardening on a commercial scale including the drying, packing, canning, freezing, and other accepted methods of processing of fruits, nuts, vegetables, and other horticultural products where such drying, packing, canning, freezing or processing is primarily in conjunction with a farming operation and provided the permanent buildings and structures used in conjunction with such drying, packing, canning, freezing, and processing operations are not nearer than 20 feet from the boundaries of the premises. Such drying, packing, canning, freezing, or processing not in conjunction with a farming operation on the same premises may be conducted in the A-1 Zone where the minimum lot size permitted by the zone classification is five acres or more, and further provided that all such operations are kept at least 40 feet from any interior boundary and 100 feet from the centerline of any public street or highway.
3. The keeping and maintaining of horses, cattle, swine, sheep, and goats (hereinafter referred to as "keeping," it being the intent that whenever the term "keeping" or "kept" is used in this Section it shall mean that portion of a lot upon which such animals receive food and/or water and/or shelter) shall be permitted on the basis of maximum number of adult animal units per lot.
4. Adult animal units shall be determined as follows:

| Animal               | Shall Equal     |
|----------------------|-----------------|
| One Equine           | One Animal Unit |
| One Bovine           | One Animal Unit |
| One Swine            | One Animal Unit |
| Two Sheep            | One Animal Unit |
| Two Goats            | One Animal Unit |
| Two Miniature Horses | One Animal Unit |

| <b>Animal</b>         | <b>Shall Equal</b> |
|-----------------------|--------------------|
| Two Miniature Bovines | One Animal Unit    |
| One Camel             | One Animal Unit    |
| One Llama             | One Animal Unit    |
| Two Alpacas           | One Animal Unit    |
| Two Emus              | One Animal Unit    |
| One Ostrich           | One Animal Unit    |

i. Offspring of permitted adult animal units shall not be counted in determining the permitted number of adult animal units on a given lot, if such offspring do not exceed the following age limitation:

Equine, six months

Bovine, six months

Swine, 60 days

Sheep, 90 days

Goats, 90 days

Camel, eight months

Llama, six months

Alpaca, six months

Emu, six months

Ostrich, six months

ii. To facilitate enforcement of this subsection (D)(4), offspring of nonpermitted adult animal units shall be counted as adult animal units, notwithstanding their age at any particular time.

5. The maximum number of adult animal units permitted in relation to lot size shall be determined as follows:

| <b>Lot Size</b>                     | <b>Maximum Animal</b> |
|-------------------------------------|-----------------------|
| 20,000 but less than 25,000 sq. ft. | 5 Animal Units        |
| 25,000 but less than 30,000 sq. ft. | 6 Animal Units        |
| 30,000 but less than 35,000 sq. ft. | 7 Animal Units        |
| 35,000 but less than 40,000 sq. ft. | 8 Animal Units        |
| 40,000 but less than 45,000 sq. ft. | 10 Animal Units       |
| 45,000 but less than 50,000 sq. ft. | 12 Animal Units       |
| 50,000 but less than 55,000 sq. ft. | 14 Animal Units       |



| Lot Size                            | Maximum Animal  |
|-------------------------------------|-----------------|
| 55,000 but less than 60,000 sq. ft. | 16 Animal Units |

- i. One additional animal unit shall be permitted for each additional 4,000 square feet of lot area beyond 60,000 square feet.
  - ii. Notwithstanding anything to the contrary contained herein, not more than one swine shall be allowed for each 10,000 square feet of property or any multiple thereof. However, a miniature pig shall be allowed for each 5,000 square feet of property or any multiple thereof.
6. The nonconforming use of adult animal units on a lot of less than 20,000 square feet in area shall be determined as follows:

| Lot Size                            | Maximum Animal Units       |
|-------------------------------------|----------------------------|
| Less than 10,000 sq. ft.            | 1 Animal Unit except Swine |
| 10,000 but less than 12,500 sq. ft. | 1 Animal Unit              |
| 12,500 but less than 15,000 sq. ft. | 2 Animal Units             |
| 15,000 but less than 17,500 sq. ft. | 3 Animal Units             |
| 17,500 but less than 20,000 sq. ft. | 4 Animal Units             |

Any person desiring to maintain, keep or maintain one additional animal on a lot having a size of 10,000 square feet or greater but less than 12,500 square feet in area may do so if a permit therefor has been issued by the City's Planning Director in accordance with the procedure listed in Chapter [18.35](#) (Standards and Procedures Related to Animal Keeping).

7. Notwithstanding anything to the contrary stated in subsection (D) of this section, no adult animal unit or offspring thereof, as defined in subsection (D)(4) of this section, shall be permitted on a lot, unless the lot has at least 500 contiguous square feet of land, which does not slope more than 15 degrees, for each animal unit proposed to be kept or maintained on said lot. This provision shall not apply to goats or sheep.
8. No adult animal unit or offspring thereof shall be kept or maintained at a distance less than 35 feet from a dwelling located on an adjacent lot. Except for swine, an adult animal unit or offspring thereof may be kept or maintained at a distance less than 35 feet from dwelling on an adjacent lot, if the owner of said animal unit or offspring thereof constructs a solid fence not less than six feet high on his lot in a manner that screens said adult animal unit or offspring thereof from a dwelling located on an adjacent lot. Under no circumstances shall swine be kept or maintained at a distance less than 35 feet from a dwelling on an adjacent lot.
9. If any lot is developed in such a manner as to cause an owner or occupant of a lot adjacent thereto to be in violation of this section, the developer of said lot shall provide the screening as required in this section.
10. No person, firm, corporation, or other entity shall maintain more than the maximum number of roosters and/or animal units permitted, or conditionally permitted, by this chapter. Each and every rooster and/or animal unit on a property that exceeds the maximum number of roosters and/or animal units permitted by this chapter shall constitute a separate and independent violation of this chapter.
11. A temporary or permanent stand for the display and sale of the products of any permitted use, produced upon the premises upon which such stand is located or upon lands owned or leased by the owner or occupant

of such premises. Such stand shall be located not nearer than 20 feet to any street or highway line upon which such property fronts. Where the stand permitted by this paragraph is of a permanent nature, there shall be provided adequate off-street automobile storage space for use in conjunction therewith.

12. A nonlighted sign, single- or double-faced, not exceeding 12 square feet in area per face and pertaining only to the sale, lease or hire of the premises or of the products produced by the owner or occupant of the premises, including articles used in conjunction with farming or agriculture or activities or services carried on by such owner or occupant. Temporary signs of a similar nature not exceeding six square feet in area shall be permitted for seasonal use only and may be placed to the street line.

E. Child home care.

F. Trailers used by the owner of the parcel upon which the trailer is located or by persons employed in farming operations in the area, provided all of the following are met:

1. No compensation is involved in the use of the space.
2. The location and arrangement of the trailers, sanitary facilities and utilities conform with regulations of the Health Department, Department of Building and Safety and state law.
3. The area being farmed is in excess of 10 acres, or the number of laying hens in a poultry operation exceeds 15,000.

G. Other similar uses permitted by Commission determination in accordance with Chapter [18.42](#) (Similar Uses).

H. Shoeing horses, if said use is not being conducted at a fixed place of business, which is being operated wholly or partially for farrier purposes.

I. Farrier at a fixed place of business which is being operated wholly or partially for farrier purposes.

J. Mobile homes, on lawfully existing nonconforming lots consisting of less than 20,000 square feet. No more than one such dwelling shall be permitted on any lot, subject to all provisions of the A-1 Zone.

K. Supportive housing as defined in Chapter [18.02](#).

L. Transitional housing as defined in Chapter [18.02](#).

M. Single-resident occupancy as defined in Chapter [18.02](#) and regulated by Section [18.66.06](#).

N. Farmworker/agricultural employee housing, pursuant to California Health and Safety Code Section [17021.6](#), and subject to the standards in Chapter [18.30](#) (General Provisions—Miscellaneous), Section [18.30.49](#) (Farmworker/Agricultural Housing Development Standards Pursuant to California Health and Safety Code Section [17021.6](#)). (Ord. 1114 Sec. 1, 2024; Ord. 1109 Sec. 1, 2024; Ord. 1019 Sec. 1, 2017; Ord. 969 Sec. 1, 2014; Ord. 938 Sec. 1, 2012; Ord. 924 Sec. 1, 2010; Ord. 818, 2004; Ord. 812, 2003; Ord. 675 Sec. 2, 1993; Ord. 669 Sec. 1, 1993; Ord. 664, 1993; Ord. 624 Sec. 1, 1991; Ord. 497 Sec. 7, 1983; Ord. 471 Sec. 5, 1982; Ord. 306 Sec. 4, 1974; Ord. 278 Sec. 2 (part), 1974; Ord. 263 Sec. 2(a), 1973)

#### **18.13.08 Uses Which May Be Permitted by Conditional Use Permit.**

The following uses may be permitted, subject to the approval of a conditional use permit as provided in Chapter [18.45](#) (Conditional Use Permits):

- A. Public schools.
- B. Private schools providing education as required under the California State Education Code.
- C. Day nurseries or nursery schools.
- D. Public golf courses, tennis clubs, swimming clubs and other similar recreation facilities.



- E. Restaurants and other related facilities only when associated with and incidental to a golf course, tennis club, or other recreational facility. In granting a permit for such activities, the Planning Commission shall ensure, through the imposition of appropriate conditions, that no interference with the conduct of nearby residential uses occurs.
- F. Churches, temples or other places used exclusively for religious worship.
- G. Public utility uses, both publicly and privately owned.
- H. Governmental and civic uses.
- I. Hospitals, sanitariums, convalescent and rest homes.
- J. Clubs, museums and libraries.
- K. Institutions of a philanthropic nature.
- L. Athletic, sport and recreation uses.
- M. Caretaker dwellings.
- N. Small and large animal hospitals.
- O. Planned residential developments may be approved if a PD overlay zone has been applied for pursuant to Chapter [18.27](#).
- P. Sales yards limited to agricultural commodities, livestock and farm implements.
- Q. The noncommercial keeping of more than 16 roosters regardless of lot size.
- R. Additional animals in excess of the quantities allowed by the Norco Municipal Code, including animal rescues. In the case of an application for a use permit related to 4-H, Grangers and Future Farmers of America uses, no filing fee shall be required to accompany the application. Approval of an application would run with the property owner and not with the land.
- S. Accessory Structures and Uses. Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures that exceed 864 square feet, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit review. (Ord. 952 Sec. 1, 2012; Ord. 938 Sec. 1, 2012; Ord. 924 Sec. 1, 2010; Ord. 812, 2003; Ord. 669, 1993; Ord. 497 Sec. 6, 1983; Ord. 278 Sec. 2(b), 1973)

#### **18.13.10 Lot and Pad Area.**

All lots in this zone shall contain a minimum lot area as prescribed by the suffix applicable thereto; provided, that there shall be at least 20,000 square feet for lots created prior to the effective date of Ordinance No. 977, on September 6, 2014. After the effective date of Ordinance No. 977, the minimum lot size shall be 21,780 net square feet in all lots created and no lot in this zone shall be reduced below this minimum. In addition, all lots created in this zone shall contain a minimum pad area of at least 19,600 square feet. A pad area shall be "flat" with a percentage of slope not to exceed four percent. (Ord. 977 Sec. 1, 2014; Ord. 793, 2002)

#### **18.13.11 Primary Animal Keeping Area.**

All subdivision lots created or developed in this zone shall contain a primary animal keeping area (PAKA).

- A. The size of the PAKA shall be a minimum 2,728 square foot PAKA for a pad area less than 20,000 square feet and a 3,304 square foot PAKA for a pad area greater than 20,000 square feet.
- B. All PAKAs shall be located in the rear yard area and shall be flat usable land with a slope of no greater than four percent.
- C. All PAKAs shall have a minimum width of 30 feet and be rectangular in shape.

- D. All PAKAs shall have a 35-foot minimum setback from a habitable structure located on an adjacent lot.
- E. PAKAs that are developed at a grade different than the pad where the residence is constructed shall have an access ramp with a slope no greater than 25 percent, and a minimum travel width of 12 feet.
- F. No non-animal-related structure shall be allowed in the PAKA. Animal-related structures located within the PAKA shall not exceed 40 percent of the PAKA without prior approval of the City Council.
- G. The dedicated PAKA shall be recorded on each lot and included within the project's CC&Rs if applicable.
- H. Each lot shall be designed to have a minimum 15-foot flat, clear, and direct vehicular access to the PAKA as measured from the eave line. Overhead covers or roofs are prohibited. Access gates minimally 12 feet wide shall be permitted to cross the PAKA access. (Ord. 891 Sec. 1, 2008; Ord. 858, 2006; Ord. 793, 2002)

#### 18.13.12 Lot Dimensions.

All lots shall maintain the following minimum standards:

|     |                     |  |
|-----|---------------------|--|
| (1) | Width and Frontage: | Minimum width of 80 feet.  |
| (2) | Cul-de-Sac Lots:    | Minimum average width of 80 feet and minimum frontage of not less than 50 feet.  |
| (3) | Depth:              | Minimum depth of 200 feet. All lots that met the minimum lot depth requirement of 150 feet upon the effective date of Ordinance 695 (February 17, 1995) shall be considered to be in conformance with the minimum depth requirements of this zone. |

(Ord. 977 Sec. 1, 2014; Ord. 695, 1995; Ord. 364 Sec. 1(b), 1976)

#### 18.13.16 Yard Spaces.

Subject to Section [18.14.24](#), the following shall apply:

A. Front Yard. Minimum of 25 feet from the right-of-way line as determined by the Master Plan of streets and highways.

B. Side Yard.

1. Interior. All lots on which dwellings or buildings are located shall have side yards on each side of the dwelling or building, and the width of one side yard shall be no less than five feet and the width of the other side yard shall have such a dimension that the sum of the widths of the two yards shall be no less than 20 feet; provided, however, the width of the other yard shall not be less than 12 feet for any lot with an existing residence upon the effective date of Ordinance No. 785.

For all lots not developed with a primary residence upon the effective date of Ordinance No. 785, the side yard setbacks shall be not less than five feet and 15 feet. This 15-foot side yard setback shall be graded for vehicular access to the rear yard, be free and clear of all obstructions from the eave line to the property line, and have a vertical clearance of at least 16 feet.



2. **Corner Side.** A side yard on the street side of 20 percent of the lot width but no more than 15 feet need be provided.

C. **Rear Yard.** A minimum of 60 feet for any lot with an existing residence upon the effective date of Ordinance 753. For all lots not developed with a primary residence upon the effective date of Ordinance 753, the rear yard setback shall be 100 feet. (Ord. 785, 2001; Ord. 753 § 1, 2000; Ord. 609 Sec. 1, 1990; Ord. 286 Sec. 2 (part), 1974; Ord. 264 Sec. 2 (part), 1973)

#### **18.13.18 Permitted Heights.**

The maximum height of any building shall be two and one-half stories or 35 feet, whichever is less. The maximum height of an accessory building shall be per the regulations of Chapter [18.68](#). (Ord. 1109 Sec. 1, 2024; Ord. 1019 Sec. 1, 2017; Ord. 924 Sec. 1, 2010)

#### **18.13.20 Permitted Coverage.**

For lots that do not have a primary animal-keeping area, the maximum lot coverage of all structures shall be not more than 40 percent of the total lot area.

The maximum pad coverage of all structures on the pad shall be not more than 40 percent of the total pad area. The pad area is defined as the "flat" part of the lot (four percent grade or less).

For determining structural coverage on the lot in question:

- A. When a sloped area that is greater than four percent is graded to be four percent or less, the additional graded area is considered part of the pad if the new graded area meets the minimum primary animal-keeping area (PAKA) criteria established in this chapter.
- B. All site plans submitted for review of accessory structures as required in Sections [18.13.06\(C\)](#) and [18.13.08\(S\)](#) shall show all existing structures, the flat pad area, and the location of contiguous animal areas.
- C. A contiguous open animal-keeping area shall be rectangular in shape, with minimum dimensions and size prescribed by the table below. The contiguous open animal-keeping areas shall be free of any structures that require a building permit. Structures that are exempt from the requirements of a building permit are allowed in the open animal-keeping area, provided they are animal-keeping shelters. On lots one acre or less, the contiguous open area shall be one contiguous area.

| Lot Size                            | Min. Open Animal-Keeping Area Dimension | Min. Open Animal-Keeping Area Size |
|-------------------------------------|---|------------------------------------|
| Less than 20,000 sq. ft.            | 24' on any side                         | Total number of AUs ×<br>576 SF    |
| 20,000 but less than 25,000 sq. ft. | 30' on any side                         |                                    |
| 25,000 but less than 30,000 sq. ft. | 35' on any side                         |                                    |
| 30,000 but less than 35,000 sq. ft. | 40' on any side                         |                                    |
| 35,000 but less than 40,000 sq. ft. | 45' on any side                         |                                    |
| 40,000 but less than 45,000 sq. ft. | 50' on any side                         |                                    |
| 45,000 but less than 50,000 sq. ft. | 55' on any side                         |                                    |
| 50,000 but less than 55,000 sq. ft. | 60' on any side                         |                                    |
| 55,000 sq. ft and above             | 65' on any side                         |                                    |

D. All in-ground pools and spas along with a five-foot coping area around the perimeter of said structures shall be included in the building coverage calculations. (Ord. 1126 Sec. 1, 2024; Ord. 988 Sec. 1, 2015; Ord. 924 Sec. 1, 2010; Ord. 903 Sec. 1, 2008; Ord. 741, 1998; Ord. 499 Sec. 4, 1983)

#### **18.13.22 Distance Between Buildings.**

The minimum space between separate buildings on the same lot shall be 10 feet.

**18.13.24 Walls, Fences, and Structures in the Setback Areas.**

The provisions of Section [18.31.08](#) (Walls, Fences, and Structures in the Setback Areas) shall apply.

**18.13.26 Off-Street Parking.**

The provisions of Chapter [18.38](#) (Off-Street Parking) shall apply. No required front or corner side yard shall be used for parking.

**18.13.28 Size of Dwellings.**

Every single-family dwelling having two bedrooms or less shall have a floor area of not less than 1,100 square feet, exclusive of porches and garages. All other single-family dwellings shall have a minimum floor area of not less than 1,300 square feet, exclusive of porches and garages. The architecture and general appearance of such building shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located.

**18.13.30 Additional Dwellings on a Lot.**

The provisions of Section [18.30.46](#) (Additional Dwellings on a Lot) shall apply.

**18.13.32 Signs.**

The provisions of Chapter [18.37](#) (Signs) shall apply.

**18.13.34 Water Works Facilities.**

Water works facilities, both public and private, for the production and distribution of water for primarily irrigation purposes shall not be subject to any of the provisions of this chapter.

**18.13.42 Encroachments for Driveways.**

*Deleted by Ord. 701. (Ord. 639 Sec. 1, 1991; Ord. 400 Secs. 1—3 (part), 1977; Ord. 294 Sec. 2(a) (part), 1974)*

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