



**City of Lilburn
City Council Meeting Agenda**

**January 12, 2026, at 7:30 PM
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

*Council Members:
Johnny Crist, Mayor
Christina van Maanen, Post 1
Scott Batterton, Post 2
Mike Hart, Post 3
Emil Powella, Post 4*

I. Executive Session (if necessary)

II. Call to Order

III. Roll Call

IV. Pledge to the Flag

V. Approval of Agenda

VI. Announcements

1. Martin Luther King Jr. Day, City Hall and Library closed

January 19, 2026, all day

2. Mayor Crist's Town Hall Meeting

January 20, 2026, 7:00PM - 8:15 PM @ Lilburn City Hall, Preston Room

3. Downtown Development Authority Meeting

January 21, 2026, 6:30 PM - 8:00 PM @ Lilburn City Hall, Work Session Room

VII. Approval of Minutes

Documents:

[DECEMBER 8, 2025, CITY COUNCIL MEETING DRAFT MINUTES.PDF](#)

VIII. Public Hearing

1. Public Hearing Item No. 1- Development Regulations Text Amendments – Article 7, Sec. 7.5 – Street Cuts

Text amendments are proposed to Appendix B, Article 7, Sec. 7.5 – Street Cuts, to provide for a visual detail for restoration of cobblestone roads in the event of street cuts for utility installation.

These amendments are proposed to ensure the proper restoration of Railroad Avenue in the event of street cuts for utility installation. Staff worked with the Developer and TSW to develop the detail per the manufacturers guidelines.

Public Hearing (Y/N)	Y
Department:	Planning
Presenter:	Reid Turner
Staff Recommendations:	Motion to APPROVE text amendments to Appendix B, Article 7, Sec. 7.5 – Street Cuts.
Mayor's Signature Required:	Yes

Documents:

[PH ITEM NO. 1 - AGENDA FORM - DR TEXT AMENDMENTS.PDF](#)
[PH ITEM NO. 1 -ATTACH 1 - STAFF RECOMMENDATION.PDF](#)

2. Public Hearing Item No. 2 - Zoning Action - Special Use Permit – Auto and Truck Service Center

Applicant, Mustangs LLC, is requesting a Special Use Permit to allow for Automotive and Truck Service Center on the property located at 406 Pleasant Hill Rd, R6151 004. The subject property is comprised of 1.26+/- acres. The lot is zoned CB, Commercial Business.

Based on staff interpretation of the criteria for granting a Special Use Permit found in Article 10, Section 1003 of the Lilburn Zoning Ordinance, the applicant's request meets the criteria for the proposed use and for the granting of a Special Use Permit.

Staff is recommending approval with conditions. The Planning Commission elected to revise condition 1 and add a 12th condition to those proposed by staff. Staff is in agreement, and these amendments have been incorporated into the Draft Ordinance.

Public Hearing (Y/N)	Y
Department:	Planning

Presenter: Reid Turner

Staff Recommendations: Motion to Approve SUP-2025-04 granting a Special Use Permit for a Auto and Truck Service Center at 406 Pleasant Hill Rd.

Department Head Approval: Reid Turner

Mayor's Signature Required: Yes

Documents:

[PH ITEM NO. 2 - ATTACH 1 - SUP-2025-04 - APPLICATION PACKAGE.PDF](#)
[PH ITEM NO. 2 - ATTACH 2 - SUP-2025-04 - STAFF REPORT AND RECOMMENDATION.PDF](#)
[PH ITEM NO. 2 - AGENDA FORM - SUP-2025-04.PDF](#)

IX. Consent Agenda

All items listed below are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

X. Agenda

1. Agenda Item No. 1 - Approval of 2026 Mayor and City Council Appointments

Each calendar year it is necessary for the Mayor and City Council to appoint the Mayor Pro-Tem, City Attorney, Legal Organ, Council Responsibilities, Municipal Judges and Solicitor(s), and members to all Commissions and Boards.

Public Hearing (Y/N) N

Department: City Clerk

Presenter: Anja Peay

Staff Recommendations: Motion to approve the various appointments presented.

Department Head Approval: J. Simpkins

Mayor's Signature Required: No

Documents:

[AGENDA ITEM 1 - AGENDA FORM.PDF](#)
[AGENDA ITEM NO. 1 - ATTACH 1 - APPROVAL OF 2026 MAYOR AND CITY COUNCIL APPOINTMENTS.PDF](#)

2. Agenda Item No. 2 - Approval of Ordinance 2026-665, an Ordinance amending the text of Article IV – Judicial Branch Sec. 4-15

This amendment will update Article IV Judicial Branch, Section 4-15 Rules of Court, authorizing the Court to develop operating procedures, forms, and other documents. See text amendment in Exhibit A.

Public Hearing (Y/N) N

Department: Municipal Court
Presenter: Roy Whitehead
Staff Recommendations: Motion to approve Ordinance No. 2026-665, an Ordinance amending the text of Article IV Judicial Branch, Section 4-15 of the official code of the City of Lilburn.
Department Head Approval: Jenny Simpkins
Mayor's Signature Required: Yes

Documents:

[AGENDA ITEM NO. 2 - AGENDA FROM.PDF](#)
[AGENDA ITEM NO. 2 - ATTACH 1 - ORDINANCE 2026-665.PDF](#)

3. Agenda Item No. 3 - Approval of Contract No. 2026-01, a settlement agreement with Francis Cole at no cost to the City of Lilburn.

The city charged Frances Cole, owner of 4415 Lilburn Industrial Way, with 38 counts of various code violations, and the Municipal Court judge found Cole guilty of 35 of the 38 counts on February 20, 2025. Cole was fined \$10,000 and placed on probation for 24 months. Cole filed a Petition for Review in the Gwinnett Superior Court. On September 10, 2025, the Superior Court vacated and set aside the judgement and sentence of the Lilburn Municipal Court. Lilburn filed a Petition for Discretionary Review with the Georgia Court of Appeals within 30 days, and the petition was granted.

Since this time, we've been working toward a Settlement Agreement. Staff recommends approval of the proposed Agreement, and it has been approved by Cole and her attorney.

Public Hearing (Y/N) N
Department: City Manager
Presenter: Jenny Simpkins
Staff Recommendations: Motion to approve Contract No. 2026-01, a settlement agreement with Francis Cole at no cost to the City of Lilburn.
Department Head Approval: J. Simpkins
Mayor's Signature Required: Yes

Documents:

[AGENDA ITEM NO. 3 - AGENDA FORM.PDF](#)
[AGENDA ITEM NO. 3 - ATTACH 1.PDF](#)
[AGENDA ITEM NO. 3 - ATTACH 2.PDF](#)

XI. Adjournment

As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. The City Clerk, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

*The City of Lilburn will assist citizens with special needs given proper notice (seven working days).
Any requests for reasonable accommodations required by individuals to fully participate in any
open meeting, program or activity of the City of Lilburn should be directed to the City Clerk, 340
Main Street, Lilburn, GA 30047, telephone number 770-921-2210.*



**City of Lilburn
City Council Meeting Draft Minutes**

Draft

**December 8, 2025, at 7:30 PM
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

Council Members:

Johnny Crist, Mayor

Christina van Maanen, Post 1

Scott Batterton, Post 2

Michael Hart, Post 3

Emil Powella, Post 4

I. Executive Session (if necessary)

II. Call to Order

Mayor Crist called the meeting to order at 7:35 pm.

III. Roll Call

IV. Pledge to the Flag

V. Approval of Agenda

Mayor Crist asked for a motion to approve the agenda. Councilmember Hart made the motion to approve, seconded by Councilmember Powella.

Motion passed 4-0.

VI. Announcements

1. Mayor Crist's Town Hall Meeting
December 15, 2025, 7:00 PM - 8:15 PM @ Lilburn City Hall, Preston Room

2. Special-Called Downtown Development Authority Meeting
December 10, 2025, 6:30 PM - 8:00 PM @ Lilburn City Hall, Work Session Room
3. Christmas Eve, City Hall and Library closed
December 24, 2025, all day
4. Christmas Day, City Hall and Library closed
December 25, 2025, all day
5. New Years Day, City Hall and Library closed
January 1, 2026, all day

VII. Ceremonial Matter

Recognition of Cpt. Robert Worley

Mayor Crist spoke on Captain Worley's accomplishments and years of service. He presented Captain Worley with a certificate and extended well wishes for his retirement. Chief Dusik and Councilmember Batterton also spoke and shared personal anecdotes in recognition of Captain Worley's service.

VIII. Approval of Minutes

Mayor Crist asked for a motion, Councilmember van Maanen made a motion to approve the November 10, 2025, City Council Meeting Draft Minutes, seconded by Councilmember Powella.

Motion passed 4-0.

IX. Public Hearing

X. Consent Agenda

All items listed below are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

XI. Agenda

1. Agenda Item No. 1 - Approval of Ordinance No. 2025-661, an Ordinance amending the text of Chapter 62, Article II of the Official Code of the City of Lilburn

Mayor Crist asked for a motion. Councilmember Powella made a motion to approve Ordinance No. 2025-661, seconded by Councilmember Batterton.

Motion passed 4-0.

2. Agenda Item No. 2 - Approval of Ordinance 2025-662, an Ordinance amending the text of Chapter 105, Section 307 of the official code of the City of Lilburn.

Mayor Crist asked for a motion. Councilmember van Maanen made a motion to approve Ordinance No. 2025-662, seconded by Councilmember Powella.

Motion passed 4-0.

3. Agenda Item No. 3 - Approval of Contract No. 2025-87, a contract with CIGNA for health, dental, and vision insurance for eligible employees from January 1 to December 31, 2026, at an estimated cost of \$1,547,754. The City's portion of the premium is an estimated \$1,208,229.

Mayor Crist asked for a motion. Councilmember Hart made a motion to approve Contract No. 2025-87, seconded by Councilmember Powella.

Motion passed 4-0.

4. Agenda Item No. 4 - Approval of Amendment No. 1 to Contract No. 78-2025, a contract with GMEBS for a defined benefit pension plan.

Assistant City Manager Roy Whitehead explained an amendment was made to the Defined Benefit Pension Plan contract to ensure that employees may purchase years of service using funds saved in their 401 pension plans. This option was not available under the original contract.

Mayor Crist asked for a motion. Councilmember Powella made a motion to approve the Amendment to Contract No. 78-2025, seconded by Councilmember Batterton.

Motion passed 4-0.

XII. Adjournment

Mayor Crist adjourned the meeting at 7:49 pm.

As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. The City Clerk, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

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requests for reasonable accommodations required by individuals to fully participate in any open meeting, program or activity of the City of Lilburn should be directed to the City Clerk, 340 Main Street, Lilburn, GA 30047, telephone number 770-921-2210.

**CITY OF LILBURN
PUBLIC HEARING ITEM NO. 1**

Date:	December 19, 2025	To: Mayor and Council	December 19, 2025
From:	Reid Turner	Department:	Planning
Work Session/Reg. Mtg. Date Requested:	January 12, 2026	Presenter:	Reid Turner Planning Director
Agenda Item Type:	Development Regulations Text Amendments – Article 7, Sec. 7.5 – Street Cuts		
Audio/Visual Requirements:	Yes		

Agenda Item of Business (Background/History/Details):
Text amendments are proposed to Appendix B, Article 7, Sec. 7.5 – Street Cuts, to provide for a visual detail for restoration of cobblestone roads in the event of street cuts for utility installation.
These amendments are proposed to ensure the proper restoration of Railroad Avenue in the event of street cuts for utility installation. Staff worked with the Developer and TSW to develop the detail per the manufacturers guidelines.

Staff Recommendations:
Staff recommends the following: “ Motion to APPROVE text amendments to Appendix B, Article 7, Sec. 7.5 – Street Cuts. ”

Department Head Approval:	Reid Turner, PD
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Mayor’s Signature Required:	YES	NO
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List Attachments:
1. Staff Report and Recommendation 2. DRAFT Ordinance No. 2025-663 3. DRAFT Special Called PC Meeting Minutes 12.18.25

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager’s Initials



Staff Recommendation
Date of Report: December 16, 2025
Report by: Reid Turner, Planning Director

Public Hearing Dates
Special Called Planning Commission December 18, 2025
City Council January 12, 2026

GENERAL APPLICATION

City Zoning Ordinance Article 10, Section 1002 accommodates text amendments initiated by the Planning Department, Planning Commission or City Council. Planning Department. Text Amendments are proposed to **Article 7 Section 7.5 -Street Cuts** of the Lilburn Development Regulations to provide for a visual detail for restoration of cobblestone roads in the event of street cuts for utility installation.

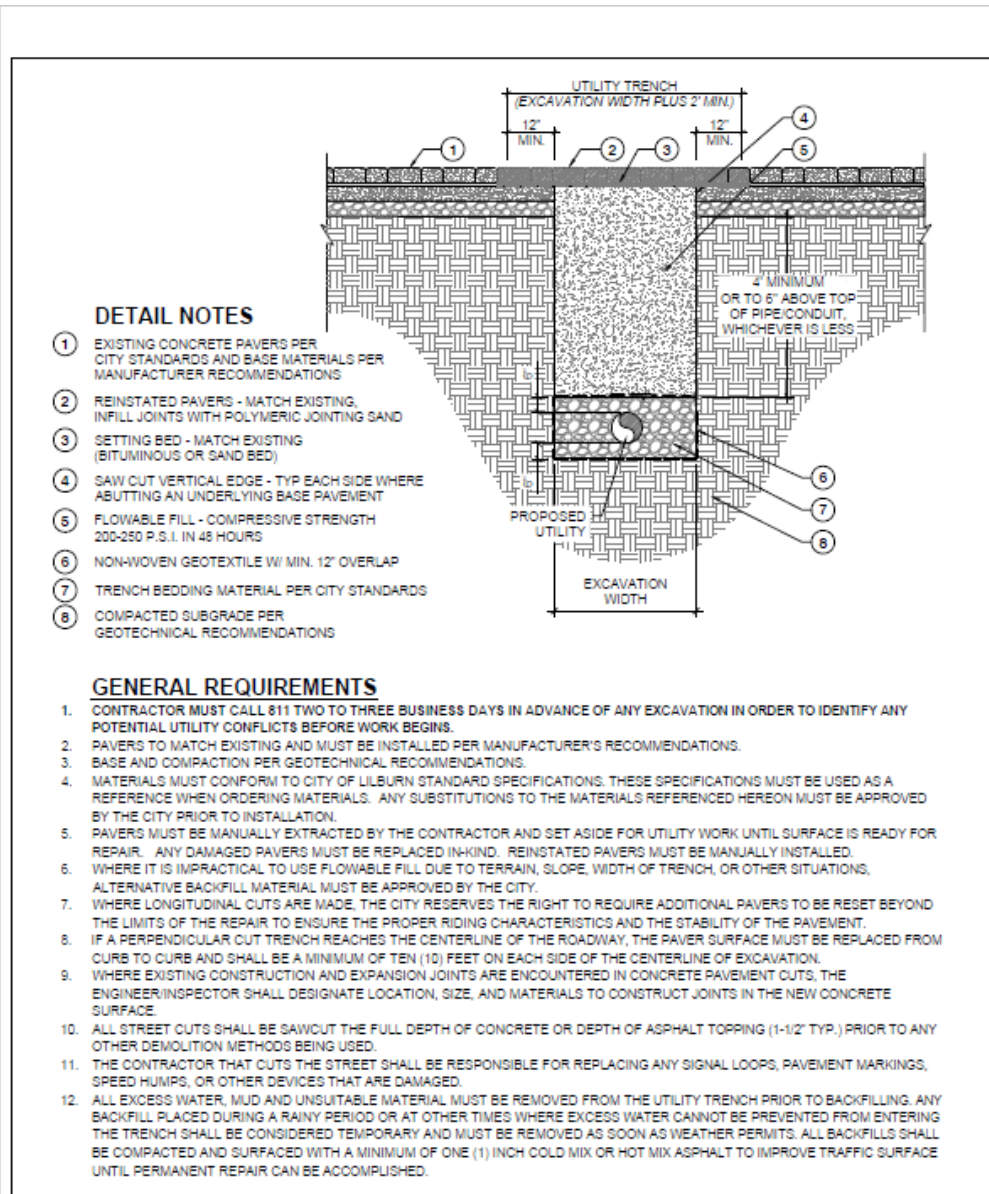
Sec. 7.5. Street Cuts.

- 7.5.1 All utility construction plans within County right-of-way shall be reviewed and approved by the Department before construction begins. Street cuts shall not be allowed unless deemed absolutely necessary due to the presence of rock, the need to tap into an existing line beneath the road surface, or other circumstance which makes boring impossible or infeasible.
- 7.5.2 No street cut shall be authorized until such Street Cut Fees have been paid.
- 7.5.3 If approved, all trenches shall be backfilled and compacted the same day the trench is opened.
- a. Trenches under the paving shall be returned to 95 percent compaction.
 - b. Trenches elsewhere shall be returned to 90 percent compaction.
 - c. See Section 6.7 for trench compaction and test requirements.
- 7.5.4 All trenches under paving shall be concreted with eight inches of Class "A" concrete base and one and one-half inch of type "E" or "F" wearing course asphalt is to be spread.
- a. The paving cut shall be widened to a minimum of nine inches beyond the edges of the trench.
 - b. The edges of the paving cut shall be smooth.
- 7.5.5 Contact the Department or Department of Public Utilities for public utility extension information from the existing to the proposed development. Contact the Traffic Engineer at least 24 hours in advance of closure of traffic lanes.

[7.5.6 The 'Standard Detail: Utility Cut – Paver Street,' dated December 16, 2025, is hereby adopted as a required restoration standard for any utility trenching or pavement cuts within the Railroad Avenue right-of-way where the existing surface consists of concrete pavers constructed in accordance with City of Lilburn](#)

standards and associated base materials. The purpose of this standard is to ensure that cobblestone and paver street sections disturbed by utility work are restored with matching pavers, base, bedding, and jointing materials to preserve appearance, ride quality, and long-term pavement performance.

In addition to Railroad Avenue, this standard shall apply to any current or future public street, or portion thereof, constructed with a substantially similar concrete paver street section, including use of removable pavers, setting bed, base, geotextile, trench bedding, and flowable fill, as determined by the City Engineer or their designee. On all such streets, contractors shall comply with the general requirements and layer specifications shown on the 'Standard Detail: Utility Cut – Paver Street,' including manual extraction and reinstallation of pavers, use of flowable fill or approved alternate backfill, minimum trench widths and depths, and restoration of any disturbed pavement markings or devices.



STANDARD DETAIL: UTILITY CUT - PAVER STREET

CITY OF LILBURN

SCALE: NOT TO SCALE
DO NOT SCALE OR MEASURE THESE DRAWINGS
ISSUE DATE: 2025.12.16

340 MAIN STREET
LILBURN, GEORGIA 30047
(770) 921-2210
WWW.CITYOFLILBURN.COM





Rec#: 800200733
Special Use Permit Application

CASE NUMBER: SUP-2025-04
Date Complete: 11/21/25

Please type or print using BLACK ink

Applicant: Mustangs, LLC	Property Owner: TAU SOUTH, LLC, successor-in-interest to ARC NTLBNGA001, LLC
Address: 1670 Spectrum Dr,	Address: c/o Realty Income Corporation 11995 El Camino Real
City, State & Zip: Lawrenceville, GA 30043	City, State & Zip: San Diego, CA 92130
Contact Person: Aryn Haji	Owner Contact: Israel Luna
Business Phone: 770-622-9192	Business Phone: 858-284-5434
Email: amynmotors@yahoo.com	Email: iluna@realtyincome.com
Cell Phone: 404-680-9595	Cell Phone:

APPLICANT IS THE ☐ Owner's Agent ☐ Property Owner ☒ Contract Purchaser

ADDRESS OF PROPERTY: 406 Pleasant Hill Road NW, Lilburn, GA 30047

LAND DISTRICT: 6 LAND LOT(S): 151 PARCEL(S): 004 ACRE(S): 1.26

CURRENT ZONING: Commercial Business (CB) PROPOSED ZONING DISTRICT(S): Commercial Business (CB)

SPECIAL USE PERMIT REQUESTED: Automotive and truck service center

Applicant filed or intend to file, any variance, rezoning, modification or waiver applications? ☐ YES ☒ NO

If YES, describe each: _____

Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for fees, submittal and hearing schedule.

- ✓ STANDARDS GOVERNING EXERCISE OF THE ZONING POWER (attached-add sheets as necessary)
- ✓ CONFLICT OF INTEREST CERTIFICATION/DISCLOSURE OF CAMPAIGN CONTRIBUTIONS (attached)
- ✓ APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS (attached)
- ✓ TYPED METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY AND BOUNDARY SURVEY PLAT
- ✓ TYPED LETTER OF INTENT – explain proposed plan and conditions voluntarily made to meet amendment criteria
- ✓ SITE PLAN– 1 full size (to scale) and 5 reductions (8.5" x 11") and legible electronic file
- ✓ LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

City of Lilburn Planning Department (770) 638-2197
340 Main St. • Lilburn, GA 30047 • www.CityofLilburn.com

STANDARDS GOVERNING THE EXERCISE OF ZONING POWER (SUP)

Pursuant to Section 1003 of the 2011 Zoning Resolution (as amended), the criteria specified in **Section 1003-8**, are relevant in considering a Special Use Permit application. As part of the zoning process, the Applicant; the Planning Staff, Planning Commission, and the Mayor and City Council of the City of Lilburn are to analyze the application with respect to each of the matters enumerated upon which findings of fact shall be based:

1. Is the proposed special use consistent with the Comprehensive Plan?

Yes, the proposed use of the property as an **automotive and truck repair facility** along **Pleasant Hill Road** is consistent with the City of Lilburn Comprehensive Plan. Pleasant Hill Road is designated as a commercial corridor intended to support **retail, service, and light-industrial uses** that serve the local community and regional traffic. The proposed facility is a **service-oriented commercial use** similar in intensity and character to existing businesses along the corridor, including automotive service providers, tire stores, and light-industrial operations.

The proposed use supports the Comprehensive Plan's goals of **encouraging economically productive uses, maintaining a mix of commercial services, and promoting compatibility with surrounding land uses**. By utilizing the existing building and minimizing changes to the site, the project preserves the character and scale of the corridor, aligns with surrounding development patterns, and contributes to the long-term vitality of the Pleasant Hill Road area.

2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies?

The proposed use of the property as an automotive and truck repair facility is not directly addressed by any Livable Centers Initiative (LCI) studies adopted by the City Council. LCI studies focus primarily on town center revitalization and pedestrian-oriented, mixed-use development, whereas the subject property is located along Pleasant Hill Road, a major arterial commercial corridor. The proposed use is consistent with the intended function of this corridor for automobile-oriented commercial and service uses, and therefore, the LCI studies are not applicable to this site.

3. Is the proposed special use compatible with adjacent uses?

Yes, the proposed automotive and truck repair facility is compatible with adjacent uses. Nearby properties along Pleasant Hill Road include **other auto service center, retail businesses, restaurants, and other commercial uses**. The proposed facility is similar in scale, function, and intensity to these existing uses, and its operation within the existing building will maintain the established character of the area. Appropriate site design measures, including landscaping, screening, and proper parking layout, will further ensure that the use is harmonious with surrounding properties.

4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located?

Yes, the City of Lilburn's Commercial Business (CB) district is intended to accommodate retail, service, and office uses that serve the local community along major commercial corridors, such as Pleasant Hill Road, while ensuring compatibility with surrounding properties. The proposed automotive and truck repair facility is a service-oriented use similar in scale and intensity to the property's prior use as a tire store, and it is consistent with the purpose of the CB district. Its operation will provide needed vehicle maintenance services to the community while maintaining a professional appearance and adhering to all applicable City standards for parking, landscaping, and environmental compliance.

5. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Yes, the height, size or location of the existing building is consistent and compatible with the height, size or location of buildings or other structures on neighboring properties. The business will utilize the existing building and maintain a professional appearance with appropriate landscaping, screening, and property maintenance to ensure minimal impact on surrounding uses.

6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts?

The site is fully developed and the existing building footprint is consistent with surrounding properties along Pleasant Hill Road. While the property is primarily designed for commercial use, **landscaping, setbacks, and site design features** have been incorporated to preserve the visual character of the corridor and to provide separation from adjacent properties. Operations will comply with all

applicable environmental regulations, and waste handling, stormwater management, and other best practices will be followed to mitigate potential environmental impacts.

7. *Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use?*

Yes, the proposed use includes **adequate screening and buffers** to protect adjacent properties from potential negative impacts. The existing landscaping and site layout provide effective separation between the subject property and surrounding commercial and service-oriented uses along Pleasant Hill Road. Any additional landscaping or site improvements will further ensure that the facility operates in harmony with neighboring properties while maintaining the visual character of the corridor.

8. *Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses?*

The site is fully developed and the off street parking spaces (including handicapped parking spaces) are adequate for the proposed use. The parking spaces are adequately screened from surrounding properties.,

9. *Are the hours and manner of operation of the proposed use compatible with surrounding uses?*

Yes, the proposed hours of operation of 7:00 AM to 7:00 PM are consistent and compatible with surrounding uses.

10. *Are there environmental resources or features which should be considered, for example, topography, special geological features, highly erodible soils, water runoff issues downstream, floodplain, wetlands, specimen trees, etc.?*

Yes, the subject property at 406 Pleasant Hill Road NW is an established commercial site that has been used for automotive-related purposes since approximately 1988. As such, there are no known environmental resources or special site features—such as steep topography, unique geological formations, highly erodible soils, floodplain areas, wetlands, or specimen trees—that would be impacted by the proposed use. Existing site infrastructure, grading, and stormwater management are already in place to accommodate similar commercial activity, and the proposed automotive and truck repair facility will continue operations within the building footprint and paved areas, minimizing any potential environmental impacts.

CHAPTER 67A

CONFLICT OF INTEREST IN ZONING ACTIONS

SECTION 36-37A-1: DEFINITIONS

SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS

SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

SECTION 36-37A-4: PENALTIES

Effective Date: This Chapter became effective July 1, 1984.

Cross References: Codes of ethics and conflicts of interest, T. 45, Ch. 10.

Code Commission Notes: Ga. L. 1986, p. 1269, Sec. 1 and Ga. L. 1986, p. 1496, Sec. 1, both enacted as Chapter 85 of Title 36. The chapter enacted by Ga. L. 1986, p. 1269, Sec. 1 was redesignated as Chapter 67A of Title 36 pursuant to Sec. 26-9-3.

SECTION 36-37A-1: DEFINITIONS

As used in this chapter, the term:

- (1) "Applicant" means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.
- (2) "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
- (3) "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
 - a. "Campaign contribution" means a "contribution" as defined in paragraph (7) of Code Section 21-5-3.
- (4) "Local government" means any County or municipality of this State.
- (5) "Local government official" means any member of the governing authority of a local government or any member of a planning or zoning commission.
- (6) "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
 - a. "Opponent" means any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.
 - b. "Oppose" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
 - c. "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
- (8) "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another. (Code 1981, § 36-67A-1, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 2005, p. 859, § 24/HB 48.)

SECTION 36-37A-2: DISCLOSURE OF FINANCIAL INTERESTS

A local government official who:

- (1) Has a property interest in any real property affected by a rezoning action upon which that official's local government will have the duty to consider;
- (2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action upon which that official's local government will have the duty to consider; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code Section shall immediately disclose the nature and extent of such interest, in writing of the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, § 36-67A-2, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1.)

SECTION 36-37A-3: DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

- (A) When any applicant for rezoning action has made within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name of the local government official to whom the campaign contribution or gift was made; and
 - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
 - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (B) The disclosure required by subsection (1) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (C) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (D) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application. (Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.)

SECTION 36-37A-4: PENALTIES

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 1.)

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.



Signature of Applicant/Applicant's Attorney or Representative

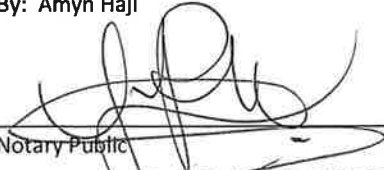
Nov 18th 2025

Date

Mustangs, LLC

By: Amyn Haji

Title: Manager/Member

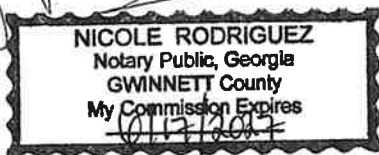


Notary Public

11/18/2025

Date

(Seal)



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is \$250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission? ☐ YES ☒ NO. If the answer is YES, please complete the following section:

NAME OF OFFICIAL	CONTRIBUTION/GIFT	DESCRIPTION	DATE

Attach additional sheets if necessary to disclose or describe all contributions and gifts.

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

Signature of Applicant

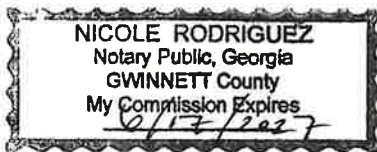
Amyr Hajj

for MUSTANGS, LLC

Type or Print Name

Notary Public

(Seal)



Date

Manager/Member

Title

Date

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and Council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

SEE ATTACHED

Signature of Owner

for TAU SOUTH, LLC, successor-in-interest to ARC NTLBNGA001, LLC

Type or Print Name

Notary Public

(Seal)

Date

Title

Date

ADMINISTRATIVE USE ONLY

CASE NUMBER: SUP- 2025-04

DATE COMPLETE: 11/21/25

RECEIVED BY: RF

APPLICATION FEE: \$600

PAID BY/RECEIPT#: R0020073

HEARING DATES: PC 12/18/25 CC 01/12/26

PROPERTY OWNER:

Tau South, LLC,
a Delaware limited liability company,

By: Tau Operating Partnership, L.P.,
a Delaware limited partnership, its sole member,

By: Tau Acquisition LLC,
a Delaware limited liability company, its general partner,

By: Realty Income Corporation,
a Maryland corporation, its member manager

By: 
Name: Janeen S. Drakulich
Title: Senior Vice President, Head of Asset Management

Approved As To Form
Legal Department


T. Odelowo

ACKNOWLEDGMENT

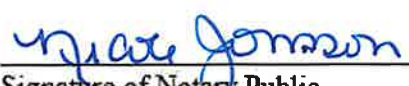
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

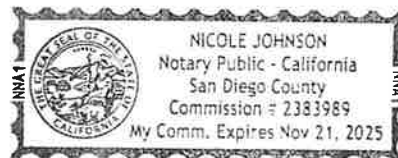
On November 4, 2025 before me, Nicole Johnson, Notary Public, personally appeared Janeen S. Drakulich, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public

(Notary Seal)



Metes and Bounds Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 151 of the 6th District of Gwinnett County Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the point of intersection of the centerline of U.S. Highway 29 with the construction centerline of said Pleasant Hill Road (a right-of-way of varying widths) (as said centerline is defined by the deed and plans identified on the plat referenced as Plat Reference 2 on the plat of survey hereinafter identified), and running thence in a northwesterly direction, along said construction centerline of Pleasant Hill Road, a distance of 488.78 feet to a point; thence North 68 degrees 23 minutes 33 seconds East a distance of 63.45 feet to a point on the northeastern right-of-way line of Pleasant Hill Road marking the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, running thence North 68 degrees 23 minutes 33 seconds East a distance of 273.48 feet by deed and North 68 degrees 20 minutes 24 seconds East a distance of 263.13 feet by measurement to an Iron Pin found; thence North 27 degrees 48 minutes 45 seconds West a distance of 200.36 feet by deed and North 27 degrees 51 minutes 23 seconds West a distance of 200.34 feet by measurement to an iron pin; thence South 68 degrees 30 minutes 54 seconds West a distance of 271.12 feet by deed and South 68 degrees 28 minutes 27 seconds a distance of 270.96 feet by measurement to a right-of way monument found on said northeastern right-of way line of Pleasant Hill Road; thence South 27 degrees 07 minutes 28 seconds East, along said right-of-way line of Pleasant Hill Road a distance of 200.69 feet by deed and 192.49 feet by measurement to the point marking the TRUE POINT OF BEGINNING.

Less right-of-way conveyance per Deed Book 48845, page 491, records of Gwinnett County, Georgia.

MUSTANGS, LLC
1670 Spectrum Dr,
Lawrenceville, GA 30043
770-622-9192
amynmotors@yahoo.com

October 31, 2025

Planning and Economic Development Department
City of Lilburn
340 Main Street
Lilburn, Georgia 30047

Re: Letter of Intent for Special Use Permit – Automotive and Truck Repair Facility
Property Address: 406 Pleasant Hill Road NW, Lilburn, Georgia 30047 (APN R6151-004)
Zoning District: Commercial Business (CB)

Dear Planning and Economic Development Department:

I am submitting this Letter of Intent in support of an application for a Special Use Permit (SUP) to allow for the operation of an automotive and truck repair facility on the property located along Pleasant Hill Road in the City of Lilburn, Georgia, identified 406 Pleasant Hill Road NW, Lilburn, Georgia 30047 (APN R6151-004). The property is presently zoned Commercial Business (CB), and the proposed use is permitted within this zoning district subject to the issuance of a Special Use Permit.

The subject property consists of approximately 1.26 acres and is located within the Pleasant Hill Road commercial corridor, which includes a mix of retail, service, and light-industrial uses. The existing one-story building of approximately 11,050 square feet was previously used as a tire store, and the proposed use as an automotive and truck repair facility is similar in nature and intensity. The facility will specialize in servicing higher-end European vehicles, providing premium maintenance and repair services. The existing building will be utilized with minimal exterior modifications, maintaining the site's established layout and character.

The facility will include multiple service bays, an administrative office, and a customer waiting area. The site provides adequate parking and maneuvering space for both passenger vehicles and light- to medium-duty trucks. Access to the property is provided directly from Pleasant Hill Road, and all driveways and parking areas will remain paved and in compliance with City of Lilburn development standards.

We intend to fully comply with all applicable zoning requirements for Commercial Business (CB) properties. To that end, no body or paint repair will be conducted on the premises. Also, all service bays will be enclosed and oriented to parallel Pleasant Hill Road. All vehicle service and maintenance activities will occur entirely within the enclosed building, and operations will comply with applicable City, State, and Federal regulations regarding environmental protection, noise, and hazardous material

Planning and Economic Development Department

October 31, 2025

Page 2

handling. Waste oils, fluids, and other materials will be properly stored and disposed of through licensed recyclers or approved waste management contractors. The proposed hours of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday.

The height, size, and location of the building are consistent with surrounding properties, and the proposed use is compatible with adjacent commercial and service-oriented uses, including another auto service center, retail businesses, and restaurants. Appropriate site design measures, including landscaping, screening, and proper parking layout, will ensure that the facility operates in harmony with neighboring properties while maintaining the visual character of Pleasant Hill Road.

The proposed use aligns with the intent of the Commercial Business (CB) zoning district and the City of Lilburn Comprehensive Plan, supporting continued commercial activity along Pleasant Hill Road while maintaining the established character of the corridor.

Thank you for your time and consideration of this application. Please let me know if any additional information or documentation is required during your review process.

Respectfully submitted,

Mustangs, LLC

By: 
Aryn Haji, as its Member//Manager 11/18/2025

Enclosures

List of Adjoining Property Owners

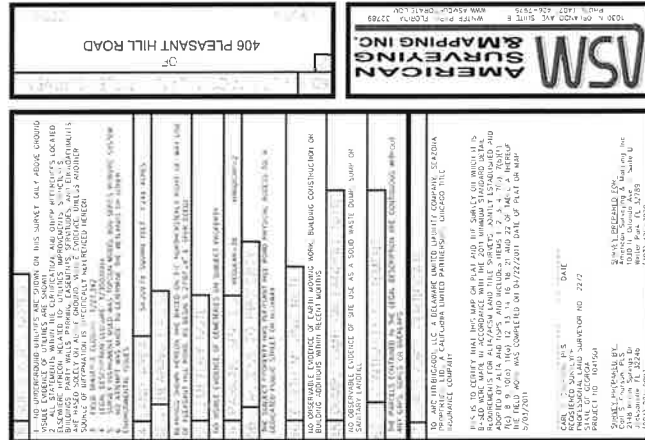
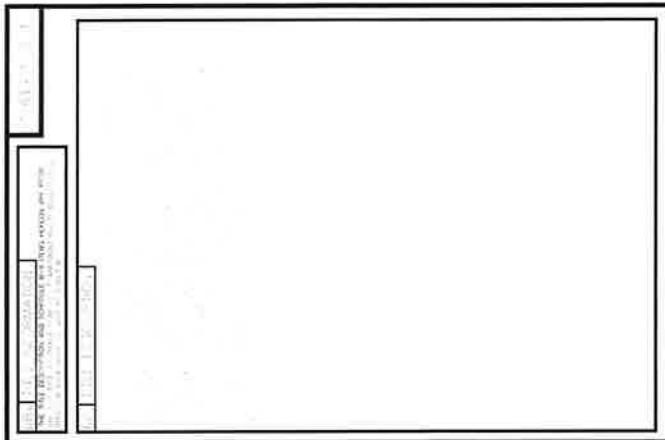
City of Lilburn Adjoining Property Owners are:

Property	Owner	Owner Mailing Address
R6151 003 416 PLEASANT HILL RD LILBURN, GA 30047	POULOPOULOS ANNASTASIOS	9455 RED BIRD LN ALPHARETTA, GA 30022- 8923
R6151 006 396 PLEASANT HILL RD LILBURN, GA 30047	ALDI INC (GEORGIA)	1597 DRY POND RD JEFFERSON, GA 30549-1821

R6151 055
500 Pleasant Hill Rd
Lilburn, GA 30047

RPMTI 500
Pleasant Hill
Road Owner LLC

5508 Parkcrest Dr
Ste 320
Austin, TX 78731





Small town. Big difference.

Staff Report & Recommendation
Special Use Permit Case SUP-2025-04
Date of Report: December 2, 2025
Report by: Reid Turner, Director of Planning

Hearing Dates:
Special Called Planning Commission December 18, 2025
Mayor and Council January 12, 2026

GENERAL INFORMATION

Applicant:	Mustangs LLC
Owner:	TAU South LLC, Successor-in-interest to ARC NTLBNGA001, LLC
Size:	1.26+/- acres
Location:	406 Pleasant Hill Rd, PIN #6151 004
Existing Zoning:	CB
Proposed Use:	Auto- and Truck Service Center

SURROUNDING LAND USES & ZONING DISTRICTS

To the North:	Strip Shopping Center/Auto Repair	CB
To the East:	Residential Multi-family Apartments	RM13
To the South:	Grocery Store	CB
To the West:	ROW/School	CB/OI

ZONING HISTORY

The subject site fronts Pleasant Hill Rd near the intersection of Lawrenceville Highway (U.S. 29). The property has been zoned Commercially since being annexed into the city via Resolution #407-11 on December 1st 2011. The property, originally developed in 1988, Licensing records indicate that the first business license in our records was issued in April of 2014 to NTB, for an Auto and Truck Service Center. The property shifted hands in 2020, and a business license for Mavis Tire and Brakes was issued until it was terminated in September of 2023. Currently, the site has been vacant since Mavis' termination of their business license. The site remains zoned CB and exists within the U.S. 29 Overlay District.

APPLICANT'S INTENT

The applicant is requesting a Special Use Permit to allow for Auto and Truck Service Center on the subject parcel that would be commensurate with previously licensed businesses on the property and would not necessitate redevelopment of the property.

The Applicant intends to purchase the property to open a luxury auto repair shop that would specialize in the repair and maintenance of higher-end European automobiles, according to the applicant's letter of intent. The Applicant intends to utilize the existing building with minimal exterior modifications. The Applicant further states in their letter of intent that they intend to comply with the requirements of the Zoning Ordinance, and U.S. 29 Overlay District.

ANALYSIS OF ZONING/SPECIAL USE PERMIT REQUEST

According to the ***City of Lilburn 2011 Zoning Ordinance, Article 6, Section 602.-Use Table***, the Auto and Truck Service Center use requires an SUP in both the CB Zoning District and the U.S. 29 Overlay District. The subject property has a single commercial building originally constructed in 1988 which contains a single suite. Despite being previously utilized as an Automotive Repair shop, due to changes in city code requiring an SUP for all automotive uses in the US-29 Overlay District, discontinuance or abandonment of a non-conforming use per Sec. 903 (2) requires compliance with current regulations should the Business License lapse for a period of more than six months. The site currently complies with most of the supplemental requirements associated with this use, found in ***Article 6. Section 603. - Supplemental Conditions Table*** including the minimum 200 feet of roadway frontage, and service being conducted in enclosed bays only with a 100% opaque screen. Additionally, the subject property is in compliance with some conditions found in ***Article 5. Sec. 501 – Lawrenceville Highway (U.S. 29) Corridor Overlay District*** applicable to Uses within the Overlay District including:

- 5' sidewalks installed on public streets
- Pedestrian lighting along ROW
- Requirements for the orientation of buildings towards the ROW
- Compliance with parking layout requirements with only 20% of parking oriented to the front of the building.
- Parking lot lighting requirements(lights installed on exterior of building)
- Primary façade material standards (building exterior is stone)
- Signage standards (Monument ground signs with material complementing primary façade materials).
- Public bench already installed along ROW.

The site is not currently in compliance with the landscaping requirements of the U.S. 29 Overlay, dumpster screening requirements, and some architectural standards including modulation of façade, diversity in height planes, and two foot high contrasting base on façade.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to Section 1003 of the 2011 Zoning Resolution (as amended), the criteria specified in **Section 1003-8**, are relevant in considering a Special Use Permit application. As part of the zoning process, the Applicant; the Planning Staff, Planning Commission, and the Mayor and City Council of the City of Lilburn

are to analyze the application with respect to each of the matters enumerated ***upon which findings of fact shall be based.***

The Applicant's response is attached to the application. Staff's response is below:

- 1. Is the proposed special use consistent with the Comprehensive Plan?**
Yes, the 2024 Comprehensive Plan Character Area Map identifies this parcel to be within the Lawrenceville Highway Overlay District, a primarily commercial character area with existing uses consistent with the proposed use.
- 2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies?**
The most recent LCI Study, conducted in 2022, identified and provided recommendations for multiple nodes of redevelopment. The subject site does not exist within one of the identified nodes and as such, no recommendation was made for the area. Though the site is in close proximity to the Technology Park Node, recommended in the LCID Study, the specific parcel was not included in that node's scope.
- 3. Is the proposed special use compatible with adjacent uses?**
Yes, uses on adjacent properties are commercial in nature with Auto and Equipment Oriented Uses already present to the north and a grocery store (Aldi) to the south. The parcels to the east are multifamily apartments within unincorporated Gwinnett, and uses to the west, separated from this parcel by Pleasant Hill Road, are Educational in nature (Berkmar).
- 4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located?**
Yes, both the CB district and U.S. 29 Overlay District allow for the Auto and Truck Service Center use with an approved Special Use Permit.
- 5. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?**
Yes, no changes to the existing building have been proposed. The subject property is already developed with a single existing building located on the property which has sat vacant for two years.
- 6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts?**
Yes, the site has substantial landscape strips along the side property lines that provide screening and relief from impervious surface areas. Additionally, there is a roughly 3000 s.f. area to the rear of the site that once had grass but based on aerials seems to have largely become dirt. The area should be stabilized to prevent sediment runoff and ensure infiltration.
- 7. Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use?**
There are no screening or buffer requirements between commercial uses. Landscaping requirements in the code of ordinances are applicable to the front and side landscape strips and associated setbacks. The buffer to the rear is narrow and does not meet the 40' buffer

requirements in current code, though the buffer has grown in nicely and the trees appear to be in good health.

8. Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses?_

Yes, off-street parking facilities will not be changed from the existing layout. Based on the 11,050 square footage total, the site would require a minimum of 44 spaces, which the site currently exceeds. Striping in the lot is faded and should be refreshed prior to occupancy.

9. Are the hours and manner of operation of the proposed use compatible with surrounding uses?

Yes, the hours and manner of operation would be similar to both the auto uses to the north, and the grocery store to the south. The Business would only be able to operate in hours commensurate with the Code of Ordinances

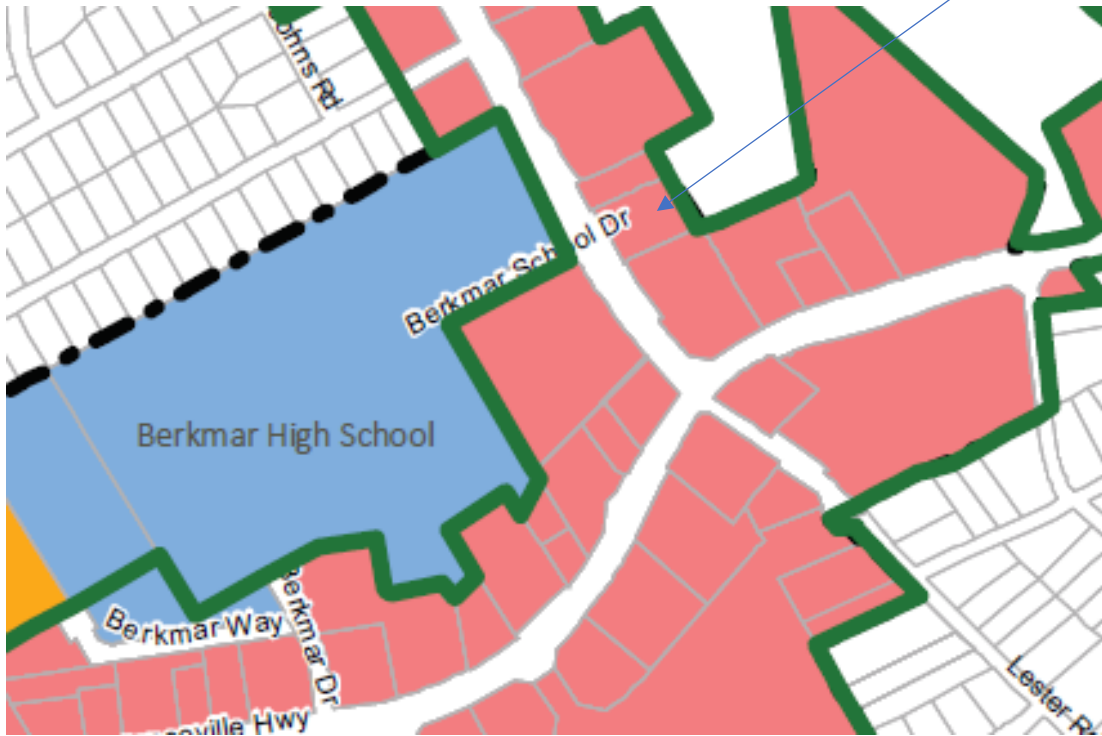
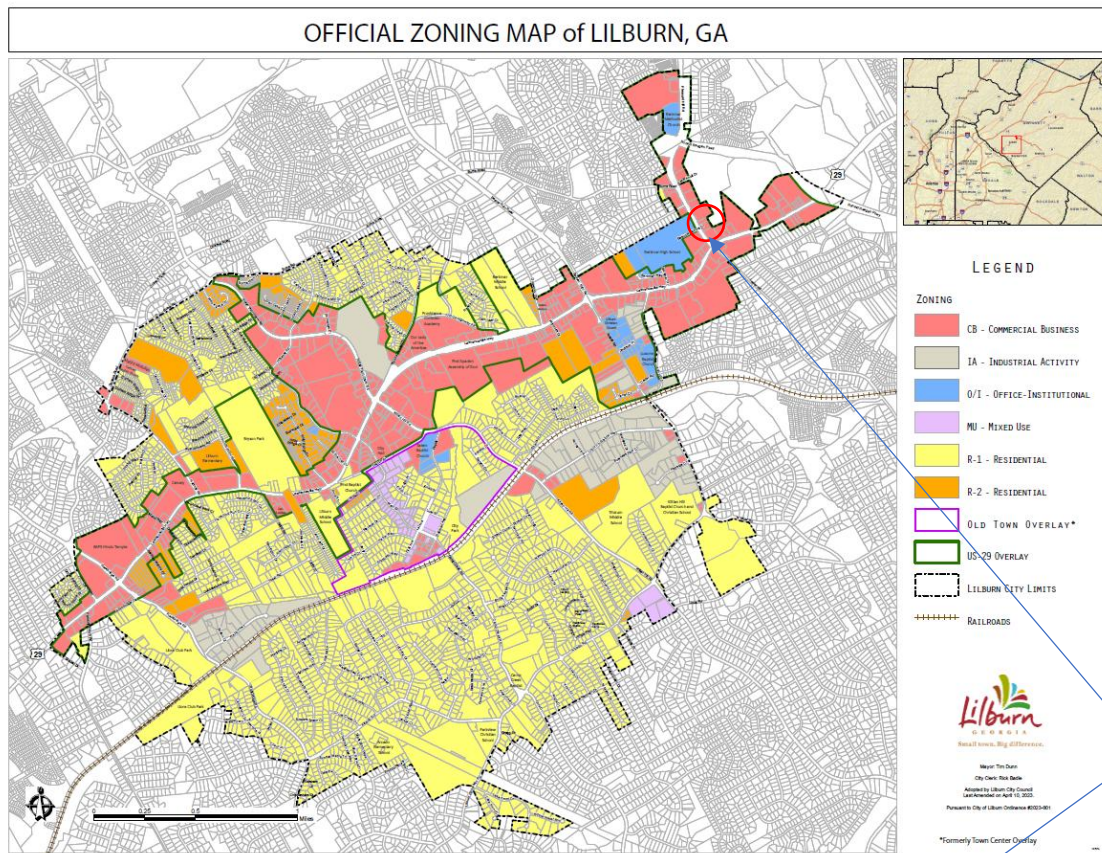
10. Are there environmental resources or features which should be considered, for example, topography, special geological features, highly erodible soils, water runoff issues downstream, floodplain, wetlands, specimen trees, etc.?

There is a stream located to the north at the rear of the adjoining property. Redevelopment in the area could pose a hazard to the stream, though none is proposed. Regardless, the streams health should be a paramount concern.

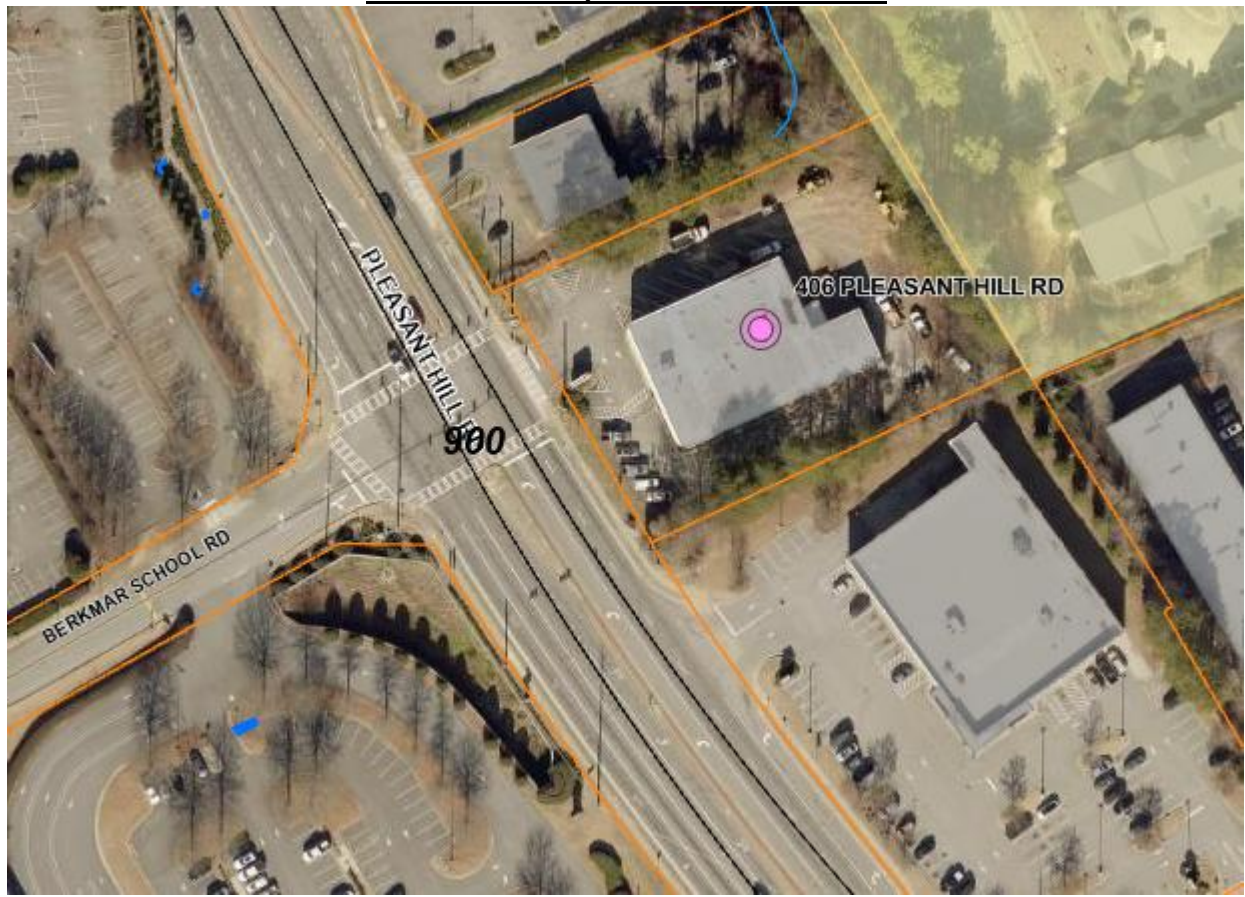
Based upon the above criteria for Special Use Permits and *Section 1003-7. Criteria for amendments to official zoning map*, staff recommends **APPROVAL** of the SUP request to allow for Auto and Truck Service Center Use **with the following conditions:**

1. All cars stored on the lot must have a valid Georgia license plate and be screened from view of the ROW.
2. No body or paint repair.
3. No washing of parts or vehicles outside the building.
4. No Heavy Equipment Service as described in Article 6.
5. No used auto parts sales.
6. No broker office or vehicle sales.
7. Service permitted only in enclosed bays.
8. The property shall be required to provide two rows of landscaping along the Pleasant Hill Road frontage to achieve screening of cars awaiting service, due to site orientation/composition.
9. No outdoor storage allowed on site.
10. Parking lot to be restriped prior to issuance of Occupational Tax Certificate
11. The Property Owner shall ensure that the parcel is brought into compliance with all landscaping requirements, property maintenance requirements of the U.S. 29 Overlay District, and these conditions of approval within 120 days of approval of the Special Use Permit.

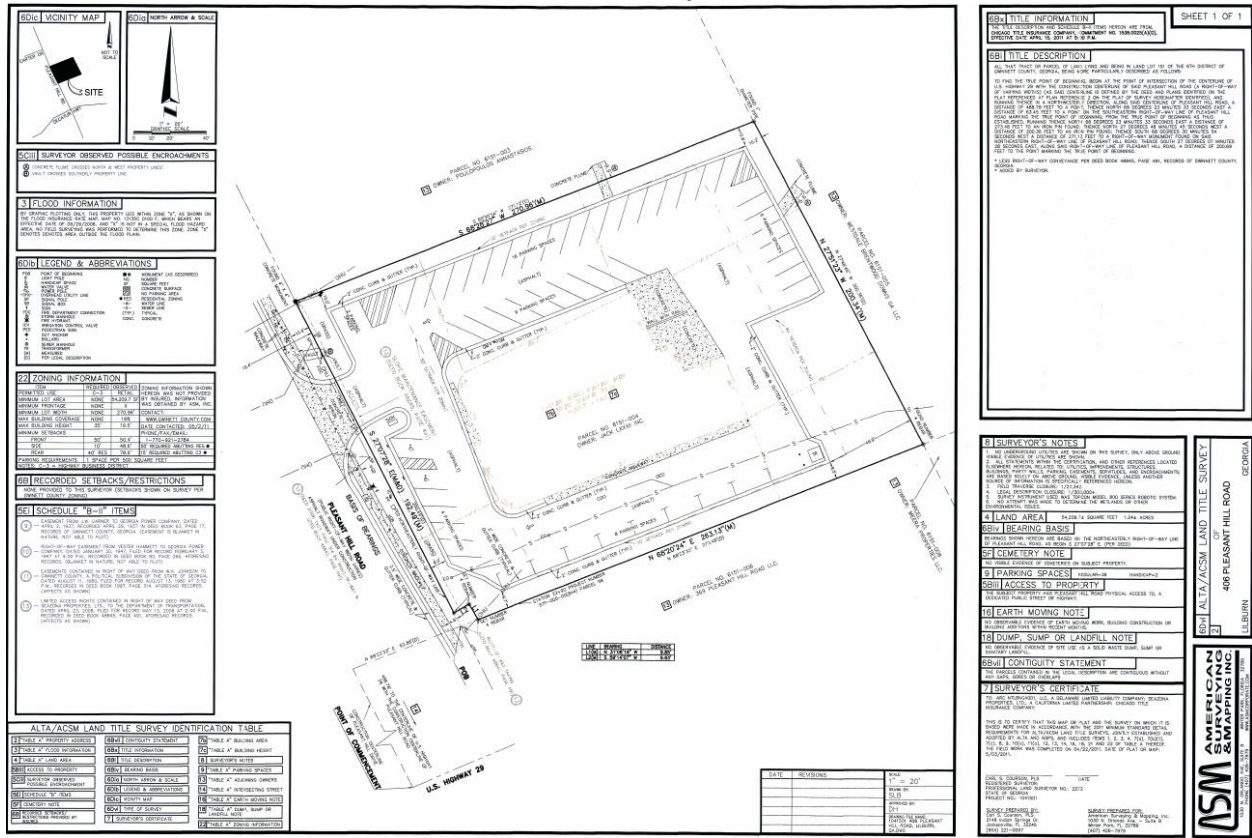
City of Lilburn Zoning Map



Aerial Parcel Map with View of the Site



Site Survey



CITY OF LILBURN
PUBLIC HEARING ITEM No. 2

Date:	December 19, 2025	To: Mayor and Council	December 19, 2025
From:	Reid Turner	Department:	Planning
Work Session/Reg. Mtg. Date Requested:	January 12, 2026	Presenter:	Reid Turner Planning Director
Agenda Item Type:	Zoning Action - Special Use Permit – Auto and Truck Service Center		
Audio/Visual Requirements:	Yes		

Agenda Item of Business (Background/History/Details):
Applicant, Mustangs LLC, is requesting a Special Use Permit to allow for Automotive and Truck Service Center on the property located at 406 Pleasant Hill Rd, R6151 004. The subject property is comprised of 1.26+/- acres. The lot is zoned CB, Commercial Business. Based on staff interpretation of the criteria for granting a Special Use Permit found in Article 10, Section 1003 of the Lilburn Zoning Ordinance, the applicant's request meets the criteria for the proposed use and for the granting of a Special Use Permit. Staff is recommending approval with conditions. The Planning Commission elected to revise condition 1 and add a 12th condition to those proposed by staff. Staff is in agreement, and these amendments have been incorporated into the Draft Ordinance.

Staff Recommendations:
Staff recommends the following: "Motion to Approve SUP-2025-04 granting a Special Use Permit for a Auto and Truck Service Center at 406 Pleasant Hill Rd.."

Department Head Approval:	Reid Turner, PD
----------------------------------	-----------------

Mayor's Signature Required:	YES	NO
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List Attachments:
1. Application Package 2. Staff Report 3. DRAFT Special Called Planning Commission Meeting Minutes – 12.18.2025 4. Ordinance No. 2025-664__

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager's Initials

**CITY OF LILBURN
AGENDA ITEM NO. 1**

Date:	12-18-2025	To: Mayor and Council	January 12, 2026
From:	Anja Peay	Department:	City Clerk
Work Session/Reg. Mtg. Date Requested:	January 12,2026	Presenter:	Anja Peay
Agenda Title:	Approval of 2026 Mayor and City Council Appointments		
Audio/Visual Requirements:	Yes/No/NA		

Agenda Item Description (Background/History/Details):
Each calendar year it is necessary for the Mayor and City Council to appoint the Mayor Pro-Tem, City Attorney, Legal Organ, Council Responsibilities, Municipal Judges and Solicitor(s), and members to all Commissions and Boards.

Staff Recommendations (Motion) :
Staff recommends the following: “Motion to approve the various appointments presented”

Department Head Approval:	J, Simpkins
----------------------------------	-------------

Mayor’s Signature Required:	YES	NO
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List Attachments:
1. 2026 Appointments

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager’s Initials
				JS

2026 Appointments

Mayor Recommendations:

Mayor Pro Tem – Scott Batterton by Mayor Crist
Parliamentary Procedures – Robert’s Rules of Order
City Attorney & Parliamentarian – Richard A. Carothers
Legal Organ – Gwinnett Daily Post

Council Responsibilities:

All council members will share equally in all areas of responsibility.

Municipal Court Appointments:

Municipal Judge – Charles L. Barrett, III
Associate Judge(s) – Carla Brown, Erica Dove
Pro Hac (Standby) Judge(s) – Kenneth Wickham, Jennifer Mann, Mike Greene
Solicitor – Kelsey Wiley, Bryan Brown, Laura Mayfield
Assistant Solicitor – Robert “Bob” Giannini

Board and Commission Appointments:

Board/ Commission	Appointed By:				
	Mayor Crist	Council Post 1 van Maanen	Council Post 2 Batterton	Council Post 3 Hart	Council Post 4 Powella
Planning Commission	James Hampton	Beanie Danos		Michael Delashmit	Ken Stephenson
Zoning Board of Appeals	Calum Lewis	Angie Ballard		George Churchill	David Hull
Merit Board	Beth Thompson	Monica Smith		Pamela Hart	Bruno Bischoff

Lilburn Downtown Development Authority:

Appointments to the Lilburn DDA are made every two years on a staggering basis.
Appointments are recommended by the Lilburn DDA and ratified by the Mayor and Council.
The current term of 2 board members concludes at the end of 2026.

Seat #	Current Appointment	Current Term Expiration Date	DDA Recommendation	New Term
1	Tom Mills	12/31/2028	NA	NA
2	Scott Mecredy	12/31/2028	NA	NA
3	Elmer Nash	12/31/2028	NA	NA
4	Hugh Wilkerson	12/31/2028	NA	NA
5	Mark DeArmon	12/31/2028	NA	NA
6	Joe Nocera	12/31/2026	NA	NA
7	Eddie Price	12/31/2026	NA	NA

**CITY OF LILBURN
AGENDA ITEM NO. 2**

Date:	December 128, 2025	To: Mayor and Council	January 12, 2026
From:	R. Whitehead	Department:	Municipal Court
Work Session/Reg. Mtg. Date Requested:	January 12, 2026	Presenter:	R. Whitehead
Agenda Title:	Approval of Ordinance 2026-665, an Ordinance amending the text of Article IV – Judicial Branch Sec. 4-15		
Audio/Visual Requirements:	No		

Agenda Item Description (Background/History/Details):
This amendment will update Article IV Judicial Branch, Section 4-15 Rules of Court, authorizing the Court to develop operating procedures, forms, and other documents. See text amendment in Exhibit A.

Staff Recommendations (Motion) :
Staff recommend the following: “Motion to approve Ordinance No. 2026-665, an Ordinance amending the text of Article IV Judicial Branch, Section 4-15 of the official code of the City of Lilburn.”

Department Head Approval:	JS
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Mayor’s Signature Required:	YES	
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List Attachments:
1. Ordinance 2026-665 2. Exhibit A

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager’s Initials
N/A				JS



City of Lilburn

in Gwinnett County

State of Georgia

Ordinance
Number:

2026-665

DRAFT

Date of Reading and Adoption: January 12, 2026
At the regular meeting of the Lilburn City Council

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
LILBURN, GEORGIA, TO AMMEND ARTICLE IV – JUDICIAL BRANCH, SECTION
4-15 RULES FOR COURT.**

WHEREAS, the City of Lilburn City Code, Article IV – Judicial Branch, Section 4-15, establishes the authority and responsibilities of the Municipal Court; and

WHEREAS, the effective administration of the Municipal Court requires flexibility to implement consistent and efficient internal practices; and

WHEREAS, allowing the Municipal Court to develop operating procedures, forms, and other documents supports orderly court operations and promotes clarity for court staff, litigants, and the public; and

WHEREAS, the Mayor and City Council of the City of Lilburn find it necessary and in the best interest of the city to amend Article IV – Judicial Branch, Section 4-15 of the City Code to expressly authorize that the court may develop operating procedures, forms, and other documents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Lilburn, Georgia, sitting in regular session on January 12, 2026, that Article IV – Judicial Branch, Section 4-15 of the Code of the City of Lilburn Georgia, be amended per exhibit A.

Approved:

Johnny Crist, Mayor

ATTEST:

Anja Peay, City Clerk
(Seal)

Exhibit A

Section 4.15. Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; **may develop operating procedures, forms, and other documents**; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

**CITY OF LILBURN
AGENDA ITEM NO. 3**

Date:	December 22, 2025	To: Mayor and Council	January 12, 2026
From:	Jenny Simpkins	Department:	City Manager
Work Session/Reg. Mtg. Date Requested:	January 12, 2026	Presenter:	Jenny Simpkins
Agenda Title:	Approval of Contract No. 2026-01, a settlement agreement with Francis Cole at no cost to the City of Lilburn.		
Audio/Visual Requirements:	No		

Agenda Item Description (Background/History/Details):

The city charged Frances Cole, owner of 4415 Lilburn Industrial Way, with 38 counts of various code violations, and the Municipal Court judge found Cole guilty of 35 of the 38 counts on February 20, 2025. Cole was fined \$10,000 and placed on probation for 24 months. Cole filed a Petition for Review in the Gwinnett Superior Court. On September 10, 2025, the Superior Court vacated and set aside the judgement and sentence of the Lilburn Municipal Court. Lilburn filed a Petition for Discretionary Review with the Georgia Court of Appeals within 30 days, and the petition was granted. Since this time, we've been working toward a Settlement Agreement. Staff recommends approval of the proposed Agreement, and it has been approved by Cole and her attorney.

Staff Recommendations (Motion) :

Staff recommend the following: "Motion to approve Contract No. 2026-01, a settlement agreement with Francis Cole at no cost to the City of Lilburn."

Department Head Approval:	JS
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Mayor's Signature Required:	YES	
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List Attachments:

1. Contract No. 2026-01
2. Zoning Ordinance

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager's Initials
N/A				JS

certain time frames. The Petitioner filed a Petition for Review in the Gwinnett Superior Court within the time provided by law.

On September 10, 2025, the Superior Court entered an Order on Petition for Review that “vacated and set aside” the judgement and sentence of the Lilburn Municipal Court. On October 10, 2025, the City of Lilburn filed a Petition for Discretionary Review with the Georgia Court of Appeals. The Petition was granted on October 31, 2025.

The parties desire to enter into this Settlement Agreement to resolve all issues in the current litigation.

NOW THEREFORE, based on the promises and covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the City of Lilburn and Frances M. Cole, do hereby agree as follows:

1. The City of Lilburn will dismiss its Appeal within five (5) days of the Effective Date of this Agreement, said date being defined below. The parties will enter into a Consent Order asking the Superior Court to Vacate its Order of September 10, 2025, and to enter an Order vacating and setting aside the decision of the Lilburn Municipal Court in Case No. Z24008787 and Approving this Settlement Agreement as the Final Order of the Superior Court in this action.
2. Frances M. Cole covenants not to sue the City of Lilburn for damages as a result of the City’s actions against her related to this case, both at the Municipal Court as well as in the Superior Court.
3. The parties agree that the Property may be used for the grandfathered use of a “junkyard.” For purposes of this Settlement Agreement, the term junkyard is defined as “Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap material, used lumber, salvaged house wrecking and structural steel materials and equipment or for the or abandonment of automobiles or other vehicles or machinery or parts thereof.” For purposes of this Settlement Agreement, “junkyard” does not include the selling of automobiles and does not allow for the general public, a customer, or a potential buyer to pick or sort through items on the Property for the purposes of purchasing any item located thereon. The parties agree that this grandfathered use shall end on December 31, 2031, and that thereafter the Property

may not be used as a “junkyard” as defined herein.

4. The parties have come to a mutual agreement as to the lawful and legal uses allowed on the Property under the Zoning and Special Use Permit approved as 262-07 and the current City of Lilburn Zoning Ordinance and agree that the uses set forth below are legal and lawful uses for the Property: any of the following uses which are not allowed under any future properly adopted amendments to the City of Lilburn Zoning Ordinance and which are being conducted on the Property now or prior to the adoption of that amendment shall be considered lawful non-conforming uses and shall be subject to the provisions of Section 903 of the City of Lilburn Zoning Ordinance which reads as follows:

Section 903. Nonconforming use.

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

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

LEGAL USES

- A. Tow Service, which is defined as an establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This use does not include a salvage yard or junkyard as that term is defined herein.
- B. Wrecked Motor Vehicle Compound, which is defined as an area used to store

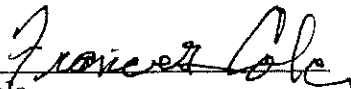
disabled or impounded vehicles until such time as their disposition (either by junk, salvage, repair, etc.) has been determined by the insurance company, the owner of the vehicle, or his legal representative. The area where the vehicles are stored must be surrounded by an eight foot fence and the vehicles may not be visible from the public right of way. This use does not include a salvage yard or junkyard as that term is defined herein.

- C. Baking Plants
 - D. Building Material or Other Outdoor Storage Yards including the storage of operable vehicles such as, but not limited to, automobiles, recreational vehicles, boats, work trailers and commercial trucks.
 - E. Cold Storage Plants
 - F. Soft Drink Bottling and Disturbing Plants
 - G. Truck Terminals
 - H. Wholesaling and Warehousing
 - I. Newspaper and Printing Plants
 - J. Office or Office Parks
 - K. Taxidermists
 - L. All industrial uses that:
 - a. Are not public nuisances
 - b. Are not dangerous to the public health, safety or general welfare
 - c. Meet all applicable state and federal environmental regulations.
 - M. All uses permitted as a right in the I-A (Industrial Area) under Article 6 of the of Lilburn Zoning Ordinance as of the date of this Agreement, which is attached hereto as Exhibit A.
5. Petitioner agrees to install a six-foot chain-link fence across the entire frontage of the Property at the location of the current fence line and to install a locked or automated gate on the fence to restrict vehicular access to the Property. The general public, customers, and potential buyers will not be allowed access to the areas of the Property where wrecked or damaged vehicles are stored, and Petitioner will provide for at least three (3) identified parking spaces for any

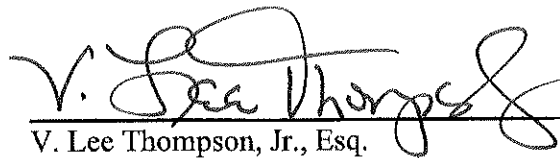
customers. Petitioner further agrees to install a landscape buffer of Green Giant Arborvita trees within the ten feet in front of the fence at appropriate spacing to create a visual screen. The trees will be approximately six feet in height at the time of planting and shall be spaced so that at the time of planting, there shall be a visual screen. The driveway located on the Property and all areas where vehicles will be driven or parked will be covered with a layer of #57 stone and topped with asphalt millings to reduce dust and create a clean appearance.

6. The City shall provide Petitioner a 2025 Occupation Tax Certificate/ Business license for the business of towing and recovery within three business days of the Effective Date of this Agreement.
7. The Effective Date of this Agreement shall be the date that the Agreement is signed by the last part signing the Agreement.
8. The parties acknowledge that a portion of the Property is being legally used for a cell tower in accordance with a recorded Perpetual Easement Agreement. The parties agree that this use is lawful and the use shall be allowed to continue and shall not be affected by the terms of this Settlement Agreement.
9. This Settlement Agreement shall be binding on the parties, their successors and assigns and shall be recorded on the public deed records of Gwinnett County, Georgia to place the public on notice of the lawful uses of the Property.

Agreed to this 2 day of December, 2025.



Frances M. Cole



V. Lee Thompson, Jr., Esq.
Georgia Bar No. 710050
Attorney for Petitioner Frances M. Cole
Pereira, Kirby, Kinsinger & Nguyen, LLP.
P.O. Box 1250
Lawrenceville, Georgia 30046

770-963-2997 (Phone)
lthompson@pkknlaw.com

Agreed to this ____ day of _____, 2025.

City of Lilburn

By: _____

Title: _____

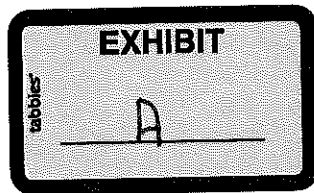
Attest: _____

Title: _____

(CITY SEAL)

Angela Couch
Georgia Bar Number: 190005
Attorney for the City of Lilburn
Carothers & Mitchell, LLC
1809 Buford Highway
Buford, GA 30518
678-730-0444
Angela.couch@carmitch.com

[Signature Page for Settlement Agreement between Frances M. Cole and the City of Lilburn]



ARTICLE 6. USE AND SUPPLEMENTAL CONDITIONS TABLES

Section 601. How to use this table.

Each table looks similar to the example below:

PUBLIC INFRASTRUCTURE	SPECIFIC USES	R- 1	R- 2	MU	OT	CB	O- I	I- A	U.S. 29	Section Reference	Comment/Condition
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Transit	Bus, train, or taxi lots and facilities					S		S	S		
	Parking Lot, Deck			P ₁	S	P ₁	P ₁	P ₁	S		20 acre minimum for commercial vehicle storage lot.
	Passenger Facilities	P	P	P	P	P	P	P	P		Includes transit stops, GTC stations.
Utilities	Cellular/Wireless Communication Tower			S	S	S	S	S	S	Ch. 117	New Towers. Refer to Telecommunications Towers and Antennas Code for alterations
	Electric Substation or Gas Regulator Station	C	C	C	C	C	C	C	C	Article 6: Sec. 603	As deemed required for location to serve land uses in vicinity.
	Public Utility Facilities	C	C	C	C	C	C	C	C		

- First column lists general groupings (e.g. Public Infrastructure Types for the category listed in the column header (Public Infrastructure)).
- Second column lists specific uses.
- Middle columns represent each City of Lilburn zoning and/or overlay district (OT, and U.S. 29), with a use code.
- The letters corresponding to use codes are as follows:

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

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

(Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2022-596, Att. 1, 11-14-2022; Ord. No. 2023-602, Exh. A, 5-8-2023;
Ord. No. 2023-603, Exh. A, 6-12-2023)

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Section 602. Use table.

SPECIFIC USES		R1	R2	MU*	OT	CB	O-I	IA	U.S. 29	Section Reference	Comment/Condition
*Upon Master Concept Plan approval											
RESIDENTIAL USES											
Residential Dwelling Types											
	Single-family Detached	P	P	P	P						See development standards for minimum unit size and lot configurations.
	Single-family (cluster-cottage, creative lot configuration)	P	P	P	P	S			S	U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (fee simple)		S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions Art. 7	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (condominium)		S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Boarding and Rooming Houses		S								Limited to not more than 10 non-transient boarders.

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	Residential as Component of Mixed-Use Building				P	P	S					Includes accessory apartments and condo or MF units above or behind ground floor commercial in MU and CB under the U.S. 29 Overlay.
	Conservation Subdivision	S	S								Art. 7	Conditions apply.
	Duplex		S	P	P						Sec. 734 U.S. 29 Overlay Provisions Art. 7	
	Live/Work Residence			P	P					P	Sec. 603	Permitted in mixed-use, OT Overlay, and U.S. 29 Overlay. Where resident's business is located.
	Manufactured/Modular Home	C									Art. 7	Mobile home on axles and wheels excluded. Includes pre-fab/modular.
	Multi-family Attached Condominium		S	P	S	S				S	Sec. 736 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Multi-family (other)		S	P	S	S				S	Sec. 736 U.S. 29	Permitted as part of a mixed-use development in CB

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																	under the U.S. 29 Overlay with Concept Plan review.
	Multi-Family (age restricted)		S	P	S	S	S	S	S	S							Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay Provisions
ACCESSORY USES																	
Dwelling Uses	Accessory Use — attached	P	P	P	P	S	S							S			Art. 7, Sec. 701 and Sec. 702
	Amateur Radio Transmitter	P	P	P	P	P	P	P	P					P			
	Caretaker or Watchman Quarters						P	P									As an accessory use.
	Community Amenity Recreation Facility (subdivision tennis courts and/or pool or building)	P	P	P	P	S	P							P			Permitted as part of a mixed-use commercial project in CB under U.S. 29 Overlay in MU. Commercial standards apply.
	Conservation and/or Common Area	P	P	P	P	P	P	P	P					P			Permitted when integrated into site plan as non-primary use and recorded on final plat.

ACCESSORY USES

Dwelling Uses	Accessory Use — attached	P	P	P	P	S	S		S	Art. 7, Sec. 701 and Sec. 702	
	Amateur Radio Transmitter	P	P	P	P	P	P	P	P		
	Caretaker or Watchman Quarters						P	P			As an accessory use.
	Community Amenity Recreation Facility (subdivision tennis courts and/or pool or building)	P	P	P	S	P			P		Permitted as part of a mixed-use commercial project in CB under U.S. 29 Overlay in MU. Commercial standards apply.
	Conservation and/or Common Area	P	P	P	P	P	P	P	P		Permitted when integrated into site plan as non-primary use and recorded on final plat.

	Dormitory																	Permitted as ancillary supporting use to a hospital use, medical facility, or associated educational facility.
Residential	Home-based Occupation	C	C	C	C	C	C	C	C	C	C	C	Art. 716					Subject to HO criteria and licensing. In OI and CB, permitted in existing residential dwellings only.
	Pet House Structure	P	P	P	P	P	P	P	P	P	P	P						Restricted to rear yard setback area. No kennels.
	Private Tennis Court	P	P	P	P	P	P	P	P	P	P	P	Art. 7					Administrative conditional approval required for lighting.
	Storage Shed	P	P	P	P	P	P	P	P	P	P	P						Rear yard only. Subject to setback, bldg. separation and material review.
	Swimming Pool (private)	P	P	P	P	P	P	P	P	P	P	P	Art. 7					Subject to structure separation and fencing requirements.
Business	Farm Stand Sale of Products Produced on Premises	C																Requires a temporary use permit in nonresidential districts and subject to minimum lot size

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																		and setback requirements.
	Personal Hair Salon	S	S															Single family residence only.
	Short Term Rental	C	C	C	C	C	C	C								Art. 7	C	Compliance inspections and business license apply.
Agricultural	Non-commercial Keeping of Fowl/Livestock	C														Art. 7		Subject to minimum lot size and setback requirements on private lot.
	Non-commercial Agriculture	C																Subject to minimum 1 acre lot size, R-1 minimum setback, and floodplain requirements on private lot.
	Agricultural/Livestock Accessory Buildings and Uses	P												P				Includes ponds, fishing lakes, barns, storage/tack sheds. Subject to minimum lot size and setback requirements.
	Private Horse Stables Riding for Residents	C														Art. 6, § 603		Subject to minimum lot size and setback requirements.
PARKS AND RECREATION USES																		
Parks and Trails	Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	
	Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Permitted use under U.S. 29 Overlay under O-I district.

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														The planning director may designate certain areas in parks as allowing dogs and/or other pets to be off-leash.
	Passive Open Space	P	P	P	P	P	P	P	P	P				Includes greens and non-paved common areas in mixed-use commercial projects in MU and CB under U.S. 29 Overlay.
	Walking Trails/Greenway	P	P	P	P	P	P	P	P	P				
Community Sports Facilities	Athletic Fields (with lights)	S					S	P	S	P	S			
	Athletic Fields (non-lighted)	S				P	S			P	P			
	Community Center/Gymnasiums	S	S	P			S	P		P	P			
	Public Swimming Facilities	S	S	S			S	P	P	P	P			
	Public Tennis Facilities	S	S	S			S	P	P	P	P			
PUBLIC/INSTITUTIONAL USES														
Care Facilities	After School Program	C	C	C	C	C	C	C	C	P	P	P	Art. 6, § 603	Permitted in conjunction with a family day care facility in a residential unit, or daycare center in commercial districts.
	Continuing Care Retirement Facilities						S	S	S	P	P	S	Art. 7	May include many levels of

Business Office	Accounting Firm, Bookkeeper Offices				P	P	P	P	P	P		
	Administration				P	P	P	P	P	P		
	Advertising Agency				P	P	P	P	P	P		
	Architect, Engineer, Land Development Office				P	P	P	P	P	P		
	Auto Leasing and Brokerage Office				P	P	P	P	P	P		Internet sales only, no display or inventory.
	Brokerage Firm				P	P	P	P	P	P		
	Consulting Firm				P	P	P	P	P	P		
	Corporate Headquarters				P	P	P	P	P	P		
	Employment Agency				P	P	P	P	P	P		
	Financial Institutions				P	P	P	P	P	P		Automatic teller as accessory use.
	Insurance Sales				P	P	P	P	P	P		
	Law Firm/Attorney				P	P	P	P	P	P		
	Real Estate Office				P	P	P	P	P	P		
	Secretarial Services				P	P	P	P	P	P		
	Travel Agency				P	P	P	P	P	P		
Medical/Clinical	Chiropractor				P	P	P	P	P	P		
	Counseling Services				P	P	P	P	P	P		
	Dentist/Orthodontist/Oral Surgeon				P	P	P	P	P	P		
	Doctors' Office				P	P	P	P	P	P		
	Medical Clinic/Emergency Care				P	P	P	P	P	P		Pain Mgmt. further restricted by licensing requirements (distance to sensitive uses).

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	Veterinary Clinic																	Grooming and care allowed. No outdoor boarding. Adaptive reuse of dwelling permitted in MU.
	Veterinary Clinic with Outdoor Kennel																	Art. 6, § 603 Outdoor boarding. May include large animals as appropriate.
Other	Charitable Institution (office)																	
	Public Utility or Other Similar Professional Office																	Public office in MU and CB limited to tenant or component of mixed-use, office park, or commercial center.
	Office Park																	Art. 6, § 603
	Office Condominiums																	
	Other Similar Professional Office Uses Not Specified																	Subject to administrative conditional approval.
COMMERCIAL																		
Personal Services	Barber Shop, Hair Salon																	
	Clothing Alterations																	Includes tailors and seamstresses.
	Dance/Fitness/Karate Studio																	Limited to 2,500 sq. ft. in MU* and OT.

	Dry Cleaner and Laundry Facilities (no drive-thru)																	Includes delivery, pick up and self-service facilities, limited to 2,500 sq. ft. of total floor space.
	Dry Cleaner (with drive-thru)																	Limited to 2,500 sq. ft. No less than 3 ft. No less than 3 ft. vehicle stacking for drive through.
	Nail Salons																	Subject to licensing requirements.
	Laundromats																	
	Music and Art Instruction																	Includes ancillary sale of equipment, instruments and accessories.
	Shoe Repair																	
	Tanning Salons																	
	Weight Loss/Nutrition Centers																	
	Other Similar Personal Services Not Specified																	Subject to licensing and distance requirements from sensitive uses in all districts.
Food and Convenience Stores	Bakery																	
	Candy Stores																	
	Convenience Store w/out Gas Pumps																	No automated car wash as an

	Restaurants (no drive-thru)			P	P	P	P	P	P		Includes bar or lounge subject to liquor sales licensing.
	Restaurants (with drive-thru)		S			S		P	S		No less than 3 vehicle stacking for drive through.
	Wine Shop				P	P			P		Subject to City and State Licensing requirements. Permitted as a primary use or accessory use to a Restaurant (no drive-thru) only.
Clothing	Bridal, Formal Wear			P	P	P		P	P		
	Clothing Store, Boutique or Similar			P	P	P		P	P		
	Consignment Store			P	P	P		P	P		
	Maternity Shop			P	P	P		P	P		
	Shoes or Children's Shoes			P	P	P		P	P		
	Specialty Store			P	P	P		P	P		Includes leather shops, uniform stores, women's foundations/lingerie.
Artists and Craftsmen's Stores	Antique Store			P	P			P	P		Refurbishing and restoration only in IA.
	Artists' Studios and Galleries			P	P	P		P	P		Includes pottery.

	Art/Hobby/Craft/School Supply Shop				P	P	P	P	P	P		Big Box prohibited in MU and OT.
	Frame Shops				P	P	P	P	P	P		
	Interior Design Services and Shop				P	P	P	P	P	P		Maximum 2,500 sq. ft. building limitations in OT.
	Music Studio, With Accessory Sales				P	P	P	P	P	P		
	Photography Sales and Studios, Film Developing				P	P	P	P	P	P		
	Bicycle Store				P	P	P	P	P	P		Temporary outdoor display only.
	Bookstores				P	C	P	P	P	P		Limited to 2,500 sq. ft. in OT.
	Camera/Photo Supply				P	P	P	P	P	P		
	Cellular Phone Vendor Sales and Service				P	P	P	P	P	P		
	Cigar Shops				P	P	P	P	P	P		
	DVD, Computer Game, and CD Music Rental and Retail Stores				P	P	P	P	P	P		Big box prohibited in MU and OT. Equipment sales limited to accessories and software.
	Fabric Shop				P	P	P	P	P	P		
	Florist				P	P	P	P	P	P		
	Furniture Repair and Upholstery				C		P	P	P	P		Limited to 2,500 sq. ft. in MU.
	Gift Shops				P	P	P	P	P	P	1	Accessory use in O-I.

	Hardware Store																		Big Box prohibited in MU and TC. No outside storage.
	Jewelers																		Includes repair.
	Locksmith																		
	Mailbox, Copy and Mailing Service																		
	Musical Instrument Sales and Repair																		
	Optical and Hearing Center																		
	Pest Control Business																		
	Pet Supply, Pet Shop, w/Grooming																		Size limitations of 2,500 sq. ft. building space in OT. No outdoor facilities.
	School Supply																		
	Small Appliance, Electronics Sales and Service																		Includes TV, stereo equipment, DVD and similar electronics.
	Stationary Shop																		
	Toy Store																		Subject to 2,500 sq. ft. building space restriction in OT.
Other	ATM Bank Machines																		
	Bed and Breakfast Inn																		Allowed in OT under R-1 zoning.
	Hotel/Motel																		No extended stay allowed.
	Kennels																		All structures and elements used for

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

HEAVY INDUSTRIAL										
Production and Processing	Agricultural Processing							C	Art. 6, § 603	May include activities which create emissions within federal standards.
	Alternative Energy Production							S	Art. 6, § 603	Solid waste incinerator and/or microwave facility prohibited.
	Dry Cleaning Plant							S	Art. 6, § 603	
	Heavy Industrial							C	Art. 6, § 603	May include activities which create emissions within federal standards.
	Manufacturing, Processing							C	Art. 6, § 603	May include activities which create emissions within federal standards.
Distribution and Storage	Bulk Container Storage							S	Art. 6, § 603	
	Distribution Centers							P		
	Towing and Wrecker Service							P	Art. 6, § 603	Business Truck and operable vehicle parking only. Screening requirements apply.
	Wrecked Motor Vehicle Compound							S	Article 6: Sec. 603	Min. Lot Size 2 acres. Temporary Storage

																	Only. No dismantling or salvage yard.
	Reclaimed Materials Processing Facility												S		Art. 6, § 603		Recovered materials processing does not include any operation which changes the nature of a material, its chemical composition, or its physical qualities.
	Truck and Railroad Terminals																
	Wholesaling, Storage and Distribution (Heavy)																
PUBLIC INFRASTRUCTURE																	
Transit	Bus, train, or taxi lots and facilities							S						P			Within MU and CB, lot or facilities shall be underground or on ground floor of the primary use and screened from views at street level.
	Parking Lot, Deck																20-acre min lot for vehicle storage.
	Passenger Facilities																Includes transit stops, no lots or GTC or transfer stations in R1, R2, MU or OT Overlay.
Utilities	Cellular/Wireless Communication Tower																Refer to Telecommunications

Section 603. Supplemental conditions table.

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

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			(commercial and/or office). 2. Residential use component may not exceed 70 percent of square footage of the building. 3. Structure must be two stories or greater. 4. Residential shall be located on upper floors above ground floor business or to the rear of the building. 5. Where adjacent to a required buffer, the minimum required side yard or rear yard setback(s) may increase an additional five feet for every ten feet of increase in building height above 35 feet. 6. All visible frontages shall be detailed with architectural elements. 7. Required garage and off-street parking must be located to the rear of a minimum of 50 percent of mixed-use buildings. 8. Business portion shall have direct entry from street frontage sidewalk. Entrances to residential, office or other upper story uses shall be clearly apparent in form and location of ground floor uses.
Business	Live/Work Residence	OT Overlay, MU	1. Permitted use provided additional parking is provided at one space per 1,000 square feet of office use. 2. Residential appearance to be maintained. 3. Permanent occupancy not required. 4. On residential properties a sign not larger than six square feet or four feet in height is allowed.
Dwelling Uses	Subdivision Tennis Courts and/or Pool	R-1, R-2, MU*,	1. Permitted as accessory to residential portion of a mixed-use development in CB under

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		CB/U.S. 29	the U.S. 29 Overlay, and in MU. 2. Permitted in R-1 and R-2 when included as dedicated or reserved area on final recorded subdivision plat.
PUBLIC/INSTITUTIONAL			
Care Facilities	After School Program	R-1, R-2, MU*, OT, CB, O-I	After-school programs are permitted as an associated use to all schools, religious institutions and day care facilities in the MU, O-I or CB districts with administrative review in R-1, R-2, MU and OT when located within a residence in association with a family day care home with the following conditions. 1. The after-school program is limited to no more than four consecutive hours per day, and within the hours of 2:00 p.m. and 6:30 pm. 2. A permanent fence enclosing any designated play areas shall be constructed before commencing the after school program use.
	Day Care Center	MU*, OT, O-I, CB, IA	See Article 7, Section 708
	Family Daycare Home	R-1, R-2, MU*, OT	See Article 7, Section 710
	Group Home	R-1, R-2, MU*, O-I	See Article 7, Section 715
COMMERCIAL USES			
Auto and Equipment Uses	Auto, Motorcycle and Truck Service Center	CB/U.S. 29, IA	1. Special use permit required in CB or U.S. 29 Overlay. 2. In CB and U.S. 29 Overlay, buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the

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			predominant architectural theme of the U.S. 29 Overlay or of the integrated development site. 3. No body or paint repair. 4. Service permitted only in enclosed bays. 5. All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses. 6. All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages.
	Auto, Motorcycle and Truck Sales or Dealership	CB, IA	1. SUP required in CB. 2. Sales lots shall have dedicated vehicle inventory parking. 3. All existing vehicle display areas with frontage on U.S. 29, and any new facilities with frontage on major arterial roadways, shall be screened to a minimum height of two and one-half feet. 4. Minimum one acre useable site in IA, min. 5 acre site in CB. 5. Minimum 200 foot roadway frontage. 6. Two elevated display racks are permitted per motor vehicle sales lot, not to exceed five feet in height.
	Vehicle Storage Lots	CB, IA	See Art. 7, § 733
Restricted Uses	Auto and Truck Body and Heavy Repair	CB/U.S. 29, IA	1. Special use permit required in CB or U.S. 29. 2. In CB, auto repair buildings shall be designed in consideration of the context of

		the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site. 3. Service permitted only in enclosed bays. 4. All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses. 5. All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages. 6. Damaged vehicles and/or vehicles undergoing repair shall be enclosed within an eight-foot high, opaque fence. 7. Outdoor storage of dismantled and inoperable autos and parts is prohibited. 8. Driveway access on through lots should not be allowed on streets primarily servicing property zoned or used for residential uses. 9. Exterior building elevations facing public streets shall be a minimum of 50 percent of the storefront in clear glass. 10. A five-foot minimum planter should be provided around the footprint of all building elevations except at pedestrian and vehicular entrances to said building and at any building elevation abutting a landscaped perimeter yard. 11. A safe pedestrian path
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			should be provided from the required on-site parking to the primary customer entrance.
Supply and Wholesale	Building Supply Center with Outdoor Lumberyard	CB, IA	1. SUP required in CB. 2. No fabrication or outside storage permitted in CB under the U.S. 29 Overlay. 3. Storage or equipment areas must be screened with a six feet high, opaque fence.
	Contractor's Offices with Outdoor Storage	CB, IA	1. SUP required in CB. 2. Storage or equipment areas must be screened with a six-foot high, opaque fence.
Food and Convenience Stores	Convenience Food Store with Pumps	MU*, CB	1. SUP required for fuel pumps. 2. A ten-foot landscaped strip shall be provides along ROW. 3. Fuel pumps and canopies covering fuel pumps are permitted in the front yard setback provided they are located a minimum of 15 feet from the ROW, and the canopies are located at least ten feet from the ROW. 4. No outdoor storage is permitted. 5. Display of beverages in permanent containers on pump islands as specified in Article 7, Section 724.
Personal Services	Dry Cleaning Facility	MU*, CB, IA	1. Limited to 2,500 square feet and no drive-thru facilities in MU. 2. Incidental to primary industrial or business park uses in IA.
	Dry Cleaning with Drive-Thru	CB, IA, U.S. 29	See Article 7, Section 710 for additional conditions.
Shops and Non-Food Stores	Home Improvement with Garden Center	CB/U.S. 29, IA	1. A six-foot high solid fence must surround all storage areas for business vehicles, equipment and bulk storage. 2. All principal and accessory structures must conform to the

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			building code with no agricultural exceptions. 3. Outdoor plant displays access walks shall comply with site accessibility requirements of the building code. 4. Required parking spaces and drive aisles shall be asphalt or concrete. Business vehicle and equipment parking and drive area may be gravel/crush and run in 1A. 5. Customer parking requirements for outdoor retail display areas shall be one space for every 500 square feet of retail space.
Other	New Cemetery	R-2	New cemeteries, provided any new cemetery allowed under this paragraph: 1. Has 100 or more feet of frontage along a street classified as a minor arterial or higher grade thoroughfare, 2. Is adjacent to an existing cemetery or immediately across a public right-of-way from an existing cemetery, 3. Is located entirely outside the Lawrenceville Highway Corridor Overlay, 4. Has its boundaries shown on a plan that is filed with the city, 5. Complies with other all other development regulations of the city, and 6. Burial of human remains shall be entirely within concrete vaults.
	Funeral Home/Crematory	CB/U.S. 29	Subject to state law.
	Hotel, Motel	MU*, CB/U.S. 29	1. Guest rooms shall be accessed internally to the building with no direct room access to the outside.

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			2. Lobby shall be a minimum of 700 square feet. 3. Minimum site shall be two acres. 4. On-site management required on 24 hour basis in an office within the primary structure. 5. Each room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device. 6. For buildings containing three stories or less or no more than 130 rooms, minimum roof pitch is 4:12. 7. Outside storage of commercial equipment is prohibited. 8. No business license shall be issued for any business operating out of a guest room of the facility. 9. When adjacent to residentially zoned property, a 100 foot landscaped buffer is required. On existing vacant/undeveloped sites, and where feasible, 75 feet of such buffer in natural state is required. 10. Any outdoor recreation areas/pools must be located to the rear of the site or internal courtyards. 11. Extended stay is prohibited.
	Amusement Game Room	CB/U.S. 29	1. Every amusement game room in the city shall comply with the proximity provision for businesses licensed to sell alcohol, set out in ARTICLE III, Sec. 6-64. 2. No amusement game room in the city shall offer to the public more than six bona fide coin operated amusement

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			machines. 3. All machines shall, at all times, be kept and placed in plain view of and open and accessible to any person who may frequent or be in any place of business where such machines are kept or used. 4. See additional licensing requirements in Chapter 14, Article V.
PROFESSIONAL SERVICES			
Medical/Clinical	Veterinary Hospital with Outdoor Kennel	CB/U.S. 29, IA	1. Special use permit required. 2. Outdoor boarding and/or runs permitted, located at least 300 feet from any existing residential use or business when measured from property line of subject property to residence or business establishment of closest properties.
Other	Office Park	MU*, CB/U.S. 29, IA	1. Distributive functions such as loading, unloading, storage, packaging and unpackaging shall be limited to ten percent of the total building area and five percent of the total lot area.
LIGHT INDUSTRIAL			
Production and Processing	Machine, Welding, Radiator, Muffler Repair Shops	IA	Permitted with screening in business/light industrial parks and stand-alone facilities. 1. Outside storage not permitted in business/light industrial parks. 2. In stand-alone establishments, conditions of Light Outdoor Storage establishments shall apply.
Light Storage/Distribution/Warehousing	Light Outdoor Storage	IA	Includes outdoor storage yards for building material and equipment used in the conduct of the business subject to the following conditions: 1. They shall not be located within the required front yard.

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

			review: 1. No above ground storage tanks may be located closer than 500 feet to the R-1, R-2, MU, CB and O-I districts or Old Town or U.S. 29 Overlay boundary. 2. All storage is subject to approval of the fire department. 3. Stored materials are not dangerous to public health, safety or welfare.
	Wrecked Motor Vehicle Compound	IA	Subject to following conditions and location compatibility review: 1. The yard is not located closer than 300 feet to a mixed-use, Old Town Overlay district or U.S. 29 Overlay boundary. 2. The yard is completely enclosed with a solid opaque fence not projecting into the required front yard, not less than eight feet in height to effectively screen all storage and operations from public view. 3. Meet all applicable state and federal environmental regulations.
	Reclaimed Materials Processing Facility	IA	A special use permit is required to operate a recovered materials processing facility on private property, subject to the following requirements: 1. Activities shall be limited to collection, sorting, packaging, resale, and shipping. 2. Collection area shall be screened by a solid opaque fence or similar screening to a height of six feet. 3. All materials delivered outside of structure must be removed from any outdoor unloading area and brought into

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			a fully enclosed interior space within a time limit as established per the special use permit. 4. All materials collected shall not be visible once deposited in a bin or bunker. All sorting and collection bins shall be enclosed and stored inside a fully-enclosed building. 5. A minimum distance of 1,000 linear feet is required for properties located adjacent to or across the street from any property used for or zoned for residential use. 6. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
Production and Processing	Agricultural Processing	IA	Subject to following conditions and location compatibility review: 1. Are not public nuisances. 2. Are not dangerous to public health, safety or welfare. 3. Meet all applicable state and federal environmental regulations.
	Alternative Energy Production	IA	Subject to following conditions and location compatibility review: 1. Are not public nuisances. 2. Are not dangerous to public health, safety or welfare. 3. Meet all applicable state and federal environmental regulations.
	Dry Cleaning Plant	IA	1. Dry cleaning plants using systems which make use of solvents rated at above 40 according to the Underwriters' Laboratories, Inc. Standard of Classification known as class I systems shall be prohibited.

			2. Dry cleaning plants which make use of solvents rated at more than five, but less than 40, according to the Underwriters' Laboratories, Inc. Standard of Classification, known as class II and III systems, shall not be established in buildings with other occupancy and shall only be established in buildings which shall be setback not less than 20 feet from any side or rear property line and another building. 3. The applicant for such a plant shall certify in writing at the time of application that all the above conditions shall be met.
	Manufacturing, Processing	IA	Subject to following conditions and location compatibility review: 1. Are not public nuisances. 2. Are not dangerous to public health, safety or welfare. 3. Meet all applicable state and federal environmental regulations.
Other	Prohibited Industrial Uses	IA	The following uses shall be prohibited in all districts and may not be approved for the district, even as a special use: 1. Coal Burning Facilities; 2. Paper and pulp manufacturers; 3. Explosives, including fireworks manufacture or storage in bulk quantities; 4. Garbage, offal, dead animal reduction or dumping; 5. Mining and related activity; 6. Quarrying and related activity; 7. Stock yards, commercial; 8. Conversion of energy by nuclear fusion or fission;

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

(Ord. No. 2014-473, Exh. A, 9-8-2014; Ord. No. 2016-503, Exh. A, 6-13-2016; Ord. No. 2019-542, 10-14-2019; Ord. No. 2022-596, Att. 1, 11-14-2022; Ord. No. 2023-597, Att. 1, 2-13-2023; Ord. No. 2023-602, Exh. A, 5-8-2023; Ord. No. 2023-603, Exh. A, 6-12-2023)