

**SYNOPSIS OF ZONING ORDINANCE AMENDMENTS 2019**

Highlights explain amendment, red indicates new text, blue indicates deletions.

**Article 4, Zoning Districts**

**Table 4.1, “Dimensional Requirements for Residential Zoning Districts” – Mixed Use Building Setbacks for a Dwelling or Other Permitted Principal Building consistent with Nonresidential MU (Table 4.3).**

	<u>Current</u>	<u>Proposed</u>	
Front, local street	30	0	PC recommended 10
Front, collector/state road	50	0	
Side	5	5	
Side, collector/state road	30	10	
Rear	20	10	

**Table Title of Table 4.3, “Dimensional Requirements for Nonresidential Zoning Districts” – Delete typo - “RESIDENTIAL”**

**Section 406. - MU, Mixed-Use District. Correct reference to 2019 Comp Plan**

The MU Flexible District is specifically applicable to properties within the Character Areas identified as Town Center Overlay and Lawrenceville Highway Overlay Mixed-Use Redevelopment (MUR) Overlay and the Transit Oriented Development Character Areas as depicted on the Lilburn 2030-2019 Comprehensive Plan Future Land Use Character Area Map. All properties within the these Character Areas and others that support a mix of highly compatible uses on Lilburn's official Future Development Map are eligible to apply for rezoning to the Mixed-Use Zoning District. Triggers for rezoning to MU Zone may include application for a change in use, the adaptive reuse of an existing structure, redevelopment of an underutilized property, or new development on primarily vacant land.

**Article 5, Overlay Districts**

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

**501-5 Pedestrian and bicycle access. Amend to clarify space for amenities and separate pedestrian lighting from parking lot lighting 501-7**

- Sidewalks shall be constructed with an additional minimum two-foot by eight-foot pad approximately every 300 linear feet to accommodate pedestrian amenities such as benches, ~~planters~~, and trash containers. All such required amenities shall be decorative, commercial-quality fixtures approved by Planning Department. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City, Gwinnett County Department of Transportation and/or Georgia Department of Transportation. ~~Architectural brick pavers, concrete pavers and/or stamped concrete shall be provided at all driveways where a driveway intersects US-29.~~
- Pedestrian lighting shall be provided along public right of way. Pedestrian scale fixtures shall be less than 25 feet tall, classified as decorative and consistent with Town Center Master Plan, with spacing coordinated with pedestrian amenities and approved by Planning Department.**

**Amend to further clarify parking lot lighting, allow alternative landscape planting, and specify trash maintenance**

**501-7. Parking. 5.**

- Provide lighting throughout all parking areas utilizing decorative light poles, not to exceed 25 feet in height with light fixtures that are ~~Other than pedestrian light fixtures that will be less than 25 feet tall, light fixtures shall be~~ hooded. Lighting shall be directed to avoid intrusion on adjacent properties and

away from adjacent thoroughfares. ~~Pedestrian scale fixtures which are utilized shall be consistent with the Lilburn Town Center Master Plan.~~

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

2. Landscaped strips shall be planted in accordance with the Lilburn Buffer, Landscape and Tree Ordinance. Alternative plans that result in equivalent tree density unit plantings on the site may be administratively approved by Planning Department.
5. Decorative, commercial-quality bicycle racks, benches, and trash receptacles **with liner** shall be required for all **non-residential** retail and office developments and shall be of similar style as those outlined in the Lilburn Town Center Master Plan. Maintenance of all such site amenities shall be the responsibility of the property owner.
6. Any accessories provided **on the site** such as fences, walls, railings, benches, trash receptacles and/or bicycle racks shall complement conforming building design and style.

**501-10 Architectural standards.** -Amend to clarify language

- d. The value of the art piece shall be a minimum of 0.75 ~~seventy-five hundredths of one~~ percent of the total building valuation according to the City's Building Permit Fee Schedule. City Council may consider a cash donation (for an art piece to be purchased by the City) or sculpture donated to the City in lieu of art placed on a private site.

**Section 502. – Town Center (TC) Overlay District.** -Amended sections to reflect zoning language and current process:

**502-4 Architecture and building materials.**

2. The style and building materials used in new or renovated buildings should echo the character of the commercial and residential structures developed in the area during the time surrounding the turn of the 20th century: 1880s through 1920s. ~~The character of this time period was identified by the community as the look they wanted to be expanded or introduced throughout the Town Center area. New buildings respect the existing traditions without copying them.~~

**502-6 Site design and building orientation.**

2. New development ~~over 20,000 square feet~~ shall provide traffic mitigation ~~by means of traffic signals, traffic controls and turning islands, landscaping, and any other means necessary to ensure that the viability, safety and integrity of the transportation network. All traffic controls, signals, and other improvements must be approved by the city, the Gwinnett Department of Transportation and/or the Georgia Department of Transportation.~~
3. All new **commercial** developments with building valuations of more than \$750,000.00 shall provide a single "public art" piece to be located in public view on the property. The art piece shall meet the following criteria:

**Article 6 – Use and Supplemental Conditions, Section 602 Use Table**

For Residential in MU bldg. and Yard Sale – provide consistency

For Self Storage, Mini Storage – allow as SUP in MU and US29 as part of non-residential component

SPECIFIC USES	R1	R2	M U	T C	C B	O- I	I A	U.S .29	Section Reference	Comment/ Condition
Residential as Component of Mixed-Use Building			P	P	S			S	U.S. 29 Overlay Provisions	Includes accessory apartments and condo or MF units above or behind ground floor commercial in MU and CB under the U.S. 29 Overlay. <u>See also 702</u>
Restricted Uses										
Self-Storage, Mini Storage			<u>S</u>		S			<u>S</u>		Allowed only on properties fronting an arterial or major collector street. <u>In MU/US29, site dimensions and architectural elements consistent with US29 Commercial Corridor Overlay and subject to additional conditions: multi-story, climate controlled, valet or on-demand, no outdoor storage, no truck rental. Wall signage limited by office square footage.</u>

Valet/on-demand = not open to public

**Section 603 Supplemental Conditions Table**

Yard Sale – edit for consistency with Chapter 62 – Taxation, Article II.-Occupation Tax, Sec.-62-56.

SPECIFIC USE		ZONE	CONDITION
Temporary Outdoor Events	Yard Sale	R-1, R-2, TC, MU	Yard sales, where permitted, shall not exceed <del>48 hours</del> <b>three consecutive days</b> for each yard sale. A yard sale on a particular property shall not occur more frequently than <del>two times every six months</del> <b>once in a six month period.</b>

## Article 7, Specific Use Provisions

Clarify and provide consistency with other related regulations.

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

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

1. *Use restrictions.* In a Residential district, accessory uses customarily located within front or side yards of residences may include but shall not be limited to the following: Walls and fences as permitted in this article, mail boxes, ~~driveways~~, walkways, lamp posts, landscaping and basketball goals adjacent to driveways, provided they do not exceed ~~40~~ 30 percent of the front yard.

### **704 Car Wash**

**704-7. Water recycling.** ~~A car wash facility shall provide for the recycling of wash water to the extent possible with technology and equipment available at the time of development.~~ The facility location may be restricted by current applicable Environmental Health, Stormwater, and Sewer regulations. **All new commercial conveyor car washes permitted and constructed after Jan. 1, 2011 must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.**

**716. – Home occupation. 716-3. Vehicles and parking.** Amend to apply size limits and enclosures to commercial vehicles in residential districts as part of a home occupation.

2. One commercial vehicle in connection with the conduct of the home occupation is permitted. For the purpose of this ordinance, the commercial vehicle shall be less than 22 feet in length or eight feet in height or seven feet in width. Commercial vehicles prohibited from use as a home occupation, include but are not limited to a limousine, flatbed truck, dump truck, tow truck, transport wrecker, bus, school bus, cab-on-chassis truck, tractor trailer, semi-trailer, wheeled attachment or trailer, or earth-moving machinery.

On lots occupied for residential use, the parking or storage of a commercial vehicle in excess of the length, height or width set forth shall be parked or stored within a fully enclosed structure that meets all other criteria of the zoning district, unless the lot qualifies as an exception by section 716-12.

- ~~a.—A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours, unless engaged in the loading or unloading of the vehicle.~~
- ~~b.—Exemption: One car, pick-up truck, van, or sport utility vehicle with exposed equipment or materials per residence may be allowed subject to the length, height and width requirements set forth above.~~

716-12. *Exceptions.* On property that is not part of a platted subdivision and measuring more than 1.5 acres, may be conducted outside of the principal residence and/or utilization of commercial vehicles and trailers may be permitted provided they are kept in the rear yard of the residence. Outbuildings, parking and storage areas/facilities used in the conduct of the business may require screening as deemed necessary by the director to maintain a residential character.

**Section 723. - Non-commercial keeping of livestock and fowl.** Replace “chickens” with “hens” to prohibit roosters and peacocks. Reference Chapter 10 – Animals. Sec. 10-7.(5)-Public nuisance animal and 10-13.-Livestock and fowl

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

**Section 733. - Vehicle storage.** Add to match home occupation language

In residential zoning districts, recreational vehicles such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles must be parked on approved surfaces. Parking or storage of such vehicles shall not take place on any vacant residential lot. In residential districts, parking of semi-trucks or semi-trailers shall be prohibited.

**New Section** – accommodate housing issues/opportunities in the 2019 Comprehensive Plan, trends in “Universal Design” and “visitability”, demographic trends (aging in place) and guests.

**Section 734 – Attached Residential Dwellings (duplex, triplex, quadplex, townhomes).** A minimum of twenty percent 20% of attached units within a building and 20% of units within each phase of new development shall accommodate aspects of visitability as a condition of Concept Plan, Development Plan and building plan approval. Visitable homes criteria include but shall not be limited to: a master bedroom with bathroom on the main floor; or guest bedroom and full bathroom on the main floor, and one “no-step” entrance into the home. Clear passage through doors and hallways shall be provided according to current GA building code.

This section shall not apply to properties and units for which Concept Plan is approved and Development Plans or Architectural plans have been submitted prior to adoption of this section.

**\*If adopted, TOC and amendments to attached units in Table 6 may be needed:**

Single-family Attached (fee simple)		P	P	P	S			S	U.S. 29 Overlay Provisions <b>Art. 7</b>	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
Duplex		P	P	P	S			S	U.S. 29 Overlay Provisions <b>Art. 7</b>	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.

POWER AND ORDINANCE

- ✓ APPENDIX A - ZONING ORDINANCE
  - ▼ ARTICLE 1. - GENERAL
    - Section 101. - Short title.
    - Section 102. - Authority.
    - Section 103. - Jurisdiction.
    - Section 104. - Purposes.
  - ▶ ARTICLE 2. - ESTABLISHMENT OF ZONING DISTRICTS, OVERLAY DISTRICTS, AND MAPS
  - ▶ ARTICLE 3. - GENERAL PROVISIONS
  - ▶ ARTICLE 4. - ZONING DISTRICTS
  - ▶ ARTICLE 5. - OVERLAY DISTRICTS
  - ▼ ARTICLE 6. - USE AND SUPPLEMENTAL CONDITIONS TABLES
    - Section 601. - How to use this table.

- Section 714. - Grocery store.
- Section 715. - Group home.
- Section 716. - Home occupation.
- Section 717. - Homeless shelter.
- Section 718. - Inoperable vehicle or junked material.
- Section 719. - Manufactured/modular home.
- Section 720. - Mobile home.
- Section 721. - Mobile vending.
- Section 722. - Night clubs, bars, taverns and microbreweries.
- Section 723. - Non-commercial keeping of livestock and fowl.
- Section 724. - Open display.
- Section 725. - Pawn shop/title pawn/check cashing business.
- Section 726. - Religious assemblies, public and private schools, private, not-for-profit recreation facilities.
- Section 727. - Retail package liquor store.
- Section 728. - Satellite dishes.
- Section 729. - Service stations/convenience store.
- Section 730. - Temporary/mobile buildings, construction field office, portable storage units.
- Section 731. - Temporary uses.
- Section 732. - Vehicle or implement for sale.
- Section 733. - Vehicle storage.

## **Article 8 – Access, Parking and Loading**

### **Section 811. - Minimum design requirements. Accommodate smaller lot sizes and be consistent with 701-1.**

1. *Paving surfaces.* In any commercial district, parking and loading areas shall be paved with concrete, asphaltic concrete, asphalt, or brick pavers in commercial areas.

In the IA district, parking and storage lots may be on contained gravel surfaces. Containment shall retain the gravel so it is restrained from moving into sidewalks, streets, and other public areas.

In any residential district, the parking of any vehicle shall be on a concrete, asphalt, brick paver, or decorative stone surface. The use of decorative stone as a parking surface shall be contained within a confining border. In R-1 zoning district, not more than 40 35-percent of the front yard shall be use for parking under any circumstances.

## **Article 11 – Site and Design Plan Review - Update process for review/approval to comply with state law (HB493) in effect July 1, 2019.**

**1102** – Site and Design Review

**1104** – Site and Design Plan Approval

**1105** – Application Required

**1106** – Specific Submission Requirements

### **1107. – Processing, consideration, and notice. Provide for five day application review period, notice to applicant, and 30 day plan review.**

2. *Finding of completeness.* A finding of completeness by the director is required to process an application for site and design plan approval. If incomplete, nNotice shall be provided to any applicant within 5 days of submittal who has not submitted a complete application, and said notice shall describe the deficiencies that need to be corrected or omitted materials that need to be submitted in order to complete the application. Once complete, Director shall provide for 30 day review period of complete application, including the five days to determine completeness, and provide written comments. Applicant shall have 30 days to revise and resubmit design plans and the director shall review revisions in accordance with comments within 5 days of resubmittal, to approve or deny Site and Design Plan application for permitting. If revised application or plans generate new review comments, notice of new review shall be provided within 5 days, and City shall review and provide comments on new plans within 30 days including 5 days to determine completeness. Any delay not attributable to the City review shall not count toward the 30 day timeframe.
3. *Criteria for action.* The proposed site and design plan must be consistent with design criteria specified for the zoning district in which the project is located. See Article 4, Tables 4.2 and 4.4 for most zoning districts; ~~also see~~ Article 5 for Design Standards, as applicable. Site and Design Plans, application shall comply with all applicable codes, including but not limited to zoning, development regulations, environmental codes, building codes and additional agency review criteria.

### **1110. – Process after decision. Provide for written notice of review period and provide for third party review.**

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

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