



City of Lilburn

in Gwinnett County

State of Georgia

Ordinance

Number:

2022-579

DRAFT

Date of Reading and Adoption: January 10, 2022

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

**AN ORDINANCE TO AMEND THE OFFICIAL CODE OF LILBURN, GEORGIA,
Zoning Ordinance Article 4, Section 406 MU, Mixed Use District & Article 7, Section 736 Mixed Use
Development**

WHEREAS: Article 10, Section 1002 of the Zoning Ordinance of the City Code provides for amendments from time to time by adoption of City Council;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lilburn, Georgia, sitting in regular session on January 10, 2022, that the **Zoning Ordinance, Article 4, Section 406 & Article 7, Section 736** of the City of Lilburn is hereby amended as set forth in attached **Exhibit A**.

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its adoption, and that all ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict.

This ordinance is effective immediately upon adoption and is adopted this 10th day of January, 2022 by recorded vote of the Mayor and Council of the City of Lilburn.

SO ORDAINED this the 10th day of January, 2022.

APPROVED:

Tim Dunn, Mayor
City of Lilburn

ATTEST:

Melissa L. Penate, City Clerk

Exhibit A

Section 406. - MU, Mixed-Use District.

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

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

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

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

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

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

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

406-5 Master concept plan and other minimum requirements. See [also](#) Article 7, Sec. 736 Mixed-Use Development.

Table 4.5 Dimensional Requirements for MU, Mixed-Use Zoning District.
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Maximum Gross Density for Residential Uses	12 dwelling units/acre, with the exception that 18 dwelling units/acre is the maximum for multi-family dwellings
Lot Size and Width Requirements	
Minimum project size	Two Acres (Sec. 736 for existing MU)
Minimum lot size, all uses	Established by approved Master Concept Plan
Minimum lot width, all uses	Established by approved Master Concept Plan
Minimum lot depth, all uses	Established by approved Master Concept Plan
Building and Site Requirements	
Minimum floor area per dwelling unit (square feet)	Established by approved Master Concept Plan
Building Height Requirements	
Maximum height (feet)	Established by approved Master Concept Plan
Building Setbacks (Min.), Permitted Principal and Accessory Buildings	Established by approved Master Concept Plan
Buffers (Min.)	20-foot wide buffer along abutting R-1 or R-2 property lines
Open Space (Min.)	Open space shall include one centralized amenity area and/or contiguous and linked areas for use of residents and visitors, and recorded as common area ownership. See Sec. 5.9 of Development Regulations for minimum areas.

**Table 4.6
Land Use
Requirements for
MU**

	Residential Land Area	Nonresidential Land Area (Commercial, Institutional, Office)	Gross Floor Area	Acreage	Density
Minimum	15%	15%	30%	2 acres	Ref. Table 4.5
Maximum	70%	70%	70%	None	Subject to Master Concept Plan approval, exclusive of common area

Section 736. Mixed-Use Development.

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

736-1 Application procedures and requirements.

1. *Development Summary Report Required.* Applications for rezoning to, or development within, the MU district shall require a written report that establishes the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:
 - a. A complete listing and general description of every land use category proposed within the development shall include the total number of residential units by type, gross floor area, and density, and the total gross floor area of non-residential use by type and gross floor area.
 - 1) Total acreage of the MU development and the land area and percentage devoted to each use shall be proposed in accordance with Table 4.6.
 - 2) Total gross floor area devoted to each use shall be proposed in accordance with Table 4.6.
 - 3) On sites zoned MU prior to January 2022, an existing occupied single use may continue (Ref Art. 9) until the site is proposed for assemblage to meet minimum MU acres or redevelopment is proposed to change use, increase density, or expand gross floor area **by more than 50%**.
 - 4) ~~On proposed MU sites less than two acres, uses shall comply with a live-work-residence or residential use as a component of a mixed use building.~~
 - b. A detailed description of construction phasing of each land use category:
 - 1) No more than 50% of residential units shall be certified for occupancy prior to 25% of non-residential floor area being permitted for building construction, and
 - 2) No more than 75% of the residential units shall be certified for occupancy prior to 50% of non-residential floor area being permitted for building construction.

Open space (as defined in Sec. 5.9) acreage is to be listed separately.

- b. Individual areas of a MU development are to be described as to their specific use and development standards, and keyed to the Master Concept Plan Map. Each area description must include the following subject matter, as relevant to the proposed character of development:
 - 1) Principal and accessory uses proposed for the development. All uses not specifically included in the Development Summary Report, either in a general land use category or detailed for individual areas, and approved by City Council are

prohibited unless the application is subsequently amended in accordance with applicable procedures.

- 2) Gross acreage of the site area and approximate acreage of separate land uses or development areas, including open space, according to requirements herein.
- 3) Intensity of development, including: Density controls (units/acre) for residential uses, minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum lot frontage, minimum floor area or residential dwelling unit sizes, and maximum total number of dwelling units by type, as applicable to the character of the development proposed.
- 4) Principal building setbacks or build-to lines along all streets and property lines.
- 5) Maximum building heights.
- 6) Buffers (environmental and zoning), landscape strips and open space standards.
- 7) Exceptions or variations from the City's sign, parking or street design requirements, if any are being requested.
- 8) An indication whether the internal streets will be public or private.
- 9) A description of intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting, as applicable.
- 10) For all streets and utilities not proposed for dedication to the public, provisions for the ownership and maintenance must be explained.
- 11) Proposed restrictive covenants (for informational purposes only).
- 12) Any other relevant or applicable standard or requirement for the area.
- 13) Applications may include prospective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the MU district is approved, compliance with the architectural elevations shall be required.

2. *Master Concept Plan required.*

- a. Applications for rezoning to, or development within, the MU District shall require a Master Concept Plan, including, at a minimum, those items listed below. The Planning Director, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.
- b. Master Concept Plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.
- c. All Master Concept Plans required by this Section shall contain, at a minimum, the following information:
 - 1) Boundaries of the subject property based on the boundary descriptions or boundary survey submitted with the rezoning application.
 - 2) Title of the proposed development and the name, address and contact information of the property owner or their designated representative.

- 3) The name, address and contact information of the architect, engineer or other designer of the proposed development.
- 4) Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural features.
- 5) All existing streets within or adjacent to the property, including right-of-way and street pavement widths; location of existing buildings to be retained or removed; water courses and impoundments, wetlands and 100-year floodplain and associated buffers; and other physical characteristics of the property relevant to the development proposal.
- 6) Open space areas to be retained.
- 7) The general location of the proposed major street circulation system to be located within the development.
- 8) General approximate delineation of individual areas of the proposed development that differ by land use or development standards, keyed to a description for each area contained in the Development Summary Report prepared in accordance with this Section.

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

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

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

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

736-4 Revisions to approved MU requirements.

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