



## **Sec. 103-7. Board of Appeals**

### **103-7.1. Proceedings**

- A.** The Board of Appeals must adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this UDO. The Board of Appeals must conduct its regular meetings on the second Tuesday of each month and at such other times as the chairperson or board determines, with the chairperson or board having the right to re-schedule or cancel any meeting. The chairperson, or in their absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings must be open to the public.
- B.** The Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and must keep records to its examinations and other official actions, all of which will be a public record and be immediately filed in the office of the board.

### **103-7.2. Powers and Duties**

The Board of Appeals has the following powers and duties:

#### **A. Administrative Review**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by a staff member of the Department in the enforcement of this UDO. See Sec. 103-7.3 (Administrative Decision Appeals).

#### **B. Variances and Waivers**

Unless contained in a rezoning amendment in front of the Mayor and Council, ~~To~~ to authorize, upon appeal in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the UDO would result in unnecessary hardship. A variance may not be granted by the Board of Appeals unless and until:

1. A written application for a variance or waiver is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district;
  - b. That literal interpretation of the provisions of this UDO would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this UDO;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;

d. That granting the variance or waiver requested will not confer on the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted or nonconforming use of lands, will be considered grounds for the issuance of a variance.

2. Application Requirements. Any application for an administrative review, variance, and/or waiver must be submitted by ~~noon 4:00 p.m.~~ 36 fifty (50) calendar days before the date on which it is to be considered by the Board of Appeals. The application submittal must contain the following:

a. Written narrative detailing the administrative review (appeal), or requested variance or waiver and hardship levied as a result of the UDO requirement.

b. Responses to items (a) - (d) in Sec. 103-7.2.B.1.

c. The applicant must submit ~~nine~~ Nine (9) stapled or bound copies of the application and any supporting documents and exhibits,

d. ~~One (1) - in addition to one~~ unbound application bearing original signatures.

e. ~~A - In addition, a~~ digital copy in .pdf ~~format (and .dwg format, as appropriate)~~ of all materials must be submitted using email, flash drive, or other means approved by the Director.

f. ~~The submitted application must also include:~~ Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid and account is current.

g. ~~;~~ a certificate of title Warranty deed, security deed, or quit claim deed for all lots/parcels subject to the application.

h. ~~Map ; and a map~~ indicating the subject property(ies) and the adjacent properties, identified by tax parcel number.

i. ~~Payment of application fee and public notification fees (public notice sign and notice to adjoining property owners) as determined by the Department fee schedule.~~

~~a-j.~~ An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department, and must pay any filing fee.

3. Public Notifications. The Department must provide notice of the date, time and place of the public hearing as follows:

a. Legal ad published in the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than thirty (30)

- ~~days, nor more than forty-five (45) days before the date of the Board of Appeals hearing.~~
- ~~a-b.~~ Notification to notify the owners of adjoining properties of the property for which the appeal, variance, or waiver is sought and/or their agent by first class USPS mail certified mail with return receipt requested to the mailing address provided by the Gwinnett County Tax Commissioner's office, as shown by the Gwinnett County GIS Data Browser. The notification must be mailed not fewer than thirty (30) 15 days, nor more than forty-five (45) days before the Board of Appeals hearing. The notification must include a description of the application and the date, time, and place of the public hearing.
- ~~b-c.~~ Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted The City must provide notice of the public hearing at least thirty (30) 15 days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing. Notice of such hearings must be posted on the property for which the variance or waiver is sought and at city hall.
- ~~2.~~ Due notice of the Board of Appeals hearing must be published in the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than 15 days, nor more than 45 days before the date of the Board of Appeals hearing.
4. Once advertised tThe public hearing must be held. Any party may appear in person, or by agent or attorney.
5. The Board of Appeals must further make findings that the requirements of Sec. 103-7.2.B this paragraph B have been met by the applicant for a variance or waiver.
6. The Board of Appeals must further make a finding that the reasons set forth in the application justify the granting of the variance or waiver is the minimum variance that will make possible the reasonable use of the land, building, or structure.
7. The Board of Appeals must further make a finding that the granting of the variance or waiver will be in harmony with the general purpose and intent of this UDO, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this UDO. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, will be deemed a violation of this UDO that is punishable under its provision.



### 103-7.3. Administrative Decision Appeals

- A. Appeals to the Board of Appeals concerning interpretation or administration of this UDO may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of a staff member of the Department of Planning and Development. Appeals must be filed with the Department within fifteen (15) days of said decision on the form/application provided by the City, including payment of application fee and public notification fees as determined by the Department fee schedule.fees. The Director must forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from unless the Director certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril, to life or property. In such a case, proceedings may not be stayed otherwise than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application, and notice to the Director for good cause shown.
- C. The person requesting the appeal must first submit to Department a written statement clearly defining the nature of the disagreement, the specific reference to the sections of the regulations at issue, and the applicant's own opinion.
- D. If the Department fails to respond within ten (10) business days from the date of transmittal of the appeal, the Department must automatically forward a copy of the appeal to the Board of Appeals for final action in their normal course of business.
- E. The Board of Appeals must hear and act upon within fifty (50) 45 days of receipt of the appeal application and give public notice thereof in accordance with Sec. 103-7.2.B.3 (Public Notifications). At the hearing, any party may appear in person or by agent or attorney.
- F. In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of the this UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end will have the powers of the Department staff member from whom the appeal is taken.

### 103-7.4. Reapplication

If an application for a variance or waiver is denied by the Board of Appeals, a reapplication for such variance or waiver may not be made earlier than twelve (12) months from the date of the original application.

### 103-7.5. Appeals

Any person aggrieved by a decision or order of the Board of Appeals may appeal by certiorari to the Superior Court of Gwinnett County. Such appeal must be filed within



thirty (30) days from the date of the decision of the Board of Appeals. Any petition for writ of certiorari may be served through the City Manager on behalf of the lower judiciary body being appealed. The Mayor may be served with the petition on behalf of the City. Upon failure to file the appeal within thirty (30) days from the date of decision, the decision of the Board of Appeals will be final.

## **Sec. 103-8. Administrative Variances**

### **103-8.1. General**

- A.** The Director may modify the following standards during development review:
- 1. Front yard or street side yard.** Variance not to exceed 5 feet.
  - 2. Interior side yard.** Variance not to exceed 2 feet.
  - 3. Rear yard.** Variance not to exceed 4 feet.
  - 4. Height of building.** Variance not to exceed 5 feet, provided the maximum number of stories allowed may not be increased.
  - 5. Side or rear yard.** A variance for a 0-foot setback may be granted when part of a commercial or mixed-use development and planned as a unit with a similar architectural composition and not a miscellaneous assemblage of stores, provided, however, that before any issuance of the variance, the applicant must obtain approval from the affected side and/or rear yard property owner(s).
  - 6. Sidewalk setback.** Variance for a 0-foot setback
  - 7. The one exception would cover nonconforming structures.** Structures that preceded this UDO and do not conform to its may be granted an administrative variance not identified in clauses 1 through 6 above when ownership is changing and the mortgage company requires conformity to the UDO.
- B.** The Director may also modify other standards as specifically provided in this UDO in Sec. 201-1.6.D (Driveways); 201-3.1 (General Architectural Standards); 201-4 (Enhanced Architectural Standards); 401-3.4.H (interparcel Access); 403-1.4 (Stream Buffer and Setback Requirements); and 401-1.5.E (Lots of Record in Big Haynes Creek Watershed) so long as the procedures, notice requirements, and criteria for approval are followed as stated herein.
- C.** Any other modification beyond those contained in paragraphs A or B above must be considered by the Board of Appeals as a variance.

### **103-8.2. Criteria for Approval**

The applicant must demonstrate, and the Director must find, that all of the following criteria are present when approving a request for an administrative variance:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
  - B. The variance is the minimum amount necessary to meet the objectives identified above; and
  - C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.
- C.D. And any additional criteria provided in this UDO and sections identified in Sec. 103-8.1.B

### **103-8.3. Procedure**

- A. Any application for administrative variance, and/or waiver must be submitted by 4:00 p.m. fifty (50) calendar days before the date on which it is to be considered by the Director. The application submittal must contain the following:
  - a. Written narrative detailing the administrative variance request, hardship levied as a result of the UDO requirement and demonstration that approval criteria is present.
  - b. Two (2) stapled or bound copies of the application and any supporting documents and exhibits.
  - c. One (1) unbound application bearing original signatures.
  - d. A digital copy in .pdf format of all materials must be submitted using email, flash drive, or other means approved by the Director.
  - e. Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid and account is current.
  - f. Warranty deed, security deed, or quit claim deed for all lots/parcels subject to the application.
  - g. Map indicating the subject property(ies) and the adjacent properties identified by tax parcel number.
  - h. Payment of application fee and public notification fees (public notice sign and notice to adjoining property owners) as determined by the Department fee schedule.
  - i. An initiating party must also file any other information or supporting materials that are required by the City Council, and/or the Department.
- B. Public Notifications. The Department must provide notice of the date, time and place of the public hearing as follows:
  - a. Legal ad published in the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than thirty (30) days, nor more than forty-five (45) days before the date of the public hearing.
  - b. Notification to the owners of adjoining properties of the property for which the variance, or waiver is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax

Commissioner's office. The notification must be mailed not fewer than thirty (30) days, nor more than forty-five (45) days before the public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

c. Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted at least thirty (30) days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing.

C. Once advertised the public hearing must be held. Any party may appear in person, or by agent of attorney.

D. Any person aggrieved by a decision of the Director may appeal to the Board of Appeals in accordance with Sec. 103-7.3.



## **Sec. 103-9. Amendments**

### **103-9.1. Applicability**

#### **A. Zoning Amendments**

Amendments to the provisions of this UDO that constitute a zoning ordinance under Sec. 101-1.6.B (Zoning Compliance Law) or that involve the Future Land Use Map of the Comprehensive Plan must conform to this section.

#### **B. Non-Zoning Amendments**

Amendments to the provisions of this UDO that are not included in paragraph A above may be amended using the City's general procedures for ordinance amendments.

### **103-9.2. General**

The regulations, restrictions, and boundaries contained in this UDO may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens must have an opportunity to be heard. This UDO, including the Official Zoning Map and the Future Land Use Map, may be amended from time to time by the City Council, but no amendment is effective unless it has been proposed by or has first been submitted to the Planning Commission for review and recommendation.

### **103-9.3. Initiation of Amendments**

- A. Prior to the submittal of an amendment application, the applicant must meet with the planning department staff for a Pre-Submittal Review Meeting.
- B. Amendment applications may be in the form of proposals to amend the text, the Future Land Use Map, or the Official Zoning Map. An application to amend the text of this UDO may be initiated by the Department, submitted to the Planning Commission by the City Council, or submitted by any person with an interest in the city. An application to amend the Future Land Use Plan or the Official Zoning Map may be initiated by the Planning Commission or be submitted to the Planning Commission by the City Council. Unless initiated by the City Council or the Planning Commission, all applications to amend the Future Land Use Plan, Official Zoning Map, or conditions of zoning must be submitted by the owner of the affected property or the authorized agent of the owner. Such authorization must be notarized and attached to the application.

### **103-9.4. Application Requirements**

Each application to amend the text of this UDO, the Future Land Use Map, or the Official Zoning Map must be filed with the Department. Applications must be submitted in compliance with the following:

#### **A. UDO Text Amendments**

UDO text amendment applications must include the following:

1. Payment of the appropriate application fee.
2. Name and address of the applicant.
3. Current provisions of text to be affected by the amendment.
4. The proposed wording of text change.
5. Letter of intent explaining what is proposed and the reason for the request.
6. Applicant's certification.
7. Conflict of interest certification and disclosure of campaign contributions.
8. Ten stapled or bound copies of the text amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format of all submitted materials must be submitted using email, flash drive, or other means approved by the Director.

#### **B. Future Land Use Map Amendments**

Future Land Use Map amendment applications must include the following:

1. Payment of the appropriate application and public notification fees as determined by the Department fee schedule.
2. A current legal description of the site proposed for amendment. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for the site.
3. Ten printed boundary surveys of the site that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf ~~and .dwg.~~ format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a Georgia registered land survey no more than twenty-four (24) 12-months before the date of submittal.
4. All permitted land uses for the identified area under the existing Future Land Use Map.
5. All changes to existing land use designations that are proposed by the application.

6. All land uses immediately adjacent to the subject property under the existing Future Land Use Map.
7. A letter listing all the reasons for the amendment application.
8. Applicant's and/or owner's certification.
9. Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment.
10. A written, documented analysis of the impact of the proposed land use change that specifically addresses each of the following matters:
  - a. Whether the proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby property.
  - b. Whether the proposed land use change will adversely affect the existing uses or usability of adjacent or nearby property.
  - c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools.
11. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.
12. Ten stapled or bound copies of the Future Land Use Map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
13. Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid (for all parcels/lots subject to this application).
14. A warranty deed, security deed, or quit claim deed certificate of title (for all lots subject to the application).
15. A map indicating the site and the adjacent properties, identified by tax parcel number.
16. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission and/or the Department.

### C. Zoning Map Amendments

Zoning map amendment applications must include the following:

1. Payment of the appropriate application and public notification fees as determined by the Department fee schedule.



2. A current legal description of the site to be rezoned. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
3. Ten printed boundary surveys of the site to be rezoned, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf ~~and .dwg.~~ format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a Georgia registered land survey no more than twenty-four (24) months before the date of submittal.
4. Ten copies of the proposed site plan, and one 11 x 17-inch (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number; the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be ~~stamped and~~ signed and dated by one of the four above-mentioned professionals no more than twelve (12) ~~6~~ months before the date of submittal. In addition, a digital copy in .pdf ~~and .dwg~~ formats must be submitted using email, flash drive, or other means approved by the Director.
5. Letter of intent explaining what is proposed.
6. Any requests for variances or waivers from the requirements of the UDO demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same requested zoning district.
  - b. That literal interpretation of the provisions of this UDO would deprive the applicant of rights commonly enjoyed by other properties in the same requested zoning district under the terms of this UDO.
  - c. That the special conditions and circumstances do not result from the actions of the applicant.
  - a.d. That granting the variance or waiver requested will not confer on the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same requested zoning district.
- 5.7. Ten stapled or bound copies of the zoning map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy of all materials in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
- 6.8. Applicant's and/or owner's certification.

- ~~7.9.~~ Conflict of interest certification and disclosure of campaign contributions.
- ~~8.10.~~ The present and proposed zoning district for the site.
- ~~9.11.~~ The names and addresses of the owners of the land and their agents, if any.
- ~~10.12.~~ Each zoning map amendment application, whether submitted by the City or by another party, must include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
  - Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
  - Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
  - Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map.
  - Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.
- ~~11.13.~~ Architectural building renderings indicating ~~each~~ building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
- ~~12.14.~~ Verification by Gwinnett County ~~and the City of Snellville~~ that all ~~county and city~~ property taxes owed have been paid (for all ~~parcels~~/lots subject to this application).
- ~~13.15.~~ A ~~warranty deed, security deed, or quit claim deed certificate of title~~ (for all lots subject to the application).
- ~~14.16.~~ A map indicating the site and the adjacent properties, identified by tax parcel number.
- ~~15.17.~~ A traffic impact analysis when required by Sec. 103-5.2.
- ~~16.18.~~ An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department.

#### D. Timing

Applications must be submitted by noon at least ~~forty-two (42)~~ days before the date on which it is to be considered by the Planning Commission. Any application

that does not include all of the components required in paragraphs A, B, and C above will be considered incomplete; submission date will be considered the date upon which the application is accepted as complete by the Department. Fees for an application to amend this UDO, the Official Zoning Map, the Future Land Use Map, or any combination thereof, must be paid by the applicant upon submission, except that a fee is not charged for applications initiated by the City Council or Planning Commission.

#### **E. Withdrawal**

1. Once an application for a Future Land Use Map amendment and/or Official Zoning Map amendment has been received by the Department~~made~~, the applicant may withdraw such application without prejudice until such time that the legal ad has been ordered advertising the City Council public hearing date~~the legal advertisement for the City Council public hearing has been placed in the City's legal organ~~ (no less than twenty-eight (28) 21 days before the City Council public hearing). No application may be withdrawn less than twenty-eight (28) 21 days before the City Council public hearing unless the request for withdrawal is granted by the City Council at the public hearing. Otherwise, all applications must be considered by the City Council.
2. There will be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the City Council. Said request will be considered during a regular meeting of the City Council.

#### **F. Denial**

If an application for a Future Land Use Map amendment and/or an Official Zoning Map amendment is denied by the City Council, no application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

#### G. Zoning Action by Mayor and Council Related to Multifamily Uses

Pursuant to O.C.G.A. § 36-66-4, if the proposed amendment is initiated by the City and relates to an amendment of the UDO to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, the Mayor and City Council shall comply with the following requirements:

1. The zoning decision shall be adopted at two regular meetings of the City Council, during a period of not less than twenty-one (21) days apart; and
2. Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three (3) months and not more than nine (9) months prior to the date of final action on the zoning decision. Furthermore, at

Commented [DJ1]: What subparagraph A?



least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

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a. Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

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b. Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least fifteen (15) days and not more than forty-five (45) days prior to the date of the hearing.

a.c. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine (9) column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the Office of the City Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County for the purpose of examination and inspection by the public. The City of Snellville shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

**103-9.5. Department Study**

- A. The Department , upon receiving an application to amend this UDO, Future Land Use Map, or the Official Zoning Map, may do the following:
  1. Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities.
  2. Conduct a site review of the property and surrounding area.
  3. Submit a written record of its investigation and recommendations to the Planning Commission and City Council. This report will be a matter of public record.
- B. The Department’s report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested, and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.

### **103-9.6. Planning Commission Action**

The Planning Commission must hold a public hearing on each application in accordance with a schedule adopted by the City Council. Staff recommendations on each application must be submitted to the Planning Commission before the public hearing. In addition, the Planning Commission must, with respect to each application, investigate and make a recommendation as to each of the matters set forth in Sec. 103-9.4.B.10 and/or Sec. ~~103-9.4.C.12~~~~103-9.4.C.11~~ for approval, denial, deferral, withdrawal without prejudice, or no recommendation. Proponents and opponents of any amendment will be allotted at least 10 minutes, per side, for the presentation of data, evidence, and opinion during said public change. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Department, must be submitted to the City Council and will be of public record.

### **103-9.7. City Council Public Hearing**

Before taking action on a proposed amendment and after receipt of the Department of Planning and Development and Planning Commission recommendations and reports thereon where required, the City Council will hold a public hearing on the proposal. At the public hearing, the City Council will review the reports prepared by the Department of Planning and Development and the Planning Commission. So that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current regulations. Proponents and opponents of any amendment will be allotted a minimum of 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the City Council to defer the application will include a statement of the date and time of the next meeting at which the application will be considered, which statement will constitute public notice of the hearing on the application and no further notice, such as that required by Sec. 103-9.8 (Public Notification), is required.

### **103-9.8. Public Notification**

The following are required for applications to amend the Future Land Use Map, Official Zoning Map, conditions of rezoning, or for a special use permit:

#### **A. Legal Notice**

Due notice of the Planning Commission meeting and the City Council public hearing must be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing, not fewer than 15 days, nor more than 45 days before the date of the Planning Commission meeting and the City Council public hearing. If the

application is to amend the Future Land Use Map, the notice must include location, current land use category and proposed land use category. However, if the application is for an amendment to the Official Zoning Map, then the notice must also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

#### B. Signs Posted

The Department must post a sign containing information that indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and City Council public hearing at which the application(s) will be considered. The sign(s) must be posted at least fifteen (15) days, nor more than forty-five (45) days before the Planning Commission public hearing and must be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. ~~The applicant must submit the required fee for the purchase of said sign(s) at the time such an application(s) is submitted. The applicant must maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which Sign(s) must remain posted must extend~~ through the time of final City Council decision. The Department is responsible for the removal of all public notice sign(s).

#### C. Letters to Property Owners

The Department must notify the owners of adjoining properties of the property for which the amendment application or special use permit variance is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's office.~~certified mail with return receipt requested as shown by the Gwinnett County GIS Data Browser.~~ The notification must be mailed at least fifteen (15) days, nor more than forty-five (45) days before the Planning Commission meeting. A second notification mailing must be mailed at least fifteen (15), nor more than forty-five (45) days before the City Council public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

### 103-9.9. Rezoning Condition Alteration

- A. An application to alter conditions of rezoning must be submitted and processed in accordance with all provisions applicable to map amendments through the Department, the Planning Commission for a public hearing, and to the City Council for a public hearing.
- B. The City Council may add or delete conditions to rezoning applications during the public hearing that are more or less restrictive than this UDO.

### 103-9.10. Order of Amendments

The permitted order in which amendments may be made to the text of this UDO, the Future Land Use Map, and the Official Zoning Map, respectively, is as follows:



- A.** The text of this UDO may be amended without prior or subsequent amendment to the Future Land Use Map or the Official Zoning Map.
- B.** The Official Zoning Map may be amended without an amendment to the Future Land Use Map if the proposed amendment would permit a use that is permitted by the Future Land Use Map.
- C.** If a proposed amendment to the Official Zoning Map would permit a use that is not authorized within the land use category of the subject property as shown on the Future Land Use Map, then the applicant must obtain an appropriate amendment to the Future Land Use Map before applying for the rezoning. The applicant may apply for an appropriate amendment to the Future Land Use Map and at the same time apply for zoning map amendment.
- D.** The Future Land Use Map may be amended regardless of the zoning districts that apply to the subject property.
- E.** Where an application to amend the Future Land Use Map and an application to amend the Official Zoning Map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the Future Land Use Map must be heard first and action authorized by this section taken before the application to amend the Official Zoning Map may be heard and action taken with respect thereto.

#### **103-9.11. Failure to Implement Plans**

If a site development plan or preliminary plat has not been submitted to the Department within 12 months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to City Council that the zoning map be amended to change the land to its prior zoning classification.

#### **103-9.12. Evaluation of Amendments**

- A.** In considering the applications for an amendment to this UDO or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:
  - 1. The impact upon the appearance of the city;
  - 2. The impact upon thoroughfare congestion and traffic safety;
  - 3. The impact upon population density and the potential for overcrowding and urban sprawl;
  - 4. The impact upon the provision of water, sewerage, transportation, and other urban services;
  - 5. The protection of property against blight and depreciation;
  - 6. Consistency with the adopted Future Land Use Map and/or the Comprehensive Plan;

7. The impact upon adjacent property owners if the amendment is approved;
8. The impact upon the applicant if the amendment is denied; and/or
9. Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of the City of Snellville.

### **103-9.13. Appeals**

Any person aggrieved by a decision or order of the City Council may appeal by writ of certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the appeal within 30 days, the decision of the City Council will be final.

This section applies to all TC Districts TC-MU and TC-R).

**B. Other Districts**

This section applies to all other zoning districts within the Towne Center Overlay.

**C. Relationship to Underlying Zoning**

When this overlay's requirements differ from those of the underlying zoning district or elsewhere in this UDO, the requirements of this overlay will apply.

**205-1.3. Administrative Variances**

A. The ~~Director is authorized to grant administrative~~ Board of Appeals may consider variances to the requirements of the Towne Center Overlay and any TC Districts within it.

B. ~~Administrative~~ variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations but is justified by their purpose.

C. ~~Administrative~~ variances may not be used to:

1. Increase the permitted site density;
2. Increase the maximum permitted number of stories in a building; or
3. Permit a use that is not allowed.

D. ~~Administrative~~ variances relating to a physical element or numeric measurements must be based upon credible submitted evidence demonstrating that:

1. Approval, if granted, would not offend the purposes as indicated in Sec. 205-1.1 (Purpose) and in the TC District, when applicable.
2. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape, topography, or other extraordinary and exceptional situations or conditions not caused by the applicant;
3. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and
4. That the public safety, health, and welfare are secured, and that substantial justice is done.

**205-1.4. Use Provisions**

**A. Allowed Use**

See Sec. 206-2 (Allowed Use Table) for allowed uses, except as otherwise required by paragraph B below.

**B. Exception**

adjacent required sidewalk (measured at a line 5 feet from the back of the required sidewalk), a minimum 15 feet wide landscape strip must be provided between the sidewalk and the parking structure. The landscape strip must be planted in accordance with Sec. 207-3.2.G and Sec. 207-3.2.H of the Landscape Ordinance.

**D. Non-Storefront Street Requirements**

When a parking structure abuts a street that is not a storefront street, it must conform to one of the following along such street (except at pedestrian or vehicle access points):

1. **Storefront Street Requirements.** Conformance with paragraph C above; or
2. **Landscaping.** A minimum 10 feet wide landscape strip must be provided between the sidewalk and the parking structure. The landscape strip must be planted in accordance with Sec. 207-3.2.G and Sec. 207-3.2.H of the Landscape Ordinance.

**205-1.10. Inter-parcel Access**

See Sec. 401-3.4.H (Inter-parcel Access).

**205-1.11. Vehicle Access and Parking Locations**

- A.** Off-street parking for the following building types must be accessed from alleys:
  1. Townhouses on lots of any width; and
  2. Other building types on lots less than 50 feet in width.
- B.** Permitted parking locations are determined by the building type standards of Sec. 201-2 (Building Types). When multiple buildings exist on a site, the standards apply to each building independently. When a building is located on the interior of a block and does not abut a public or private street and is screened from view by an intervening conforming building, the **Director Board of Appeals** may grant an **administrative** variance to the parking location restrictions.
- C.** No off-street parking lot fronting a required storefront street sidewalk may exceed 120 feet in width (measured at the back of the required sidewalk) without an intervening building. The required intervening building must have a minimum width of and depth of 30 feet.

**205-1.12. Fences and Walls**

**A. Applicability of Citywide Wall and Fence Standards**

1. Fences/walls must conform to Sec. 207-2.3 (Fences and Walls), except as specifically provided by this subsection.
2. As used in Sec. 207-2.3 (Fences and Walls), "residential district" means "residential use" when applied to this overlay and "nonresidential district" means "nonresidential use" when applied to this overlay.



**B. Retaining Walls**

Retaining walls must be made of finished poured concrete and must be faced with stone, brick or smooth true hard coat stucco.

**C. Commercial Uses**

Commercial uses must conform to the following additional requirements:

1. No fixed fences/walls or retaining walls are allowed in front or side (street) yards unless an ~~administrative~~ variance is granted by the Board of Appeals for topographic hardship, except for those surrounding authorized outdoor storage, or screening required by Sec. 207-2.2 (Screening).
2. Movable fences/walls up to a maximum height 30 inches are allowed in front or side (street) yards surrounding outdoor dining, but may not occupy the required sidewalk.

**205-1.13. Landscaping and Screening**

**A. Applicability**

1. **New Construction.** New building or site improvements must comply with the following landscaping and screening requirements.
2. **Maintenance and Repair.** Existing buildings or sites may be renovated or repaired without providing additional landscaping or screening when all of the following conditions are met:
  - a. There is no increase in floor area;
  - b. There is no increase in the improved site area; and
  - c. The activity is not considered a substantial building permit.
3. **Additions**
  - a. An existing building, use, or site may be increased in floor area or improved site area cumulatively by less than 25% without providing additional landscaping or screening, provided said activity is not considered a substantial building permit.
  - b. When an existing building, use, or site is increased in floor area or improved site area by 25% or more than cumulatively, both the existing building, use, or site and the additional floor or site area must conform to the landscaping and screening requirements of this Section.
4. **Change of Use.** A change in use does not trigger the application of these requirements, except when there is a specific use standard requiring landscaping or screening for the new use.
5. **Conformance with the Landscape Ordinance.** Except when specifically stated to the contrary in this Section, all landscaping must conform to the Landscape Ordinance.

**B. Yard Landscaping**

playground. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:

- i. From the main entrance of the proposed smoke or vape shop;
- ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
- iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
- iv. To closest property line of the lot containing the public or private school, day care, parking, place of worship, or playground

**206-5.13. Vehicular**

**A. Defined**

A facility primarily providing the sale, leasing, servicing, repair parts, or storage of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, recreational vehicles, and unpowered tow trailers. Vehicular includes the following:

- 1. Automobile parts store.
- 2. Boat, recreational vehicle, utility or enclosed trailer sales, rental, or service.
- 3. Car wash.
- 4. Gas station.
- 5. Internet vehicles sales.
- 6. Public parking.
- 7. Remote parking.
- 8. Vehicle rental.
- 9. Vehicle sales, rental, or auction.
- 10. Vehicle repair, minor.
- 11. Vehicle repair, major.

**B. Automobile Parts Store**

**1. Defined**

A facility where accessories and parts are sold for passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles. Repairs and accessory/part installation are only allowed in conformance with the standards for major or minor vehicle repair, as applicable, including any required special use permits.

**C. Boat, Recreational Vehicle, Utility or Enclosed Trailer Sales, Rental, or Service**

**1. Defined**

A facility that sells, leases, rents or repairs new or used boats, recreational vehicles, utility or enclosed trailers, but not tractor/semi trailers for a fee.

## 2. Use Standards

Where boat, recreational vehicle, utility or enclosed trailer sales, leasing, rental and service is allowed as a special use, it is subject to the following:

- a. The minimum lot size is 2 acres.
- b. The property must have at 200 feet of frontage on a street.
- c. One thousand linear feet of separation must exist between said business and any other boat, recreational vehicle, utility or enclosed trailer sales, leasing, rental, and service business. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
  - i. From the main entrance of the proposed establishment from which vehicle sales or leasing shall occur;
  - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
  - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
  - iv. To the main entrance of the existing establishment from which vehicle sales or leasing will occur.
- d. All new and used product inventory on the premises must be in generally good and operable condition. Wrecked or partially wrecked, dismantled, or non-operable recreational vehicles, boats, or trailers are not allowed, unless parked/stored inside a fully enclosed building.
- e. All new and used product inventory which is parked on the premises must be parked on a hard-surface marked/striped spaces only and only in areas designated for the display of product inventory being offered for sale, lease, or rent and may not be parked in any landscape strip or buffer area or elevated by the use of a ramp, post or other device higher than 5 feet above grade.
- f. All new and used product inventory may not be parked in areas reserved for customer or employee parking.
- g. No outdoor incidental uses such as carwashes or air compressors are allowed.
- h. The sides and rear of the facility must be screened from view of surrounding properties by an opaque 8-foot high fence.
- i. All service and repair work must be performed in an enclosed building.
- j. Showrooms and/or service bays that keep the new and used product inventory within building structures must meet all applicable federal, State, County, and local building and life-safety codes (at the time of application for an occupation tax certificate).

~~k. Internet sales where there is no temporary or permanent storage, parking, delivery, or display of inventory must apply to the Department for administrative review. The Director must review and prepare a recommendation of the request. The City Manager, after having reviewed the Director's recommendation(s), has final authority to grant administrative variances. Application for an administrative variance must contain the following:~~

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~~i. Administrative variance application.~~

~~ii. Sworn/notarized affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.~~

~~l. Before the issuance of an occupational tax certificate from the City, all applicants must provide a current copy of any required dealer licenses obtained from the State of Georgia.~~

~~m. Anyone found to be in violation of these use standards is subject to citation(s) of up to \$1,000.00 per day and/or up to 60 days in jail so long as the violation(s) are present on the property.~~

#### **D. Car Wash**

##### **1. Defined**

A facility with mechanical or hand-operated equipment used for the cleaning, washing, polishing, or waxing of motor vehicles, including, but not limited to, self-service, full-service, and hand-detailing service.

##### **2. Use Standards**

Where a car wash is allowed as a permitted use or special use, it is subject to the following:

- a. Any facility that employs persons on a full-time or part-time basis or that sub-leases space to car wash or detailing operators shall contain at least one ADA compliant restroom in the building. Shared restrooms from other businesses is prohibited.
- b. Any new conveyor car wash facility constructed after 2-28-2022 where the car moves on a conveyor belt during the wash must install an operation recycled water system, where a minimum of fifty-percent (50%) of water utilized will be recycled. This requirement does not apply to an in-bay car wash facility or self-serve car wash facility.

#### **E. Gas Station**

##### **1. Defined**

A facility or business that sells vehicle fuel and may also sell convenience goods, such as prepackaged food items and a limited line of groceries but does not perform vehicle repair or service.



2. **Use Standards**

Where a gas station is allowed as a special use, it is subject to the following:

- a. Fuel pumps may not be closer than 30 feet to the right-of-way.
- b. Fuel pumps and gas storage tanks must be set back at least 100 feet from any residential district.
- c. Pump canopies must provide a fascia between 24 and 30 inches in height.
- d. Pump canopies may not exceed 18 feet in height as measured to the top of the structure.
- e. Pump canopies and support columns must be compatible with the color, texture, material, and architectural design of the principal building.
- f. Pump canopies, canopy support columns, and pumps may not be internally illuminated.

**F. Internet Vehicles Sales**

1. **Defined**

A facility that sells, ~~leases, or auctions new or~~ used passenger vehicles, light or medium trucks, or motorcycles through the internet and where there is no temporary or permanent storage, parking, delivery, or display of vehicle inventory.

2. **Use Standards.**

Where internet vehicles sales is allowed as a limited use, it is subject to the following:

- ~~a. Internet vehicles sales must submit an application to the Department for administrative review and the Director must review and prepare a recommendation of the request.~~
- ~~b. The City Manager, after having reviewed the Director's recommendation(s), has final authority to grant administrative variances.~~
- ~~c. Application for an administrative variance must contain the following:~~
  - ~~i. Administrative variance application.~~
- a. Applicant to provide a copy of their Used Motor Vehicle Dealer license issued by the Georgia Board of Used Motor Vehicle Dealers.
- a.b. Sworn/notarized affidavit by the applicant/ or property owner certifying that there will be no temporary or permanent storage, parking, delivery or display of any passenger vehicles, trucks, motorcycles, or other motorized vehicles/inventory.

**G. Public Parking**

1. **Defined**

A facility that provides public parking or parking for off-sites uses as a principal use.

**H. Remote Parking**

- c. Portable accessory structure must be removed on or before the 180th day from the initial drop, or upon issuance of a certificate of occupancy, whichever occurs first.
- d. Permit fee will be waived/refunded upon providing proof of a filed insurance claim for the repair or damages caused by fire, water, lightning, fallen tree, or other unforeseen acts.
- iii. Where used due to a declared natural disaster with an approved building permit being issued:
  - a. First 180-day period in any 12-month period: permit required; however, permit fee is waived.
  - b. Ninety-day renewal period in any 12-month period: permit required; however, permit fee is waived.
  - c. Portable accessory structure must be removed on or before the 270th day from the initial drop or upon issuance of a certificate of occupancy, whichever occurs first.
  - d. The Director has the authority to grant a one-time extension up to an additional 90 days.
  - e. In no event may a portable accessory structure be allowed to remain on any property for a period exceeding one (1) year.
- c. The business owner and/or property owner upon which the portable accessory structure will be located must acquire a portable accessory structure permit from the City before locating any structure(s) on-site.

**206-8.25. Religious Accessory Uses**

**A. Defined**

Accessory uses administered by a religious institution that are related directly to their place of worship.

**B. Use Standards**

Where a religious accessory use is allowed as a limited use, it is subject to the following:

- 1. Accessory uses to a place of worship must be directly related directly to the institution, and may include parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, and emergency lodging facilities, but not columbariums, except as allowed by clause 2 below.
- 2. Columbariums are only allowed in the CI district and may be in any yard.

**206-8.26. Roofed Accessory Structure**

**A. Defined.**

A small accessory building, such as a garage serving one dwelling unit, shed, gatehouse, gazebo, greenhouse, children's playhouse and similar accessory use, whether portable or not (except as provided for temporary storage containers), that are subordinate in use and size to the principal use. Excludes all garages except those serving one dwelling unit.

### B. Use Standards

Where a roofed accessory structure is allowed as a limited use, it is subject to the following:

1. The maximum allowed cumulative total square footage of all accessory buildings is based on lot size as follows:
  - a. **Lots under 10,500 sf.:** 500 square feet in area, excluding any accessory dwelling unit.
  - b. **Lots 10,501 sf. to 0.99 acre:** 750 square feet in area, excluding any accessory dwelling unit.
  - c. **Lots over 1 acre:** an amount equal to 50% of the floor area of the principal structure, up to a maximum of 2,000 square feet in floor area, excluding any accessory dwelling unit.
2. No more than three (3) roofed accessory structures are allowed on a single-family detached dwelling lot.
3. Roofed accessory structures under 120 square feet in floor area may not exceed 10 feet in height in a residential district.
4. Roofed accessory structures 120 square feet or more in floor area must abide by the following:
  - a. Except for greenhouses, exterior walls of roofed accessory that are accessory to all uses, except single-family detached dwellings, must be finished with brick, stone, cement-based siding, or with materials and colors similar to that of the principal building.
  - b. Except for greenhouses, exterior walls of roofed accessory that are accessory to single-family detached dwellings must be any material listed in sentence a above or factory finished powder-coated metal, except that pre-engineered metal buildings are not allowed.
  - c. Except for greenhouses, roofing materials and roofing colors must match that of the principal building.
  - d. Height may not exceed 20 feet in a residential district.
5. The construction of any roofed accessory structure over 20 square feet in floor area requires a building permit. All permit applications must indicate the proposed use of the structure and must include a scaled drawing (i.e. 1" = 30') that shows the exact location on the property with distance(s) from the adjacent lot line(s).

6. The ~~Director has the power to grant administrative~~ Board of Appeals may consider variances to the requirements of clauses 1 through 5 above when the roofed accessory structure is accessory to a country club ~~or~~, golf course.
7. Roofed accessory structures may not be located:
  - a. Within any drainage easement, sewer easement, or other easement as shown on any recorded plat.
  - b. Within any stream buffer or impervious surface buffer.
  - c. Within the Floodplain.

#### **206-8.27. Satellite Dish Antennas**

##### **A. Use Standards**

1. Satellite dish antennas are only allowed in rear yards unless it can be documented that reception is impaired by such a location. In this case, an antenna will be allowed in all side yards, but not a front yard.
2. Satellite dish antennas larger than 18 inches in diameter may not be located on the roof of a residential structure.

#### **206-8.28. Swimming Pool, Hot Tub, Spa, and Koi Pond**

##### **A. Use Standards**

Above-ground and in-ground swimming pools, hot tubs, spas, koi ponds, and similar features must conform to the barrier and enclosure requirements of Section 303 of the International Property Maintenance Code.

#### **206-8.29. Unroofed Accessory Structure**

##### **A. Defined**

An unroofed accessory structure such as, but not limited to, tennis courts, trampolines, playground equipment, fences, walls, walkways, flagpoles, retaining walls, gardens, decks and patios, fire pits, trellises, pergolas, clotheslines, amateur radio receive-only antennas under 75 feet in height, and similar uses not otherwise defined in this UDO.

#### **206-8.30. Temporary Shelter**

##### **A. Defined**

A tent, canopy, shade or other non-permanent shelter structure that provides shelter from the elements to persons on a temporary basis and is usually associated with a special outdoor event (reception, graduation, reunion, etc.).

##### **B. Use Standards**

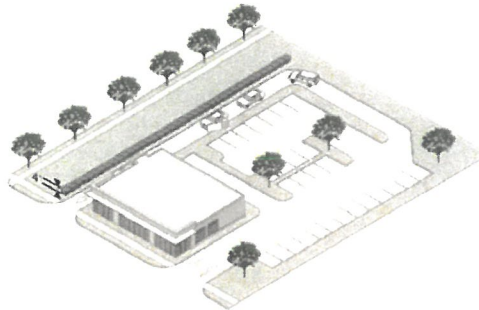
Where a temporary shelter is allowed as a limited use, it is subject to the following:





- i. No operator, employee, or representative of the operator of a temporary outdoor activity may solicit directly from the motoring public.
  - j. All temporary uses require an occupation tax certificate issued by the Department.
  - k. No more than one temporary use is permitted simultaneously on a lot under 5 acres.
  - l. Temporary uses, other than holiday activities and carnival events, must be conducted on a paved surface and not on grassed or landscaped areas.
  - m. A sign (not a mobile advertising sign) may be erected on the property provided it does not exceed a total of 16 square feet or 10 feet in height and is not placed within 20 feet of any public street.
  - n. The noise control ordinance of the Snellville Code of Ordinances must be complied with;
  - o. The hours of operation shall be between 7:00 a.m. and 11:00 p.m.
  - p. Indicate where employees have permission to use restroom facilities.
  - q. Christmas tree sales are permitted between November 1 and December 31. Only one temporary use permit is required for the duration of this use, which will count as one of the six allowable permits per applicant per year.
  - r. Pumpkin sales are permitted from September 15 through October 31. Only one temporary use permit is required for the duration of this use, which will count as one of the six allowable permits per applicant per year.
  - s. The sale of fruits or vegetables is permitted between April 1 and September 30. Only one temporary use permit is required for the duration of this use, which will count as one of the six allowable permits per applicant per year.
  - t. Carnival event (defined as an amusement show or civic fair usually including rides, games, sideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed 20 days, provided no structure or equipment is located within 500 feet of any residential use lot line.
  - u. Carnival events and the sale of goods and merchandise associated with the primary use are not restricted to certain times of the year.
  - v. Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. title 25 for the New Years' holiday and/or July 4th holiday (one stand per property or institution).
  - w. A temporary use permit must be applied for and approved by the Department. All other permits and regulations of Gwinnett County and the City must be met. A permit for any temporary use may be applied for up to six times per year per applicant. Violation of any of these requirements may result in revocation of the permit or denial of future permits.
3. The ~~Director has the power to grant administrative variances from the~~ 90-day waiting period for a second or renewal permits ~~shall not apply~~ to any property permittee that ~~contains maintains~~ 75,000 square feet or more of indoor retail sales space.

2. Where drive-thru windows and lanes are allowed (by variance or otherwise) between a public street (not including an alley) or a ground-floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive-up windows, and other objects associated with the drive-thru must be screened.
3. Drive-thru screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at least 3 feet in height and reach a height of 4 feet within 3 years of planting.
4. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material, and color.
5. A minimum of 10 feet wide driveway and stacking lane is required for any drive-thru.
6. A vehicular circulation plan must be submitted to the Director before issuing building permits. The plan must be reviewed to determine that the circulation does not:
  - a. Constitute a threat to public safety; or
  - b. Block access to and from parking spaces.



**H. Large Parking Facility Requirements**

Parking facilities with 500 or more parking spaces must incorporate one of the following:

1. At least 10% of total parking surface lot area (gross surface area) must use porous paving or grass paving systems, such as "Grasscrete" or "Grasspave;" or
2. At least 10% of the total number of parking spaces must be in a multi-level parking deck.

~~When a small number of additional pervious parking spaces are required by clause 1 above, an administrative variance may be approved by the Director in an amount not to exceed ten additional spaces.~~

**207-1.8. Vehicle Parking Location**

**A. Exceptions**

This subsection does not apply in zoning districts where building types are used to determine the location of vehicle parking.

**B. Parking Location Limitations**

Buildings under 10,000 square feet of floor area, except single-family detached dwellings and two-family dwellings, located on lots that are all or partially within 300 feet of State Route 124 or State Route 10/United States Highway 78, must conform to the following.

1. No more than 20% of parking areas (surface area) may be located between a building and abutting public streets.
2. No more than one double row of parking may be located between a building and abutting public streets.
3. No more than 20% of parking areas (gross surface area) may be located between a building and a side (interior) lot line.
4. ~~The Director may administratively reduce front setbacks or side (street) setbacks when parking cannot otherwise be accommodated.~~

**207-1.9. Vehicle Loading**

**A. Loading Not Required**

If determined necessary by the Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping, otherwise, on-site loading space is not required.

**B. Location**

If a loading area is provided or required, it must meet the following.

1. Except for areas specifically designated by the City, loading and unloading activities are not permitted in a public street, not including an alley.
2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, bicycles, or pedestrians.
3. In the OP, BN, BG, HSB, CI, TCO, and TC Districts, loading areas must be located to the side (interior) or rear of buildings, but not between a building and a public or private street (not including an alley).

**C. Screening**

If an off-street loading area is provided or required, it must meet the following.

1. Where a loading dock is placed between a public or private street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.
2. Screening must consist of an 8-foot high wall compatible with the principal building in terms of texture, quality, material, and color, except as provided in clause 3 below.





This subsection does not apply in zoning districts where building types are used to determine the location of vehicle parking.

#### **B. Parking Location Limitations**

Buildings under 10,000 square feet of floor area, except single-family detached dwellings and two-family dwellings, located on lots that are all or partially within 300 feet of State Route 124 or State Route 10/United States Highway 78, must conform to the following.

1. No more than 20% of parking areas (surface area) may be located between a building and abutting public streets.
2. No more than one double row of parking may be located between a building and abutting public streets.
3. No more than 20% of parking areas (gross surface area) may be located between a building and a side (interior) lot line.
4. ~~The Director may administratively reduce front setbacks or side (street) setbacks when parking cannot otherwise be accommodated.~~

#### **207-1.9. Vehicle Loading**

##### **A. Loading Not Required**

If determined necessary by the Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping, otherwise, on-site loading space is not required.

##### **B. Location**

If a loading area is provided or required, it must meet the following.

1. Except for areas specifically designated by the City, loading and unloading activities are not permitted in a public street, not including an alley.
2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, bicycles, or pedestrians.
3. In the OP, BN, BG, HSB, CI, TCO, and TC Districts, loading areas must be located to the side (interior) or rear of buildings, but not between a building and a public or private street (not including an alley).

##### **C. Screening**

If an off-street loading area is provided or required, it must meet the following.

1. Where a loading dock is placed between a public or private street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.
2. Screening must consist of an 8-foot high wall compatible with the principal building in terms of texture, quality, material, and color, except as provided in clause 3 below.

Notwithstanding paragraph A above, parking of the following vehicles is allowed:

1. An automobile, pick-up truck, van, or SUV used to provide daily transportation to and from work, except those vehicles that fall under the requirements of Sec. 206-8.12 (Home Occupation).
2. Utility and box trailers less than 12 feet in length.
3. Business vehicles when in conformance with Sec. 206-8.21 (Parking of Business Vehicles).
4. No more than four vehicles, including utility and box trailers, per dwelling unit may be parked, stopped, standing, or stored on any lot. The Director is authorized to allow more than four vehicles when the occupants of the dwelling unit can prove that the number of vehicles does not exceed the number of licensed drivers in the dwelling and the vehicle is operable, or when the vehicle is more than 30 years old.
  - a. All vehicles and trailers of any kind found, parked, stopped, standing, or stored that require licenses, emission stickers, tags, titles, tax payment receipts, or registration with State or federal agencies, must properly display all required certifications for operation in the State or they will be cited as abatable nuisances under City ordinance and State law, and, if applicable, will otherwise be cited for other registration or display compliance failures.
  - b. Each lot may have additional vehicles, including trailers, parked, stopped, standing, or stored, so long as they are in a safely erected and maintained enclosed shelter, not visible from the public right-of-way or adjoining properties, where the entire floor area under the roof of the enclosed shelter is made of concrete, asphalt, gravel, other improved surface.

**C. Driveways and Parking Surfacing**

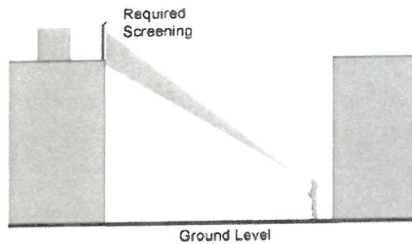
The following only applies to driveways and parking serving single-family detached dwellings. All other uses must conform to Sec. 207-1.7.E (Surface and Lighting).

1. Driveways must be paved with concrete and additional parking must be constructed out of concrete, asphalt, or an alternative pervious paving, as allowed by clause 3 below. Gravel driveways and parking are not allowed.
2. The parking of any vehicle on any surface that is not allowed by clause 1 above is not allowed.
3. The ~~Director may grant administrative~~ Board of Appeals may consider variances to allow construction of additional hard-surface parking areas in a side (interior) or rear yard, adjacent to an existing driveway, for the purposes of overflow parking where, in their opinion, the intent of this UDO can be achieved and equal performance obtained by granting a variance. Examples of materials that the Director may approve include, but are not limited to, brick, cobblestone, or pavers set in concrete or similar hard surfaces.

- 3. The wall must be opaque and be constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or true hard coat stucco over standard concrete masonry blocks.
- 4. The gate must be opaque, self-locking, and maintained in good working order.

**C. Roof-Mounted Equipment**

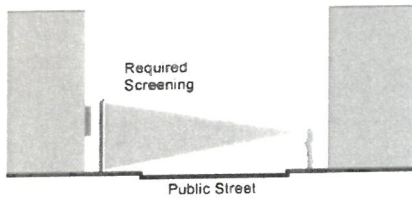
- 1. Rooftop mechanical equipment (such as exhaust fans and rooftop mechanical units) and satellite dishes must be screened from ground-level view on all sides. A reduction in screening may be granted considered by findings of a sight-line study administrative variance when the Director finds that the mechanical units and satellite dishes are otherwise not visible from ground level.
- 2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground-level view.
- 3. For buildings with no or low parapet walls, roof-mounted equipment must be screened from ground-level view on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.



**D. Wall-Mounted Equipment**

Wall-mounted equipment more than 2 feet in height or length and satellite dishes of any size must conform to the following:

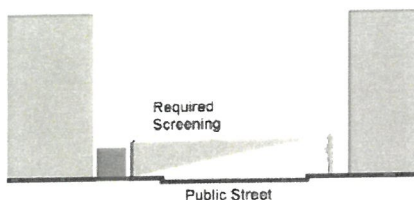
- 1. Wall-mounted equipment and satellite dishes located on any surface that is visible from a public street (not including an alley) must be fully screened by an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.
- 2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.



**E. Ground-Mounted Equipment**

Ground-mounted equipment more than 2 feet in height or length and satellite dishes of any size must conform to the following:

1. Ground-mounted mechanical equipment and satellite dishes that are visible from a public street (not including an alley) must be fully screened by an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment or satellite dish being screened.

**F. Window-Mounted Equipment**

Window mounted equipment, such as conditioners, is prohibited for all uses except single-family detached dwellings and two-family dwellings.

**G. Other Accessory Structures and Uses**

Utility structures, maintenance structures, and other accessory structures or uses not identified in paragraphs B through F above, or in paragraph H below, located on properties not zoned RS-30, ~~RS-30-BTR~~, RS-15, ~~RS-15-BTR~~, ~~or RS-5~~, or ~~RS-5-BTR~~ must conform to the following:

1. The accessory structure or use must be surrounded on three sides by a minimum 5 feet wide landscape strip and a maximum 8 feet high solid enclosure of the same or similar materials as the front facade of the primary structure.
2. Assuming the accessory use has four sides, the side not screened may not be visible from a public street. The Director may reduce the number of sides for which the landscape strip or solid enclosure is required, provided no portion of the accessory structure is visible from a public street.

**H. Other Screening Requirements**

Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, the Director may require such operations to be completely enclosed with a fence or wall which totally obscures views of the property from adjacent public streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property. Such fences or walls must be constructed of solid materials.

**207-2.3. Fences and Walls**

**A. All Districts**

1. Fences and walls must be maintained in a structurally sound condition and in good repair. Fences must be free from loose or rotting materials and must have



braces and supports attached or fastened in accordance with common building practices.

- 2. Exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items are not allowed as fence or wall materials.

**B. Nonresidential Districts**

**1. Applicability**

This paragraph applies to all fences and walls, except temporary fences and walls associated with permitted land disturbing activities in accordance with Sec. 103-3, and permitted building activities in accordance with Sec. 103-4, and temporary tree protection fences in accordance with Sec. 207-4 (Tree Ordinance).

**2. Height**

No fence or wall may exceed the building height allowed in the zoning district or the roof level of the principal building, whichever is less.

**3. Fences in Landscape Strips**

Walls and fences are only allowed in side (interior) yard and rear yard landscape strips when they are installed to satisfy the use standards of Chapter 200. Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements). Walls and fences are not allowed in front yard or side (street) yard landscape strips, nor within 5 feet of any right-of-way (not including an alley).

**4. Fences in Front or Side (Street) Yards.**

Fences are only allowed in front or side (street) yards, but not within a required landscape strip, when they conform to the following:

- a. The fence must be constructed as a wrought iron-style fence with brick or stacked stone columns (max. 30 feet on-center).
- b. The fence may not exceed 5 feet in height, except that column or gatepost within the fence may not exceed 6 feet in height.
- c. The fence must be adjacent to a required landscape strip or adjacent to an additional landscape strip at least 5 feet deep in depth. The additional landscape strip must be continuous and placed between the fence and the front or side (street) lot line, as applicable.
- d. The ~~Director Board of Appeals~~ may waive this requirement as an ~~administrative~~ variance when the use standards of Chapter 200 Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements) require an alternative fence or wall standard.

**5. Fence Material**

All fences, except those subject to clause 5 above, must conform to the following:

1. Buffers must be undisturbed and may contain no structures except walls, fences, or structures otherwise allowed in the buffer by this UDO.
2. When the buffer includes a utility or pipeline easement, a buffer area at least 20 feet wide is required outside of the easement, except as may be permitted by paragraph D below.
3. Screening must be established in buffers along the entire length of the side (interior) and rear lot lines. However, this requirement may be adjusted in order to observe the site distance required in Sec. 201-1.8 or as a condition of zoning, special use, or variance approval, or as approved by the Director.
4. Nonresidential uses that abut residential districts must provide dense landscaping to provide visual screening. A 5-foot high permanent berm may be required in the first 20 feet of the buffer at a 2:1 slope, as determined by the Director. The slope is measured from the elevation of the residential property. The top of the berm must be planted in accordance with paragraph G below. The top of the berm and the side facing the residential property must be planted with a staggered row of evergreen trees.
5. Except for the NR (North Road) District, 20-foot, undisturbed buffer is required when a nonresidential use is separated from a residential district by a public right-of-way that is 60 feet wide or less. No access through this buffer is allowed. The buffer may be reduced or eliminated with the written consent of the affected residential property owner.

**D. Reduction in Width**

The width of the buffers required in Table 207-2.1.B may be reduced (excluding stream buffer and setback requirements), as appropriate, by ~~administrative variance, the Board of Appeals~~ only when:

1. An opaque 8-foot high screening wall, but not fencing, is provided in the buffer, in which case the buffer width may be reduced by 50%.
2. It is clearly demonstrated that existing topography and/or vegetation in the reduced area is sufficient to achieve the visual screening that is otherwise required by the buffer and screening requirements by this section; or
3. It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required by this section, could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

**E. City Council Requirements**

The City Council may:

1. Reduce or eliminate the buffer requirement as part of rezoning or special use permit approval;
2. Increase the minimum required buffer width as a condition of zoning or special uses permit approval; and/or
3. Require temporary construction buffers as a condition of zoning or as a special use approval.

- 5. Inter-parcel access driveways and alleys are allowed in all landscape strips but may not exceed 24 feet in width and must be placed generally perpendicular to the yard.

**B. Exception in the MU and NR Districts**

- 1. In the MU and NR districts, landscape strip requirements only apply to the overall site before development and not to any existing or proposed lots within it.
- 2. See 201-1.1 (Sites) for site determination.

**C. No-Access Landscape Strips**

- 1. In residential subdivisions where street access to through lots is restricted by Sec. 201-1.3.G, a 10-foot no-access landscape strip is required along arterial streets.
- 2. No-access landscape strips must be planted to the standards of paragraph G below.
- 3. No-access landscape strips must be completed before the recording of the final plat. If the planting cannot be completed due to climatic or related conditions, the developer and/or owner must enter into a performance surety agreement with the City agreeing to complete the strips within 6 months of the date of approval of the final plat.

**D. Structures in Landscape Strip**

- 1. No permanent structures except walkways, walls (excluding retaining walls), and fences are allowed in landscape strips. This prohibition includes, but is not limited to, pavement, retaining walls, curbing, dumpsters, drainage structures, detention facilities, etc.
- 2. Walls and fences are only allowed in side (interior) yard and rear yard landscape strips when they are installed to satisfy the use standards of ~~Article 6 of Chapter 200~~ Chapter 200, Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements). Walls and fences are not allowed in front yard or side (street) yard landscape strips.

~~3. The Director may waive this requirement as an administrative variance.~~

**E. Signs in Landscape Strip**

- 1. Signs may only be located in areas of turf or groundcover and must not conflict with the growth potential of trees and shrubs.
- 2. Signs must be located at least 10 feet from all trees.
- 3. Signs are not allowed within required stream buffers or zoning buffers.

**F. Stormwater Runoff**

- 1. The deposition of stormwater runoff into or drainage swales through landscape strips is not permitted, except in conformance with clause 2 below.
- 2. The Director may approve stormwater management practices, such as rain gardens, bio-swales, retention ponds, or detention ponds, in landscape strips, as follows:

**C. Administrative Variances**

- ~~1. Setback dimensions of monument and freestanding signs can be adjusted up to a maximum of 5 feet. The Director has the discretion to use administrative variance only when necessary to prevent a visual hazard from occurring with the placement of signs.~~
- ~~2. The Director has the discretion to allow administrative variances in sign area allowances for wall signs. Under no circumstances may the administrative variance allow the proposed sign to be more than 125% of the base regulation sign size.~~

**D.C. Street Numbers**

Monument signs must include the numeric street address of the property upon which it is located. The numbers used to identify the address may be no less than 5 inches in height and no more than 9 inches in height.

**E.D. Illumination**

Excluding electronic message board signs, internally illuminated signs may not exceed 20 foot-candles at a distance of 10 feet from such structure. Externally illuminated signs must be lighted so that lights are positioned in such a manner that light does not produce glare nor does it shine into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition. Externally illuminated signs must have lights with directional cut offs which do not allow the light source to be seen by passersby. All fixtures must be ground-mounted. No more than two fixtures per side. No more than 2% of light may go above horizontal.

**207-6.7. Banners**

Banners are permitted in nonresidential and mixed-use districts and special uses in residential districts subject to the approval of a banner permit issued by the Director and subject to the following criteria:

- A.** Banners and/or feather flags not in excess of 32 square feet in area (cumulative) to be attached to the building facade or to a permanent sign or placed in the ground, must be located out of right-of-way or at least 10 feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater.
- B.** A banner permit may be issued for each occurrence not to exceed two, 14-day periods and one, 21-day period per calendar year per establishment.
- C.** Feather flags are limited to one flag per business and must be located out of right-of-way or at least ten feet from the back of the curb or edge of the pavement of the adjacent street, whichever is greater. Feather flags are permitted for no more than two, 14-day periods and one, 21-day period each calendar year.



### Sec. 401-3. Blocks and Access

#### 401-3.1. Intent

- A. The intent of the block standards is to provide a well-connected street network. Large blocks with limited connectivity discourage walking, contribute to street congestion, and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.
- B. The intent of access standards is to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity. Pedestrian, bike, and vehicular access should be safe, direct, and convenient.

#### 401-3.2. Blocks

##### A. Layout

The lengths, widths, and shapes of blocks shall be determined with regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Applicable zoning district requirements as to lot size and dimensions;
3. Needs for convenient access, circulation, control, and safety of street traffic; and
4. Limitations and opportunities of topography.

##### B. Measurement

1. A block is bounded by a public street or a private street built to public standards (excluding alleys).
2. Block perimeter is measured from intersecting street centerlines.
3. The ~~Director Board of Appeals~~ may consider modification of the block perimeter requirements ~~by administrative variance~~ when steep slopes over 25%, pre-existing development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.

##### C. Town Center Overlay, Town Center Districts, NR District, MU District

1. The following applies to developments in the TCO, TC, NR, or MU districts that are more than 5 acres in size.
2. Developments must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter lengths shown in Table 401-3.3., except as provided in clauses 3 and 4 below.

**Table 401-3.3. Towne Center, NR, MU Block Sizes**

Zoning Districts	Block Perimeter
TC-MU, MU	2,100 ft. max.

design for the neighboring property. The stub street requirement may be waived by the Director, in consultation with the Director of the Departments of Public Safety and the Gwinnett County Department of Public Utilities.

- d. Stub streets on an abutting property must be extended into a proposed development and incorporated into its street design. This requirement may be modified by the Director when a serious topographical hardship or dissimilar zoning exists which would create unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the stub street, or the removal of the stub street back to its nearest intersection.

**C. Town Center Overlay, Town Center Districts, NR District, MU District**

**1. Applicability**

The following applies to developments in the TCO, TC, NR, or MU districts that are more than 5 acres in size.

**2. Stub-out Streets Required**

- a. Where a development abuts a parcel greater than 5 acres in size that is zoned TCO, TC-MU, TC-R, MU, NR, BG, OP, or CI, stub-out streets within the development must be installed to meet the block standards of Sec. 401-3.2.C.2. This requirement applies regardless of whether subdivision is proposed.
- b. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
- c. Stub-out streets must be located so that the portion of the block perimeter located on the development does not exceed 50% of the applicable block perimeter maximum.

**3. Connecting to an Existing Stub-Out Street**

If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.

**4. Exception**

The ~~Director~~ Board of Appeals may consider variances grant an administrative variance to eliminate the requirement for a stub-out street or require pedestrian and bicycle-only access when steep slopes over 25%, highways, waterways, tree conservation areas, stream buffers, cemeteries, open space, civic space, or easements would make the provision of a stub-out street infeasible.

**D. Access Improvements for Single-Family Attached Subdivisions and Residential Subdivisions**

- 1. When property that abuts upon an existing or proposed City street is to be developed or redeveloped as a single-family attached or residential subdivision and the City street will provide access to the property, project access

Sec. 401-4. Streetscapes

401-4.1. General

**A. Applicability**

Streetscapes must be installed when one or more of the following applies:

- 1. When a new public or private street is constructed; or
- 2. When a building is built, renovated, or repaired along an existing public street, except as provided in paragraph B below.

**B. Exceptions**

Streetscapes are not required to be installed when one or more of the following applies:

- 1. When a building or site is renovated or repaired, and when there is no increase in floor area, and when there is no increase in the improved site area, and when said activity is not considered a substantial building permit.
- 2. When a building or site is increased in floor area or improved site area cumulatively by less than 25% and when said activity is not considered a substantial building permit.
- 3. When a single-family detached dwelling along an existing street is built, renovated, or repaired.

**C. Variances Administrative Variances**

The Board of Appeals Director may consider grant administrative variances to the requirements of this section when one or more of the following applies:

- 1. When the required streetscapes would result in loss of an existing street tree, specimen tree, or special tree;
- 2. When an existing building is being renovated, repaired, or expanded and its existing placement limits the space available for the required streetscape;
- 3. When an existing building is being renovated, repaired, or expanded and existing topography prevents the installation of the required streetscape without requiring the construction of retaining walls 3 or more feet in height; or
- 4. When an existing building is being renovated or repaired and implementing the required streetscape would make a site non-conforming with regards to parking.

**D. Location Standards**

When streetscapes are required, they must be installed:

- 1. On both sides of new public and private streets; and
- 2. Along the entire property frontage.

- c. Lights may be installed in an adjacent yard when GDOT prohibits placing them in the planter.
- 10. Utilities must be buried or placed to the rear of structures to allow for unobstructed use of sidewalks.

**401-4.3. Design Standards**

All streetscapes that are required or installed must conform to the following unless a variance is approved by the Board of Appeals, an administrative variance is granted by the Director.

- A. Streets trees must be located in the planter in conformance with Sec. 207-3.4.
- B. Concrete curb and gutter are required where streetscapes are installed.
- C. Sidewalks must be constructed of concrete and must be a minimum of 4 inches thick. The concrete must be class "B" (as defined by GDOT) and have a strength of 2,200 psi at 28 days.
- D. All new sidewalks must match and provide a smooth transition to any existing sidewalks with no steps. Curb ramps must be provided at all curb termini.
- E. Expansion joints must be provided at all property lines (extended) and driveway crossings. Control joints must be provided every 10 feet.
- F. Disturbed areas resulting from sidewalk construction must be backfilled, stabilized and grassed.
- G. All sidewalks must continue across any intervening driveway including any control or expansion joints. Hatched or stamped pattern concrete sidewalk must be used in the event the driveway apron consists of concrete.

**401-4.4. Installation Deadlines**

- A. All required streetscapes must be installed before the issuance of a certificate of occupancy or final plat approval in accordance with this subsection unless a performance bond is posted. The cost of streetscape installation may be set aside in escrow where proposed road improvements may impact the location of the sidewalk.
- B. Streetscapes required on residential building lots must be installed before the issuance of a certificate of occupancy for each individual dwelling.
- C. Streetscapes required in recreation areas, open spaces, and retention/detention ponds must be installed before final plat approval.
- D. Streetscapes required on other projects must be installed before issuance of a certificate of occupancy or certificate of completion, as appropriate.