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**MEMORANDUM**

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**TO:** Planning Commission

**FROM:** Jason Thompson, Director  
Department of Planning & Development

**DATE:** November 28, 2017

**CASE NO.:** #ZOA 17-04

**RE:** Places of Worship Text Amendment

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The Mayor and Council tasked the City Attorney with drafting an ordinance that would address the issue of churches wishing to locate in shopping centers. The concern is that these churches are neither characteristic of the other business in the shopping center, nor do they promote opportunities for the neighboring businesses. Under the existing ordinances, churches are principally permitted in the CI district and require a Conditional Use Permit in all residential districts as well as BG and HSB zoning districts. The proposed text amendments also bring the City's Ordinances in line with the property size standards that being used in Gwinnett County.

The initial changes are reflected in the definitional section, 6.2. The standardized term, "Place of Worship" will now be used to encompass churches, monasteries, synagogues, mosques, etc. Places of Worship is specifically defined as, "*A specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues and mosques are examples of structures created for worship. A convent or monastery may serve both to house those belonging to religious orders and as a place of worship for visitors.*"

All references to specific types of places to worship in the Zoning Ordinance are now referred back to the definition of "Place of Worship."

Further, although Section 6.2 included the requirements for a Special Use Permit to be granted, "Special Use" was not specifically defined. That has now been corrected and a Special Use is defined as, "*A use which is not allowed in a district as a matter of right, but which is permitted upon findings of the Mayor and Council and issuance of a Special Use Permit, after recommendations by the Department of Planning and Development and the Planning Commission, that under particular circumstances present such use is in harmony with the principal permitted uses of the district and after a public hearing.*"

The bulk of the ordinance amendments address each of the zoning districts and clarifies the requirements for a Place of Worship in each particular zoning district. Specifically, Places of Worship are a permitted use in the CI zoning district and shall be allowed as a special use in RS-180, RS-150, RG-75, R-TH, RM, BG, HSB, and Towne Center zoning districts.

The Special Use requirement specific to Places of Worship desiring to be located in a residential zoning district are:

1. Shall be located on a site of not less than five (5) acres with at least four (4) acres lying outside of any 100-year FEMA Flood Hazard area. The tract shall be one contiguous zoning classification.
2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Min Arterial, Major Collector Street or State Highway, for a distance of at least two-hundred-fifty (250) feet.
3. All buildings shall be set back at least fifty (50) feet from the front property line, forty (40) feet from the rear property line, and twenty (20) feet from side property lines, thirty-five (35) feet on the street side if a corner lot,
4. Parking is not to be located within the fifty (50) foot front yard setback area.
5. If adjacent to residentially zoned property, a landscape buffer of at least twenty (20) feet wide shall be provided along the property line(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.
6. Facilities for use in the conduct of religious services or ceremonies may utilize one manufactured building on the property for a period not to exceed three (3) years.
7. Schools and other accessory uses are located on the same lot as the place of worship and are clearly secondary to the use of the property as a place of worship.

The Special Use requirement specific to Places of Worship desiring to be located in the BG, HSB, and Towne Center zoning districts are:

1. Shall be located on a site of not less than five (5) acres or demonstrate the ability to provide parking access, recreational space and other space requirements normally associated with a place of worship.
2. All such facilities and buildings shall front on a street having a classification of Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway as classified on the most current Gwinnett County Long Range Road Classification Map, for a distance of at least two-hundred-fifty (250) feet.
3. Parking is not to be located within the twenty-five (25) foot front yard setback area.
4. If adjacent to residentially zoned property, a landscape buffer of at least sixty (60) feet wide shall be provided along the property lines(s) adjacent to said zoning and designed and planted in accordance with Sec. 19-32(4) of the Buffer Ordinance.