



**City of Lilburn
Planning Commission Meeting Agenda
June 25, 2020**

**Lilburn City Hall, 340 Main St., Lilburn, GA 30047
Work Session at 7:00 p.m.
Public Teleconference Meeting at 7:30 p.m.**

1. Public Teleconference Instructions

Participants may join the meeting by telephone with the following number:

770-638-2238

Access code: 0119579

The recommendation of this board will proceed to City Council for consideration July 13, 2020 for final zoning action. Please check city website for meeting updates and minutes.

2. Call To Order

3. Roll Call

4. Approval Of Agenda

5. Approval Of Minutes

5.I. Approval Of Minutes

Documents:

[02-27-2020-DRAFT PC MINUTES.PDF](#)

[04-24-2020 DRAFT PC MINUTES.PDF](#)

6. Old Business

7. New Business

7.I. Text Amendments To Appendix A City Of Lilburn Zoning Ordinance Proposed By The Planning And Development Department, To Update Regulations Of R-2 And MU Zoning Districts To Accommodate Single Family Attached, Detached And Multi-Family Housing Types And Subdivisions And MU Developments.

Documents:

[EXHIBIT A -LILBURN ZONING ORDINANCE TEXT](#)

[AMENDMENTS_6.25.20.PDF](#)

7.II. Text Amendments To Appendix B City Of Lilburn Development Regulations Proposed By The Planning And Development Department To Update Regulations Pertaining To Single

Family Attached And Detached And Multi-Family Housing Types, Subdivisions And MU Developments.

Documents:

[EXHIBIT B -LILBURN DEVELOPMENT REGULATION TEXT AMENDMENTS_6.25.20.PDF](#)

8. Adjournment

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

The City of Lilburn will assist citizens with special needs given proper notice (seven working days).

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



Small town. Big difference.

**City of Lilburn
Planning Commission Meeting Minutes
February 27, 2020**

DRAFT

**Lilburn City Hall, 340 Main St., Lilburn, GA 30047
Work Session at 7 p.m.
Public Meeting at 7:30 p.m.**

2/27/2020 - Minutes

1. Roll Call
Present: Hugh Wilkerson, Michelle West, Aaron Passman, Emil Powella, Joe Gennusa
Absent: None
Quorum Present: Yes
Staff Members Present: Joellen Wilson- Director of Planning. Kristen Rodriguez- Planning Assistant
2. Call To Order
7:35 PM by Hugh Wilkerson
3. Approval Of Agenda
Motion by Joe Gennusa. Second by Emil Powella. All for.
4. Approval Of Minutes
 - 4.I. Planning Commission Meeting Minutes From January 23, 2020
 - 4.II. Motion by Emil Powella. Second by Joe Gennusa. All for.
5. Old Business
 - 5.I. None
6. New Business
 - 6.I **SUP-2020-02.** Application of Tiffney Rayford Jackson for a Special Use Permit for a personal care home on property zoned R1 (Residential) comprising 0.3 acres located at 735 Jacksons Mill Way, being in District 6, Land Lot 159, Parcel 161.

Staff presented the application and summarized analysis. Staff recommended Approval of the SUP with Conditions as follows;

1. There shall be no modifications or additions to the house to accommodate additional guests without rezoning.
2. The SUP shall apply only to the current owner who is also the manager. The SUP shall be void if management is proposed by a party other than the owner or if the property is sold or otherwise transferred or leased.

Applicant presented summary of plans for ownership and management of the property and the business.

Discussion followed regarding allowances and management of a small group home within an established subdivision. Planning Commission members asked various questions as to who would be caring for patients in 24 hr. period, how 3 bedrooms accommodate 4 residents and 1 on-site manager, how often the owner would be there, and whether this would be her full time job? Applicant responded that even though she would not be living in the home, she and future trained employees will be there in overlapping shifts to care for residents, there will be one resident per bedroom (3) until the business grows but there is room for two in the master bedroom, and the on-site manager could rest on a pull-out sofa. Owner will be there almost every day to start, then 4 days a week until more employees are trained, and she intends for this to be her full time job eventually.

Commission members voiced concern over the home being used as a business, and applicant responded that it will continue to operate as a home to the patients, and that she will continue to manage it and maintain the residential character of the house and grounds.

Public comments

Hugh Wilkerson opened the floor to public comments. There were none.

Additional discussion followed regarding treatment of a previous Personal Care Home case and the potential precedent of approving a small group home in R-1 that is not owner-occupied. Director responded to questions posed by several members as to how City might enforce the expiration of the SUP and how City would be made aware of any sale or leasing agreements, but there was no consensus as to language for additional conditions. Applicant added that she would be on site more often than when she was renting the house. She is agreeable to conditions of zoning that might require her to report ownership status annually or prohibit her from transferring or selling the property with the business.

Michelle West **motioned to table the case until the next scheduled PC meeting March 26, 2019** in order to research the previous Personal Care Home zoning case files and allow staff to respond to the intent of conditions to require the applicant to reside in the house. Second by Joe Gennusa. Emil Powella for. Aaron Passman voted against. Motion carries.

7. Adjournment

Motion to adjourn by Michelle West. Seconded by Joe Gennusa. All for. Meeting adjourned at 8:19 PM.

Approved this _____ day of _____, 20__.

Hugh Wilkerson, Planning Commission Chair



PLANNING COMMISSION AGENDA
Thursday, April 23, 2020
Work Session at 7:15 P.M.
Public Teleconference at 7:30 P.M.

Call-In Number: 770-638-2238
Access code: 0119579

DRAFT

April 23, 2020 - Minutes

1. Roll Call

Present: Hugh Wilkerson, Joe Genusa, Emil Powella, AJ Passman
Absent: Michelle West
Quorum Present: Yes.

Staff Members Present: Joellen Wilson –Planning Director Jenny Simpkins- Assistant City Manager
Kristen Rodriguez –Planning Assistant

SUP-202-02 Applicant was also present on call

2. Call To Order

7:30 PM by Hugh Wilkerson, Chairman.

3. Approval Of Agenda

Motion by Emil Powella. Second by Joe Genussa. All for.

4. Old Business

4.1 **SUP-2020-02**. Application of Tiffney Rayford Jackson for a Special Use Permit for a small personal care home on property zoned R1 (Residential) comprising 0.3 acres located at 735 Jacksons Mill Way, being in District 6, Land Lot 159, Parcel 161.

Staff summarized application and supplemental information requested by PC members at the Feb. 27 meeting, including zoning action on another personal care home case and home occupation licensing requirements. Staff recommended **Approval of the SUP with Conditions** as follows;

1. There shall be no modifications or additions to the house without zoning review and permits.
2. The SUP shall apply only to the current property owner who is also the personal care home operator. SUP shall expire if the property is sold or otherwise transferred, or leased, and void if managed by a party other than the property owner.
3. The owner of the personal care home shall be required to reside in the home.

Motion by AJ Passman for approval with staff recommended conditions.
Second by Emil Powella. All for.

5. New Business-None

6. Adjournment

Motion to adjourn Emil Powella. Seconded by Joe Genussa. All voted for. Meeting was adjourned at approximately 7:40 PM.

Approved this _____ day of _____, 20__.

Hugh Wilkerson, Planning Commission Chair

Exhibit A – Lilburn Zoning Ordinance Text Amendments

Article 3

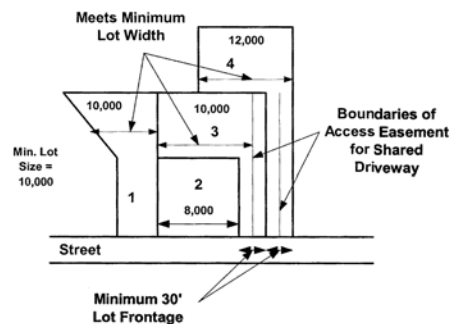
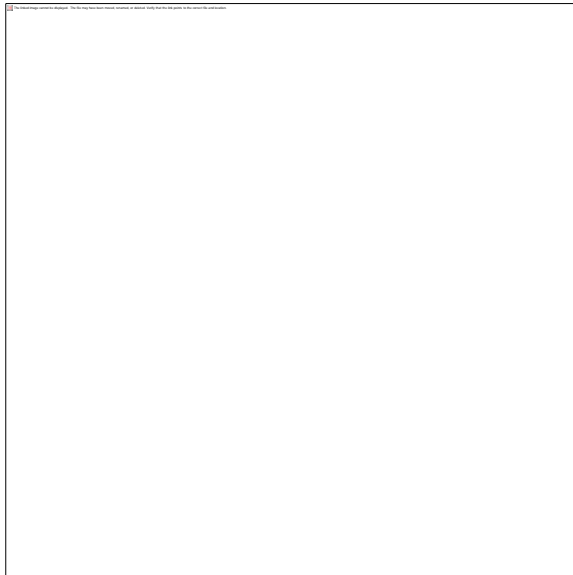
Section 306. - One single-family dwelling on a lot.

Except as otherwise specifically provided in this article, only one single-family dwelling and its accessory buildings may be erected on any one lot intended for such use. This provision shall not be construed to prevent the construction of more than one ~~detached~~ attached single-family condominium, or multiple-family dwelling on a single lot, in districts where permitted, subject to setbacks and separation as provided in this article.

Section 309. - Lot size averaging.

Where unique site specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the city may approve a flexible development incentive called lot size averaging. This incentive allows development applicants to reduce one or more lots below the minimum lot size established for the zoning district in which the residential infill development project is located. In order to apply this provision, the proposed residential infill development project must meet the following requirements:

1. The average lot area of all lots within the subdivision meets the minimum lot size for the zoning district in which the project is located.
2. No lot shall be reduced to less than 80 percent of the required minimum lot size for the applicable zoning district.
3. For purposes of calculating average lot size, abutting undivided and undeveloped property under the ownership of the infill subdivider at the time of infill subdivision shall not be included in such calculation.



Subdivision of Irregularly Shaped Parcel for Infill Development Using Flag Lot Design and Lot Size Averaging

Section 310. - Lot width reductions.

Where unique site specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the ~~department-city~~ may approve a flexible development incentive called lot width variations. The variance may apply to a portion of or all lots within a detached residential development ~~In order to apply this provision, individual lot widths in a proposed residential infill development project may be decreased~~ as follows:

1. To no less than 50 feet in the R-1 zoning districts; ~~to no less than 35 feet in Town Center.~~
2. To no less than 35 feet in the R-2 zoning district; and
3. To no less than 35 feet in Town Center ~~To no less than 20 feet in the MU zoning~~ district.

Section 312. - Build-to lines.

In the case where a build-to line is established by this Zoning Ordinance, no building shall be erected in a manner inconsistent with the established build-to line; provided, however, that the ~~director-city~~ may administratively authorize a deviation in accordance with the provisions of this ordinance.

Section 313. - Minimum required yards ~~and building setbacks.~~

1. No building or structure shall hereafter be erected in a manner to have narrower or smaller front yards, side yards, or rear yards than specified for the zoning district in which the property is located. Buffer requirements established by this article, where applicable, supersede these minimum required yards. In the case where a build-to line is established, the build-to line provisions of this article supersede and replace any front building setback lines, the latter of which shall only be deemed applicable in the absence of an established build-to line.
2. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained.
3. This section shall not apply to portions of lots affected by public acquisition of part of the lot.
4. No part of a yard shall be included as a part of the yard required for another building.

Section 314. - Principal building setback adjustments.

~~Within an Overlay District or redevelopment Character Area, where unique site specific conditions exist, such as an irregular shape or other unique conditions, an infill developer or subdivider may propose and the City of Lilburn may approve a flexible development incentive called building setback adjustments. In order to apply the variance provision, required minimum building setbacks/required yards for individual lots in the proposed residential infill development project may apply to a portion of or all lots in the development be decreased~~ as follows:

1. Front building setbacks may be reduced by up to ~~the greater of 50 percent or 25~~ 10 feet from the established minimum.
2. Side building setbacks may be reduced by up to ~~the greater of 50 percent or five~~ 5 feet from the established minimum.
3. Rear building setbacks may be reduced by up to ~~the greater of 50 percent or ten~~ 5 feet from the established minimum.

Section 317. - Minimum landscaped open space.

No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located, if applicable, or as may be established by any other article or ~~City Code or Development Regulations~~ section of this article, if applicable.

Section 319. - Street frontage requirement.

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least 30 feet on a public street, or an approved private street, unless specifically provided otherwise by ~~this article~~ city approval of Concept Plan.

Section 323. - Combination of review and approval processes.

The process of site design and architectural review for individual development may be combined with the subdivision platting process required by the city development regulations. At the option of the development applicant, an applicant may submit a conceptual lot platting plan and defer the plat approval process until a later date, but if so, the applicant is still responsible for submitting information required by this article with respect to proposed lot boundaries as a part of the site design and architectural review process, so that subdivision lot design and specific residential development proposals can be considered as a whole.

In considering the compatibility and appropriateness of residential, commercial, and mixed-use development within the city, it is important that the city consider not only the proposed lot lines and lot platting configurations, but also the specific development types proposed on the lots. The process for acting on infill residential development projects is accomplished by filing information required for both site design and architectural review and information required for applications for plat approval to the Director and City Manager.

Section 324. - Existing dwellings and infill development comparison.

The [city department](#) shall review residential infill development proposals in the context of the [Overlay District and](#) surrounding neighborhood. An applicant for a development permit or subdivision plat approval shall submit the following information for existing residential dwellings on abutting residential properties and across the street from the lot on which the residential infill development project is proposed. An applicant may exclude lots abutting the proposed residential infill development project which are developed for institutional uses, such as schools and churches, or other nonresidential uses.

1. Number of stories and approximate height.
2. Size (gross square feet) in area.
3. Front, side, and rear setbacks.
4. Orientation of the dwelling in relation to the street.
5. Major architectural features (style, materials, etc.).
6. Driveway placement, width, and materials.
7. Location of parking (garage, carport, open, yard location, etc.).
8. Accessory buildings and structures, if any.

The applicant may submit this information in a combination of forms, including an aerial photograph, tax map, survey plats, photographs, and written narrative, provided all required information is submitted.

Section 402. - R-2, Medium-Density Residential District.

402-1 Purpose and intent. The R-2 district is intended to provide land areas devoted to moderate density uses consisting primarily of detached single-family uses, and aAttached single-family dwellings; townhomes, duplexes, clustered and cottage housing types and, other creative, flexible small lot development designs, and multi-family residential uses may be appropriate where similar uses or densities exist or adjacent to higher density districts, as well as existing multi-family residential. Land areas zoned R-2 are also intended to provide a transition between lower density single-family residential districts and: the MU ~~Flexible~~ District; higher density multi-family, mixed-use, and commercial business uses within the U.S. 29 Corridor Overlay, and other non-residential areas. ~~The R-2 district establishes a density of nine dwelling units per gross acre.~~ The R-2 district is to be located where there is convenient access to collector streets, major thoroughfares, and the state/interstate highway system. The district generally corresponds to the 2030-2019 Comprehensive Plan Character Area designation of "Established Residential", with portions which may be contained within the U.S. 29 Corridor Overlay.

402-2 Permitted and conditional uses. Permitted and conditional uses shall be as provided in Article 6, "Use and Supplemental Conditions Tables." In cases where a use is permitted but there are specific use regulations for that use specified in Article 7, such regulations shall also apply and must be complied with.

402-3 Dimensional requirements. Dimensional requirements shall be as provided in Table 4.1, "Dimensional Requirements for Residential Zoning Districts."

402-4 Design principles and guidelines. Design criteria to be applied in this zoning district shall be as provided in Table 4.2, "Design Criteria for Residential Zoning Districts."

Dimensional Requirement	R-1	R-2	MU
Residential Density, and Lot Size and Width Requirements			
Minimum lot size, detached single-family dwelling (square feet)	9,000	5,000	4,000
Minimum lot size, cottage home (square feet)	N/P	3,000	3,000
Minimum lot size, fee-simple townhouse lot <u>dwelling unit</u> (square feet)	N/P	2,000	2,000
Minimum lot size, multi-family dwelling (square feet)	N/P	10,000	15,000
Minimum lot width, detached single-family dwelling (feet)	80	50	30
Minimum lot width, cottage home dwelling (feet)	N/P	50	30
Minimum lot width, fee-simple townhouse dwelling (feet)	N/P	20	20
Minimum lot width, multi-family dwelling (feet)	N/P	100	150
Minimum lot depth, all uses (feet)	120	100	100
Maximum <u>residential-gross</u> density for permitted uses	4 <u>dwelling</u> units per acre	9-8 <u>dwelling</u> units per acre	22 <u>units per acre</u>

Table 4.1			
Dimensional Requirements for Residential Zoning Districts			
N/P = Not Permitted			
Building and Site Requirements			
Minimum <u>heated</u> floor area per dwelling unit (square feet)	1,400	800 <u>(multi-family)</u> <u>1,000 (cottage home)</u> <u>1,400 (all other dwelling types)</u>	800
Building Height Requirements			
Maximum height (feet)	40	40	80
Buffers (Min. feet)			
<u>Abutting an R-1 zoned property</u>	<u>0</u>	<u>0, detached single-family dwellings in R-2 zoned property</u> <u>20, all other allowed dwelling types</u>	
Building Setbacks (Min.), Dwelling or Other Permitted Principal Building			
Front, local street (feet from R/W)	30	15	20
Front, collector/state road (feet from R/W)	50	50	50
Side (feet)	5	5	5
Side, collector/state road (feet from R/W)	30	20	20
<u>Side, distance between townhouse and other buildings (feet)</u>	<u>N/P</u>	<u>20, feet side setback from each end unit</u>	
Rear (feet)	30	20	20
Open Space (Min.)		<u>See Sec. 5.9 of Development Regulations</u>	
Building Setbacks (Min.), Accessory Buildings and Structures			
Side (feet)	5	5	5
Rear (feet)	5	5	5

Table 4.3 Dimensional Requirements for Nonresidential Zoning Districts					
Dimensional Requirement	CB	TC	MU	O-I	IA
Residential Density, and Lot Size and Width Requirements					
Minimum area to rezone to this district (square feet)	n/a	3,000	5,000	n/a	20,000
Minimum lot width, all uses (feet)	n/a	30	50*	50	100
Building and Site Requirements					
Minimum landscaped open space (percent)	15	10	10	20	20
Minimum landscape strip required along rights-of-way, except where build to line precludes installation (feet)	10	10	10	10	10
Building Height Requirements					
Maximum height (feet)	80	80	80	80	80
Principal Building Setbacks and Buffers					
Front (feet)	20	0	0	20	0
Side (feet)	10	0	5	15	20
Side (feet), abutting any R-1 or R-2 zoning district, including a natural vegetated buffer and/or fence or wall	20	10	10	30	40
Rear (feet)	15	5	10	20	25
Rear (feet), abutting any R-1 and R-2 zoning district, including a natural vegetated buffer and/or fence or wall	40	10	10	40	50
Landscape Strips					
Minimum landscape strip required along rights-of-way for any non-single family residential use (feet)	10	None	10	10	10
Minimum landscape strip required along side property lines for any non-single-family residential use (feet)	5	None	5	10	5

Section 406. - MU, Mixed-Use District.

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

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

- ~~• Encourage the redevelopment of tracts within the city by allowing flexible, innovative and creative concepts in site planning, and the efficient reuse of land in transitioning areas.~~
- ~~• Provide a stable multiple-use environment compatible with adjacent uses.~~
- ~~• Protect neighboring properties by allowing less intensive uses adjoining residential uses.~~

This type of development ~~offers~~ can accommodate a variety of housing options and densities; however, a mix of housing types and densities alone does not constitute a mixed-use development, ~~including varying density multifamily, detached cluster, single family attached units and townhomes, upper floor residential, condominiums and active adult and/or senior housing. Residential products may be stand-alone within the district, incorporated as a component of a mixed-use project; or as an element of a mixed-use building. Transportation impacts are often reduced because fewer residents need to rely on the automobile to get to commercial areas, and walking and bicycling are encouraged.~~

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

406-2 Permitted ~~and conditional~~ uses. Permitted ~~and conditional~~ uses ~~shall~~ be as provided in Article 6, "Use and Supplemental Conditions Tables:" upon Master Concept Plan approval. A mix of residential and non-residential uses is required. Non-residential uses must include commercial uses. See also Sec. 603, "Residential as Component of Mixed-Use Building".

406-3 Dimensional requirements. Dimensional requirements shall be as provided in ~~Table 4.1 for Residential Dwellings or Table 4.3, "Dimensional Requirements for Nonresidential Zoning Districts Table 4.4, "Dimensional Requirements for MU, Mixed-Use Zoning District" upon Master Concept Plan approval."~~

406-4 Design principles and guidelines. General design criteria to be applied in this zoning district shall be as provided in Table 4.4, "Design Criteria for Nonresidential Zoning Districts." Building type design standards shall be as provided in Article 5, "Design Standards." Final design will be established in the approved Master Concept Plan.

406-5 Additional minimum requirements. See Sec. -735.-Mixed-Use Development.

Table 4.4 Dimensional Requirements for MU, Mixed-Use Zoning District.

<u>Maximum Gross Density for Residential Uses</u>	<u>12 dwelling units/acre, with the exception that 18 dwelling units/acre is the maximum for multi-family dwellings</u> <u>22 dwelling units / acre</u>
<u>Lot Size and Width Requirements</u>	
<u>Minimum project size</u>	<u>None</u>
<u>Minimum lot size, all uses</u>	<u>Established by approved Master Concept Plan</u>
<u>Minimum lot width, all uses</u>	<u>Established by approved Master Concept Plan</u>
<u>Minimum lot depth, all uses</u>	<u>Established by approved Master Concept Plan</u>
<u>Building and Site Requirements</u>	
<u>Minimum floor area per dwelling unit (square feet)</u>	<u>Established by approved Master Concept Plan</u>
<u>Building Height Requirements</u>	
<u>Maximum height (feet)</u>	<u>Established by approved Master Concept Plan</u>
<u>Building Setbacks (Min.), Permitted Principal and Accessory Buildings</u>	<u>Established by approved Master Concept Plan</u>
<u>Buffers (Min.)</u>	<u>20-foot wide buffer along abutting R-1 or R-2 property lines</u>
<u>Open Space (Min.)</u>	<u>See Sec. 5.9 of Development Regulations</u>

Section 602. - Use table.

SPECIFIC USES		R1	R2	MU*	TC	CB	O-I	IA	U.S. 29	Section Reference	Comment/ Condition
<u>*Upon Master Concept Plan approval</u>											
RESIDENTIAL USES											
Residential Dwelling Types	Single-family Detached	P	P	P	P						See development standards for minimum unit size and lot configurations
	Single-family (cluster-cottage, creative lot configuration)	P	P	P	P	S			S	U.S. 29 Overlay Provisions	Density bonus provisions for lot consolidation infill in R-1 and R-2. Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (fee simple)		P S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions Art. 7	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Single-family Attached (condominium)		P S	P	P	S			S	Sec. 734 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
	Boarding and Rooming Houses		S								Limited to not more than 10 non-transient boarders
	Residential as Component of Mixed-Use Building			P	P	S			S	Sec. 603 U.S. 29 Overlay Provisions	Includes accessory apartments and condo or MF units above or behind ground floor commercial in MU and CB under the U.S. 29 Overlay. See also [Sec.] 702.

SPECIFIC USES	R1	R2	MU*	TC	CB	O-I	IA	U.S. 29	Section Reference	Comment/ Condition
<u>*Upon Master Concept Plan approval</u>										
Conservation Subdivision	S	S							Art. 7	Conditions apply.
Duplex		P S	P	P	S			S	U.S. 29 Overlay Provisions Art. 7	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
Live/Work Residence			C	P				C	Sec. 603	Permitted in mixed-use, TC Overlay, and U.S. 29 Overlay.
Manufactured/ Modular Home	C								Art. 7	Mobile home on axles and wheels excluded. Includes pre-fab/modular.
Multi-family Attached Condominium		P S	P	C	S			S	U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
Multi-family (other)		P S	P	C	S			S	U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review.
Multi-Family (age restricted)		C S	C P	C	S	S		S	Sec. 603 U.S. 29 Overlay Provisions	Permitted as part of a mixed-use development in CB under the U.S. 29 Overlay with Concept Plan review. In TC, density restricted to 18 du/ac

Section 734. - Attached Residential Dwellings (duplex, triplex, quadplex, townhomes).

734-1 Standards for all attached residential dwellings.

A minimum of 20 percent of attached units within a building and-or 20 percent of units within each phase of new development shall accommodate aspects of visitability as a condition of Concept Plan, Development Plan and building plan approval. Examples of Visitable-visitible homes criteria include but shall not be limited to: a master bedroom with bathroom on the main-ground floor; or guest bedroom and full bathroom on the main-ground floor, and one "no-step" entrance into the home. Clear passage through doors and hallways shall be provided according to current GA building code.

This section shall not apply to properties for which Concept Plan is approved or Development Plans or Architectural plans have been submitted prior to adoption (October 14, 2019).

734-2 Additional standards for townhomes. In addition to Sec. 734-1 above, the following requirements shall apply to townhome developments. Where there are conflicts between this Section and other regulations in the Zoning Ordinance or Development Regulations, this Section shall apply.

1. Architectural standards.
 - a. A minimum of three and a maximum of eight units shall be allowed in each row of townhouses
 - b. Each building shall consist of a minimum of two alternating roof types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines
 - c. No more than two contiguous units shall have the same elevations for the front facade and roofline. Alternating exterior treatments such as porches, balconies, awnings, chimneys, stoops, decks, patios, or terraces shall be required.
 - ~~a-d.~~ Required exterior cladding materials shall consist of a combination of brick, stone, natural wood or cement-based artificial wood siding such as hardiplank, or alternate industry standard durable material.
 - e. In addition to the above requirements, townhome developments shall include at least two of the façade features below:
 - 1) Material or color changes shall occur at each change in vertical plane
 - 2) Decorative patterns on exterior finishes (such as shingles, wainscoating, window box, and similar ornamental features)
 - 3) A dormer window, cupola, turret, tower, or canopy
 - 4) A covered porch or balcony
 - 4)5) A box or bay window with a minimum 12-inch projection from the façade plane
2. Development standards.
 - a. A 5-foot sidewalk is required and shall be 2 feet off the back of the curb.
 - b. All townhomes must be rear entry.
 - c. Rear entry garages:
 - 1) Shall be 20 feet wide
 - 2) May not be converted into heated interior space without another garage within the building
 - 3) Require a minimum 18-foot alley width
 - 4) Shall be 20 feet off of required alley
 - 5) Driveway must provide two external parking spaces (9 ft x 20 ft)

- d. A centralized mail kiosk shall provide an overhead canopy to provide protection from the elements. The kiosk shall also have a minimum three-car stacking lane without blocking a driveway or intersection, or provide three on-street parking spaces for every 100 units served.
 - e. Dumpsters whether for trash or recycling shall be screened from all units and not visible from right of way.
 - f. A 30-foot wide landscape strip shall be provided along all exterior street frontages. The landscape strip shall be planted as a no-access easement or enhanced landscape strip in accordance with the Landscape Ordinance and may include a decorative fence/wall and entrance monument.
 - g. All utilities shall be underground and located within the right of way or private access/egress/utility easements.
 - h. Gas, power and HVAC utilities and meters shall be located along a side or rear elevation and shall be screened from view from the right of way.
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Section 735. – Mixed-Use Development

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

735-1 Application procedures and requirements.

1. Development Summary Report Required.

Applications for rezoning to, or development within, the MU district shall require a written report that establishes the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:

- a. A complete listing and general description of every land use category proposed within the development, including total acreage of the MU development, and the total amount of acreage and percentage devoted to each use category, as well as the total number of residential units by type and density. Open space (as defined in Sec. 5.9) acreage is to be listed separately.
- b. Individual areas of a MU development are to be described as to their specific use and development standards, and keyed to the Master Concept Plan Map. Each area description must include the following subject matter, as relevant to the proposed character of development:
 - 1) Principal and accessory uses proposed for the development. All uses not specifically included in the Development Summary Report, either in a general land use category or detailed for individual areas, and approved by City Council are prohibited unless the application is subsequently amended in accordance with applicable procedures.
 - 2) Gross acreage of the individual area and approximate acreages of separate land use or development areas, including open space.
 - 3) Intensity of development, including: Density controls (units/acre) for residential uses, minimum lot size, minimum lot area per dwelling unit, minimum lot width, minimum lot frontage, minimum floor area or residential dwelling unit sizes, and maximum total

number of dwelling units by type, as applicable to the character of the development proposed.

- 4) Principal building setbacks or build-to lines along all streets and property lines.
- 5) Maximum building heights.
- 6) Buffers (environmental and zoning), landscape strips and open space standards.
- 7) Exceptions or variations from the City's sign, parking or street design requirements, if any are being requested.
- 8) An indication whether the internal streets will be public or private.
- 9) A description of intended plans for the provision of utilities, including water, sewer, drainage facilities and street lighting, as applicable.
- 10) For all streets and utilities not proposed for dedication to the public, provisions for the ownership and maintenance must be explained.
- 11) Proposed restrictive covenants (for informational purposes only).
- 12) Any other relevant or applicable standard or requirement for the individual area.
- 13) Applications may include prospective front, side and rear elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the MU district is approved, compliance with the architectural elevations shall be required.

2. Master Concept Plan required.

- a. Applications for rezoning to, or development within, the MU District shall require a Master Concept Plan, including, at a minimum, those items listed below. The Planning Director, Planning Commission and/or City Council may require, in addition, such other information, studies, plats, plans or architectural elevations deemed necessary to perform an adequate review of the proposed application.
- b. Master Concept Plans shall be prepared by a professional engineer, architect, land surveyor, land planner or landscape architect, and his/her seal of registration or professional initials shall be indicated on such plans.
- c. All Master Concept Plans required by this Section shall contain, at a minimum, the following information:
 - 1) Boundaries of the subject property based on the boundary descriptions or boundary survey submitted with the rezoning application.
 - 2) Title of the proposed development and the name, address and contact information of the property owner or their designated representative.
 - 3) The name, address and contact information of the architect, engineer or other designer of the proposed development.
 - 4) Scale, date, north arrow, and general location map showing relationship of the site to the surrounding area, streets and/or natural features.
 - 5) All existing streets within or adjacent to the property, including right-of-way and street pavement widths; location of existing buildings to be retained or removed; water courses and impoundments, wetlands and 100-year floodplain and associated buffers; and other physical characteristics of the property relevant to the development proposal.
 - 6) Open space areas to be retained.
 - 7) The general location of the proposed major street circulation system to be located within the development.

- 8) General approximate delineation of individual areas of the proposed development that differ by land use or development standards, keyed to a description for each area contained in the Development Summary Report prepared in accordance with this Section.

735-2 Review standards by City Council.

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

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

734-3 Report and Concept Plan establish MU uses and requirements.

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

734-4 Revisions to approved MU requirements.

1. Additions in the types of land uses, changes to the composition of land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, reductions in any buffer or setback, changes to building elevations or exterior materials, major alterations in the land use patterns, or other substantial changes that, in the opinion of the Planning Director and the City Manager, are inconsistent with the Development Summary Report or the Master Concept Plan approved for the MU proposal shall require approval by City Council in accordance with procedures established in Article 10 for change in conditions of zoning (CIC).
2. Minor amendments to the Master Concept plan may be considered prior to or following issuance of development or building permits. Review and **written** approval by the Planning Director and City Manager shall be required.
- ~~1.3.~~ As development of each portion of an MU development proceeds, the Master Concept Plan Map shall be updated to show each final subdivision plat as it is approved for recording, and each site development plan for a multifamily or nonresidential project upon its approval for a land disturbing activity permit. No certificates of occupancy will be issued within those areas until the Planning Director has received the updated Master Concept Plan Map.

Section 736. – Multi-Family Dwellings.

736-1 Architectural standards.

1. Each building shall consist of a minimum of two alternating roof types, specifically, open gable, boxed gable, dormer, hip, or flat roof lines.
2. No more than two contiguous units shall have the same elevations for the front façade and roofline. Alternating exterior treatments such as porches, balconies, awnings, chimneys, stoops, decks, patios, or terraces shall be required.
3. If dwelling units are developed in a horizontal format, no more than two contiguous units may have the same elevation to provide architectural relief.
4. A unique architectural entrance surrounding a single entryway shall be provided.
5. Required exterior cladding materials shall consist of a combination of brick, stone, natural wood or cement-based artificial wood siding such as hardiplank, or alternate industry standard durable material.
6. Utility meters or equipment shall be screened from the view of a public right-of-way or from any surrounding property.
7. Each dwelling unit shall be accessed internally; i.e., a building design in which there are apartments or other individual units on both sides of a passage corridor connecting attached dwelling units.

736-2 Development standards.

The requirements in this Section may be in addition to and/or more restrictive than City's Development Regulations or Buffer, Landscape Ordinance.

1. A 10-ft landscaped strip shall be installed between parking and buildings.
2. A 30-ft wide landscaped setback shall be provided along all exterior street frontages.
3. Buildings shall be organized around open space; see Section 5.9 in the Development Regulations.
4. Buildings should be used to screen the large parking areas from street view.
5. A centralized mail kiosk shall be covered.
6. All utilities shall be underground.
7. The property shall have one owner. Subdividing portions of the property is prohibited.
8. The development shall be managed by a property management company and shall be recorded in the deed records of Superior Court of Gwinnett County either as written restrictive covenants or on the plat for development.

Section 1003. - Amendment to the official zoning map and/or overlay district map.

1003-8. Review of Special Use Permit applications. Consideration of a Special Use Permit application shall be evaluated using the following criteria, upon which findings of fact shall be based:

1. Is the proposed special use consistent with the Comprehensive Plan?
2. Is the proposed special use consistent with supplemental studies adopted by City Council, including Livable Centers Initiative (LCI) studies?
3. Is the proposed special use compatible with adjacent uses?
4. Is the proposed special use consistent with the stated purpose of the zoning district in which it will be located?
5. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
6. Is the open space adequate to preserve the character of the area and mitigate environmental impacts?
7. Are screening and buffers adequate to protect adjacent uses from negative impacts of the proposed use?
8. Are off-street parking facilities adequate? Will they be properly located to reduce negative impact on surrounding property uses?
9. Are the hours and manner of operation of the proposed use compatible with surrounding uses?
10. Are there environmental resources or features which should be considered, for example, topography, special geological features, highly erodible soils, water runoff issues downstream, floodplain, wetlands, specimen trees, etc.?

1003-89. City council public hearing and action. The City Council shall hold a public hearing on the application as advertised and after review and recommendation by the Planning Commission.

1. In the event that the Planning Commission has not submitted its recommendation and the public hearing has already been advertised, the City Council may elect to proceed with the advertised and scheduled public hearing, or it may reschedule the public hearing for a day after which the Planning Commission's recommendation will be available.
2. In rendering a decision on any such application, the City Council shall consider all information supplied by the Director and the Planning Commission, any information submitted by the applicant, any information presented at the public hearing, and the extent to which the application meets the criteria specified for amendments to the official zoning map as prescribed in this section.
3. The City Council may approve or deny the application as proposed, it may place conditions of approval on the application and approve the application with conditions, it may establish a time limitation for the duration of a Special Use to be permitted, it may deny the proposal in part, or it may table the proposal.
4. The decision of the City Council shall be made a public record.

1003-910. Withdrawal. Any application for an amendment to the official zoning map or overlay district map, Special Use Permit or Change in Zoning Conditions may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the Director, up until the date of the legal advertisement of the public hearing by the City Council.

1. All applications, having been advertised, shall be considered by the Mayor and Council of the City, and shall receive final action.

2. When any application is initiated by a party other than the City Council or the Planning Commission, no refund of the required application fee or portion thereof shall be made once the application has been scheduled for public hearing.

1003-~~40~~11. Limitations on the frequency of filing applications. No application regulated by this section and affecting the same or any portion of property which was denied by the City Council shall be accepted for filing by a property owner until 12 months shall have elapsed from the date said application was denied by the City Council, unless such 12-month period is waived by the Mayor and Council. In such case, the same or any portion of property previously considered in a zoning map amendment which was denied by the City Council may not again be initiated until the expiration of at least six months immediately following the final decision rendered on the application by the City Council.

Exhibit B – Lilburn Development Regulations Text Amendments

Sec. 5.9. - ~~Recreation Areas~~Open Space.

5.9.1 ~~Recreation Areas~~ Open Space

Land for use as ~~parks, public~~-open space ~~or recreation~~ shall be provided in single-family detached subdivisions having a gross area of ~~50-25~~ acres or more and a minimum lot size less than ~~one~~1 acre; in duplex subdivisions having a gross area of ~~50-25~~ 10 acres or more; ~~and in MU developments with a residential component;~~ or single-family attached, townhouse, and apartment developments having a gross area of ~~ten~~5 acres or more. ~~Provided, however, that payment of any mandatory impact fee as may be established by the Board of Commissioners for parks or recreational use shall entirely relieve the developer of providing the land area required hereunder.~~ “Open space” includes pocket parks, commons, plazas, community green or lawn, greenways, and recreation areas (including, but not limited to, pools, playgrounds, and parks with active recreation facilities).

- a. For each development, ~~six percent~~5% of the gross land area shall be ~~provided for the recreational use, but in no case shall the area required exceed six acres maintained as open space. Not over 60 percent of the area may be within the 100-year floodplain, undisturbed.~~
 - ~~(1) If recreation facilities are not proposed to be constructed, the land so provided shall be contiguous or separated only by parking areas and private drives, and of suitable shape and condition for construction of at least one swimming pool and one regulation-size tennis court.~~
 - ~~(2) If the developer constructs at least a swimming pool and tennis court, or other acceptable active recreation facilities, as part of the project, then the land so provided need not be a single contiguous parcel and the total set-aside area required by this paragraph can be reduced to the amount actually required for the construction and maintenance of the facilities, but not less than 50 percent of the gross recreational set-aside requirements outlined herein.~~
- b. Prohibited use of open space. The following shall not be considered when calculating required open space:
 - 1) Required setback areas.
 - 2) Required zoning buffers
 - 3) Environmental buffers defined in Chapter 109.
 - 4) Required landscape strips.
 - 5) Drainage easements and facilities, with the exception that detention facilities designed as an amenity may be included.
 - 6) Private yards.
 - ~~4)7) Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.~~
 - 8) In addition, structures not intended for landscape or recreational purposes are prohibited to be located in open space areas.

~~In subdivisions, land provided for recreational use in accordance with a (1), above, and not proposed for improvement by the developer shall be deeded to Gwinnett County or to a qualified Property Owners Association upon the approval of the final plat containing said land and shall be used exclusively for recreational purposes. The qualified Property Owners Association shall provide for the voluntary mandatory membership of all the owners of property within the subdivision, and shall be established under the laws of Georgia; it shall be responsible for the perpetuation, maintenance and function of the recreation areas and all uses or facilities therein. The association shall have the authority and duty to assess its members for~~

~~such maintenance and improvements as set forth in the instrument creating the association. All covenants shall be recorded simultaneously with the final subdivision plat.~~

- c. ~~If the developer constructs recreational facilities as approved under a(2), above, on the recreational land in a~~ subdivisions ~~or, the land open space shall be deeded to a qualified Property Owner's Association, Homeowner's Association or other legal entity incorporated under the laws of Georgia. The open space land shall be deeded to said organization entity with a restriction that the land shall be used exclusively for recreational purposes and shall be made available to all residents of the subdivision project on an equal basis. The qualified entity shall provide for the mandatory membership of all the owners of property within the subdivision, and shall be established under the laws of Georgia; it shall be responsible for the perpetuation, maintenance and function of the open space and all uses or facilities therein. The deed shall be filed with the Department simultaneously with the final plat, and shall be held by the Department until a Certificate of Occupancy is issued for the recreational improvements, whereupon the deed shall be recorded. Failure to construct or complete the approved facilities shall cause the land to be dedicated to Gwinnett Countythe City of Lilburn. All covenants shall be recorded simultaneously with the final subdivision plat.~~
- d. In multi-family rental or condominium projects, land provided for ~~recreational open space~~ use in accordance with these requirements shall be held in the ownership of the owner of the project.
- e. ~~Gwinnett CountyThe City of Lilburn may lease or sell land reserved for public parks to a qualified Property Owners Association with a deed restriction that the land be used exclusively for open space or public recreational purposes in perpetuity. The organization of a qualified Property Owners Association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants running with the land or other such documents as approved by the Board of Commissioners of Gwinnett CountyLilburn City Council.~~