

## ARTICLE VIII

### SUPPLEMENTARY DISTRICT REGULATIONS

#### Section 8.1 USES COMMON TO MORE THAN ONE DISTRICT

The following provisions consist of regulations governing things that are not universal throughout the City, but which nonetheless are applicable to several of the zoning districts.

(1) On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

(2) No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building. Except in residential zoning, the rear yard setback should be a minimum of ten (10) feet from the rear property line.

(3) In any district, more than one (1) structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

(4) The height regulations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. A tall structure permit is required for most of the items listed in this paragraph pursuant to a separate section of the Code of Ordinances of the City of Lawrenceville.

(5) Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(6) A single-family dwelling may be built on any platted lot of record containing seventy-five percent (75%) of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of this Ordinance, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one (1) building site.

(7) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

(8) Except in districts allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured twenty (20) feet distance along the property line from the intersection of two (2) streets of fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight-obscuring or partly obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

(9) It is recognized that there may be extensive areas of undeveloped land within the City upon which the planned type of development will not take place for a considerable time. It is therefore reasonable and proper that interim uses not in conformity with the land use plan be allowed.

(10) To preclude vehicular congestion and prevent the occurrence of accidents, any developer or property owner requesting a zoning change to HSB, Highway Service Business, must provide plans detailing the design of frontage roads and access lanes that will be constructed as part of property improvements. Frontage roads and access lanes will comply with street and highway design standards promulgated by the Gwinnett County Engineer's Office.

(11) The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback for developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum setback required. In such cases, the front yard setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

(12) In any district, where the commercial, industrial or residential uses of land and structures are lawfully begun after the effective date of adoption of this Ordinance amendment, and a centralized "dumpster" is required for garbage disposal in conjunction with the permitted use, said dumpster must be surrounded and screened by a sight-obscuring fence or structure of a height greater than the dumpster. Such fence shall be constructed of solid materials. Construction of cyclone fencing which utilizes metal inserts as screening shall be prohibited.

For the purposes of the amendment, "dumpster" shall be defined as a metal trash receptacle of sufficient size and weight that requires a specialized truck to empty the container and complete proper garbage disposal.

This amendment applies to new uses within existing land and structures as well as new structures where actual construction was lawfully begun after the effective date of adoption of this Ordinance amendment. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction.

(13) The burying of construction materials on any lot is hereby prohibited in all zoning districts. This shall include inorganic, as well as organic materials. The disposal of these materials will be the responsibility of the owner, contractor, or his agent.

(14) The burning of construction materials on any lot is hereby prohibited in all zoning districts.

(15) The dumping or discarding of construction materials on any lot is hereby prohibited in all zoning districts. This shall include inorganic, as well as organic materials. The disposal of these materials will be the responsibility of the owner, contractor, or his agent.

## Section 8.2 SCREENING

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 Planning Commission or Council may require owners, developers and occupiers of such properties to completely enclose such operations by a fence which completely obscures views of the property from adjacent sidewalks and 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 shall be constructed of solid materials. Construction of cyclone fencing which utilizes metal inserts as screening shall be prohibited. Many operations which involve the stacking of inoperative or obsolete equipment or vehicles pose a direct health hazard to the public. The Planning Commission shall require all such operations in the City of Lawrenceville to submit to annual inspection by the Gwinnett County Board of Health. The results of such inspections shall be delivered to the Planning Commission for review. If a business fails to pass such inspection, it shall have thirty (30) days to comply or it shall cease operations until such time that compliance is effected.

## Section 8.3 BUFFER AREAS

Where commercial or industrial districts are contiguous with residential districts, the Planning Commission or Council will require a side/or rear yard in excess of the dimensions

specified in the district regulations. The Commission or Council reserves the right to require a similar buffer area between other districts and uses deemed incompatible or marginally compatible.

Buffer areas required in this section shall be established and maintained by the owner of the commercial, industrial or otherwise incompatible use. The buffer area must:

(1) Be shown on each plat prior to final approval and be designated as a permanent easement.

(2) Not be temporarily or permanently disturbed by grading, property improvements or construction activities.

(3) Utilize existing vegetation, or where required be supplemented with additional plantings.

(4) Retain its natural topography except when a portion must be cleared and graded as required by the City or County to prevent soil erosion.

(5) Shall be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy.

(6) Not be used for temporary or permanent parking, or for a structure other than a fence, or for provision of drainage improvements as mandated by the City or County.

#### Section 8.4 MINIMUM SPECIFICATIONS FOR BUFFER AREAS

As different types of uses generate varying degrees of incompatibility, it follows that a rigid width for a buffer area could in some instances create undue hardship on the property owner. Therefore, the amount and type of planting required to accomplish adequate screening and insulation shall be variable, and in each instance be determined by the intensity and extent of the incompatible use. The following range of buffer area widths will be used by the Planning Commission to recommend buffer requirements.

(1) Where a commercial or industrial district directly abuts a single-family district, the width of the required buffer shall not be less than fifteen (15) feet, nor more than sixty (60) feet.

(2) Where a commercial or industrial district directly abuts a multiple-family district, the width of the required buffer shall not be less than ten (10) feet, nor more than forty (40) feet.

(3) Where a multiple-family district directly abuts a single-family district, the width of the required buffer shall not be less than ten (10) feet, nor more than forty (40) feet.

(4) In all instances where either the creation of new zoning districts, adoption of a land use plan, or rezoning, results in "down zoning" and as such creates additional buffer requirements for remaining abutting property owners, such increased buffer requirements shall be placed on the parcel so down zoned.

Example: If you have adjoining industrially zoned parcels and one parcel is down zoned to residential, thus creating buffer requirements on the remaining industrial parcel, the residential buffer requirements shall be increased to include what would have been imposed on the industrial parcel.

In all other instances, the width of the buffer area shall be recommended by the Planning Commission, but shall not be less than ten (10) feet.

It is recognized that in some instances, particularly in the case of large scale or planned center developments, the range of width of prescribed buffer areas will be inadequate. In these instances, the Council shall determine the width of required buffers. However, in no instance shall the width of the required buffer exceed one hundred fifty percent (150%) of the recommendations of the Planning Commission. The required buffer area can include the required minimum yard area.

#### Section 8.5 COMPOSITION OF BUFFER AREA

In those instances where natural vegetation and site topography are deemed substantial to provide necessary visual and acoustical buffering, the land shall be preserved in its natural state. Any disturbance of such natural growth shall be limited to that necessary to prevent nuisance, or to remove growth inhibiting natural growth or to remove diseased or dangerous growth.

Where existing natural vegetation and site topography are insufficient to accomplish the purpose of the required buffer area, existing vegetation will be supplemented. These additional plantings shall consist of evergreen trees and shrubs not less than six (6) feet in height, or trees or shrubs that will attain a height of six (6) feet within three (3) years, in the course of normal growth.

The following types of vegetation are approved for this purpose, but not to the exclusion of others which might be approved subject to their meeting the growth requirements stated herein:

- |     |                          |                        |
|-----|--------------------------|------------------------|
| (1) | Trees: Southern Magnolia | (Magnolia Grandiflora) |
|     | Eastern Red Cedar        | (Juniperus Virginiana) |
|     | White Pine               | (Pinus Strobus)        |
|     | American Holly           | (Ilex Opaca)           |
|     | Cherry Laurel            | (Prunus Caroliniana)   |
| (2) | Shrubs: Glossy Ligustrum | (Ligustrum Lucidium)   |
|     | Cleyera                  | (Cleyera Japonica)     |

Burford Holly (Ilex Burfordi)  
Southern Waxmyrtle (Myrica Cerifera)

- (3) Ground Cover: Short Juniper (Juniperus Conforta)  
Honeysuckle (Lonnicera Semperv)  
Periwinkle (Vinca Minor)  
English Ivy

## Section 8.6 TALL STRUCTURE PERMITS

(1) Required. Any person shall obtain a tall structure permit from the City prior to commencement of the erection within the city limits of Lawrenceville of a chimney, cooling tower, elevator bulkhead, fire tower, gas tank, solarium, steeple, stacks, stage tower or scenery loft, tank, water tower, ornamental tower and spire, wireless communication tower, television tower or radio tower or necessary mechanical appurtenances that would be fifty (50) feet or greater in height from the ground.

(2) Applications; contents; fee. All applications for tall structure permits shall be submitted to the Planning and Zoning Department. Each application shall contain as a part thereof detailed plans and specifications which show the nature of the structure, its proposed use, height of the structure and its proposed location, with all property lines being clearly defined and distances from the proposed structure to all property lines. An application for a tall structure permit shall not be accepted for processing without the information required in this article. An application fee shall be charged by the department in an amount stated in the schedule of fees and charges.

(3) Review of application by Planning Department. If, upon receipt of an application for a tall structure permit, the department deems that the proposed structure may interfere with the use of the airways of the county by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the department to the Gwinnett County Airport Division of the County Department of Transportation for review and recommendation.

(4) Public hearing. Before taking action upon the proposed tall structure permit, the City Council shall hold a public hearing on the matter. At least fifteen (15) days prior to the date of the public hearing, the City Council shall cause the following notice requirements to be instituted by the Planning and Zoning Department:

(a) A sign shall be erected in a conspicuous location, on or adjacent to the property under consideration. The sign shall state the time, place location, and purpose of the public hearing.

(b) A letter shall be sent by regular mail to all abutting property owners of record, as indicated by the county tax commissioners' records, giving notice of the

public hearing. The letter shall state the same information as required for the sign permit.

(5) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards.

(6) Building Codes and Safety Standards. To ensure the structural integrity of the towers, the owner of a tower shall maintain the tower in compliance with all City building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City determines that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with the standards. If the owner fails to bring the tower into compliance within thirty (30) days, the City may remove the tower at the owner's expense, in the manner provided in O.C.G.A. Section 41-2-8 through 41-2-17.

(7) Criteria for disapproval. All applications for a tall structure permit shall be considered by the City and in the exercise of its discretion under the police power vested in the City Council may disapprove any application where the proposed structure could interfere with or endanger the public using the existing or proposed air facilities located within the county, or where the structure to be erected could endanger the person or property of citizens of the county, or where the structure to be erected would not be compatible from an aesthetic viewpoint with existing or proposed development in the area of the proposed facility, or where the structure to be erected would not be acceptable or after evaluation would be found to be incompatible from an architectural standpoint with existing or proposed structures in the area.

(8) Penalty for violation of article.

(a) Any person who attempts to erect or erects a structure described in this article without having first obtained a tall structure permit from the City in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted Ordinance of the county and shall be punished either by a fine not to exceed \$500.00 or by imprisonment not to exceed sixty (60) days, or both. The court shall have the power and authority to place any person guilty of violation of this article on probation and to suspend or modify any fine or sentence. As a condition of the suspension, the court may require payment of restitution or impose other punishment allowed by law.

(b) If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining the required permits, or if any building, structure or land is used in violation of this article, the City Attorney or other appropriate authority of the City, in addition to any other remedies, may institute an injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues may be deemed a separate offense.

(9) Governmental exemption. The provisions of this article shall not apply to City owned facilities and structures.

(10) Zoning. No permit shall be issued for any structure unless said structure is to be located on property with an HSB, HM, LM, O-I, BG or BGC zoning classification.

(11) Severability. If any portion of this regulation is determined to be unconstitutional or otherwise unenforceable, the rest and remainder of this Ordinance shall remain in full force and effect.

**<sup>1</sup>SECTION 8.7 - MINIMUM ARCHITECTURAL REQUIREMENTS**

**Minimum Architectural Standards**

Type of Material	Zoning Classification								
	s/f districts non-res	RM-6	RM-12	O-I	BN	BG	BGC	HSB	LM/HM
<b>Front</b>									
Brick	YES	YES	YES	YES	YES	YES	ARB	YES	YES
Stone*	YES	YES	YES	YES	YES	YES	ARB	YES	YES
Stucco**	25%	10%	10%	25%	25%	25%	ARB	25%	25%
Glass	YES	NO	NO	YES	YES	YES	ARB	YES	YES
Architectural Block	YES	NO	NO	25%	YES	YES	ARB	YES	YES
Wood	YES	NO	NO	YES	YES	NO	ARB	NO	NO
Hardi-plank	YES	NO	NO	YES	YES	NO	ARB	NO	NO
Concrete Block	NO	NO	NO	NO	NO	NO	NO	NO	25%
Metal	NO	NO	NO	NO	NO	NO	NO	NO	NO
Tilt/pre-cast concrete	NO	NO	NO	NO	NO	NO	NO	NO	YES
<b>Side</b>									
Brick	YES	YES(a)	YES(a)	YES	YES	YES	ARB	YES	YES
Stone*	YES	YES(a)	YES(a)	YES	YES	YES	ARB	YES	YES
Stucco**	50%	10%	10%	50%	50%	50%	ARB	50%	50%
Glass	YES	NO	NO	YES	YES	YES	ARB	YES	YES
Architectural Block	YES	NO	NO	50%	YES	YES	ARB	YES	YES

Wood	YES	10%	10%	YES	YES	NO	ARB	NO	NO
Hardi-plank	YES	YES	YES	YES	YES	NO	ARB	NO	NO
Concrete Block	NO	NO	NO	NO	NO	NO	NO	NO	25%
Metal	NO	NO	NO	NO	NO	NO	NO	NO	50%(b)
Tilt/pre-cast concrete	NO	NO	NO	NO	NO	NO	NO	NO	YES

**Rear**

Brick	YES	YES(a)	YES(a)	YES	YES	YES	ARB	YES	YES
Stone*	YES	YES(a)	YES(a)	YES	YES	YES	ARB	YES	YES
Stucco**	50%	10%	10%	50%	50%	50%	ARB	50%	50%
Glass	YES	NO	NO	YES	YES	YES	ARB	YES	YES
Architectural Block	YES	NO	NO	50%	YES	YES	ARB	YES	YES
Wood	YES	10%	10%	YES	YES	NO	ARB	NO	NO
Hardi-plank	YES	YES	YES	YES	YES	NO	ARB	NO	NO
Concrete Block	NO	NO	NO	NO	NO	NO	NO	NO	YES
Metal	NO	NO	NO	NO	NO	NO	NO	NO	YES
Tilt/pre-cast concrete	NO	NO	NO	NO	NO	NO	NO	NO	YES

\* Stone includes natural or cultured

\*\*Stucco includes cementitious and EIFS

(a)=1st floor shall be brick or stone

(b)=Only if on a local or minor collector street not facing the street, otherwise NO

**Other requirements**

Alterations from the above standards may be heard by the City Council.

Metal roofs above 3/12 pitch must be standing seam.

Mechanical systems from the front or side must be screened from any street. For example:

Backside of a pitched roof

Hidden by a parapet wall

Veneers of less than 2" are not permitted.

These requirements supercede any conflicting requirements within the RM zoning classifications.

Any appeals regarding application of these regulations shall be made to the Mayor and Council and no other appointed board of the city except as noted in the ordinance.

**Section 8.8 BUILDING AND SIGN STRUCTURE COLORS**

Building and sign structure colors in all zoning classifications other than AR, RS-180, RS-150, RS-60, RM, and M shall be limited as follows:

The use of muted, subdued or earth tone colors are encouraged while the use of novelty and primary colors are to be avoided. The following colors are prohibited: pink, purple, and bright or fluorescent shades of orange, yellow, blue,

green or red. It is the intent of these guidelines to establish timelessness in the color schemes incorporated in building design, project design and sign design. Colors are intended to enhance the architecture of the project, not to attract attention to specific features or elements such as roof or parapet lines and signs.

Any appeal regarding the application of this section shall be made to the Mayor and Council only.

#### **<sup>4</sup>SECTION 8.9 – ACCENT LIGHTING**

Accent lighting for all buildings in all zoning classifications other than AR, RS-180, RS-150, RS-60, RM, M shall be limited as follows:

Temporary accent lighting shall be allowed beginning November 15<sup>th</sup> of each year but shall be removed by January 15<sup>th</sup> of the following year.

Permanent accent lighting shall be prohibited except as allowed under Article X.

#### **<sup>5</sup>SECTION 8.10 – AWNINGS**

Awnings within the Courthouse Square Sub-Area, as defined in Attachment Four (4) of the Zoning Ordinance, shall be allowed to extend into the public right-of-way provided they are at least eight (8) feet above the sidewalk, do not obstruct pedestrian traffic, and to not extend past the outer edge of the sidewalk or eight feet from the building façade, whichever is less. Any such awnings shall require a variance granted by the Architectural Review Board.

#### **<sup>6</sup>SECTION 8.11 – OUTDOOR WORK**

No manufacturing, construction, repair or maintenance of goods, products, machinery, equipment or vehicles of any type may be performed outdoors unless specifically authorized.

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<sup>1</sup>An Ordinance to Amend Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance adding Section 8.7- Minimum Architectural Requirements was adopted on August 3, 2009.

<sup>2</sup>An Ordinance to Amend Section 8.7 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on October 4, 2010.

<sup>3</sup>An Ordinance to Amend by the addition of Section 8.8 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on April 1, 2013.

<sup>4</sup>An Ordinance to Amend by the addition of Section 8.9 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on June 3, 2013.

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<sup>5</sup>An Ordinance to Amend by the addition of Section 8.10 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on December 1, 2014.

<sup>6</sup>An Ordinance to Amend by the addition of Section 8.11 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on December 1, 2014.

<sup>7</sup>An Ordinance to Amend by the revision of Section 8.8 of Article VIII, of the City of Lawrenceville's 2005 Zoning Ordinance was adopted on December 7, 2015.