

**Planning Commission
Minutes
August 11, 2008**

Richard Johnson	Present & Presiding
John Merrill, Vice Chairman	Present
Eron Moore	Present

William Childers	Absent
Leon Smith	Absent

Staff Present:
Bill Kingsbury, Planner

Mr. Johnson called the meeting to order at 7:03 PM and declared a quorum present.

Mr. Johnson asked if there were any changes to the agenda. There were none.

OLD BUSINESS

1. **Group Homes**

Mr. Johnson asked for discussion on Group Homes. There was none. He then asked for public comments; there was none.

Mr. Johnson asked for a motion from the Planning Commission. Mr. Moore made a motion to recommend the changes to the Group Home regulations as presented by the staff (see Attachment 1). This was seconded by Mr. Merrill, and passed 2-0.

2. **Accessory Use Buildings**

Mr. Johnson asked for discussion on Accessory Use Buildings. There was none. He then asked for public comments; there was none.

Mr. Johnson asked for a motion from the Planning Commission. Mr. Moore made a motion to recommend the changes to the Accessory Use Buildings regulations as presented by the staff (see Attachment 2). This was seconded by Mr. Merrill, and passed 2-0.

NEW BUSINESS

1. Special Exception

Mr. Johnson asked Mr. Kingsbury to present the issue. Mr. Kingsbury stated that the Mayor and City Council has asked the Planning Commission to consider eliminating Special Exception from the Zoning Ordinance. Only three uses in the General Business District (BG), Crematorium, Funeral Homes and Outdoor Theaters, are designated Special Exceptions. They are the only changes in land use that do not go through the Planning Commission and decided upon by the Mayor and Council.

Mr. Johnson asked if the Planning Commission Members had any comments or questions. Mr. Merrill asked Mr. Moore if the Board of Appeals had many cases concerning Special Exceptions. Mr. Moore stated they do not and the only ones he could recall dealt with crematoriums.

Mr. Johnson then asked for comments from the public; there were none

Mr. Johnson then asked for a motion from the members. Mr. Merrill made a motion to recommend the elimination of the Special Exception category in the Zoning Ordinance as presented by the staff (see Attachment 3). This was seconded by Mr. Moore, and passed 2-0.

2. Crematorium, Funeral Homes, and Outdoor Theaters

Mr. Johnson stated that Crematoriums, Funeral Homes and Outdoor Theaters have been Special Exceptions in the General Business (BG) District. Without the Special Exception Category it needs to be determined how to classify these uses. Staff recommends that they become Special Uses in the BG District.

Mr. Johnson asked if the Planning Commission Members had any comments. There were none.

Mr. Johnson then asked for comments from the public; there were none

Mr. Johnson then asked for a motion from the members. Mr. Merrill made a motion to recommend that Crematoriums, Funeral Homes and Outdoor Theaters be classified as Special Uses in the General Business District. This was seconded by Mr. Moore, and passed 2-0.

Report by Staff

Mr. Kingsbury reported that Gwinnett County Planning Commission had only two zoning cases before it in the last month.

Comments by Planning Commissioners

Mr. Merrill stated that with the lull in zoning cases, the Commission might consider looking at needed up-dates to the zoning ordinance.

Mr. Johnson then adjourned the meeting at 7:36 PM

Richard Johnson, Chairman

G. William Kingsbury, Planner

ATTACHMENT 1

**CITY OF LAWRENCEVILLE
PLANNING COMMISSION RECOMMENDATIONS
AMENDMENTS TO THE ZONING ORDINANCE
August 11, 2008**

GROUP HOMES

Amendment to Zoning Ordinance

By adding to

Section 6.2

DEFINITIONS

ASSISTED LIVING FACILITY: Also called **PERSONAL CARE HOME:** A building or part thereof housing persons, on a 24 hr basis, who because of age, mental disability or other reasons live in a supervised residential environment which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This use is regulated by the Office of Regulatory Services of the State of Georgia Department of Human Resources. The owner and operator of and applicant for a group home shall operate a non-profit business chartered or incorporated by the Secretary of State of the State of Georgia. This definition **does not** include: halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug abuse centers and convalescent homes.

An Assisted Living Facility/Personal Care Home shall only be authorized as a special use pursuant to the special use permit procedure in this ordinance. Before a special use permit application is accepted by the City, an Assisted Living Facility/Personal Care Home shall meet the following requirements:

- (a) An Assisted Living Facility/Personal Care Home shall have a maximum of six (6) total residents which number shall include at least one (1) live-in caregiver; however, an Assisted Living Facility/Personal Care Home located on a zoning lot of five (5) acres or more may have a maximum of eight (8) total residents.
- (b) An Assisted Living Facility/Personal Care Home shall at all times have at least one (1) employee on-site staffing the group home.
- (c) If developed as a subdivision, an Assisted Living Facility/Personal Care Home shall not exceed five percent (5%) of the total subdivision lots in any unit or block of the subdivision.
- (d) All real and personal property of an Assisted Living Facility/Personal Care Home shall be owned in fee simple by the Non-Profit Corporation that owns and operates the Assisted Living Facility/Personal Care Home business.

(e) An Assisted Living Facility/Personal Care Home shall be at least one thousand (1,000) feet away from childcare centers, schools and churches as measured from property line to property line.

(f) The lot size must be larger than one (1) acre unless the Assisted Living Facility/Personal Care Home is located on a Major Collector street, as that term is defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(g) An Assisted Living Facility/Personal Care Home is not permitted on Minor Collector and Local Streets, as those terms are defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(h) If the Assisted Living Facility/Personal Care Home is located in a zoning district other than a residential district, the buffer between the group home and a surrounding residential district shall be a minimum of one hundred (100) feet and the buffer between the group home and the surrounding non-residential uses shall be fifty (50) feet.

CONGRERATE LIVING FACILITY: A residence that house persons, on a 24hr basis, who because of age, mental disability, or other reasons, live in a supervised residential environment that provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. This definition includes: halfway houses, group homes, social rehabilitation facilities, alcohol and drug abuse centers.

A Congregate Living Facility shall only be authorized as a special use pursuant to the special use permit procedure in this ordinance. Before a special use permit application is accepted by the City, a Congregate Living Facility shall meet the following requirements:

(a) A Congregate Living Facility shall have a maximum of six (6) total residents which number shall include at least one (1) live-in caregiver; however, a Congregate Living Facility located on a zoning lot of five (5) acres or more may have a maximum of eight (8) total residents.

(b) A Congregate Living Facility shall at all times have at least one (1) employee on-site staffing the group home.

(c) If developed as a subdivision, Congregate Living Facilities shall not exceed five percent (5%) of the total subdivision lots in any unit or block of the subdivision.

(d) All real and personal property of the Congregate Living Facility shall be owned in fee simple by the Non-Profit Corporation that owns and operates the group home business.

(e) A Congregate Living Facility shall be at least one thousand (1,000) feet away from childcare centers, schools and churches as measured from property line to property line.

(f) The lot size must be larger than one (1) acre unless the Congregate Living Facility is located on a Major Collector street, as that term is defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(g) A Congregate Living Facility is not permitted on Minor Collector and Local Streets, as those terms are defined in Section 3.2 of the 1986 Subdivision Regulations of the City of Lawrenceville.

(h) Congregate Living Facility shall have a buffer between the Congregate Living Facility and any surrounding residential district a minimum of one hundred (100) feet and the buffer between the Congregate Living Facility and the surrounding non-residential uses shall be a minimum of fifty (50) feet.

NURSING HOME also called INTERMEDIATE CARE or SKILLED NURSING or CONVALESCENT facility: A building or part thereof housing persons, on a 24 hr basis, who because of age, mental disability or other reasons live in a supervised residential environment which provides chronic, convalescent, medical or nursing care services. The occupants may not be capable of responding to an emergency situation without physical assistance from staff.

PERSONAL CARE SERVICE: The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility.

Amendment Zoning Ordinance to sections: 7.2, 7.3, 7.3.1, 7.5, 7.5.1, 7.5.3, 7.7.1, 7.8, 7.9, 7.10, 7.11, 7.13, 7.15

Change in sections 7.2, 7.3, 7.3.1, 7.5, 7.5.1, 7.5.3, 7.7.1, 7.9, 7.11 under “Special Use” by replacing “GROUP HOME” with “ASSISTED LIVING FACILITY/PERSONAL CARE HOME”

And by

Deleting in sections 7.8, 7.10, 7.13 and 7.15 under “Special Use” by deleting the use “GROUP HOME”

And by

Adding to sections 7.9, 7.11 by adding under “Special Use” the use of CONGREGATE LIVING FACILITY.

And by

Adding to sections 7.7.1, 7.9, 7.11 by adding under “Principal Permitted Use” the uses of NURSING HOME; INTERMEDIATE CARE FACILITY; SKILLED NURSING FACILITY and CONVALESCENT FACILITY.

ATTACHMENT 2

**CITY OF LAWRENCEVILLE
PLANNING COMMISSION RECOMMENDATIONS
AMENDMENTS TO THE ZONING ORDINANCE
August 11, 2008**

ACCESSORY USE BUILDINGS

Section 6.2 DEFINITIONS

For the purpose of this Ordinance, certain words and terms used herein shall be defined and interpreted as follows:

- (XX) ACCESSORY USE BUILDINGS: a structure that is subordinate to the primary structure on a piece of residential property and to be used exclusively by the residents and for use on the residence. This would include, but not limited to: storage shed, hobby workshop, pool house/changing rooms, gazebo,

Section 7.1 USES COMMON TO ALL RESIDENTIAL DISTRICTS

PERMITTED ACCESSORY USES:

ACCESSORY USE BUILDINGS

Maximum square footage shall be 800 sq.ft.

Located only within in the rear yard. As defined by diagram Y-1 or Y-2

A setback of 10 feet from the rear property line

A setback of 5 feet from the side property line

Must be screened from the road right-of-way

Façade must have the same architectural characteristics of the house

ATTACHMENT 3

CITY OF LAWRENCEVILLE PLANNING COMMISSION RECOMMENDATIONS AMENDMENTS TO THE ZONING ORDINANCE August 11, 2008

SPECIAL EXCEPTIONS

PRINCIPAL CHANGES

1. Section 6.2 Definitions (82) Removal of Definition of Special Exception
2. Section 7.9 (BG) General Business District Changing Crematories, Funeral Homes and Outdoor Theaters from Special Exceptions to Special Uses

RELATED CHANGES

1. Rewording of the following Section to change “ Special Exceptions” to “Special Use”, and removing reference to the “Board of Appeals”
 - A. Section 5.3(3) Non-conforming Uses of Structures or of Structures and Premises in Combination
2. Removal of the term Special Exception in the following Sections:
 - A. Section 11.2 Building Permits Required
 - B. Section 16.3 Unlawful Acts

CORRECTONS

1. Make changes to the following Sections, changing “Special Exception to “Special Use”.
 - A. Section 7.11(2) (a) (ii) within (HSB) Highway Service Business District {related to applications for Special Use Permits for adult book stores, adult entertainment and adult theaters }
 - B. Section 7.13 (3) within (HM) Heavy Manufacturing {related to applications for Special Uses for adult bookstores, adult entertainment and adult theaters }