

ARTICLE IV

APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

Section 4.1 APPLICABILITY TO LAND, BUILDINGS AND OPEN SPACE

No building, structure, land or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 4.2 INTERPRETATION, PRIORITY OF CONTRACTS

It is not the intention of this Ordinance to defeat the purpose of any contract, deed restriction or protective covenant when such instrument is not inconsistent with this Ordinance or contain stricter requirements. In the event this Ordinance conflicts with other Ordinances, rules and regulations adopted pursuant to law, or State or Federal law, then the more strict provisions shall apply.

Section 4.3 GENERAL INTERPRETATION

Any use that is not specifically permitted in a district as a principal use, an accessory use or a conditional use, is hereby specifically prohibited. In the regulation for some districts, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses.

Section 4.4 HEIGHT AND DENSITY

No building or other structure shall hereafter be erected or altered:

- (1) To exceed the height or bulk;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of lot area;
- (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required;

or in any other manner contrary to the provisions of this Ordinance.

Section 4.5 LOT SIZE AND OCCUPANCY

No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this Ordinance, shall be reduced in size so that lot width or size of yards of lot area per family or any other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.

Section 4.6 YARD AND OTHER SPACES

No part of a yard or other open space of off-street parking or loading spaces required about any one building shall be included as a part of the yard or off-street parking or loading spaces for another building.

Section 4.7 MINIMUM LOT SIZES FOR RESIDENCES USING SEPTIC TANK SYSTEMS

No single family residence shall be permitted on a lot of less than 25,500 square feet in a new subdivision which is to be served by septic tanks, regardless of the zoning district classification. With respect to existing platted lots, the Gwinnett County Environmental Health Department will evaluate each individual request for a permit on a case-by-case basis. This restriction on lot size does not apply to residential development served by community sewer systems.

Section 4.8 - 4.17 RESERVED

¹Section 4.18 OUTDOOR STORAGE

Outdoor storage shall not be allowed on any premises except where specifically authorized as a permitted use or where a Special Use Permit has been issued in accordance with this Ordinance.

Section 4.19 SPECIAL USE PERMITS

The special use permit is designed to be used when:

- (a) A special use listed under the zoning district is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
- (b) A special use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or

- (c) A unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City of Lawrenceville; or
- (d) The density of development may be affected by the height of a building; or
- (e) The neighboring properties may be affected by the height of any structure; and,
- (f) The special use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan.

In order to accommodate these special uses, the special use permit allows the Mayor and Council to approve a special use on a particular lot without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All special use permit applications shall be for firm development proposals only. The special use permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent. The minimum requirements for a special use permit are:

- (1) Any uses permitted under a special use permit shall also conform to the requirements of this resolution and the development regulations for the use as found in the zoning district.
- (2) The application and review process for a special use permit shall be the same as for the zoning district under which the special use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Director of Planning and Zoning in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
- (3) In the approval process for a special use permit application, the Mayor and City Council shall consider the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not

limited to traffic, storm drainage, land values and compatibility of land use activities.

- (4) If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the planning and zoning department prior to the issuance of any permits. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of ninety (90) days or more and the owner of the property has not requested voluntary termination of the special use permit, the Director of Planning and Zoning shall forward a report to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
- (5) Changes to a special use or development of a site for the special use shall be treated as an amendment to the special use permit and shall be subject to the same application and review process as a new application.
- (6) The special use for which a special use permit is granted shall commence operations or construction within twelve (12) months of the date of approval by the Mayor and Council. If, at the end of this twelve (12) month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Mayor and Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
- (7) The Planning and Zoning Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of ten days to come into compliance. If after ten days the violations continue to exist, the Director shall forward a report to the Mayor and Council through the Planning Commission, which may recommend that action be taken to remove the special use permit from the property.
- (8) Upon approval by the Mayor and Council, a special use permit shall be identified on the official zoning maps.

- (9) Upon approval by the Mayor and Council of a special use permit, the owner of the property shall be issued a notice from the Director, which states the specific use permitted, the requirements of this section and any conditions attached to the approval.
- (10) The Planning and Zoning Department shall not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

¹Ordinance to amend the City of Lawrenceville Zoning Ordinance Article IV, Section 4.18 Outdoor Storage, was adopted on October 6, 2014.