GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT
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MEMORANDUM

TO: Chairwoman
District Commissioners

FROM: Susan Canon
Director

SUBJECT: Amendment to the Unified Development Ordinance (UDO) – Gateway 85 Overlay District – UDOA2021-00002 and Amendment to the Official Zoning Map

DATE: May 10, 2021

ITEM OF BUSINESS
An amendment to the Unified Development Ordinance (UDO) of Gwinnett County: Title 2 (Land Use and Zoning) and to the Official Zoning Map to create a new overlay zoning district entitled Gateway 85 Overlay District.

BACKGROUND AND DISCUSSION
The attached draft Gateway 85 Overlay District was developed in partnership with the Gateway85 Community Improvement District (CID) who consulted with the firm TSW. Portions of the Gateway85 CID are located within unincorporated Gwinnett County, the City of Norcross, and the City of Peachtree Corners. The cities of Norcross and Peachtree Corners have adopted versions of this overlay district. The attached draft has been modified to ensure consistency with the Gwinnett County UDO.

The purpose of the Gateway 85 Overlay District is to enhance the vitality and livability of the Gateway85 business district. A summary of major components includes:

- Provisions do not apply to those zoning districts that are primarily reserved for single-family residential uses including RA-200, RLL, R-100, R-75, OSC, R-60, MH, R-SR, or R-TH;
- Certain uses are prohibited, including adult entertainment; salvage operation/junkyard; pawn shops; and used tire sales;
- Automotive sales and rental facilities must be located on a lot at least 2-acres in size;
- Enhanced site and building design standards including, but not limited to, variation in façade treatments; minimum fenestration; sidewalk-level active uses; screening of service areas/mechanical equipment; prohibiting rope lighting, etc.;
- Streetscape standards including minimum sidewalk widths; streetlight spacing; street furniture zones; and landscape strips.

If adopted, the overlay district would apply to the unincorporated areas of the County included in the Gateway85 CID (see Exhibit B). The procedures and standards required by the overlay district would supplement, not replace, the underlying zoning district requirements. In the case where the standards and requirements of the overlay district conflict with the underlying zoning district, the standards of the overlay district shall govern.

The Planning and Development Department has reviewed and modified the attached amendment and has determined that adopting the Gateway 85 Overlay District would support the purpose of the UDO and the goals and objectives of the 2040 Unified Plan. The Planning Commission held a public hearing on the amendment on May 4, 2021, and recommended approval as presented.

Please let me know if you need further information.

ATTACHMENTS
Exhibit A: UDOA2021-00002 (UDO Amendment)
Exhibit B: Gateway 85 Overlay District Location Map
Exhibit C: Adoption Ordinance

Exhibit A: UDOA2021-00002 (UDO Amendment)

[Attached]

EXHIBIT A

That Title 2, Section 220 Overlay Zoning Districts, is amended by creating Section 220-50.- Gateway 85 Overlay District as follows:

Section 220-50. Gateway 85 Overlay District.

220-50.1 **Purpose and Intent.**

The purpose of the Gateway 85 Overlay District is to enhance the vitality and livability of the Gateway 85 business district. Specifically, the district is intended to:

A. Create an attractive setting for business growth that supports the tax base, provides jobs, and promotes the district's continued success;
B. Promote quality redevelopment that will reinforce the district's brand and improve its market attractiveness for investment;
C. Encourage the revitalization of underutilized commercial and industrial properties;
D. Reduce and eliminate incompatible land uses;
E. Achieve and maintain a unified and pleasing aesthetic quality in landscaping, site planning, and signage;
F. Establish standards for high-quality, useable open space in commercial and mixed-use projects;
G. Promote safe and convenient vehicular, pedestrian, bicycle, and transit mobility; and
H. Encourage design that improves public safety and security.

220-50.2 **Applicability**

A. The boundaries of the Gateway 85 Overlay District shall be as shown on the official overlay district map, except that this overlay does not apply to areas zoned RA-200, R-LL, R-100, R-75, OSC, R-60, MH, R-SR, or R-TH.
B. The Gateway 85 Overlay District shall function as an overlay zoning, wherein the underlying zoning district standards remain in effect and the standards of this overlay apply in addition. Whenever this overlay imposes a standard that is more or less restrictive, the requirements of this Overlay District shall govern.
C. All buildings, structures, or land, in whole or in part, shall be used, occupied, erected, constructed, moved, enlarged, or structurally altered, in conformance with this overlay according to Table 220.3.
D. Nothing in this overlay shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this overlay, provided that the construction under the terms of such

permit is diligently followed until its completion subject to the provisions of Section 100-50.

E. It is not the intent of this overlay to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this overlay imposes a greater restriction upon the use of property, or requires more space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this overlay shall govern.

F. **Definitions.** The following term shall have the following meaning when used in this overlay:

1. *Priority Corridor*. High visibility corridors that are held to a higher design standard, including:
    a. Beaver Ruin Road;
    b. Buford Highway;
    c. Crescent Drive;
    d. Dawson Boulevard;
    e. Indian Trail Road;
    f. Jimmy Carter Boulevard;
    g. Oakbrook Parkway;
    h. Rockbridge Road;
    i. Singleton Road; and
    j. South Norcross Tucker Road.

220-50.3 **Accessory Uses and Structures.**

A. Redevelopment thresholds.

1. *Renovations*. Renovations, alterations, adaptations, restorations, repairs, or other physical modification to a structure or portion of a structure that existed before adoption of this overlay, shall be subject to the provisions of Chapter 260 of this UDO, unless the requirements of "2" through "4" immediately below otherwise apply.
2. *Expansion*. Expansions to any building or use shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below).
3. *Site Disturbance*. Any Site disturbance or modifications shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below) as approved by the Director of Planning and Development.
4. *Change of use*. Change from a use that existed before adoption of this overlay shall be subject to the provisions of this overlay in accordance with the Redevelopment Thresholds Table (Table 220.3 below).

5. *Multiple thresholds.* When a proposed activity includes multiple thresholds identified in "2" through "4" immediately above, the provisions of each applicable threshold shall apply.

Table 220.3 Redevelopment Thresholds Table

Sections of this overlay that shall apply	Expansion	Site Disturbance	Change of Use
Sec. 50.5 Streetscape Standards	Not Mandatory	Mandatory	Not Mandatory
Sec. 50.6 Lighting Standards	Mandatory	Mandatory	Mandatory
Sec. 50.7 Pedestrian Access	Mandatory	Mandatory	Mandatory
Sec. 50.8 Access Management	Not mandatory	Not mandatory	Not mandatory
Sec. 50.9 Building Design	Mandatory	Mandatory	Mandatory
Sec. 50.10 Screening	Mandatory	Mandatory	Mandatory
Sec. 50.11 Site Accessories	Mandatory	Mandatory	Mandatory
Sec. 50.12. Common Area	Mandatory	Mandatory	Mandatory

220-50.4 **Use Provisions.**

A. **General**. Uses shall be in accordance with the underlying zoning district, except as specifically otherwise stated in this section.
B. **Prohibited Uses.** The following use are prohibited in this overlay:
   1. Adult entertainment;
   2. Salvage operation or junk yard;
   3. Pawn shops; and
   4. Used tire sales as a principal use or accessory to any use.
C. **Used automobile sales and rental use standards.** The minimum lot size shall be 2-acres.
D. **Vehicle repairs.** All vehicle repairs shall be fully conducted indoors, regardless of whether the vehicle repairs are a principal or accessory use.
E. **Used vehicle sales.** Used vehicles shall not be displayed for sale on any premises unless the premises is used for a conforming automobile sales, car dealership use, or unless such used vehicle sales is a continuation of an activity that was a legally occurring on the premises on the effective date of this overlay.
F. Outdoor display or sales standards.
   1. *Prohibited outdoor displays or sales.* In addition to the requirements of Sec. 230-130.4.F. of this UDO, the following are prohibited:
      a. Outdoor display or sales of merchandise associated with a pawn shop;
      b. Outdoor display or sales of used merchandise associated with any use;
      c. Outdoor display of tires for sale, rental or storage; and
      d. Outdoor display of or sales of appliances associated with any use.

220-50.5 **Streetscape Standards.**

A. Streetscapes shall be installed along public rights-of-way as specified in Table 220.4: Streetscape Table, except as provided in "B" immediately below for an alternative multi-use trail. Streetscapes shall include a sidewalk landscape strip adjacent to the roadway, a sidewalk, and a landscape strip at the back of the sidewalk on private property.
B. A multi-use trail may be required instead of a sidewalk landscape strip and sidewalk where identified as a multi-use trail in the Gwinnett County Trails Master Plan.
C. Sidewalks shall be constructed with an additional 2-foot by 8-foot concrete pad, located outside of the right-of-way, designed to accommodate existing or future pedestrian amenities such as benches, planters, and trash containers, at the following locations:
    1. At intersections of Priority Corridors with an arterial, major collector or minor collector identified on the Gwinnett County Long Range Road Classification Map;
    2. At locations along Priority Corridors designated for a transit stop or future transit stop by Gwinnett County Department of Transportation;
    3. At locations along Priority Corridors designated for a school bus stop by the Gwinnett County Board of Education; and
    4. Such pedestrian amenity sidewalk pads shall not be required closer than 300 feet from another such pad on the same side of the Priority Corridor.
D. All amenities required and listed above shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the Gwinnett and/or Georgia Department of Transportation. Locations of pedestrian amenity sidewalk pads shall be coordinated to avoid locations of curb inlets, guardrails, and bridges.
E. All new utility lines shall be buried.
F. Street lights shall be provided.

Table 220.4 Streetscape Table

Street Type	Sidewalk Landscape Strip	Sidewalk	Landscape Strip	Streetlights
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	Min. 2 ft.	Min. 8 ft.	Min. 10 ft. per Section 620-20	Required
Local	Min. 2 ft.	Min. 5 ft.	Min. 10 ft. per Section 620-20	Required

220-50.6 **Lighting Standards.**

A. Rope lighting is prohibited, including on the interior of a building when visible from the exterior.

220-50.7 **Pedestrian Access.**

A. A walkway shall be provided from all buildings to an adjacent public right-of-way, as follows:
   1. Parcels under 2 acres shall provide a walkway with a minimum width of 5 feet, except as specified in "3" immediately below.
   2. Parcels 2 acres or larger shall provide a walkway with a minimum width of 5 feet and a landscape strip with a minimum width of 5 feet along both sides of the required walkway, except as specified in "C" immediately below.
   3. Walkways and landscape strips are not required for existing buildings or uses when the applicant demonstrates that their installation would do any of the following:
      a. Render the parcel non-conforming with regards to parking; or
      b. Result in a 10% or more reduction in the number of parking spaces on the parcel; or
      c. Require the construction of retaining walls, site grading, site excavation, or site fill; or
      d. Is determined by the Director of Planning and Development to be infeasible because of topographic or other site-specific constraints.
   4. The required or provided walkway surface shall be hardscape but may not be asphalt.
B. The required or provided landscape strip shall be planted in accordance with the standards of Section 620-20.

220-50.8 **Access Management.**

A. Driveways may not be located on a Priority Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor, except where the Director of Planning and Development determines it is infeasible due to conflicts with adjacent land uses.

220-50.9 **Building Design.**

A. **Foundation plantings.** All building foundations along a Priority Corridor shall conform to these standards, except as provided for in "3" immediately below:
   1. All portions of foundations that extend more than 12 inches above finished grade shall be screened from Priority Corridors with continuous evergreen or semi-evergreen shrubs;
   2. At the time of installation, the screening shall be at least 1 foot in height and reach a height of 3 feet within 3 years of planting; and
   3. Foundation plantings are not required adjacent to ground floor commercial storefronts when said plantings would obstruct views into the commercial

establishments, subject to approval of the Director of Planning and Development.

220-50.10 **Screening.**

A. **Wall-mounted equipment.** Wall-mounted equipment shall be screened from Priority Corridors as follows:
   1. Wall-mounted equipment located on any surface shall be screened from Priority Corridors by an opaque fence or wall, or landscaping;
   2. The screening design shall be compatible with the principal building in terms of texture, quality, material, and color; and
   3. Screening shall be of a height equal to or greater than the height of the mechanical equipment being screened.

220-50.11 **Site Accessories.**

A. **Fences and walls.** This section applies to all fences and walls, regardless of whether they are intended to satisfy screening requirements.
   1. Chain link fencing is prohibited, except in M-1 and M-2 zoning districts and only when the change link fencing is not visible from a Priority Corridor.
   2. Barbed wire, razor wire, or similar elements is prohibited, except in M-1 and M-2 zoning districts and only when not visible from any street.
   3. Any wall or fence which extends into the required front yard shall be ornamental or decorative and either constructed as:
      a. A solid wall faced in brick, stucco, or stacked stone wall; or
      b. As a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).
   4. When fences or walls are located within the streetscape landscape strip listed in Sec. 220-50.5, they shall be set back at least 5 feet from the public right-of-way to provide landscaping between the fence and the sidewalk.

B. **Shopping cart corals.** Shopping cart corrals located in the parking areas of retail developments shall be of decorative quality. Shopping cart storage shall be screened from view from the parking lot.

220-50.12 **Common Area.**

A. At least 5 percent of the net project acreage (total acreage of the project excluding 100-year floodplain and wetland areas) of all new non-industrial developments over 10 acres in size shall be provided as Common Area as required by this section.
B. Required Common Area shall be provided outdoors and appropriately improved as a pedestrian amenity and/or for aesthetic appeal.
C. Common Area may be met in one contiguous open area or in multiple open areas on a parcel; however, to receive credit, the area shall be at least 20 feet

in width and length, and at least 50% of the required amenity space shall be located in one contiguous open area.

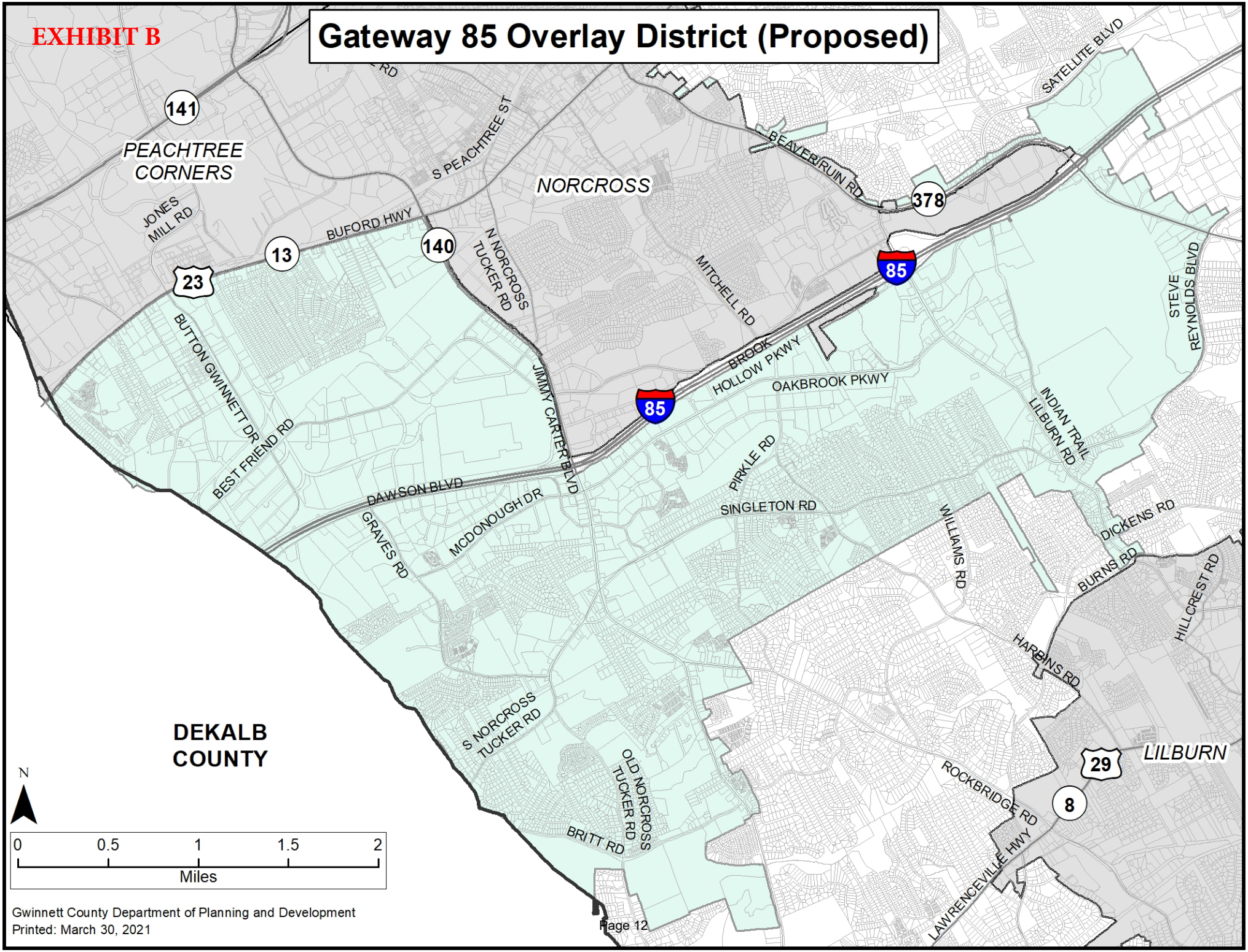
D. All Common Area, other than rooftop areas shall be located at grade.
E. Common Area may be roofed provided it is part of the Common Area facilities and it is not enclosed.
F. Common Area shall not be parked or driven upon, except for emergency access and permissible temporary events.
G. In calculating the minimum Common Area requirement, the following or similar facilities may be included:
    1. Ground-level Common Area facilities such as sidewalks/walkways, swimming pool, playground, sport court, dog park, garden, community garden, park, green pavilion, seating area or plaza, landscape areas, bio-retention areas (when designed as an amenity), pond/lakes, and water features.
    2. Upper level Common Area facilities such as a common balcony, rooftop deck or rooftop garden.
    3. Required buffers and/or State stream buffer may not be considered Common Area.

Exhibit B: Location Map

[Attached]

EXHIBIT B

Gateway 85 Overlay District (Proposed)



Gwinnett County Department of Planning and Development
Printed: March 30, 2021

Exhibit C: Adoption Ordinance

[Attached]

GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Gateway 85 Overlay District

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	**Present**	**Vote**
Nicole L. Hendrickson, Chairwoman		
Kirkland D. Carden, District 1		
Ben Ku, District 2		
Jasper Watkins, III, District 3		
Marlene M. Fosque, District 4		

On motion of **Commissioner _____**, which carried **_____**, the Gwinnett County Board of Commissioners hereby amends Title 2 of the Unified Development Ordinance (UDO) of the Code of Ordinances of Gwinnett County to create section 220-50.-"Gateway 85 Overlay District" and amends the Official Zoning Map of Gwinnett County; and

WHEREAS, the Unified Development Ordinance contains regulations governing zoning and land use, development and permitting, landscape requirements and architectural guidelines, as well as procedures for the administration and application of those regulations; and

WHEREAS, by careful review of the rules and requirements contained therein, it has become evident that certain Chapters and Sections of the Unified Development Ordinance could be logically amended; and

WHEREAS, the Gwinnett County Board of Commissioners desires that the Unified Development Ordinance provide appropriate and sound regulation of land use, zoning, development and permitting; and

WHEREAS, the Unified Development Ordinance was adopted by the Gwinnett County Board of Commissioners on February 25, 2014; and

WHEREAS, the Unified Development Ordinance provides that the text, tables, and drawings thereof may be amended from time to time by the Board of Commissioners following submission of certain items to the Municipal-Gwinnett Planning Commission for review and recommendation; and

WHEREAS, the Board of Commissioners finds that the following amendment to the Unified Development Ordinance promotes the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Gwinnett County;

WHEREAS, the Board of Commissioners finds that the proposed Gateway 85 Overlay District furthers the goals and objectives of the 2040 Unified Plan;

NOW, THEREFORE, BE IT ORDAINED that the Unified Development Ordinance of Gwinnett County, Title 2: Land Use & Zoning is hereby amended as set forth in Exhibit A which is attached hereto, and the Official Zoning Map is hereby amended as set forth in Exhibit B;

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be effective upon adoption.

BE IT FURTHER RESOLVED that all ordinances, regulations, or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Nicole L. Hendrickson, Chairwoman

Date Signed: _____

ATTEST:

By: _____ (Seal)
Diane Kemp, County Clerk

APPROVED AS TO FORM:

By: _____
Theresa Cox, Deputy County Attorney