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THE 1998 ZONING ORDINANCE
OF THE
CITY OF SUWANEE, GEORGIA

TITLE

An ordinance of the City of Suwanee, Georgia, regulating the location, height, number of stories and size of buildings and other structures; the density of population; the size of yards and other open spaces; the use of land, buildings and structures for industry, commerce, conservation, recreation, residence, public activities and other purposes; creating district for said purposes and establishing the boundaries thereof, defining certain terms used herein, providing for the method of administration amendment and enforcement, and for the imposition of penalties for violation providing for a Planning and Zoning Board, a Zoning Board of Appeals and defining its powers and duties; and repealing conflicting ordinances, and other matters.

ARTICLE I
PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the 1982 State of Georgia Constitution, Paragraph IV, Article 9, Section 2, and as amended, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity or the general welfare of the present and future inhabitants of the City of Suwanee; of lessening congestion in the streets; securing safety from fire, panic and other danger; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings and other structures throughout the City; securing economy in government expenditures; and for other purposes, the City Council of the City of Suwanee do hereby ordain and enact into law the following Articles and Sections of the 1998 Zoning Ordinance of the City of Suwanee, Georgia.

ARTICLE II
SHORT TITLE

This Ordinance shall be known and may be cited as "The 1998 Zoning Ordinance of the City of Suwanee, Georgia".

ARTICLE III
DEFINITIONS

Except as specifically defined in this Article, all words used in this Ordinance shall be as defined in The new *Illustrated Book of Development Definitions* (1993, Rutgers). Words not defined in this Article or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur.

Words used in the singular include the plural and words used in the plural include the singular.

Words used in the present tense include the future tense.

The word "erected" includes the words "constructed", "moved", "located" or "relocated".

The word "lot" includes the word "plot" or "parcel".

The word "map" or "zoning map" means the Official Zoning Maps of the City of Suwanee, Georgia.

The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.

The word "shall" is always mandatory and never discretionary.

The words "used" or "occupied" include the words "intended, maintained, arranged or designed to be used or occupied".

For the purposes of this Ordinance, certain words or terms used herein shall be defined as follows:

Abutting. Having a common border with or being separated from such common border only by an alley or easement. "Abutting" shall also include "coterminous", "contiguous", "adjoining" and "adjacent".

Accessory Dwelling Unit. A second dwelling unit in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Accessory Use Retail and Service Establishments. The retail sales of various products (including food) in a store or similar facility that is located within a multifamily building, office or industrial complex for the purpose of serving employees or residents.

Adult Bookstore. An establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section 10 square feet or more of its total floor space, devoted to the sale or display of such materials, or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult Dancing Establishment. A business that features dancers displaying or exposing specified anatomical areas.

Adult Entertainment Facility. Any adult bookstore, adult entertainment facility, adult motion picture theater, adult motion picture arcade, adult video store, erotic dance establishment, as defined herein.

Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coins, slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Motion Picture Theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Video Store. An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising 10 square feet or more of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Alternative Paving Surface. An off-street parking surface, other than concrete, gravel, stone, or asphalt, that includes suitable base and constructed structures which is able to support vehicles. Surfaces shall be appropriately stabilized and maintained to prevent soil erosion.

Alternative tower structure. Shall mean man-made structures such as clock towers, bell towers, power transmission towers, church steeples, water towers, light poles and

similar structures constructed for other purposes, the use of which may camouflage or conceal the presence of antenna and towers.

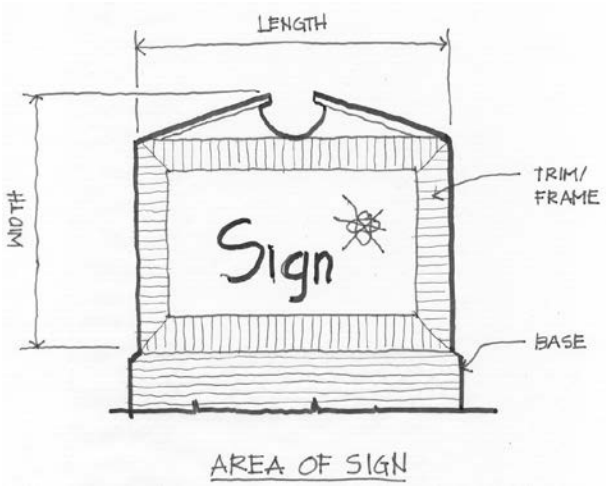
Animal Daycare Facility with Boarding and Outdoor Runs. An establishment in which household pets are kept for a limited time for the benefit of persons who do not reside on the premises. Facilities may provide shelter, feeding, grooming and retail sales. Animals are provided an opportunity to exercise outdoors in a contained area. This shall not include breeding or raising of household pets or animals.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Appeal of Administrative Decision. A procedure designed to resolve conflicts created by an administrative decision of an official which appears to a property owner to be fairly disputable, unfair, arbitrary, capricious or in excess of the official's power or authority under this Ordinance.

Area Identification Sign. A sign, free-standing or affixed to a wall which identifies a development, such as a shopping center, office or industrial park, or a residential subdivision or multiple-family project.

Area of Sign. The area of the face of the sign within a perimeter which forms the outside shape including any decorative trim or frame which forms an integral part of the display, but excluding the base or necessary supports or uprights on which the sign may be placed.



Area of Special Flood Hazard. The land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year.

Arterial Street. A street which is used primarily for fast and heavy traffic flow, is of considerable continuity, and is used as a traffic artery for inter-connection among large areas. Arterial Streets are identified on the official "Thoroughfare Map of the City of Suwanee" and are designated to be 100 feet in width.

Assisted Living Facility. A combination of housing, support services, personalized assistance, and health care designed to respond to the needs of elderly individuals who need help with activities and daily living. Services are provided in communal facilities, such as group dining, group activities, etc.

Awning. An architectural projection that provides weather protection, identity, and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

Back-Lit Awning. An awning with a translucent covering material and a source of illumination contained behind or within its framework.

Banner. A sign of lightweight fabric, plastic or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners.

Basal Area. The cross-sectional area of a tree trunk at diameter breast-height (dbh) expressed herein in terms of "units " per acre.

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year (100-year flood).

Beacon. Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

Bed and Breakfast Inn. An establishment in a private dwelling, in which the owner of the dwelling is also an occupant, that supplies temporary accommodations to overnight guests for a fee.

Boarding or Rooming House. A dwelling in which meals or lodging or both are furnished for compensation to more than 2 but not more than 10 non-transient persons.

Buffer. Land area used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter, or around a stream to slow and absorb runoff and reduce pollution to water.

Buffer Area. That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this Ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district.

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Building Permit. Authorization granted by the City to commence construction of a building.

Caliper. The standard for trunk measurements of nursery stock. Caliper of the trunk shall be taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size, and 12 inches above the ground for trees larger than four (4) inch caliper.

Canopy (or marquee). A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic, except gasoline canopy.

Canopy, fuel. A permanent roof-like shelter over fuel pumps constructed of durable material such as masonry, fabric, metal, glass and/or plastic.

Canopy Sign. Any sign attached to or constructed in or on a canopy. For purposes of this chapter, this term includes marquee sign.

Certificate of Occupancy. Authorization granted by the City for a building or use to be occupied or operated. The certificate is issued provided a building or use is in compliance with this or other Ordinances.

Changeable Copy Board. A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

Chief Building Official. The City Official duly authorized to enforce provisions of this Ordinance.

City Manager. The City of Suwanee City Manager or his/her designee.

Clearing. The removal of vegetation from a property, whether by cutting or other means.

Clearing Permit. Authorization granted by the City to commence the clearing of trees and vegetation on a site.

Clinic. A clinic is an establishment where patients who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Collector Street. A street which carries traffic from activity centers on Local Streets to Arterial Streets. Collector Streets are identified on the official "Thoroughfare Map of the City of Suwanee" and are designated to be 80 feet in width.

Co-Location. Co-location occurs when two or more providers place their transmitting facilities together in the same location or on the same tower or monopole. These facilities may or may not provide identical, competing services or a variety of different telecommunications services. By using existing towers or poles, the need to erect new structures can be reduced and their overall visual presence in a jurisdiction can be minimized, without compromising their technical utility.

Commercial Laundry and Dry Cleaning Pick Up Station. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery requiring the use of chemical solvents on the premises.

Commercial Laundry and Dry Cleaning with on-site processing. A business or operation that engages in the cleaning of clothes or fabrics or other such material that may be cleaned with chemical solvents having little or no water.

Commercial Message or Commercial Sign. Any sign, wording, logo, or other visual representation that directly or indirectly identifies, names, advertises, or directs attention to a business operated for profit, or to a product, commodity or service for sale or lease, to any other commercial interest or activity, or is otherwise intended to induce the purchase of goods, commodities, products, property, or services.

Community Club or Associations, Private, Public or Non-Profit. An organization and its premises catering exclusively to members and their guests for educational or recreational purposes.

Community Facilities. A community use with a public assembly component commonly found in nonresidential areas, but which requires additional regulation when located in residential areas. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs.

Community Garden. A private, public or non-profit facility for cultivation of fruits, flowers, vegetables, or ornamental plants and a limited number of small farm animals by more than one person or family.

Concrete Recycling Facility. A facility that processes concrete demolition material by crushing to remove reinforcing metals, if any, and to reduce the size of concrete material to commercially usable size.

Conditional Zoning. The granting or adoption of an amendment to the Official Zoning Maps (rezoning) for a property, subject to compliance with conditions as to use, size, project design or timing of development, stipulated by the City Council to mitigate adverse impacts that could be expected without the imposition of such conditions.

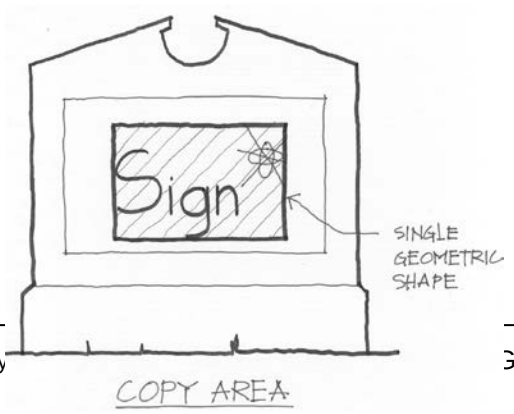
Condominium. A condominium is a multiple dwelling in which each dwelling unit is owned or financed by the occupant, but in which halls, entrance ways, and underlying lands are owned jointly.

Consumer Repair Services. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair or repair of musical instruments.

Convalescent Facility. A facility that provides nursing services and custodial care on a 24-hour basis for persons who for reasons of illness, physical infirmity, or advanced age, require such services.

Copy. The wording, designs and other advertising display on a sign surface.

Copy Area. The area in square feet of the smallest geometric figure that describes the total area enclosed by the actual copy of a sign.



Construction Buffer. A type of buffer which is temporary and remains in effect during the construction of a project.

Critical Root Zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone (CRZ), will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and half (1.5) times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is thirty (30) feet.

Cul-De-Sac. A street with only one outlet, closed and terminated by a vehicular turnaround.

Cultural Facility. A facility that provides services to the public, such as but not limited to museums, art galleries, libraries, arts performance venues, cultural centers or interpretive sites by a public, private or non-profit entity.

Day Care Facility. A structure or portion of a structure where the care and supervision of persons is provided away from their place of residence for less than twenty-four hours per day on a regular basis for compensation. For the purposes of this Ordinance, the term "day care" shall include but not be limited to the terms "nursery school", "early learning center," "pre-kindergarten", "private kindergarten", "play school", and "preschool".

Decorative Fence. Decorative fencing may be constructed of brick columns, wood, simulated wood, wrought iron, anodized aluminum or polyvinyl chloride. The distance between fence pickets must be a minimum of 2 inches apart.

Decorative Wall. Decorative walls shall be constructed of brick, stone, or stucco.

Density. The number of families, individuals, dwelling units or housing structures per unit of land. Gross density is determined by dividing the number of families, individuals, dwelling units or housing structures by the gross area of the land (i.e. all land within the boundaries of the particular area excluding nothing). Net density is determined by subtracting from the gross area the following conditions identified on the land:

- 50 percent of any land identified as a flood hazard boundary; and
- 50 percent of any land within an electricity transmission easement or right-of-way; and
- 50 percent of any land within a gas transmission easement or right-of-way.

The result of this calculation is the net acreage. The net acreage is divided into the number of units to determine the net density.

Density Factor. A unit of measure used to prescribe the calculated tree coverage on a site (see Density Factor Analysis).

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Permit. Authorization granted by the City to commence construction of site improvements.

Development Regulations. The adopted regulations providing for the subdivision and development of real property within the corporate limits of Suwanee, Georgia, as amended from time-to-time by the City Council.

Dilapidated or Neglected Signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating.

Director. The Planning and Community Development Director for the City of Suwanee or his or her designee. The City official responsible for the administration of this ordinance.

Double-faced Sign. A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Dripline. The limits of the area around the trunk of a tree beneath the spread of its branching.

Duplex Dwelling. A residential structure containing 2 and only 2 dwelling units.

Dwelling. A building which is designed or used exclusively for residential purposes, including single-family, duplex and multiple family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes but not including hotels and motels.

Dwelling Unit. One or more rooms designed for the occupancy, cooking and sleeping of one or more persons living as a family.

Dwelling Unit for Watchment. A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises, and his or her immediate family.

Electronic Sign. Any sign wherein the message can be electronically programmed or modified by an electronic or automated means. This includes, but is not limited to, signs commonly known as LED, LCD, and other similar technologies.

Enclosed Area. An area screened by a solid fence or walls which conceals what is kept inside of the enclosed area.

Erotic Dance Establishment. A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or

similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Facade. The exterior front of a building or structure exposed to public view.

Family. An individual, or 2 or more persons related by blood, marriage, adoption or guardianship, or a group of not more than 4 unrelated persons, occupying a single dwelling unit; provided, however, that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Family Day Care Home. A customary home occupation which provides, for no more than 6 persons who are not residents of the premises, care and supervision by a State of Georgia registered resident adult for less than twenty-four hours per day on a regular basis for compensation.

Fast Food Restaurant. Any establishment whose principal business is the sale of food in a ready-to-consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as drive-through pick-up or carry-out orders, and whose principal method of operation includes the following characteristics: food is usually served in paper, plastic, or other disposable containers, or edible containers.

Federal Emergency Management Agency (FEMA). The Federal agency which administers the national flood insurance program. This agency prepares, revised, and distributes the maps and studies referenced in the Floodplain Management Ordinance.

Fence. A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also, a wall separate from or extending from a building.

Flags. Any fabric, plastic or similar material containing distinctive colors, patterns, or symbols and which is used as an official symbol of any government, business, institution or organization.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Boundary and Floodway Map (FBFM). An official map issued by the Federal Emergency Management Agency where the boundaries of the floodways are shown and the areas of special flood hazard have been defined as Zone “A”.

Flood Control Works. Any man-made construction, such as a dam, levee, groin or getty designed to alter the flood potential of the body of water on or adjacent to which it is built.

Flood Hazard Area. Any land area that is susceptible to being inundated by waters of the 1% annual chance flood, i.e., the 100-year flood.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated the areas of special flood hazard, the base flood elevations, and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the Flood Insurance Rate Map and the Flood Hazard Boundary and Floodway Map, and the water surface elevation of the base flood.

Flood Plain. Those lands subject to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Flood Plain 100-Year. Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

Floodproofing. Structural additions, changes, or adjustments to structures subject to flooding which will reduce or eliminate flood damages to water and sewer facilities, structures and building contents.

Floodway. (1) The channel of a river or other major watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot above the base flood elevation; or 2) discharge the regulatory flood without cumulatively increasing water surface elevation more than one foot above the regulatory flood elevation. The more restrictive shall apply.

Floor Area. The gross heated, finished horizontal area of the several floors of a dwelling unit exclusive of basement, attic, carport or garage.

Food Preparation Facility, Commercial. A facility with commercial kitchen space made available for long term rent to food related business owners. Retail sales are not permitted on site.

Food Preparation Facility, Retail. A facility with kitchen space made available for short term use by consumers. Accessory retail sales are permitted on site.

Free-standing Sign. A sign erected on a free-standing frame, mast or pole not attached to any building.

Governing body. The City Council for the City of Suwanee.

Grading. The placement, removal, or movement of earth by use of mechanical equipment on a property.

Grading Permit. Authorization granted by the City to commence grading on a site.

Ground Level. Street level.

Ground Sign. A free-standing sign connected, attached, secured or otherwise permanently affixed to the ground. This may include monument-style signs, pole signs, billboards, or similar signs affixed to the ground.

Group Day Care. An occupied dwelling in which the owner-occupant is licensed by the State of Georgia to provide care and supervision for more than 6, but less than 12 persons who are not residents of the dwelling.

Growing Season. A period of no less than twelve (12) months during which there are at least three(3) contiguous months of dormancy followed by a spring leafing.

Guest House. A lodging unit for temporary guests in an accessory building. No such lodging unit shall contain independent kitchen facilities.

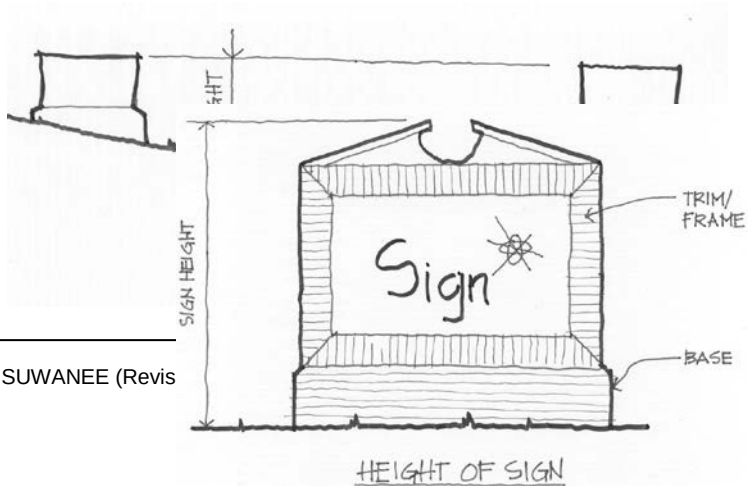
Guy towers. A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Hardwood Tree. Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Hazardous Waste. Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic waste, sewage sludges, and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Health Club. A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Any massage services provided must be accessory to the primary use of the facility and shall be in compliance with federal, state and local regulations.

Height. When referring to a tower, antennas or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the



bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennas positioned for operation attached or which may be attached to the highest point on the tower.

Height of Building. The vertical distance measured from the average grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.

Height of Sign. The vertical distance measured from ground level to the highest point of a sign, including the sign structure.

Home Events. All general sales, open to the public, conducted from or on residential premises in any residential zoning district for the purposes of disposing of personal property and sales of specialty items during private events within a residence as regulated by the Home Occupation section of the Zoning Ordinance.

Home Occupation. An occupation and/or such business-like activities carried on in a dwelling and/or accessory building by members of the family occupying the dwelling. The residential character of the building is to be maintained and the occupation is to be conducted in such a manner as not to give an outward appearance of a business. The business activities cannot infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

Illuminated Sign. Any sign which is lighted from within (direct) or without (indirect).

Individual Establishment. A non-residential structure containing an office, business, store, shop, facility, institution, or groups thereof where the primary access point for the employees, tenants and customers is by a collective entryway instead of individual doorways to the outside. This includes buildings with multiple tenants provided the building's principal means of access is provided by common entry points.

Industrial or Office Park. An industrial or office development on one or more lots containing multiple buildings per lot around a network of private streets and drives and functioning as a single collective development. This term includes office-condominium and other like developments.

Industrialized Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. An industrialized home shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) or the Georgia Department of Community Affairs (DCA) to meet the same requirements as an on site-built home within the City. Prior to issuance of a building permit, the applicant shall provide the City a set of building plans affixed with the seal of the Georgia Dept. of Community Affairs.

Interstate Visible Sign. A sign located on a legally approved parcel of land within the Interstate 85 corridor meeting the requirements outlined herein. Said sign shall not exceed two hundred (200) square feet in size nor eighty (80) feet in height.

Junked Vehicle. Any wrecked or non-operable automobile, truck or other vehicle which does not bear a current license plate.

Junkyard. Property used for indoor or outdoor storage keeping, or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel. Any location where boarding, caring for and keeping of more than a total of 3 dogs or cats or other small animals or combination thereof (except litters of animals of not more than 6 months of age) is carried on for commercial purposes, and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes.

Land Disturbance Permit (LDP). Any permit other than a Building Permit issued by the City of Suwanee that authorizes clearing or grading activities on a site or portion of a site. Said permit may be Clearing, Clearing and Grubbing, Grading, or Development Permit as defined and authorized under the Development Regulations of Suwanee, Georgia.

Landfill. A disposal site where solid wastes other than putrescible wastes or hazardous wastes, are disposed of on land by placing an earth cover thereon.

Landscape Strip. Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Large Tree. Any tree which has the potential to grow a mature height of 40 feet or more (Reference *Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.)

Lattice or Self-supporting tower. A communication tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

Laundromat. A business that provides self-service washing, drying and/or ironing machines for hire to be used by customers on the premises.

Light Retail Service. A personal retail service establishment with limited size, limited number of employees, and limited need for retail exposure that as a result of these and other limitations is suitable for an office setting. Such establishments shall have no outdoor storage or retail display, produce little to no noise or vibration beyond the business location, and generate a limited amount of traffic.

Livestock. The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; and mink, foxes, and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

Loading Space. A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks.

Local Street. A street used primarily for access to abutting properties or developments serving to carry traffic to Collector Streets or Arterial Streets. Local Streets are identified on the official "Thoroughfare Map of the City of Suwanee".

Lodging House. A building other than a hotel where lodging for not more than 20 persons is provided for definite periods for compensation pursuant to previous arrangements.

Lot or Parcel. A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law.

Lot of Record. A lot whose legal boundaries have been recorded by the Clerk of Superior Court of Gwinnett County.

Lot, Through. A lot having frontage on two streets that do not intersect at the boundaries of the lot.

Lot Width. The horizontal distance between the side lines of a lot measured at the minimum required front yard (building setbacks) building line. (Amended 4/16/88)

Lot Width (Cul-De-Sac). For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line which is no more than twice the minimum front yard setback distance from the street.

Manufactured Home. A dwelling which is certified by the State of Georgia as meeting the National Manufactured Home Construction and Safety Standards and is transportable in one or more sections, which is at least 10 feet wide and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and has plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" includes the term "mobile home".

Manufacturing in Connection with a Retail Store or Shop. The manufacturing, predominately from previously prepared materials, or finished products in connection with a retail store or shop that excludes basic industrial processing and custom manufacturing. Examples include upholstery, woodworking, etc. accessory to a retail store.

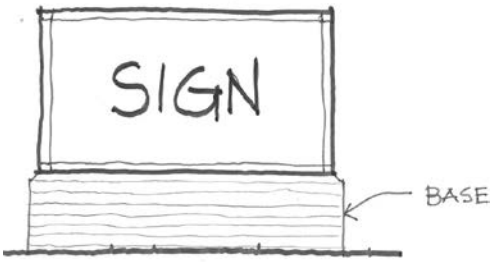
Mobile Home. See "Manufactured Home".

Modular Home. See "Industrialized Home".

Monopole tower. A communications tower consisting of a single pole, constructed without guy wires or ground anchors.

Monument-Style Sign. A sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick or stone and with a frame within which advertising panels are contained.

Motel. A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby.



MONUMENT SIGN

Multi-Family Dwelling. A dwelling containing 3 or more dwelling units.

Neighborhood Marketing Sign. Temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold within the neighborhood.

Subdivision Recreation/Amenity Area. A facility intended to exclusively accommodate the recreational and gathering needs of residents living in a specific geographical community and served by a common home owners or property owners associations. (i.e. subdivision).

Nonconforming Sign. A sign erected or otherwise in use prior to the effective date of this chapter which fails in one (1) or more respects to comply with all provisions of this chapter.

Non-Conforming Use and Non-Conforming Structure. See Article 10.

Outdoor Storage. The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Owner. The title owner and its agents and assignees.

Parking Lot. Any designated area designed for the accommodation of motor vehicles in normal operating condition whether for a fee or as a service.

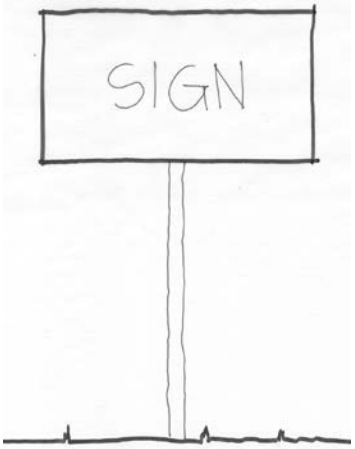
Pawn Shop. A facility that lends money at interest in exchange for personal property deposited as security.

Personal Care Home. A facility composed of related or non-related individuals living together and functioning as a single housekeeping unit. Said facility must be approved and licensed by the State of Georgia.

Planning Commission. The body of members appointed by the Mayor and Council of the City of Suwanee to carry out the duties of the Planning Commission pursuant to this Ordinance and other laws and ordinances.

Planned Multi-Tenant Office, Institutional, Industrial or Shopping Center. A planned concentration of multiple business establishments with shared parking and direct external entry points (doorways) for its employees, customers and tenants in lieu of collective entrances. Retail shopping centers are included in this definition.

Pole Sign. A sign that is mounted on a freestanding pole, pylon or other support so that the bottom edge of the sign face is three feet or more above grade and is independent of any other structure.



POLE SIGN

Portable Sign. A sign that is designed to be transported, including but not limited to a sign mounted or painted on a vehicle which is parked in such a manner as to serve the purpose of an advertising device, and including a sign designed to be transported by trailer or its own wheels, even though such wheels may be removed and the remaining chassis is attached to the ground. Delivery or service vehicles that park onsite but spend at least 75% of a typical business day offsite shall not be considered a portable sign.

Principal Use. The primary or predominant purpose for which a lot is occupied and/or used.

Private Deed Restrictions or Covenants. Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of the present owners and subsequent purchasers. They are enforced only by the land owners involved and not by any city, county, or other public agency.

Prohibited Sign. Any sign, other than a nonconforming sign, which does not comply with this chapter or is specifically restricted herein.

Public Interest Signs. Sign in the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

Public Notice. Any sign or notice posted by the city, county, or other governmental entity.

Public Street. Any right-of-way set aside for public travel, deeded to the City or County, and also any right-of-way which has been accepted for maintenance as a street by the City or County.

Putrescible Wastes. Wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen

wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

Quadruplex Dwelling. Building designed for and containing 4 dwelling units and is located on one individual lot.

Quick Vehicle Servicing. An establishment primarily engaged in the repair or maintenance of motor vehicles including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work. This establishment is reliant upon a high volume of retail customers with rapid turn around time.

Real Estate for Sale, Lease or Rent. For the purposes of this Ordinance, real estate is for sale, lease or rent when the real estate is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.

Recreational Courts, Private. Private recreational courts lighted or unlighted, include all recreational courts which are used or intended to be used in connection with a single-family or household and private guests, and where no monetary charge is required.

Recreational Courts, Public. Public recreational courts, lighted or unlighted, include all recreational courts other than private recreational courts; and include recreational courts for the use of residents within a subdivision or similar development, recreational courts operated as a club, or recreational courts operated for profit.

Regulatory Flood. For purposes of this Ordinance, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

Relative Residence. A lodging unit contained within a Single Family Dwelling which may contain independent kitchen facilities, for the exclusive use of relatives of the real property owner.

Replacement Tree. A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Residential Identification Sign. A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of a subdivision, or on a parcel containing buildings within a planned residential development.

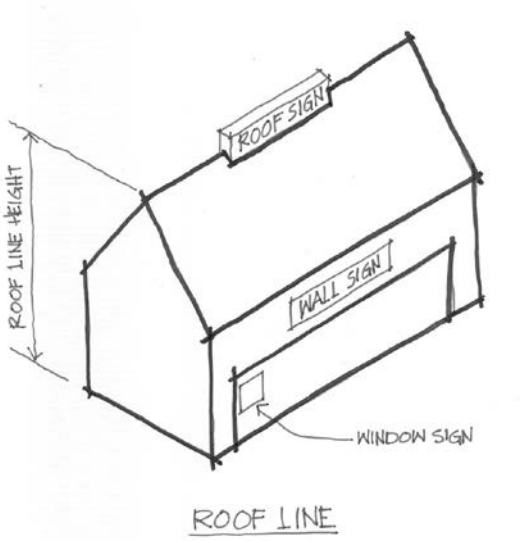
Restaurant. A facility primarily designed and used for the preparation upon order and serving at tables of food to customers. (See also Fast Food Restaurant).

Retail Display. The outdoor display, in an unenclosed area, of goods for retail sale in the same place for a period of time less than twenty-four (24) hours. Goods kept outside for more than 24-hours regardless of purpose become outdoor storage.

Right-of-Way. A strip of land over which the City has a right, by ownership or easement, to construct a public street, sidewalk or use for public utilities.

Road Frontage. The distance of which a parcel of land adjoins a right-of-way dedicated or owned by the a local, state or federal government, including prescriptive easements for public access.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.



Roof Sign. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Rotating Sign. Any sign or portion of a sign that moves in a revolving or similar manner.

Sanitary Landfill. A method of disposing of putrescible wastes and/or hazardous waste on land by placing an earth cover thereon.

Screening. A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Service Station. Any building, structure, or land use for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

Shopping Center. A group of retail stores, planned and developed for the site upon which they are built and owned as a unit.

Shrub. A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

Sidewalk or Sandwich Board Sign. A movable sign not secured or attached to the ground or surface upon which it is located.

Sign. Any identification, description, illustration, symbol, lighting, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify, convey information or draw the public's attention, with the exception of non-illuminated window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.

Sign Structure. Any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Single Family Dwelling. A dwelling containing one and only one dwelling unit. A Manufactured Home, in this Ordinance, is not a Single Family Dwelling.

Small Tree. Any tree which typically grows to a mature height of less than 40 feet (Reference *Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication).

Softwood Tree. Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Soil Survey Floodplain. Areas of flood hazard designated by alluvial soils as indicated by the Gwinnett County Soil Survey. In areas of the City where floodplain information is provided by both the Soil Survey and the F.I.R.M., the F.I.R.M. should be used. If the Soil Survey Floodplain as reflected by the Gwinnett County Soil Survey is not representative of site floodplain conditions, removal of such an area from the Flood Hazard Area may be accomplished through the normal Appeal of Administrative Decision process. Topographic surveys, hydraulic and hydrologic studies, and/or other supporting data shall be required in order to demonstrate that an area can safely be removed from the Flood Hazard Area classification.

Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manure, industrial waste, abandoned automobiles, dredging waste, construction waste, hazardous waste and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

Special Exception. A Special Exception is a use listed in the Zoning Ordinance as permitted if it meets stated conditions and is approved by the Zoning Board of Appeals after a Public Hearing.

Specified Anatomical Areas. Anatomical areas as defined in Chapter 10 of the Suwanee Code which definitions are specifically incorporated herein by reference.

Specified Sexual Activity. Actual or simulated sexual activities as defined in Chapter 10 of the Suwanee Code which definitions are specifically incorporated herein by reference.

Specimen Tree. Any tree which qualifies for special consideration for preservation due to its size, type and condition (See Specimen Trees).

Stand-alone ATM. An automated device that dispenses cash and is detached from a principal building and is not an accessory use to a financial institution**.**

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A thoroughfare that affords the principal means of access to abutting property.

Structure. Anything constructed or erected on the ground or attached to something on the ground.

Subdivision. The total boundary of a tract of land that has been legally platted into five or more lots. See *The Development Regulations* of the City of Suwanee.

Subdivision Identification Sign. A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of the subdivision.

Substandard Lot or Parcel. A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of the City of Suwanee Zoning Ordinance.

Swimming Pools, Private. Private swimming pools, lighted or unlighted, include all artificially constructed pools which are used or intended to be used as a swimming pool in connection with a single family or multi-family residence and available only to the family of the householder and private guests and where no monetary charge is required.

Swimming Pools, Public. Public swimming pools, lighted or unlighted, include all artificially constructed pools other than private pools; and include pools operated for the use of residents within a subdivision or similar development, pools operated by a club, or pools operated for profit.

Temporary Advertising Device. Banners, streamers, pennants, balloons, and similar advertising devices used during special events on private property.

Thoroughfare Map. A map adopted by the City indicating street classifications and rights-of-way for the purposes of providing for future road improvements and right-of-way acquisition.

Timber Harvesting. The felling, loading and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear-cutting and selective cutting of timber.

Tower. A structure, such as self-supporting lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, and/or PCS (personal communication services), telephone but, is not limited to similar forms of wireless electronic communication. The term includes radio and television transmission towers, microwave towers, common carriers towers, and cellular telephone towers. The term excludes any tower and antenna under seventy (70) feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antenna one meter in diameter or less, any receive-only home television antenna, and any satellite earth station antenna two meters or less in diameter which is located in a commercial or industrial zoning district.

Townhouse. A townhouse is an attached or semi-detached 2-story, single-family dwelling in which each family or dwelling unit occupies two stories.

Tree. Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least two (2) inches and a height of at least ten (10) feet, and typically has one main stem or trunk and many branches.

Exception: A dogwood, any cornus genus, with a caliper of 2 inches or more, to be measured no greater than 3 feet above the ground, is defined as a tree.

Tree Density Standard (TDS). The minimum number of Tree Density Units per acre which must be achieved on a property after development.

Tree Density Unit (TDU). A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this Ordinance.

Tree Preservation/Replacement Plan (TP/RP). A plan that identifies Tree Protection Areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Protection Area (TPA). Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this Ordinance. The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

Tree Thinning. Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as clear-cutting.

Triplex Dwelling. A building designed for and containing 3 dwelling units and is located on one individual lot.

Under-canopy Sign. A sign suspended below the ceiling or roof of a canopy or marquee. For the purposes of this chapter, this term includes under-marquee sign.

Variance. Relaxation of the terms of the Zoning Ordinance that apply to a parcel of land when the regulations impose unnecessary hardship on the owner because of unique conditions or unusual circumstances.

Veterinary Clinic with Outdoor Boarding. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as kennel shall be limited to short-term boarding incidental to such clinic use and may occur outdoors.

Veterinary Clinic without Outdoor Boarding. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as kennel shall be limited to short-term boarding incidental to such clinic use and may not occur outdoors.

Wall Sign. A sign attached, erected or painted against a wall of a building, with the face parallel to the building wall and extending out not more than one (1) foot.

Window Sign. A sign installed inside a window for purposes of viewing from the outside of a building. This term does not include merchandise located in window.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein. A yard may also be referred to as a "Setback".

Yard, Front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Board of Appeals. The body of members appointed by the Mayor and Council of the City of Suwanee to carry out the duties of the Zoning Board of Appeals pursuant to this Ordinance and other laws and ordinances.

Zoning Buffer. A buffer required by the Zoning Ordinance or as a condition of zoning, special use or variance approval for a specific property.

Zoning Ordinance. The 1998 Zoning Ordinance of the City of Suwanee, Georgia, as amended from time-to-time by the Mayor and Council of the City of Suwanee

ARTICLE IV
ZONING DISTRICTS AND ZONING MAPS ESTABLISHED

SECTION 400. Establishment of Zoning Districts.

For the purposes of this chapter, the incorporated area of the City is divided into Zoning Districts designated as follows:

R-140	Residential Single Family District
R-100	Residential Single Family District
R-85	Residential Single Family District (Repealed)
R-75	Residential Single Family District
RMD	Residential Multi-Family Duplex District
RM-6	Residential Multi-Family District
RM-8	Residential Multi-Family District
C-1	Neighborhood Commercial District
C-2	General Commercial District
C-2A	Special Commercial District
C-3	Special Commercial District
O-I	Office-Institutional District
M-1	Light Industry District
PMUD	Planned Mixed-Use Development District
CSO	Conservation Subdivision Overlay District
OTCD	Old Town Commercial District
IRD	Infill Residential District
GCA	Gwinnett County Annexed

SECTION 401. Official Zoning Maps.

The map or maps displaying the boundaries of all of the Zoning Districts are hereby made a part of this Ordinance and shall be known as "The Official Zoning Maps of the City of Suwanee". The Official Zoning Maps may be amended from time to time under the procedures set forth in this Ordinance.

SECTION 402. Location and Maintenance of the Official Zoning Maps.

The Official Zoning Maps shall be kept on file in the office of the director. It shall be the responsibility of the director or designee to execute changes made to the Official Zoning Maps as a result of map amendments (rezoning) acted upon by the Mayor and Council.

SECTION 403. Boundaries and Location of Zoning Districts.

The boundaries of the various Zoning Districts shall be as delineated on the Official Zoning Maps and as more specifically described by legal descriptions of properties which may have been rezoned from time to time.

Where different Zoning Districts are located on either side of an existing or proposed freeway, public street, railroad right-of-way or alley or other public right-of-way held in fee simple, the Zoning District boundary shall be deemed to automatically extend to the centerline of said public right-of-way.
The boundaries of the various Zoning Districts may be changed from time to time through the procedures outlined for map amendments (rezoning).

SECTION 404. Interpretation of the Official Zoning Maps.

Where uncertainty exists with respect to the location of the boundaries of any Zoning District in the City, the following rules shall apply:

1. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the center line of a street, county road, a state highway, an interstate highway or a railroad right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.

2. Where a Zoning District boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.

3. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of the lot that lies more than 50 feet beyond the Zoning District boundary line.

4. In the case of a Through Lot fronting on two (2) approximately parallel streets that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the Through Lot lies shall apply to that portion of the Through Lot.

5. Whenever any street, alley, railroad or other public way is vacated or abandoned by official action of the City Council, the Zoning District adjoining each side of such street, alley, railroad or public way shall be automatically extended to the center of same and all area included therein shall then and henceforth be subject to all appropriate regulations of the extended district.

SECTION 405. Zoning District of Annexed Property.

All territory which may be annexed to the City shall automatically retain the same zoning classification as was designated by the former governing authority until otherwise amended by the City Council after a Public Hearing and a review by the Planning Commission. In the event that the existing Zoning District of the property is not included in the Zoning Ordinance of the City, then the Zoning District most similar will take effect until otherwise determined.

ARTICLE V
ZONING DISTRICT DEVELOPMENT AND USE REGULATIONS

SECTION 500. R-140 Residential Single-Family District.

This Zoning District is intended primarily for Single-Family Dwellings and related uses. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. Within the R-140 Zoning District. except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided:
   a. The building, structure or use complies with Section 604 of this Ordinance.
   b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.
   c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.
   d. A relative residence contained within a Single Family Dwelling shall not exceed 800 square feet of gross floor area; the real property owner must live in the Single Family Dwelling; relatives must be by blood, marriage or law; access to the relatives living area shall be required from the interior of the dwelling although secondary access to the exterior of the dwelling is permissible; and, paved off-street parking shall be provided for additional vehicles as needed.
   e. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Cemeteries, Existing.

3. Community Facilities, provided:
   a. All outdoor lighting shall comply with Section 1501.C.2.
   b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.
   c. All buildings shall be located at least 50 feet from all property lines.
   d. All off-street parking areas shall be located at least 25 feet from all property lines.
   e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
   f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks,

religious institutions, schools and swimming and tennis clubs. (see definition)

4. Community Gardens.

5. Family Day Care Homes.

6. Home Events, provide:
   a. The events comply with Section 616. Home Occupations.

7. Home Occupations.

8. Industrialized Homes.

9. Livestock - Cows, Goats and Horses., provided:
   a. The lot is at least 4 acres in size.
   b. All structures, pens or corrals housing the animals are located at least 50 feet from any property line.
   c. All structures, pens or corrals housing the animals are located at least 100 feet from an adjoining property's principal dwelling.
   d. No more than 2 horses or cows per acre shall be kept on the lot.
   e. No more than 4 goats per acre shall be kept on the lot.

10. Public Buildings or Uses.

11. Single Family Detached Dwellings.

12. Stables, Private, provided:
    a. The lot is at least 4 acres in size.
    b. All structures, pens or corrals housing the animals are located at least 50 feet from any property line.
    c. All structures, pens or corrals housing the animals are located at least 100 feet from an adjoining property's principal dwelling.
    d. No more than two horses or cows per acre shall be kept on the lot.
    e. No more than four goats per acre shall be kept on the lot.

13. Subdivision Recreation/Amenity Areas.

B. PERMITTED SPECIAL USES.

Within the R-140 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Planning Commission and after a public hearing:

1. Cemeteries, New

2. Day Care Centers, provided:
   a. The lot abuts upon a Major or Collector Street or a State Highway.

b. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
c. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
d. The outdoor play area is enclosed by a fence at least 4 feet in height but not over 8 feet in height.
e. A circular drive for off-street loading.
f. If a Special Use Permit is approved, comply with all State Day Care requirements and Health regulations.

3. Farming and Horticulture, General.

4. Group Day Cares, provided:
   a. No more than 12 individuals are kept.

5. Large Development Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:
   a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
   b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
   c. Any development that creates a residential subdivision exceeding 7 lots.

6. Livestock - Cows, Goats and Horses, provided:
   a. The lot is at least 2 acres in size.
   b. All structures, pens or corrals housing the animals are located at least 50 feet from any property line.
   c. All structures, pens or corrals housing the animals are located at least 100 feet from an adjoining property's principal dwelling.
   d. A fenced buffer at least 10 feet wide is provided along all property lines, except abutting a public street. The fence shall not exceed 8 feet in height.
   e. No more than 2 horses or cows per acre shall be kept on the lot.
   f. No more than 4 goats per acre shall be kept on the lot.
7. Public Utility Facilities.
   If essential to service this Zoning District, power substations and gas regulator stations are permitted, provided:
   a. All structures, except for driveways, are placed 50 feet from any property line.
   b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than 8 feet in height.
   c. A 10-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least 8 feet in height and provide an effective visual screen.
   d. The lot is suitably landscaped.
   e. No vehicles or equipment are stored on the premises.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. 30,000 square feet.
   b. Not less than 50% of the required lot size shall be above the Base Flood elevation.

2. Minimum Lot Width.
   a. 140 feet, except abutting a cul-de-sac or half cul-de-sac.
   b. 100 feet abutting cul-de-sacs or half cul-de-sacs.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 10 feet.

6. Minimum Rear Yard.
   a. 40 feet.

7. Maximum Height.
   a. 35 feet.

8. Street Rights-of-Way.
   a. 50 feet if in the interior of a Subdivision.
   b. Other streets - as determined by the Thoroughfare Plan.

9. Minimum Floor Area.
   a. 1,250 square feet.

SECTION 501. R-100 Residential Single Family District.

This Zoning District is intended primarily for Single-Family dwellings and related uses. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. Within the R-100 District except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided:
   a. The building, structure or use complies with Section 604 of this Ordinance.
   b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The

fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.

c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.

d. A relative residence contained within a Single Family Dwelling shall not exceed 800 square feet of gross floor area; the real property owner must live in the Single Family Dwelling; relatives must be by blood, marriage or law; access to the relatives living area shall be required from the interior of the dwelling although secondary access to the exterior of the dwelling is permissible; and, paved off-street parking shall be provided for additional vehicles as needed.

e. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Cemeteries, Existing.

3. Community Facilities, provided:

a. All outdoor lighting shall comply with Section 1501.C.2.

b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.

c. All buildings shall be located at least 50 feet from all property lines.

d. All off-street parking areas shall be located at least 25 feet from all property lines.

e. All buildings shall comply with the City's architectural standards for the O-I zoning district.

f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition)

4. Community Gardens.

5. Family Day Care Homes.

6. Home Events, provide:

a. The events comply with Section 616. Home Occupations.

7. Home Occupations.

8. Industrialized Homes.

9. Public Buildings or Uses.

10. Single Family Detached Dwellings.

11. Subdivision Recreation/Amenity Areas.

B. PERMITTED SPECIAL USES.

Within the R-100 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Planning Commission and after a public hearing:

1. Bed and Breakfast Inns.

2. Day Care Centers, provided:
   a. The lot abuts upon a Major or Collector Street or a State Highway.
   b. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
   c. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
   d. The outdoor play area is enclosed by a fence at least 4 feet In height but not over 8 feet in height.
   e. A circular drive for off-street loading.
   f. If a Special Use Permit is approved, comply with all State Day Care requirements and Health regulations.

3. Farming and Horticulture, General.

4. Group Day Cares, provided:
   a. No more than 12 individuals are kept.
5. Large Developments/Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:
   a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
   b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
   c. Any development that creates a residential subdivision exceeding 7 lots.

6. Livestock - Cows, Goats and Horses., provided:
   a. The lot is at least 2 acres in size.
   b. All structures, pens or corrals housing the animals are located at least 50 feet from any property line.
   c. All structures, pens or corrals housing the animals are located at least 100 feet from an adjoining property's principal dwelling.
   d. A fenced buffer at least 10 feet wide is provided along all property lines, except abutting a public street. The fence shall not exceed 8 feet in height.
   e. No more than 2 horses or cows per acre shall be kept on the lot.
   f. No more than 4 goats per acre shall be kept on the lot.

7. Public Utility Facilities.

If essential to service this Zoning District, power substations and gas regulator stations are permitted, provided:

a. All structures, except for driveways, are placed 50 feet from any property line.
b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than 8 feet in height.
c. A 10-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least 8 feet in height and provide an effective visual screen.
d. The lot is suitably landscaped.
e. No vehicles or equipment are stored on the premises.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. 22,000 square feet for a septic tank lot.
   b. 18,500 square feet for a sewered lot.
   c. At least 50% of the required lot area shall be above the Base Flood elevation.

2. Minimum Lot Width.
   a. 100 feet, except abutting a cul-de-sac or half cul-de-sac.
   b. 85 feet abutting cul-de-sacs or half cul-de-sacs.
3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet except abutting upon a subdivision street.
   b. 35 feet where abutting upon a subdivision street.
5. Minimum Side Yard.
   a. 10 feet.

6. Minimum Rear Yard.
   a. 40 feet.
7. Maximum Height.
   a. 35 feet.

8. Street Rights-of-Way.
   a. 50 feet if in the interior of a Subdivision.
   b. Other streets - as determined by the Thoroughfare Plan.

9. Minimum Floor Area.
   a. 1400 square feet.

10. No Mass Grading will be allowed. Grading shall be limited to street right-of-way, utility crossings, easements and detention facilities.

SECTION 501A. R-85 Residential Single Family District.

A. REPEALER.

The 1987 Zoning Ordinance of the City of Suwanee, Georgia, as amended, is hereby amended by striking in its entirety under Article V, Zoning District Development and Use Regulations, "Section 501A R-85 Residential Single Family District" as approved on July 17, 1990, subject to the conditions set further in Section 2.

B. SAVINGS CLAUSE.

This amendment shall not affect or apply to any R-85 Residential Single Family District existing on the effective date nor prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time such amendment takes effect, but the alteration of, or addition to, any existing building or structure which expands upon such zoning is prohibited. If a nonconforming use has been discontinued or if upon such property no development permit, building permit, or certificate of occupancy has been issued on or before July 20, 1994, then such zoning classification shall revert to its pre-existing R-85 zoning classification.

C. Existing R-85 Residential Single District property shall be subject to Large Development/Project requirements for a Special Use Permit as follows:
Large Development/Project. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:

a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
c. Any development that creates a residential subdivision exceeding 7 lots.

D. Existing R-85 Residential Single Family District property shall not be required to obtain a Special Exception from the Zoning Board of Appeals in order to allow for a Barber Shop or Beauty Salon to operate as a Home Occupation. Said uses shall be subject to the requirements of Section 616 Home Occupations.

SECTION 502. RMD Residential Multi-Family Duplex District.

This Zoning District is intended primarily for duplexes and related uses, provided only one duplex is constructed on each lot of record. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the RMD Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided: in accordance with the provisions set forth in Section 604 of this Ordinance.

a. The building, structure or use complies with Section 604 of this Ordinance.
b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.
c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.
d. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Cemeteries, Existing.

3. Community Facilities, provided:
   a. All outdoor lighting shall comply with Section 1501.C.2.
   b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.
   c. All buildings shall be located at least 50 feet from all property lines.
   d. All off-street parking areas shall be located at least 25 feet from all property lines.
   e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
   f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition)

4. Duplex Dwellings.

5. Home Events, provided:
   a. The events comply with Section 616. Home Occupations.

6. Home Occupations.

7. Industrialized Homes.

8. Public Buildings or Uses.

9. Single Family Detached Dwellings.

10. Subdivision Recreation/Amenity Areas.

B. PERMITTED SPECIAL USES.

Within the RMD Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council

after receiving recommendations from the Director of Planning and Community Development and Planning Commission and after a public hearing:

1. Public Utility Facilities.
   If essential to service this Zoning District, power substations and gas regulator stations are permitted, provided:
   a. All structures, except for driveways, are placed 50 feet from any property line.
   b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than 8 feet in height.
   c. A 10-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least 8 feet in height and provide an effective visual screen.
   d. The lot is suitably landscaped.
   e. No vehicles or equipment are stored on the premises.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. Duplex Dwelling - 24,000 square feet.
   b. Single Family Dwelling - 22,000 square feet
   c. Not less than 50% of the required lot size shall be above the Base Flood elevation.

2. Minimum Lot Width.
   a. 100 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.
5. Minimum Side Yard.
   a. 15 feet.

6. Minimum Rear Yard.
   a. 40 feet.

7. Maximum Height.
   a. 35 feet.

8. Street Rights-of-Way.
   a. 50 feet if in the interior of a Subdivision.
   b. Other streets - as determined by the Thoroughfare Plan.

9. Minimum Floor Area.
   a. Duplex Dwelling - 800 square feet.
   b. Single Family Dwelling - 1000 square feet.

10. Minimum Buffer Area.
    a. 25 feet if abutting or across from an R-140 or R-100 Zoning District in accordance with standards set forth in Article XVI of this Ordinance.

SECTION 502A. R-75 Single-Family Residence District (Formerly known as TRD Transitional Residential Single Family District).

This district is intended to function as an infill residential district between established residential and non-residential areas. The R-75 (Single-Family Residence District) is intended to be utilized for infill development on sites adjacent to developed areas. The purpose of this district is to create the flexibility to develop lots with a minimum of 12,000 square feet, but limit the overall development to 2.5 units to the acre, for a maximum of 40 acres. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. Within the R-75 Zoning District, except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided:
    a. The building, structure or use complies with Section 604 of this Ordinance.
    b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.
    c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.
    d. A relative residence contained within a Single Family Dwelling shall not exceed 800 square feet of gross floor area; the real property owner must live in the Single Family Dwelling; relatives must be by blood, marriage or law; access to the relatives living area shall be required from the interior of the dwelling although secondary access to the exterior of the dwelling is permissible; and, paved off-street parking shall be provided for additional vehicles as needed.
    e. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Cemeteries, Existing.

3. Community Facilities, provided:
    a. All outdoor lighting shall comply with Section 1501.C.2.
    b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.
    c. All buildings shall be located at least 50 feet from all property lines.

d. All off-street parking areas shall be located at least 25 feet from all property lines.
e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition)

4. Family Day Care Homes.

5. Home Events, provided;
   a. The events comply with Section 616. Home Occupations.

6. Home Occupations.

7. Industrialized Homes.

8. Public Buildings and Uses.

9. Single Family Detached Dwellings.

10. Subdivision Recreation/Amenity Areas.

B. PERMITTED SPECIAL USES.

Within the R-75 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Day Care Centers, provided:
   a. The lot abuts upon a Major or Collector Street or a State Highway.
   b. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
   c. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
   d. The outdoor play area is enclosed by a fence at least 4 feet in height but not over 8 feet in height.
   e. A circular drive for off-street loading.
   f. If a Special Use Permit is approved, comply with all State Day Care requirements and Health regulations.

2. Group Day Care, provided:
   a. No more than 12 individuals are kept.

3. Large Developments/Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:

a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
c. Any development that creates a residential subdivision exceeding 7 lots.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. 12,000 square feet (sewered) lot.
   b. At least 50% of the required lot size shall be above the Base Flood elevation.

2. Minimum Lot Width.
   a. 70 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet except abutting upon a subdivision street.
   b. 20 feet where abutting upon a subdivision street.

5. Minimum Side Yard.
   a. 7.5 feet.

6. Minimum Rear Yard.
   a. 40 feet.

7. Maximum Height.
   a. 35 feet.

8. Street Rights-of-Way (except as noted below).
   a. 50 feet if in the interior of a Subdivision.
   b. Other streets - as determined by the Thoroughfare Plan.

9. Minimum Floor Area per Dwelling.
   a. 1,400 square feet.

10. Maximum Density.
    a. 2.5 units per acre.

D. DISTRICT DEVELOPMENT REQUIREMENTS.

1. Provide underground utilities.
2. Along the roadway frontages for all lots, a minimum of one canopy or over-story, minimum 3” caliper, shade tree shall be provided for every 35 feet of road. The purpose of this section is to create tree lined streets. Lot

builders or developers shall make efforts to take into account the location and species of trees on adjacent lots.

3. Provide street lights as required by the City of Suwanee Development Regulations.

4. Permanent vegetation must be established prior to issuance of Certificate of Occupancy.

5. No artificial plants, trees, or vegetation shall be installed.

6. Interior streets and right-of-ways, may be reduced to a street width no less than 22-feet back-of-curb to back-of-curb with a 48-foot wide right-of-way, if approved by the City.

SECTION 503. RM-6 Residential Multi-Family Duplex District.

This Zoning District is intended primarily for multi-family dwellings at a maximum density of 6 units per acre. Developments in this Zoning District should be located such that there is convenient access to Arterial or Collector Streets and safe pedestrian facilities that make is possible for residents to walk to shopping centers, schools or employment. It is intended that developments in this District are to be located where central sewerage facilities are available.

The purpose of this Zoning District is to promote better utilization of land and freedom of architectural and engineering design without maximizing density. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the RM-6 Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided**:** in accordance with the provisions set forth in Section 604 of this Ordinance.
   a. The building, structure or use complies with Section 604 of this Ordinance.
   b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.
   c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.
   d. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Accessory Use Retail and Service Establishments, provided:
   a. Such permitted accessory uses specifically exclude retail businesses and services that could be construed as principal uses.
   b. Such uses only include those that are primarily intended for and used by occupants and/or patrons.
   c. There are no visible signs of the accessory use from any public street.

3. Cemeteries, Existing.

4. Community Facilities, provided:
   a. All outdoor lighting shall comply with Section 1501.C.2.
   b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.
   c. All buildings shall be located at least 50 feet from all property lines.
   d. All off-street parking areas shall be located at least 25 feet from all property lines.
   e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
   f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition)

5. Duplex Dwellings.

6. Home Events, provide:
   a. The events comply with Section 616. Home Occupations.

7. Home Occupations.

8. Multi-Family Dwellings.

9. Public Buildings or Uses.

10. Quadruplex Dwellings.

11. Single Family Attached Dwellings.
12. Subdivision Recreation/Amenity Areas.

13. Triplex Dwellings.

B. DISTRICT DEVELOPMENT REGULATIONS.

1. Maximum Density.
   a. 6 Dwelling Units per acre.

2. Minimum Lot Size.
   a. Duplex Dwelling - 24,000 square feet.
   b. Multi-Family Dwelling - None.
   c. Quadruplex Dwelling - 26,200 square feet.
   d. Triplex Dwelling - 25,650 square feet.
   e. Not less than 50% of the required lot size shall be above the Base Flood elevation.

3. Minimum Lot Width.
   a. 100 feet.

4. Minimum Road Frontage.
   a. 40 feet.

5. Minimum Yard Abutting a Public Street.
   a. 50 feet.

6. Minimum Side Yard.
   a. Duplex Dwelling - 15 feet.
   b. Multi-Family Dwelling - 20 feet for the first 2 stories plus 4 feet for each additional story.
   c. Quadruplex Dwelling - 15 feet.
   d. Triplex Dwelling - 15 square feet.

7. Minimum Rear Yard.
   a. 40 feet.

8. Setbacks Between Multi-Family Dwellings.
   a. 40 feet if front face or rear face to front face or rear face.
   b. 40 feet if front face or rear face to side face.
   c. 20 feet if side face to side face for the first 2 stories, plus 4 feet for each additional story.

9. Maximum Height.
   a. 40 feet.

10. Street Rights-of-Way.
    a. 50 feet if in the interior of a Subdivision.
    b. Other streets - as determined by the Thoroughfare Plan.

11. Minimum Floor Area.
    a. Duplex Dwelling - 800 square feet per Dwelling Unit.
    b. Multi-Family Dwelling - 800 square feet per Dwelling Unit.
    c. Quadruplex Dwelling - 800 square feet per Dwelling Unit.
    d. Triplex Dwelling - 800 square feet per Dwelling Unit.

12. Minimum Buffer Area.
    a. 50 feet if abutting or across from residentially zoned property in accordance with the buffer standards set forth in this Ordinance.

SECTION 504. RM-8 Residential Multi-Family Duplex District

This Zoning District is intended primarily for multi-family dwellings at a maximum density of 8 units per acre. Developments in this Zoning District should be located such that there is convenient access to Arterial or Collector Streets and safe pedestrian facilities that make is possible for residents to walk to shopping centers, schools or employment. It is intended that developments in this District are to be located where central sewerage facilities are available.

The purpose of this Zoning District is to promote better utilization of land and freedom of architectural and engineering design without maximizing density. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the RM-8 Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses, provided: in accordance with the provisions set forth in Section 604 of this Ordinance.
   a. The building, structure or use complies with Section 604 of this Ordinance.
   b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.
   c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.
   d. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Accessory Use Retail and Service Establishments, provided:
   a. Such permitted accessory uses specifically exclude retail businesses and services that could be construed as principal uses.
   b. Such uses only include those that are primarily intended for and used by occupants and/or patrons.
   c. There are no visible signs of the accessory use from any public street.

3. Cemeteries, Existing.

4. Community Facilities, provided:
   a. All outdoor lighting shall comply with Section 1501.C.2.

b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.
c. All buildings shall be located at least 50 feet from all property lines.
d. All off-street parking areas shall be located at least 25 feet from all property lines.
e. All buildings shall comply with the City's architectural standards for the O-I zoning district.
f. Such uses include, but are not limited to, community clubs, community associations, golf courses, country clubs, private parks, religious institutions, schools and swimming and tennis clubs. (see definition)

5. Duplex Dwellings.

6. Home Events, provided:
   a. The events comply with Section 616. Home Occupations.

7. Home Occupations.

8. Multi-Family Dwellings.

9. Public Buildings or Uses.

10. Quadruplex Dwellings.

11. Single Family Attached Dwellings.

12. Subdivision Recreation/Amenity Areas.

13. Triplex Dwellings.

B. DISTRICT DEVELOPMENT REGULATIONS.

1. Maximum Density.
   a. 8 Dwelling Units per acre.

2. Minimum Lot Size.
   a. Duplex Dwelling - 24,000 square feet.
   b. Multi-Family Dwelling - None.
   c. Quadruplex Dwelling - 26,200 square feet.
   d. Triplex Dwelling - 25,650 square feet.
   e. Not less than 50% of the required lot size shall be above the Base Flood elevation.

3. Minimum Lot Width.
   a. 100 feet.

4. Minimum Road Frontage.
   a. 40 feet.

5. Minimum Yard Abutting a Public Street.
   a. 50 feet.

6. Minimum Side Yard.
   a. Duplex Dwelling - 15 feet.
   b. Multi-Family Dwelling - 20 feet for the first 2 stories plus 4 feet for each additional story.
   c. Quadruplex Dwelling - 15 feet.
   d. Triplex Dwelling - 15 square feet.

7. Minimum Rear Yard.
   a. 40 feet.

8. Setbacks Between Multi-Family Dwellings.
   a. 40 feet if front face or rear face to front face or rear face.
   b. 40 feet if front face or rear face to side face.
   c. 20 feet if side face to side face for the first 2 stories, plus 4 feet for each additional story.

9. Maximum Height.
   a. 40 feet.

10. Street Rights-of-Way.
    a. 50 feet if in the interior of a Subdivision.
    b. Other streets - as determined by the Thoroughfare Plan.

11. Minimum Floor Area.
    a. Duplex Dwelling - 800 square feet per Dwelling Unit.
    b. Multi-Family Dwelling - 800 square feet per Dwelling Unit.
    c. Quadruplex Dwelling - 800 square feet per Dwelling Unit.
    d. Triplex Dwelling - 800 square feet per Dwelling Unit.

12. Minimum Buffer Area.
    a. 50 feet if abutting or across from residentially zoned property in accordance with the buffer standards set forth in this Ordinance.

SECTION 505. C-1 Neighborhood Commercial District.

The C-1 Zoning District provides a location for convenience goods and services for people in nearby residential neighborhoods. Retail uses involving the sale of alcoholic beverages for on-site consumption are not permitted. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. Within the C-1 District, except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Antique Shops.

3. Apparel Shops.

4. Art and school supply stores.

5. Art and Craft Studios.

6. Automobile Sales Office without on-site storage of vehicles.

7. Bakeries.

8. Barber Shops.

9. Beauty Shops.

10. Bicycle Sales, Rental and Repair Shops.

11. Book, Magazine and Stationary Stores.

12. Commercial Laundry and Dry Cleaning Pick-up Stations, provided:
    a. No drive-thru service is permitted.

13. Community Clubs or Associations, Private, Public or Non-Profit.

14. Consumer Repair Services.

15. Cultural Facilities.

16. Dance Studios.

17. Day Care Centers.

18. Dental Clinics or Laboratories.

19. Dog Grooming Shops.

20. Eating or Drinking Establishments, without Drive-thru Service.

21. Electronics Sales and Service Establishments.

22. Financial Services/Institutions.

23. Florists.

24. Food Catering Establishments.

25. Food Preparation Facilities, Retail.

26. Food Stores, without the retail sale of beer and wine.

27. Funeral Homes.

28. Hardware Stores.

29. Hobby Shops.

30. Jewelry Stores.

31. Locksmiths.

32. Mail Services.

33. Manufacturing in connection with a retail store or shop, provided:
    a. Such manufacturing is incidental and accessory to the retail use and accessory to the retail use and all goods manufactured are sold on the premises.

34. Medical Clinics or Laboratories.

35. Music Stores.

36. Musical Instrument Sales and Repair Stores.

37. Office Supply Stores.

38. Offices, Administrative, Business or Professional.

39. Performance Theaters, Indoor.

40. Pet Shops, excluding boarding.

41. Pharmacies.

42. Photocopying/Reproduction Services.

43. Photographic Studios or Supplies.

44. Picture Framing Shops.

45. Public Buildings and Uses.

46. Public Utility Facilities.

47. Recreation Facilities, Indoor,

48. Religious Institutions.

49. Retail and Personal Services.

50. Retail Display of Goods, provided:
    a. It shall be located between the front yard(s) of the host parcel but outside of the public right-of-way; and
    b. It shall not interfere with pedestrian or vehicular traffic circulation; and
    c. It shall not be located on parking spaces used to meet the minimum parking requirements.

51. Schools, Public or Private.

52. Sporting Goods Stores.

53. Tailor Shops.

54. Toy Stores.

55. Veterinary Clinics without Outdoor Boarding.

56. Video Rental Establishments, not including adult entertainment.

B. PERMITTED SPECIAL USES.

Within the C-1 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Building Height Increase.

2. Executive Quarters Suites.

3. Large Developments/Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:
    a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
    b. Any project with a cumulative land disturbance exceeding 5 acres.

4. Outdoor Storage.

5. Stand-alone ATMs.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. No minimum.

2. Minimum Lot Width.
   a. 40 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 0 feet.

5. Minimum Side Yard.
   a. 0 feet.

6. Minimum Rear Yard.
   a. 0 feet.

7. Maximum Height.
   a. 35 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting a residential Zoning District in accordance with standards set forth in this Ordinance.

SECTION 506. C-2 General Commercial District.

The C-2 Zoning District is intended primarily for those commercial uses that require a location accessible to large numbers of people and that serve substantial portions of the community. Retail uses involving the sale of alcoholic beverages for on-site consumption are not permitted.This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the C-2 Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Antique Shops.

3. Apparel Shops.

4. Art and school supply stores.

5. Art and Craft Studios.

6. Automobile Accessory and Parts Stores.

7. Automobile Sales Office without on-site storage of vehicles.

8. Bakeries.

9. Barber Shops.

10. Beauty Shops.

11. Bicycle Sales, Rental and Repair Shops.

12. Book, Magazine and Stationary Stores.

13. Building Material or Garden Store Sales.

14. Carpet and Rug Stores.

15. Commercial Laundry and Dry Cleaning Pick-up Stations.

16. Community Clubs or Associations, Private, Public or Non-Profit.

17. Consumer Repair Services.

18. Continuing Education Facilities.

19. Convenience Stores, with or without gasoline pumps. Provided that gasoline service pump islands, if provided, are:
    a. Located at least 15 feet from an abutting Public Street.
    b. Located not less than the existing building setback of any Dwelling Unit abutting the lot on either the frontage or side street.

20. Convention Centers.

21. Cultural Facilities.

22. Dance Studios.

23. Day Care Centers.

24. Dental Clinics or Laboratories.

25. Department Stores.

26. Dog Grooming Shops.

27. Eating or Drinking Establishments with or without Drive-thru Service.

28. Electronic sales and service establishments.

29. Emergency Care Facilities.

30. Employment Agencies.

31. Financial Services/Institutions.

32. Floor Covering Stores.

33. Florists.

34. Food Catering Establishments.

35. Food Preparation Facilities, Retail.

36. Food Stores, without the retail sale of beer and wine.

37. Funeral Homes.

38. Furniture Rental and Sales Establishments.

39. General Building Contractors Offices.

40. Hardware Stores.

41. Health Clubs.

42. Hobby Shops.

43. Hotels and Motels, provided:
    a. Each hotel/motel shall be accessed through a main or central lobby with a lobby at least 1,000 square feet.
    b. Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby).
    c. Each hotel/motel site shall be a minimum of two acres.
    d. Each hotel/motel must provide staff or management on duty twenty-four (24) hours a day.
    e. Each guest room shall have a minimum of three hundred (300) square feet.
    f. Each hotel/motel building shall have a minimum roof pitch of four (4) in twelve (12).
    g. Each hotel/motel shall provide an enclosed heated and air conditioned laundry space with a minimum of three washers and three dryers exclusively available for guest use.
    h. Outside storage of commercial equipment is prohibited.
    i. Each hotel/motel shall provide a fitness or recreational center with a minimum of 400 square feet which is available to guests.

j. Each hotel/motel must provide a single, enclosed meeting or conference space on the premises of 1,000 square feet or greater or a business center.

k. No business license shall be issue for any business operating from any guest room in the facility.

44. Jewelry Stores.

45. Locksmiths.

46. Mail Services.

47. Manufacturing in connection with a retail store or shop, provided:

a. Such manufacturing is incidental and accessory to the retail use and all goods manufactured are sold on the premises.

48. Medical Clinics or Laboratories.

49. Monument Retail Sales.

50. Movie Theaters, Indoor.

51. Music Stores.

52. Musical Instrument Sales and Repair Stores.

53. Office Supply Stores.

54. Offices, Administrative, Business or Professional.

55. Orthopedic and Medical Appliance and Supply Stores.

56. Paint and Wallpaper Stores.

57. Parking Lots and Garages, Offstreet, less than 750 parking spaces.

58. Performance Theaters, Indoor.

59. Personal Care Homes.

60. Pet Shops, including boarding in an enclosed building

61. Pharmacies.

62. Photocopying/Reproduction Services.

63. Photographic Studios or Supplies.

64. Picture Framing Shops.

65. Plant Nursery and Commercial Greenhouses.

66. Plumbing, electrical, pool and home building supply showrooms and sales centers.

67. Printing and Publishing Establishments.

68. Public Buildings and Uses.

69. Public Utility Facilities.

70. Radio and Television Studios.

71. Reception Halls and Community Meeting Facilities.

72. Recreation Facilities, Indoor.

73. Recreation Facilities, Outdoor.

74. Religious Institutions.

75. Retail Display of Goods, provided:
    a. It shall be located between the front yard(s) of the host parcel but outside of the public right-of-way; and
    b. It shall not interfere with pedestrian or vehicular traffic circulation; and
    c. It shall not be located on parking spaces used to meet the minimum parking requirements.

76. Schools, Public or Private.

77. Sporting Goods Stores.

78. Tailor Shops.

79. Toy Stores.

80. Veterinary Clinics without Outdoor Boarding.

81. Video Rental Establishments, not including adult entertainment.

82. Wholesale Sales Facilities.

B. PERMITTED SPECIAL USES.

Within the C-2 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council

after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Animal Daycare Facilities with Boarding and Outdoor Runs.

2. Automobile Repair Services, not including body or paint shop.

3. Automobile Sales Facilities, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

4. Automotive Rentals, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

5. Automotive Restoration Services, not including body or paint shop.

6. Building Height Increase.

7. Car Wash Facilities.

8. Emissions Testing Facilities.

9. Executive Quarters Suites.

10. Manufactured Home Sales, provided:
    a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
    b. All vehicles on the premises are kept in operating condition at all times.

11. Movie Theaters, Outdoor, provided:
    a. Acceleration and deceleration lanes at least 200 feet in length are provided.

12. Outdoor Storage.

13. Parking Lots and Garages, Off-street, exceeding 750 parking spaces.

14. Quick Vehicle Servicing Facilities.

15. Stand-alone ATMs.

16. Taxi Cab and Limousine Service Facilities.

17. Veterinary Clinics with Outdoor Boarding.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. No minimum.

2. Minimum Lot Width.
   a. 40 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 10 feet unless abutting a Residential Zoning District.

6. Minimum Rear Yard.
   a. 15 feet unless abutting a Residential Zoning District.

7. Maximum Height.
   a. 35 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting a residential Zoning District in accordance with standards set forth in this Ordinance.

9. Minimum Separation Between Buildings on Same Lot.
   a. 20 feet.

SECTION 506.1. C-2A (Special Commercial District - Alcoholic Beverage Sales)

The C-2A Zoning District is intended primarily for those uses that sell alcohol for consumption in a location accessible to large numbers of people and that serve substantial portions of the community. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Antique Shops.

3. Apparel Shops.

4. Art and school supply stores.

5. Art and Craft Studios.

6. Automobile Accessory and Parts Stores.

7. Automotive Sales Office without on-site storage of vehicles.

8. Bakeries.

9. Barber Shops.

10. Establishments serving alcoholic beverages for consumption on premises.

11. Beauty Shops.

12. Bicycle Sales, Rental and Repair Shops.

13. Book, Magazine and Stationary Stores.

14. Building Material or Garden Store Sales.

15. Carpet and Rug Stores.

16. Commercial Laundry and Dry Cleaning Pick-up Stations.

17. Community Clubs or Associations, Private, Public or Non-Profit.

18. Consumer Repair Services.

19. Continuing Education Facilities.

20. Convenience Stores, with or without gasoline pumps: provided that gasoline service pump islands, if provided, are:
    a. Located at least 15 feet from an abutting Public Street.
    b. Located not less than the existing building setback of any dwelling unit abutting the lot on either the frontage or side street.

21. Convention Centers.

22. Cultural Facilities.

23. Dance Studios.

24. Day Care Centers.

25. Dental Clinics or Laboratories.

26. Department Stores.

27. Dog Grooming Shops.

28. Eating or Drinking Establishments with or without Drive-thru Service.

29. Electronic sales and service establishments.

30. Emergency Care Facilities.

31. Employment Agencies.

32. Financial Services/Institutions.

33. Floor Covering Stores.

34. Florists.

35. Food Catering Establishments.

36. Food Preparation Facilities, Retail.

37. Food Stores, with or without the retail sale of beer and wine.

38. Funeral Homes.

39. Furniture Rental and Sales Establishments.

40. General Building Contractors Offices.

41. Hardware Stores.

42. Health Clubs.

43. Hobby Shops.

44. Hotels and Motels, provided:
    a. Each hotel/motel shall be accessed through a main or central lobby with a lobby at least 1,000 square feet.
    b. Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby).
    c. Each hotel/motel site shall be a minimum of two acres.
    d. Each hotel/motel must provide staff or management on duty twenty-four (24) hours a day.
    e. Each guest room shall have a minimum of three hundred (300) square feet.

f. Each hotel/motel building shall have a minimum roof pitch of four (4) in twelve (12).
g. Each hotel/motel shall provide an enclosed heated and air conditioned laundry space with a minimum of three washers and three dryers exclusively available for guest use.
h. Outside storage of commercial equipment is prohibited.
i. Each hotel/motel shall provide a fitness or recreational center with a minimum of 400 square feet which is available to guests.
j. Each hotel/motel must provide a single, enclosed meeting or conference space on the premises of 1,000 square feet or greater or a business center.
k. No business license shall be issue for any business operating from any guest room in the facility.

45. Jewelry Stores.

46. Locksmiths.

47. Mail Services.

48. Manufacturing in connection with a retail store of shop, provided:
    a. Such manufacturing is incidental and accessory to the retail use and all goods manufactured are sold on the premises.

49. Medical Clinics or Laboratories.

50. Monument Retail Sales.

51. Movie Theaters, Indoor.

52. Music Stores.

53. Musical Instrument Sales and Repair Stores.

54. Office Supply Stores.

55. Offices, Administrative, Business or Professional.

56. Orthopedic and Medical Appliance and Supply Stores.

57. Paint and Wallpaper Stores.

58. Parking Lots and Garages, Offstreet, less than 750 parking spaces.

59. Performance Theaters, Indoor.

60. Personal Care Homes.

61. Pet Shops, including boarding in an enclosed building.

62. Pharmacies.

63. Photocopying/Reproduction Services.

64. Photographic Studios or Supplies.

65. Picture Framing Shops.

66. Plant Nursery and Commercial Greenhouses.

67. Plumbing, electrical, pool and home building supply showrooms and sales centers.

68. Printing and Publishing Establishments.

69. Public Buildings and Uses.

70. Public Utility Facilities.

71. Radio and Television Studios.

72. Reception Halls and Community Meeting Facilities.

73. Recreation Facilities, Indoor.

74. Recreation Facilities, Outdoor.

75. Religious Institutions.

76. Retail and Personal Services.

77. Retail Display of Goods, provided:
    a. It shall be located between the front yard(s) of the host parcel but outside of the public right-of-way; and
    b. It shall not interfere with pedestrian or vehicular traffic circulation; and
    c. It shall not be located on parking spaces used to meet the minimum parking requirements.

78. Schools, Public or Private.

79. Sporting Goods Stores.

80. Tailor Shops.

81. Toy Stores.

82. Veterinary Clinics without Outdoor Boarding.

83. Video Rental Establishments, not including adult entertainment.

84. Wholesale Sales Facilities.

B. PERMITTED SPECIAL USES.

Within the C-2A Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Animal Daycare Facilities with Boarding and Outdoor Runs.

2. Automobile Repair Services, not including auto body or paint shop.

3. Automobile Sales Facilities, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

4. Automotive Rental Facilities, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

5. Automotive Restoration Services, not including paint or auto body shop.

6. Building Height Increase.

7. Car Wash Facilities.

8. Emissions Testing Facilities.

9. Executive Quarters Suites.

10. Manufactured Home Sales, provided:
    a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.

11. Movie Theaters, Outdoor, provided:
    a. Acceleration and deceleration lanes at least 200 feet in length are provided.

12. Outdoor Storage.

13. Parking Lots and Garages, Off-street, exceeding 750 parking spaces.

14. Quick Vehicle Servicing Facilities.

15. Stand-alone ATMs.

16. Taxi Cab or Limousine Service Facilities.

17. Veterinary Clinics with Outdoor Boarding.

C. SPECIAL CONSIDERATIONS

All uses in the C-2A District serving alcohol must comply with all City Ordinances pertaining to the use and sale of alcoholic beverages, including the acquisition and/or maintenance of all appropriate licenses, permits and approvals.

D. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   N/A

2. Minimum Lot Width.
   a. N/A

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 10 feet unless abutting a Residential Zoning District.

6. Minimum Rear Yard.
   a. 15 feet unless abutting a Residential Zoning District.

7. Maximum Height.
   a. 35 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting a residential Zoning District in accordance with standards set forth in this Ordinance.

9. Minimum Separation Between Buildings on Same Lot.
   a. 20 feet.

SECTION 507. C-3 Special Commercial District.

The C-3 Zoning District is intended for those commercial uses that require a location accessible to the business and residential community. Within the C-3 Zoning District,

outdoor storage yards are prohibited, except for retail display of goods. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the C-3 Zoning District, the following uses shall be permitted.

1.. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Adult Entertainment Facilities, provided[1]:
   a. Said facility meets all requirements set forth by the City of Suwanee Code regulating Adult Entertainment Establishments;
   b. Said facility shall not be located on a parcel of land that is closer than 1,000 feet of any parcel of land which is either named or used for residential uses or purposes; and
   c. Said facility shall not be located on parcel of land that is closer than 1,000 feet of any parcel of land upon which a place of worship (eg. church, mosque, synagogue), school, governmental building, library, civic center, public park or playground is located; and
   d. Said facility shall not be located on a parcel of land that is closer than 1,000 feet from a parcel of land which contains another adult entertainment facility establishment.
   e. Said facility shall not be located on a parcel of land that is closer than 750 feet from a parcel of land which contains a Package Store.

3. Animal Daycare Facilities with Boarding and Outdoor Runs.

4. Antique Shops.

[1] ***The City of Suwanee finds that the regulation of the location of certain adult establishments is necessary to promote and protect the public health, safety, and general welfare of the City as said establishments, have been shown to exhibit detrimental secondary effects which would yield them inappropriate in certain zoning classifications and adjacent to or near certain institutions.***

The City takes official notice of certain studies which have illustrated harmful secondary negative effects of adult establishments/sexually oriented businesses including increased crime, decreased property values, increased blight, and increased law enforcement expenditures. The City Council has reviewed documentary evidence and studies in other jurisdictions including Gwinnett County, Georgia; Rome, Georgia; and other communities throughout the United States including thirty-two communities set forth in the National Law Center for Children and Families Study and incorporates each study as if fully set forth herein.

The City Council takes particular note of the findings and public hearing process of Gwinnett County, Georgia in that the City of Suwanee is located in said County and exhibits similar demographics. Specifically, the City Council adopts and incorporates by reference the proceedings and testimony of the public hearing on July 17, 2001 before the Gwinnett County Board of Commissioners.

The City also recognizes the right of speech grounded in the Georgia and U. S. Constitution and the manifestation of such through adult/sexually oriented businesses and the products and services they render. The City does not seek to prohibit this protected form of speech. In seeking to protect this right the City finds the regulations set forth herein are the least restrictive means available in balancing this right while furthering the substantial governmental interests set forth above in curtailing the harmful secondary effects of this speech.

5. Apparel Shops.

6. Art and school supply stores.

7. Art and Craft Studios.

8. Automobile Accessory and Parts Stores.

9. Automobile Repair Services, not including auto body or paint shop.

10. Automobile Sales Facilities, provided:
    a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
    b. All vehicles on the premises are kept in operating condition at all times.

11. Automotive Rental Facilities, provided:
    a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
    b. All vehicles on the premises are kept in operating condition at all times.

12. Bail Bonds Services.

13. Bakeries.

14. Barber Shops.

15. Bars, Nightclubs, Lounges, Taverns and Restaurants, serving alcoholic beverages for consumption on premises.

16. Beauty Shops.

17. Bicycle Sales, Rental and Repair Shops.

18. Book, Magazine and Stationary Stores.

19. Building Material or Garden Store Sales.

20. Car Wash Facilities.

21. Carpet and Rug Stores.

22. Commercial Blood Plasma Centers.

23. Commercial Laundry and Dry Cleaning Pick-up Stations.

24. Community Clubs or Associations, Private, Public or Non-profit.

25. Consumer Repair Services.

26. Continuing Education Facilities.

27. Convenience Stores, with or without gasoline pumps: provided that gasoline service pump islands, if provided, are:
    a. Located at least 15 feet from an abutting Public Street.
    b. Located not less than the existing building setback of any Dwelling Unit abutting the lot on either the frontage or side street.

28. Convention Centers.

29. Cultural Facilities.

30. Dance Studios.

31. Day Care Centers.

32. Dental Clinics or Laboratories.

33. Department Stores.

34. Dog Grooming Shops.

35. Eating or Drinking Establishments, with or without Drive-thru Service.

36. Electronic sales and service establishments.

37. Emergency Care Facilities.

38. Emissions Testing Facilities.

39. Employment Agencies.

40. Financial Services/Institutions.

41. Floor Covering Stores.

42. Florists.

43. Food Catering Establishments.

44. Food Preparation Facilities, Retail.

45. Food Stores, with or without the retail sale of beer and wine.

46. Funeral Homes.

47. Furniture Rental and Sales Establishments.

48. General Building Contractors Offices.

49. Hardware Stores.

50. Health Clubs.

51. Hobby Shops.

52. Hotels and Motels, provided:
    a. Each hotel/motel shall be accessed through a main or central lobby with a lobby at least 1,000 square feet.
    b. Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby).
    c. Each hotel/motel site shall be a minimum of two acres.
    d. Each hotel/motel must provide staff or management on duty twenty-four (24) hours a day.
    e. Each guest room shall have a minimum of three hundred (300) square feet.
    f. Each hotel/motel building shall have a minimum roof pitch of four (4) in twelve (12).
    g. Each hotel/motel shall provide an enclosed heated and air conditioned laundry space with a minimum of three washers and three dryers exclusively available for guest use.
    h. Outside storage of commercial equipment is prohibited.
    i. Each hotel/motel shall provide a fitness or recreational center with a minimum of 400 square feet which is available to guests.
    j. Each hotel/motel must provide a single, enclosed meeting or conference space on the premises of 1,000 square feet or greater or a business center.
    k. No business license shall be issue for any business operating from any guest room in the facility.

53. Jewelry Stores.

54. Locksmiths.

55. Mail Services.

56. Manufacturing in connection with a retail store or shop, provided:
    a. Such manufacturing is incidental and accessory to the retail use and all goods manufactured are sold on the premises.

57. Medical Clinics or Laboratories.

58. Monument Retail Sales.

59 Movie Theaters, Indoor.

60. Music Stores.

61. Musical Instrument Sales and Repair Stores.

62. Office Supply Stores.

63. Offices, Administrative, Business or Professional.

64. Orthopedic and Medical Appliance and Supply Stores.

65. Package Stores, provided:
    a. The lot shall have Road Frontage on a Major Street or State Highway.
    b. The lot shall have a minimum amount of Road Frontage of 200 feet on a Major Street or State Highway.
    c. The lot shall be at least one acre in size.
    d. Distilled liquor shall be sold only in buildings constructed for and devoted to that purpose exclusively.
    e. Any building in which distilled liquor is sold shall not be more than one story in height and shall have a minimum of 5,000 square feet of space.
    f. The building shall have only one entrance and one exit, both of which shall be located on the front of the building. No doors or windows shall be located on the sides or rear of the building.
    g. The front wall of the building shall have a minimum of 150 square feet of plate glass in addition to any glass on entrance or exit doors.

66. Paint and Wallpaper Stores.

67. Parking Lots and Garages, Offstreet, less than 750 parking spaces.

68. Performance Theaters, Indoor.

69. Personal Care Homes.

70. Pet Shops, including boarding in an enclosed building.

71. Pharmacies.

72. Photocopying/Reproduction Services.

73. Photographic Studios or Supplies.

74. Picture Framing Shops.

75. Plant Nursery and Commercial Greenhouses.

76. Plumbing, electrical, pool and home building supply showrooms and sales centers.

77. Printing and Publishing Establishments.

78. Public Buildings and Uses.

79. Public Utility Facilities.

80. Quick Vehicle Servicing Facilities.

81. Radio and Television Studios.

82. Reception Halls and Community Meeting Facilities.

83. Recreation Facilities, Indoor.

84. Recreation Facilities, Outdoor.

85. Religious Institutions.

86. Retail and Personal Services.

87. Retail Display of Goods, provided:
    a. It shall be located between the front yard(s) of the host parcel but outside of the public right-of-way; and
    b. It shall not interfere with pedestrian or vehicular traffic circulation; and
    c. It shall not be located on parking spaces used to meet the minimum parking requirements.

88. Schools, Public or Private.

89. Sporting Goods Stores.

90. Tailor Shops.

91. Toy Stores.

92. Veterinary Clinics with or without outdoor boarding.

93. Video Rental Establishments, not including adult entertainment.

94. Wholesale Sales Facilities.

B. PERMITTED SPECIAL USES.

Within the C-3 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council

after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Agricultural Sales and Services.

2. Building Height Increase.

3. Bus Terminals.

4. Executive Quarters Suites.

5. General Building Contractors Office. With Outdoor Storage.

6. Manufactured Home Sales, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

7. Movie Theaters, Outdoor, provided:
   a. Acceleration and deceleration lanes at least 200 feet in length are provided.

8. Outdoor Storage.

9. Parking Lots and Garages, Off-street, exceeding 750 parking spaces.

10. Pawn Shops.

11. Stand-alone ATMs.

12. Tattoo Establishments.

13. Taxi Cab and Limousine Service Facilities.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. 1 acre.

2. Minimum Lot Width.
   a. 200 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 10 feet unless abutting a Residential Zoning District.

6. Minimum Rear Yard.
   a. 15 feet unless abutting a Residential Zoning District.

7. Maximum Height.
   a. 35 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting a residential Zoning District in accordance with standards set forth in this Ordinance.

9. Minimum Separation Between Buildings on Same Lot.
   a. 20 feet.

SECTION 508. O-I Office-Institutional District.

This Zoning District is established to provide a location for offices, institutions and related limited retail business and service activities in buildings of high character located within attractive surroundings. Within this Zoning District, outdoor storage yards are prohibited. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the O-I Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Accessory Use Retail and Service Establishments, provided:
   a. Such permitted accessory uses specifically exclude retail businesses and services that could be construed as principal uses.
   b. Such uses only include those that are primarily intended for and used by occupants and/or patrons.

3. Assisted Living Facilities.

4. Automotive Sales Office without on-site storage of vehicles.

5. College and University Campuses.

6. Commercial Blood Plasma Centers.

7. Community Clubs or Associations, Private, Public or Non-Profit.

8. Continuing Education Facilities.

9. Convalescent Facilities.

10. Convention Centers.

11. Cultural Facilities.

12. Dance Studios.

13. Day Care Centers.

14. Dental Clinics or Laboratories.

15. Dwelling Units for Watchment.

16. Emergency Care Facilities.

17. Employment Agencies.

18. Financial Services/Institutions.

19. Funeral Homes.

20. General Building Contractor Offices, provide:
    a. No outdoor storage is permitted.

21. Group Day Cares.

22. Hospitals.

23. Laboratories for Research, Development and Testing, provided:
    a. Such research, development and testing does not include industrial operations and processes.

24. Locksmiths.

25. Medical Clinics or Laboratories.
26. Offices, Administrative, Business or Professional.

27. Orthopedic and Medical Appliance and Supply Stores.

28. Parking Lots and Garages, Offstreet, less than 750 parking spaces.

29. Personal Care Homes.

30. Public Buildings or Uses.

31. Radio and Television Studios.

32. Reception Halls and Community Meeting Facilities.

33. Religious Institutions

34. Schools, Public or Private.

35. Schools, Technical or Vocational Campuses.

36. Veterinary Clinics, without Outdoor Boarding.

B. PERMITTED SPECIAL USES.

Within the O-I Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Animal Daycare Facilities with Boarding and Outdoor Runs.

2. Building Height Increase.

3. Executive Quarters Suites.

4. Light Retail Service
   a. No outdoor storage or retail displays shall be allowed.
   b. No outdoor speakers shall be allowed.
   c. Total square footage of the business establishment shall be limited to 1,250 square fee.
   d. Hours of operation shall be limited to 8:00 am to 8:00 pm
   e. Establishment shall have access to an arterial or collector street.

5. Parking Lots and Garages, Off-street, exceeding 750 parking spaces.

6. Veterinary Clinics, with Outdoor Boarding.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. No minimum.

2. Minimum Lot Width.
   a. No minimum.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 10 feet unless abutting a Residential Zoning District.

6. Minimum Rear Yard.
   a. 15 feet unless abutting a Residential Zoning District.

7. Maximum Height.
   a. 40 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting or across from a residential Zoning District in accordance with standards set forth in this Ordinance.

9. Minimum Separation Between Buildings on Same Lot.
   a. 20 feet.

SECTION 509. M-1 Light Industry District.

The M-1 Zoning District is comprised of lands that are located on or have ready access to a major street or state highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. PERMITTED USES.

Within the M-1 Zoning District, the following uses are permitted:

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Accessory Use Retail and Service Establishments, provided:
   a. Such permitted accessory uses specifically exclude retail businesses and services that could be construed as principal uses.
   b. Such uses only include those that are primarily intended for and used by occupants and/or patrons.

3. Agricultural Sales and Services.

4. Automobile Body Shops.

5. Automotive Sales Office without on-site storage of vehicles.

6. Bottling of Beverages.

7. Building Material Storage Yards, provided:
   a. The storage yard is not located within a required Front Yard.
   b. The storage yard is setback at least 25 feet from a side or rear property line.
   c. The storage yard is screened by a solid fence at least 6 feet but not over 8 feet in height.
   d. The screening fence for the storage yard is setback at least 25 feet from a side or rear property line.
   e. The storage yard is appropriately landscaped and maintained.

9. Cabinet Shops.

10. Carpentry, Woodworking or Furniture Making Facilities.

11. Carpet and Rug Stores.

12. Cold Storage Plants.

13. Commercial Bakeries.

14. Commercial Laundry and Dry Cleaning with on-site processing.

15. Consumer Repair Services.

16. Cooking Oil Recycling Facilities.

17. Distribution Facilities.

18. Dwelling Units for Watchment.

19. Emissions Testing Facilities.

20. Exterminating Services.

21. Floor Covering Stores.

22. Food Preparation Facilities, Commercial.

23. Forestry Processing and Sort Yard, provided:

24. General Building Contractor Office, with or without Outdoor Storage, provided:

25. Laboratories for Research, Development and Testing.

26. Light Manufacturing Facilities.

27. Locksmiths.

28. Machine Shops.

29. Offices, Administrative, Business or Professional.

30. Outdoor Storage, provided:
    a. The storage area and screening fence is not located within a required Minimum Yard abutting a Public Street.
    b. The storage area and screening fence is setback at least 25 feet from a side or rear property line.
    c. The storage area is screened by a solid fence at least 6 feet but not over 8 feet in height.
    d. The storage area is appropriately landscaped and maintained.
    e. If an outdoor storage area is established in connection with a permitted building or use, it shall meet the above requirements.

31. Packaging Plants.

32. Paint and Wallpaper Stores.

33. Printing or Publishing Plant.

34. Product Assembly Plants.

35. Public Buildings or Uses.

36. Public Utility Facility.

37. Radio, Television and Communication Transmission Tower, provided:
    a. All towers meet the requirements of Article XIII.

38. Recreational Equipment Sales. provided
    a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
    b. All vehicles on the premises are kept in operating condition at all times.

39. Warehousing Facilities.

40. Wholesale Sales Facilities.

B. PERMITTED SPECIAL USES.

Within the M-1 Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Animal Daycare Facilities with Boarding and Outdoor Runs.

2. Automotive Rental Facilities, provided:
   a. All-weather surfaces are provided to avoid the health hazard of dust and standing water.
   b. All vehicles on the premises are kept in operating condition at all times.

3. Building Height Increase.

4. Bus Terminals.

5. Community Clubs or Associations, Private, Public or Non-Profit.

6. Daycare Centers.

7. Executive Quarters Suites.

8. Heavy Equipment Rental or Leasing.

9. Landfills.

10. Light Retail Service
    a. No outdoor storage or retail displays shall be allowed
    b. No outdoor speakers shall be allowed.
    c. Total square footage of the business establishment shall be limited to 1,250 square feet.
    d. Hours of operation shall be limited to 8:00 am to 8:00 pm.
    e. Establishment shall have access to an arterial or collector street.

11. Quarries.

12. Recycling Facilities.

13. Religious Institutions.

14. Sanitary Landfills.

15. School, Public or Private.

16. Self-Storage Facilities, Mini-warehouses.

17. Taxi Cab and Limousine Service Facilities.

18. Truck Terminals.

19. Veterinary Clinics with or without Outdoor Boarding.

20. Wrecker Service Facilities.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. 1 acre.

2. Minimum Lot Width.
   a. 40 feet.

3. Minimum Road Frontage.
   a. 40 feet.

4. Minimum Yard Abutting a Public Street.
   a. 50 feet.

5. Minimum Side Yard.
   a. 20 feet unless abutting a Residential Zoning District.
   b. 50 feet if abutting a Residential Zoning District.

6. Minimum Rear Yard.
   a. 15 feet unless abutting a Residential Zoning District.
   b. 50 feet if abutting a Residential Zoning District.

7. Maximum Height.
   a. 40 feet.

8. Minimum Buffer Area.
   a. 50 feet if abutting a residential Zoning District in accordance with standards set forth in this Ordinance.

9. Minimum Separation Between Buildings on Same Lot.
   a. 20 feet.

10. No truck dock or loading doors are to face any required residential buffer unless screened by a fence or wall a minimum of 8 feet in height.

SECTION 510. PMUD Planned Mixed-Use District.

A PURPOSE

The purpose of this district is to provide for appropriate planned development of quality mixed-use projects within the City of Suwanee by allowing greater freedom of design, by improving the opportunity for flexibility and creativity in the land development process, by undertaking techniques which foster community and pedestrianism, and by limiting the expenditure of public funds in an effort to achieve the objectives and intent of the City's Comprehensive Plan.

Specifically, this district is intended to:

A. Allow diversification of uses, structures, densities and open spaces when not in conflict with existing and permitted land uses on abutting properties.

B. Reduce development costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of standards contained in conventional land development regulations.

C. Conserve the natural amenities of the land by encouraging the preservation of environmentally significant, scenic and functional open space.

D. Provide maximum opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping, and working on properties of adequate size, shape and location.

E. Insure that development will occur according to the advantages and limitations of land, site design, population density, building coverage, improvement standards, and construction phasing as authorized through the approval of a comprehensive site development plan.

F. Provide a mechanism to incorporate and implement the goals and intent of the City of Suwanee Comprehensive Plan.

G. Encourage pedestrianism and transportation alternatives.

This District is not intended to increase overall density or development intensity on a particular property except in relation to an improved design and benefit to the public. The use of open space, public meeting areas, and recreational uses should be included as part of any project. This District is intended to provide a vehicle for improved development through creative design and appropriate mixtures of land uses.

There are two variations of the Planned Mixed-Use District; Mixed-Use Village and Mixed-Use Center. The City's Comprehensive Plan should be consulted to determine when and where each of these variations may be appropriate.

B. MINIMUM DESIGN REQUIREMENTS

A. Consistency with Comprehensive Plan.

All projects must be reasonably consistent with the goals and intents of the City of Suwanee Comprehensive Plan.

B. Variations to Development Standards.

Variations to local development standards (i.e. Development and Zoning Regulations), including variations in lot sizes, widths, building setbacks, densities, parking requirements, right-of-way widths, street widths, buffers, and other components may be

approved to improve said project. Any variation to an adopted regulation or requirement must be expressly submitted and reviewed as part of an overall plan. All Variations must be included in a "List of Standards" agreed to and accepted by the City.

The City will not consider Variations to standards or regulations of other regulating jurisdictions, such as erosion control regulations, fire codes, floodplain control, stream buffers, or other similar regulations, without the express written consent and approval of applicable jurisdiction. Furthermore, said consent shall not guarantee nor require the City to waive any or all requirements.

C. Design Requirements.

All projects should incorporate traditional neighborhood design principles. Interconnectivity, pedestrianism, good design, architectural detail, and appropriate scale are essential elements. Where appropriate, separate land uses are encouraged to be integrated both horizontally and vertically.

At a minimum all projects shall include and/or incorporate the following components:

A. All Planned Mixed-Use development projects must have a minimum of two discrete type of land use (commercial and single-family, industrial and multi-family, etc.).

B. All projects must have a professionally prepared Master Plan for the entire project. It must be designed and incorporated together to provide a harmonious transition from one use to another. Common architecture, themes, significant natural features, connectivity and other items must be included.

C. A functional town center, community green, park, or other focal point must be included to create character and identity.

D. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate.

E. All projects should have adequate and appropriate access.

F. Other standards, as outlined in the City of Suwanee Comprehensive Plan Design Guidelines, which are appropriate for the site's specific location and character area should be included.

When determining the appropriateness and viability of a proposed project, the City shall consult the City of Suwanee Comprehensive Plan. Projects that prove that the use of innovative or creative design will benefit the City may be considered for said district.

C. USES PERMITTED

A. Planned Mixed-Use Village

Planned Mixed-Use Villages shall be primarily residential in character and may include a mixture of single-family and multi-family residential uses. Overall residential density shall be limited to no more than 8 units per acre. Lower densities may be required by the City where appropriate.

Supplemental nonresidential uses (office and limited retail) are permitted when complementary to and compatible with the orderly operation of the residential project, provided that all such uses shall not constitute more than twenty (20) percent of the total project land area or gross floor area, whichever is less, or as otherwise permitted by the City Council.

Residential uses may be attached, semi-attached, detached and/or located within multi-story buildings above non-residential office or commercial development.

Mixed-Use Villages shall be designed using the adopted Comprehensive Plan Design Guidelines adopted by the City of Suwanee. Favorable projects will incorporate most, if not all, of these standards.

All projects shall incorporate good design and engineering principles.

B. Planned Mixed-Use Center

Planned Mixed-Use Centers shall be primarily non-residential in character and may include a mixture of office, commercial and industrial uses.

Supplemental residential uses may also be permitted when complementary to and compatible with the orderly development of the planned project; provided that all such residential uses shall not exceed the net density in excess of what the least restrictive conventional residential zoning would permit or that density outlined by the City's Comprehensive Plan, whichever is greater. Lower residential densities may be required by the City Council if adjacent to lower density residential areas, or where otherwise appropriate.

All projects shall incorporate good design and engineering principles.

D. SITE DEVELOPMENT STANDARDS

A. Minimum Site Area

Five (5) acres of contiguous land area.

B. Perimeter Development Requirements

No housing type, use, setback, height, and coverage requirements are established. However, existing residential development along the perimeter of the planned mixed-use development shall be adequately protected by setbacks, landscaped walls and/or other buffers to be established as part of the site development plan review.

C. Internal Development Requirements

1. No minimum lot sizes or shapes shall be required, except as may be established as part of the site development plan review.

2. No minimum distance between on-site structures shall be required, except as may be established as part of the site development plan review. However, Fire Code requirements shall be met.

3. No minimum yard setbacks shall be required, except as may be established as part of the site development plan review.

D. Off-Street Parking and Loading

Adequate off-street parking and loading areas shall be provided. However, reductions in total parking requirements is strongly encouraged. The sharing of off-street parking areas between uses is allowed and encouraged as well as parallel on-street where appropriate. The use of porous alternative parking areas is allowed and encouraged where appropriate.

E. Landscaping

Landscaping shall meet or exceed all of the minimum requirements of the City's Zoning Ordinance. The preservation of mature trees and tree stands is strongly encouraged.

F. Underground Utilities

All on-site utilities shall be installed underground. Large transformers shall be placed on the ground within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping to screen all above-ground facilities.

G. Accessibility

Every residential unit or permitted use shall have direct access to a public street via a private road, common easement, or other area dedicated or reserved for public use.

H. Architectural Standards

Unless specifically exempted as part of the "List of Standards" adopted by the City, the City of Suwanee's Architectural Standards shall apply to all projects.

I. Common Open Space Requirements

1. All designated common open spaces shall be preserved by one or more of the following methods:

   a. Public dedication, subject to acceptance by the City Council by formal vote.

b. Conveyance to a property owners' association or nonprofit land conservation organization.

c. Retention of ownership, control and maintenance by the developer with a permanent conservation easement donated to a nonprofit land conservation organization.

2. All privately-owned common open space shall conform to its intended use and remain as expressed in the approved site development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land.

J. Environmental Considerations

Protections of wetlands, creeks and streams should be provided where appropriate.

E. APPLICATION PROCEDURES

A. The following procedures, applications and exhibits shall be required when applying for rezoning to a planned unit development district:

1. Pre-application conference: Before submitting an application for rezoning to a planned mixed-use development district, the applicant shall confer with the Director to determine the feasibility for the proposed plan and its relationship to the City's Comprehensive Plan.

2. Professional service requirement: Any plan or exhibit as part of an application for a planned unit development shall certify that the services of two (2) or more of the following professionals were utilized in the design or planning process:

a. A planner who is a member of the American Institute of Certified Planners;

b. A landscape architect registered by the State of Georgia;

c. An architect licensed by the State of Georgia; and/or

d. A professional civil engineer registered by the State of Georgia.

3. Application fees required: Fees shall be required at the time of submittal of an application for rezoning to a planned mixed-use development district, in conformance with the City’s fee schedule.

4. Review information required site development plan: All applications for rezoning to a planned mixed-use development district shall include the following information on the site development plan and supporting documents:

a. A recent (less than three years) boundary survey with north arrow and scale.

b. A full legal description of the property with attached copies of any instruments referred to such as deeds, plats, covenants or restrictions.

c. The names and addresses of the owners of the property to be rezoned and evidence of unified control of the property.

d. The names and addresses of all adjoining property owners.

e. The total area of the site in acres and square feet.

f. A map indicating the location, arrangement and dimensions of the following existing features within and immediately adjacent to the property: Vegetation including tree preserve areas, state waters, land uses, buildings, structures, utilities, drainage ways, easements, public street rights-of-way, railways, and property lines.

g. A statement as to how the proposed project conforms to the City's adopted Comprehensive Plan Design Guidelines.

h. Plans showing the location, arrangement and dimensions of all proposed land uses, including the number of floors per building (other than single-family residential); the height of all non-residential and multi-family buildings above finished grade; building setbacks from perimeter boundaries and from public rights-of-way; a proposed traffic circulation plan showing the location and dimensions of all streets, driveways, walkways, bikeways, parking spaces, and loading areas; and all proposed common elements including utilities, open spaces and recreation areas.

i. A plan or statement showing the manner of improving common open spaces, together with provisions, restrictions and conditions anticipated for the use, maintenance, and operation of such common elements.

j. A statement, in tabular form, of the anticipated gross residential density and overall project density, the total number of dwelling units by type, size and number of bedrooms, and gross floor area devoted to business or other nonresidential uses.

k. Proposals for providing storm water drainage and on-site retention areas and at the City’s discretion may include rough calculations, approximate size of retention areas, methods of pollutant removal, location of berms, swales, culverts and sewers, anticipated finished grades, and proposed slopes and grades adjacent to bodies of water.

m. An architectural sketch or sketches of typical proposed structures.

5. Planning Commission: After receiving a staff recommendation from the Director, the Planning Commission shall make a recommendation to the City Council as outlined in the Zoning Ordinance.

6. City Council:

a. Upon receiving the recommendation of the Planning Commission, the City Council shall, at a Public Hearing, review said recommendation and proposed project. The City Council may then either approve, approve subject to conditions, or disapprove the application.

b. Any and all variations to the City's Development Regulations, Zoning Ordinance or other standards shall be outlined in a "List of Standards" and illustrated on the Site Plan adopted by the City.

c. In the event the rezoning is approved by the City Council, the site development plan shall be certified by the City and said certified copy shall be filed as a permanent record. Without exception, the approved plan shall be binding upon all existing and future owners and assigns.

B. Conformance to Approved Site Development Plan

1. After rezoning to a Planned Mixed-Use District, no permits shall be issued and no development shall commence unless in conformance with the approved site development plan, unless a change or deviation is approved by the City.

2. The Director may approve minor changes and deviations from the approved site development plan which are in compliance with the provisions and intent of this article, and which do not depart from the principal concept of the approved site development plan.

3. Should the Director determine that a requested change or deviation from the approved site development plan does not comply with the provisions and intent of this article, or departs from the principles of the Planned Mixed-Use Development, the applicant may apply for approval of such change or deviation to the City Council as a Plan Amendment.

C. Failure to Begin Planned Unit Development

If no construction has been initiated or no use established in the planned unit development within eighteen (18) months from time of rezoning, the approved site development plan shall lapse and become null and void until the plan is resubmitted for approval or a new site plan is approved as a Plan Amendment.

Section 511. CSO Conservation Subdivision Overlay District.

A. Purposes.

The purposes of this overlay district are as follows:

1. To provide a residential zoning district that permits flexibility of subdivision design in order to promote environmentally sensitive and efficient uses of the land. A district that permits clustering of houses and structures on less environmentally sensitive soils that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

2. To encourage the development of residential communities, that are density neutral based on standard zoning and development standards, but designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.

3. To enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging the provision of open space.

4. To reduce infrastructure maintenance costs due to efficient community design.

5. To provide open space and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities.

6. To preserve significant historical and archeological features.

7. To preserve and protect contiguous undeveloped areas within the development.

8. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodland and wildlife habitat.

B. General Standards.

1. Applicability. This overlay district may be overlaid only upon the City of Suwanee R-100 zoning district utilizing the public sanitary sewer system. The overlay district shall be a use by right for those properties zoned R-100 as of the effective date of the adoption of this overlay district. Applicant shall comply with all other provisions of the Zoning Ordinance and all other applicable laws, except those that are incompatible with the provisions contained herein. Any conditions of zoning contained within the underlying district shall also be observed (except as otherwise allowed herein).

   For properties which are submitted for rezoning to R-100, the applicant shall declare the intent to utilize this overlay district at the time of application and the application shall be accompanied by a Yield Plan and Existing Features Site Analysis meeting the requirements of this section. In the absence of a declaration of intent to use the overlay district with a rezoning application, a development permit shall not be issued for a tract of land utilizing these overlay district standards on rezoned property for at least two (2) years from the date of the resolution adopting a zoning change.

2. Density Determination. The maximum number of lots in the Conservation Subdivision shall be determined by the creation of a Yield Plan or calculation.

   a. Yield Plan: A plan that shows the maximum number of lots a tract can support based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible, while meetings all of the standard requirements of the City's normal zoning**,** development and other applicable standards.

   b. Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the R-100 zoning district. In making this calculation, the following shall not be included in the total area of the parcel:

      i. slopes over 25 percent of at least 5,000 square feet contiguous area;
      ii. the 100-year floodplain;
      iii. bodies of open water over 5,000 square feet contiguous area;
      iv. wetlands that meet the definition of the Army Corps of Engineer pursuant to the Clean Water Act; and,
      v. anticipated right-of-way needs for roads and utilities.

3. Permitted Uses. Those uses permitted in the underlying district are permitted outside the open space areas. Uses permitted within the Open Space include the following:

   a. Conservation of natural, archeological or historical resources;
   b. Meadows, woodlands, wetlands, wildlife corridors, or similar conservation-oriented areas;
   c. Walking or bicycle trails, provided they are constructed of porous paving materials;
   d. Passive recreation areas;
   e. Active recreation areas, up to 10 percent of the total open space (may include impervious surfaces);
   f. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within Primary Conservation Areas;
   g. Easements for drainage, access, and underground utility lines;
   h. Nonstructural stormwater management practices; or
   i. Other conservation-oriented uses compatible with the purposes of this ordinance.

4. Minimum Open Space Requirements. A minimum of 50% of a tract's gross land area must be set aside and protected as open space as defined herein.

5. Development Requirements. Subdivisions in this overlay district shall meet the following requirements unless a Special Use Permit is submitted and approved by the Suwanee City Council:

   a. Minimum Subdivision Size. Each tract proposed to be developed under the City's Conservation Subdivision Overlay District must be a minimum of 10 contiguous acres. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

   b. Lot Area. No minimum is established, except that each building lot shall not contain more than 20% of its area within the 100-year floodplain elevation.

   c. Average Lot Width. The average width of all building lots, as defined by the City of Suwanee Zoning Ordinance, shall be at least 60 feet. Exception: Lots that abut non-overlay properties shall meet the standard width requirement of the underlying district; or, open space at least 50 feet wide shall be provided.

   d. Minimum Road Frontage per Lot. 40 feet. Exception: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac or "eyebrow cul-de-sac" turnarounds.

   e. Minimum Yard Areas (Setbacks).
      Front Yard: 20 feet. Exception: The front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot. Rear Yard: 20 feet. Side Yard: 5 feet.

   f. Exterior Project Street Frontage Open Space Strip. An open space strip that is a minimum of 50 feet in width (not part of any building lot) shall be provided along the tract and any external roadways. Landscape entry features such as fences and walls may be allowed in the open space strip.

   g. Maximum Building Height. 35 feet.

   h. Minimum Floor Area. Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as follows:
      One Story Building: 1,600 square feet.
      Two Story Building: 1,800 square feet.

   i. Sodded Yards. All grassed areas on dwelling lots shall be sodded.

   j. Garages. Dwellings shall have two-car garages.

   k. Street Trees. A minimum of one non-ornamental shade tree with a minimum 3" caliper, shall be provided prior to the issuance of a certificate of occupancy for each lot along all roadways.

l. Underground Utilities. All utilities shall be located underground.

C. Application Requirements.

1. Yield Plan. At time of development review or when a zoning action is proposed, a Yield Plan, sealed by a registered engineer or landscape architect, must be presented to identify development potential of a tract under the City's typical zoning and development standards. The plan does not have to meet all of the formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations. All standard zoning or development regulations must be met (including lot sizes, right-of-way widths, etc.) At a minimum, the plan must account for and depict standard rights-of-ways, lot information (sizes, widths, and setbacks), drainage and detention areas, easements, floodplain, lakes, wetlands, streams, and stream buffers.

2. Existing Features Site Analysis. At time of development review, or if a zoning action is proposed, an Existing Features Site Analysis, sealed by a registered engineer or landscape architect, must be provided to identify areas that are most significant for open space designation.

   a. Property boundaries.

   b. Delineation of streams, rivers, lakes, wetlands and other hydrologic features to include the source of this information.

   c. All primary and secondary conservation areas labeled by type, as described in Section D of this ordinance.

   d. Topographic contours at intervals no greater than 2 feet. Identification of tree lines, woodlands, open fields or meadows.

   e. Delineation of vegetation resource areas by type.

   f. General soil type.

   g. Delineation of steep slope areas (i.e. greater than 25% and at least 5,000 square feet contiguous area).

   h. Proposed locations of open space.

   i. Identification of historical or archeological features.

   j. Identification of existing roads, structures and easements.

   k. Identification of open space in adjacent developments including potential connection to existing trails and greenspace.

3. Concept Plan. At time of development review or when a zoning action is proposed, an overall Concept Plan showing development of the entire tract shall

be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. If a zoning action is proposed, the rezoning site plan shall include the following information:

a. Delineation and specifications of open space including calculations and exclusions, and any "pocket parks," "greens," play areas, or trail system to be constructed.

b. A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.

c. Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

4. Open Space Management Plan. An open space management plan, meeting the Open Space Requirements described herein, shall be prepared and submitted prior to the issuance of a land disturbance permit.

D. Open Space Requirements.

In order to qualify for this overlay district, open space shall meet the following requirements:

1. Description. Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity using an approved legal instrument.

2. Primary Conservation Areas. These areas are required to be located within Open Space, unless an unusual hardship is demonstrated. The following constitute Primary Conservation Areas.

   a. The regulatory 100-year floodplain;
   b. 75 foot stream buffers along all perennial and intermittent streams;
   c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
   d. Wetlands as defined by the Army Corp of Engineers;
   e. Habitat for endangered or threatened species; and,
   f. Archeological sites, cemeteries and burial grounds.

3. Secondary Conservation Areas. These areas should be located within Open Space. The following constitute Secondary Conservation Areas.
   a. Historic sites;
   b. Healthy, native forests at least 1 acre contiguous area;
   c. Trees larger than 8 inches caliper (measured along the drip line);
   d. Natural features such as ridge lines, peaks and rock outcroppings;
   e. Agricultural Lands of a least 5 acres contiguous area; and,
   f. Existing trails connecting to neighboring areas

4. Undeveloped and Natural. Open space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Exceptions: “pocket parks,” “greens” and storm water management facilities and practices may be constructed and maintained in open space. A “pocket park” or “green” is a landscaped area larger than 0.33 acres constructed for community gathering or play, or visual enhancement. “Pocket parks” or “greens” shall not exceed 10% of the total open space.

5. Exclusions. Excluded from meeting the minimum amount of open space are the following:

    a. Recreation Area Improvements. Impervious surfaces in recreation areas shall not be credited;

    b. Easements. Land area within power or gas pipeline easements shall not be credited;

    c. Other. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities shall not be credited;

    d. Roads, parking lots, and other impervious areas unless specifically authorized in another section of this ordinance;

    e. Golf courses;

    f. Agriculture and forestry activities not consistent with Best Management Practices; and,

    g. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

6. Ownership. Open space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the City Council during their normal course of business. The developer shall record the deed to the open space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, “pocket parks” or “greens” may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

7. Concentration of Open Space. At least 75 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected area, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.

8. Accessibility. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

9. Property Management Plan for Property Owner's Association.
   a. The applicant shall submit a Plan for Management of Open Space and Common Facilities. Said Plan shall be recorded in the mandatory property owner's association bylaws or covenants. Said Plain shall be approved in advance by he Suwanee City Council. Said Plan shall address the following:

      i. Allocates responsibility and guidelines for the maintenance and operation of the Open Space, buffers, recreation areas and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

      ii. Estimates of the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outline the means by which such funding will be obtained or provided;

      iii. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessment;

      iv. Conditions and timing of transferring control of association from the developer to the lot owners;

      v. Governance of the association by the Georgia Property Owners Association Act (OCGA Section 44-3-220) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.

      vi. Provide for the enforcement of the Plan.

      vii. Any changes to the Plan shall be approved by the City of Suwanee Planning Commission.

      viii. The association shall not be dissolved without the advance approval of the City of Suwanee.

10. Protection. Open space delineated in the concept plan shall be permanently protected by one of the methods listed below. Whichever instrument for permanent protection is used shall include clear restrictions on the use of Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the Open Space.

    a. The deed conveying the open space pursuant to this paragraph shall be recorded and delivered to the property owner's association within the

subdivision prior to the approval of the final plat for the first phase of the subdivision. In addition, the final plat for each phase of the Subdivision shall contain the following statement:

"Open space delineated on this plat is permanently protected and shall remain undeveloped as defined under Georgia law OCGA 36-22-1 et seq., having the following Greenspace goals: protection of streams, floodplains, wetlands, steep slopes, woodlands, open fields and meadows, historical or archeological features, significant wildlife habitats, scenic vistas, passive recreation and connectivity to open spaces. The following uses shall be allowed within said open spaces: passive recreational amenities, such as pervious-surface paths and minimal amounts of parking, picnic facilities and restroom facilities. Constructed facilities shall not exceed 15 percent of the protected property. This covenant is intended to benefit said area to the use of the public, and it shall run in perpetuity as provided by law under OCGA section 44-5-60(c)."

In addition, the deed conveying the open space shall contain the following language:

"The land conveyed herein shall remain permanently protected open space and shall not be cleared or developed except in accordance with OCGA 36-22-1 et seq., having the following Greenspace goals protection of streams, floodplains, wetlands, steep slopes, woodlands, open fields and meadows, historical or archeological features, significant wildlife habitats, scenic vistas, passive recreation and connectivity to open spaces. The following uses shall be allowed within said open spaces: passive recreational amenities, such as pervious-surface paths and minimal amounts of parking, picnic facilities and restroom facilities. Constructed facilities shall not exceed 15 percent of the protected property. This covenant is intended to benefit said area to the use of the public, and it shall run in perpetuity as provided by law under OCGA section 44-5-60(c)."

The developer's deed to the mandatory property owner's association shall contain a statement that the undivided interest conveyed in the deed runs with the land for a similar benefit.

b. Open space delineated in the Concept Plan, except for "pocket parks" or "greens," or developed recreation areas, shall be permanently protected by the conveyance of (i) a covenant or scenic easement which runs in perpetuity under OCGA Section 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or (ii) a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or

operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants under OCGA Section 44-5-60 or to receive conservation easements under the Treasury Regulation referred to above for purposes of this ordinance shall include the Federal government, the State of Georgia, Gwinnett County, City of Suwanee, or authorities of the State of Georgia, Gwinnett County or City of Suwanee. If a covenant or conservation easement is recorded in favor of a governmental entity, the written acceptance of the covenant or conservation easement by the governmental entity shall be obtained prior to the recording of the covenant or easement. The developer shall record the necessary legal instrument to accomplish protection of the open space prior to, or concurrent with, the recording of the final subdivision plat.

c. An equivalent legal tool that provides permanent protection, if approved by the City of Suwanee.

SECTION 512. Old Town Overlay District (OTOD)

A. PURPOSE AND INTENT.

The City of Suwanee has adopted certain policies covering appropriate uses and development standards for the historic Old Town area of Suwanee. The City finds that the area is suitable for uses and development patterns customarily found in small downtown areas throughout Georgia. Some of these development patterns require different zoning restrictions and uses than typically contained in suburban zoning regulations. In an effort to allow traditional forms and densities, different zoning standards are necessary for this specific area.

The Old Town Overlay District (OTOD) is intended to regulate building and site design in the Old Town area. The regulations are intended to create a comfortable and uniform pedestrian/public space between roadways and buildings providing for a traditional building relationship. The regulations address standards for the pedestrian space, build-to lines for buildings, building massing, site access off of roadways, open space, parking, landscaping and other related elements.

B. DISTRICT ESTABLISHED AND APPLICABILITY.

The Old Town Overlay District is hereby established and shall generally follow the established boundary of the City of Suwanee Downtown Development Authority with the addition of related adjoining property. The map depicting the boundary of the Old Town Overlay District is attached and hereby made a part of this Ordinance and shall be known as "The Official Old Town Overlay District Boundary Map." Where a District boundary line is shown as approximately following a corporate limits line, the center line of a street, road, creek, or property line, or such lines extended, then such lines shall be construed to be the District boundary lines.

Within the Old Town Overlay District, all new non-residential and mixed-use development and parcels within new subdivisions that exceed five (5) parcels, shall

comply with applicable rules and regulations contained herein which shall take precedence to any other conflicting zoning or development standards. The Old Town Overlay District also establishes two zoning districts allowable only within the overlay district boundaries.

C. GRANDFATHERING.

Any project for which a valid and complete application for a Land Disturbance Permit shall have been received prior to the effective date of these Regulations, or shown on an concept plan previously approved by the City of Suwanee City Council, shall be considered "grandfathered" and, at the developer's option, may proceed to completion and building permits may be issued under existing regulations in place prior to the effective date of these Regulations, provided that the Development Permit is or can be issued within 12 months of said effective date and all time frames associated with said permit are observed.

D. ROAD CLASSIFICATION MAP AND STANDARD DRAWINGS.

Every public road within the Old Town Overlay District shall be classified as an access road, commercial street, enhanced old town street, urban parkway, suburban parkway, or local street for the purpose of regulating under this section. The map depicting the road classification is attached and hereby made a part of this Ordinance, and shall be known as “The Official Old Town Overlay District Road Classification Map”. The map may be amended from time to time by the Suwanee City Council.

A set of “Standard Sidewalk Area Drawings” shall be created and maintained by the City of Suwanee Planning and Community Development Department. Said standards shall provide a regulatory basis for the composition and dimensions of the sidewalk area and building location based on site conditions. Appeals or deviations from the Standard Drawing shall be made to the Suwanee Zoning Board of Appeals through city variance procedures.

E. DEFINITIONS.

1. Build-to Line. The build-to line is the line along which the building street façade is permitted to be located. The distance between the build-to line and the nearest street curb is equal to the sidewalk area width requirements, except where public or private open space is adjacent to the sidewalk area, the build-to line shall extend around the perimeter of such opens space. Requirements include the minimum street façade frontage of principal structures.

2. Sidewalk Area. The area beginning at the edge of asphalt (or street curb, as appropriate) and consisting of a contiguous landscape zone, clear zone, and supplemental zone including intervening driveways.

3. Landscape Zone. The portion of the Sidewalk Area adjacent to the back of the street curb (or edge of street pavement as appropriate) reserved for placement of trees, groundcover, and allows for pedestrian movement where appropriate. There are two types of landscape zones: a hardscaped landscape zone and a

softscaped landscape zone. A hardscaped landscape zone is comprised primarily of concrete, brick pavers, stone, and other hardscape features. Street trees, shrubs, and ornamental grasses shall be placed in tree grates, planting beds, or other similar containers. A softscaped landcape zone is comprised primarily of grass and other landscape materials with the clear zone constructed as a hard surface. Street trees are planted in landscape strips a minimum of 5 feet wide.

4. Clear Zone. The portion of the Sidewalk Area reserved strictly for pedestrian passage and is unobstructed by permanent objects to a height of eight (8) feet. The clear zone is adjacent and between the landscape zone and the supplemental zone and shall have a consistent cross-slope not exceeding two percent.

5. Street Wall. A wall or dense evergreen hedge no less than 75% opaque provided along the build-to line generally parallel to the street often for the purpose of hiding a parking lot from the street. When provided to meet provisions of this Ordinance, street walls shall be a minimum of 3 ½ feet high and constructed of a material matching the adjacent building façade or evergreen hedge.

6. Supplemental Zone. The area between the back of the Clear Zone and the build-to line. Adjacent to storefront treatments, sidewalk supplemental zones may be used for pedestrian amenity elements such as benches, merchandise display, and plants. The width of the supplemental zone shall take into account the uses undertaken in the adjacent buildings. Outdoor dining is permitted when adjacent to eating and drinking establishments. Elements that are prohibited in the supplemental zone include; recreational areas and facilities such as swimming pools, tennis courts; fences and walls greater than forty inches in height; service elements such as dumpsters, loading docks and similar elements; mechanical features and parking. No element shall be attached to the supplemental zone in any way.

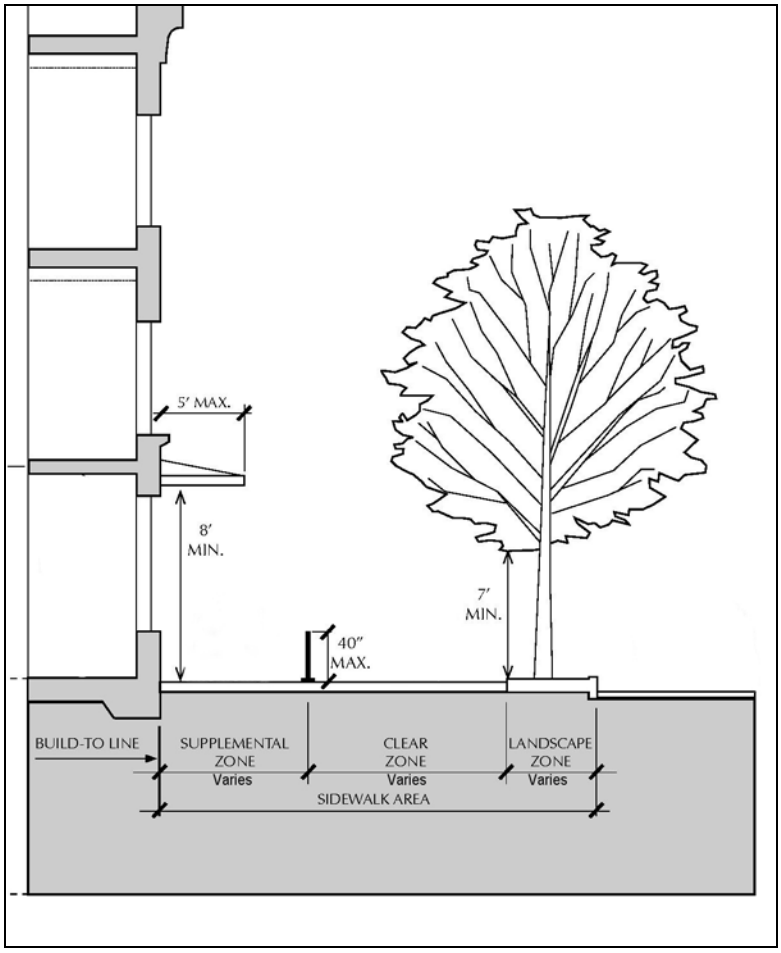
F. GENERAL DEVELOPMENT STANDARDS.

1. Buildings Must Be Oriented Toward Public Roads. Except for residential uses on double frontage roadways, all buildings shall face public roads and have public entrances facing all public roads.

2. Off-Street Parking Prohibited In Front Of Buildings. Except for single-family residential uses, neither drive isles nor off-street parking areas shall be located between the building's front façade line and abutting roadway. All off-street parking shall be located to the side(s) and/or rear of buildings.

3. Sidewalk Areas To Be Provided. All development shall provide a sidewalk area transition between the edge of pavement (or back of curb as appropriate) and the building façade. Based on use and road classification, said sidewalk area shall consist of a contiguous landscape zone, clear zone, and supplemental zone. The sidewalk area cross-section details shall be found in the Standard Sidewalk

Area Drawings maintained by the City of Suwanee Planning and Inspections Department.



4. Street Façade Frontage. For non-residential and mixed-use developments, a parcel's build-to line shall be developed with a building façade or street wall, driveways, or other pedestrian access points.

5. Bicycle Racks Provided. Each non-residential and mixed-use building shall provide a minimum of one bicycle rack capable of holding five bicycles.

6. Building Setbacks Reduced. Within the Old Town Overlay District front, side and rear yard building setbacks shall be reduced down to 0 feet, but not less than what is necessary to meet sidewalk area requirements or as otherwise specifically noted herein.

7. Residential Buffers Reduced. The City Council is hereby authorized to grant a Residential Buffer Reduction down to 0 feet, upon review and consideration of the potential impacts to neighboring properties and after holding a public hearing thereon. The City Council shall consider the existing and future use of said adjoining property and proposed use and design of the subject property and may be processed concurrently with a rezoning application.

8. Landscaping Requirements Modified. The desired character of future development within the Old Town Overlay District requires certain modifications to the City's standard Buffer, Landscape and Tree Protection requirements. The alterations outlined below shall apply within said area.
   a. Street Tree Requirements. All non-exempt development shall provide street trees as required herein. Street trees shall be provided along and/or within all public road frontages within the required landscape zone of the sidewalk area. Streets Trees shall be selected from the Overstory Tree List (Table 1700.4), shall be space between 30 and 40 feet on center (depending upon the anticipated canopy size of the tree) and shall be a minimum 3 inch caliper. Residential projects shall provide street trees as indicated above and a minimum of two 2 inch caliper trees per residential lots. Per lot trees may be planted in common areas associated with a residential project.
   b. Parking Lot Tree Requirements. Parking lot trees shall be provided per Section 1703.3 Off-Street Parking lot Planting Requirements.
   c. Landscape Strip Requirements. Developments shall be exempt from Section 1703.1.1, Section 1703.1.2, and Section 1703.2 except as may be required by a condition of zoning.
   d. Tree Density Requirements. Developments shall be exempt from Section 1704.6. Developments are exempt from meeting tree density requirements, except as may be required by a condition of zoning.

G. ROAD CLASSIFICATIONS.

Road classifications are the foundation for regulating the sidewalk area composition and building locations. The applicable cross-section details for each roadway type shall be found in the Standard Sidewalk Area Drawings maintained by the City of Suwanee Planning and Inspection Department.

1. Parkway. A state highway or arterial. On-street parking is not provided. There are two parkway characters: urban and suburban. Parkways generally have wide landscape zones, clear zones and supplemental zones. Urban Parkways have narrower hardscaped landscape zones, buildings located closer to the road, and greater building mass along the build-to line. Suburban parkways may have wider softscaped landscaped zones, buildings located farther from the road and less required building mass along building setback lines.

2. Commercial Street. A local road with a hardscaped sidewalk area. Commercial Streets are intended to accommodate commercial, retail, office, attached residential and mixed-use buildings with required on-street parking. The sidewalk along these roads shall provide adequate clear zone with a supplemental zone that accommodates adjacent uses. When abutting single-family attached buildings, the supplemental zone shall provide adequate width for a stoop, porch, and/or steps. Where adjacent to commercial/retail uses, the supplemental zone should provide adequate with outdoor dining, window shopping, outdoor furniture and related accessory elements.
3. Enhanced Old Town Road. A local road with either a hardscaped or softscaped landscape zone. These roads are intended to accommodate commercial, retail, office, attached residential and mixed use buildings. On-street parking is not

required due to road character and width, but may be permitted where appropriate.

4. Local Street. A local road that may have either a hardscape or softscape sidewalk area. These roads are intended to accommodate limited non-residential, residential, and live/work uses. On-street parking is not required due to road character and width, but may be permitted where appropriate.

SECTION 512.1 Old Town Commercial District (OTCD).

The Old Town Commercial District Zoning District provides a location for convenience goods and services for people in nearby neighborhoods. The OTCD Zoning District may only be used within the designated Old Town Overlay District. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

A. Except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

1. Accessory Buildings, Structures and Uses in accordance with the provisions set forth in Section 604 of this Ordinance.

2. Antique Shops.

3. Apparel Shops.

4. Art and school supply stores.

5. Art and Craft Studios.

6. Bakeries.

7. Barber Shops.

8. Bars, Nightclubs, Lounges, Taverns and Restaurants serving alcoholic beverages for consumption on premises.

9. Beauty Shops.

10. Bed and Breakfast Inns.

11. Bicycle Sales, Rental and Repair Shops.

12. Book, Magazine and Stationary Stores.

13. Commercial Laundry and Dry Cleaning Pick-up Station, provided:
    a. No drive-thru service is permitted.

14. Community Clubs or Associations, Private, Public or Non-Profit.

15. Consumer Repair Services.

16. Cultural Facilities.

17. Dance Studios.

18. Day Care Centers.

19. Dental Clinics or Laboratories.

20. Dog Grooming Shops.

21. Eating or Drinking Establishments, without Drive-thru Service.

22. Electronic sales and service establishments.

23. Financial Services/Institutions.

24. Florists.

25. Food Catering Establishments.

26. Food Preparation Facilities, Retail.

27. Food Stores, with or without the retail sale of beer and wine.

28. Funeral Homes.

29. Furniture Rental and Sales Establishments.

30. Hardware Stores.

31. Health Clubs.

32. Hobby Shops.

33. Jewelry Stores.

34. Locksmiths.

35. Mail Services.

36. Manufacturing in connection with a retail store or shop, provided:
    a. Such manufacturing is incidental and accessory to the retail use and all goods manufactured are sold on the premises.

37. Medical Clinics or Laboratories.

38. Movie Theaters, Indoor.

39. Music Stores.

40. Musical Instrument Sales and Repair Stores.

41. Office Supply Stores.

42. Offices, Administrative, Business or Professional.

43. Orthopedic and Medical Appliance and Supply Stores.

44. Performance Theaters, Indoor.

45. Personal Care Homes.

46. Pet Shops, excluding Boarding.

47. Pharmacies.

48. Photocopying/Reproduction Services.

49. Photographic Studios or Supplies.

50. Picture Framing Shops.

51. Public Buildings and Uses.

52. Public or Private Parks.

53. Public Utility Facilities.

54. Reception Halls and Community Meeting Facilities.

55. Recreation Facilities, Indoor.

56. Religious Institutions.

57. Residential Uses, provided:
    a. Residential uses shall not be on the first floor of any building.
    b. Walls and ceilings of ground floor must comply with fire separation and resistance requirements f the Standard Building Code and the Fire Life Safety Code.
    c. Must have a minimum of eight hundred (800) square feet of heated floor area per unit.

58. Retail and Personal Services.

59. Retail Display of Goods, provided:

a. It shall be located between the front yard(s) of the host parcel but outside of the public right-of-way; and
b. It shall not interfere with pedestrian or vehicular traffic circulation; and
c. It shall not be located on parking spaces used to meet the minimum parking requirements.

60. Schools, Public or Private.

61. Sporting Goods Stores.

62. Tailor Shops.

63. Toy Stores.

64. Video Rental Establishments, not including adult entertainment.

B. PERMITTED SPECIAL USES.

Within the Old Town Commercial Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Director of Planning and Inspections and Planning Commission and after a public hearing:

1. Building Height Increase.

2. Executive Quarters Suites.

3. Large Developments/Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:
   a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
   b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
   c. Any development that creates a residential subdivision exceeding 7 lots.

4. Outdoor Storage.

5. Parking Lots and Garages, Offstreet

6. Stand-alone ATMs. – Automated Teller Machines which are not an accessory use to a bank or financial center.

7. Veterinary Clinics, without Outdoor Boarding.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum Lot Size.
   a. No minimum.

2. Minimum Lot Width.
   a. 20 feet.

3. Minimum Road Frontage.
   a. 20 feet.

4. Minimum Yard Abutting a Public Street.
   a. 0 feet.

5. Minimum Side Yard.
   a. 0 feet.

6. Minimum Rear Yard.
   a. 0 feet.

7. Maximum Building Height.
   a. 3 Stories.

8. Residential Buffers. The City Council is authorized to grant a Residential Buffer Reduction down to 0 feet, upon review of the potential impacts to neighboring properties and after holding a public hearing thereon. The City Council shall consider the existing and future use of said adjoining property and proposed use and design of the subject property.

SECTION 512.2 Infill Residential District (IRD).

Infill Residential District shall be for infill opportunities in and around Suwanee Old Town. Such uses shall be compatible in intensity and style to the neighboring properties. The Infill Residential Zoning District may only be used within the designated Old Town Overlay District. This section must be read in it's entirety to fully understand where specific land uses are permitted within this zoning district. Some permitted uses require approval as a special use when certain thresholds are reached.

The following development standards apply.

A. Except where the size or scale of a proposed use falls within the large project category requiring a special use permit, the following uses are permitted:

   1. Accessory Buildings, Structures and Uses, provided:
      a. The building, structure or use complies with Section 604 of this Ordinance.
      b. A swimming pool is completely enclosed by a fence or wall at least four (4) feet in height, but not over eight (8) feet in height. The fence or wall shall be equipped with self-closing and self-latching gates. Openings in the fence or wall shall not permit the passage of a six (6") inch diameter sphere.

c. An accessory building, to include a guest house, an accessory dwelling unit, a garage, a storage building, etc., shall not exceed 800 square feet of gross floor area.

d. A relative residence contained within a Single Family Dwelling shall not exceed 800 square feet of gross floor area; the real property owner must live in the Single Family Dwelling; relatives must be by blood, marriage or law; access to the relatives living area shall be required from the interior of the dwelling although secondary access to the exterior of the dwelling is permissible; and, paved off-street parking shall be provided for additional vehicles as needed.

e. Any accessory building exceeding two hundred (200) square feet shall have an exterior finish consistent with the primary residence.

2. Community Facilities, provided:

a. All outdoor lighting shall comply with Section 1501.C.2.

b. The lot must be accessed from an arterial or collector as identified in the Comprehensive Plan.

c. All buildings shall be located at least 50 feet from all property lines.

d. All off-street parking areas shall be located at least 25 feet from all property lines.

e. All buildings shall comply with the City's architectural standards for the O-I zoning district.

3. Family Day Care Homes.

4. Home Events, provide:

a. The events comply with Section 616. Home Occupations.

5. Home Occupations.

6. Industrialized Homes.

7. Public Buildings or Uses.

8. Single-Family Detached Dwellings.

9. Subdivision Recreation/Amenity Areas.

B. PERMITTED SPECIAL USES.

Within the Infill Residential Zoning District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the City Council after receiving recommendations from the Planning Commission and after a public hearing:

1. Large Developments/Projects. Projects that are Permitted Uses within this district, but exceed the thresholds below are subject to special use permit review:

a. Building(s) that have a gross cumulative building size exceeding 20,000 square of enclosed heated or unheated floor area; and/or
b. Any project with a cumulative land disturbance exceeding 5 acres; and/or
c. Any development that creates a residential subdivision exceeding 7 lots.

C. DISTRICT DEVELOPMENT REGULATIONS.

1. Minimum lot size.
   a. 6,500 square feet.

2. Minimum lot width.
   a. 45 feet with rear accessed garages.
   b. 55 feet with front entry garages.

3. Minimum Road Frontage.
   a. 20 feet.

4. Minimum Front Yard.
   a. 5 feet.

5. Minimum Side Yard.
   a. 3 feet.

6. Minimum Building Separation.
   a. 10 feet (from buildings on adjacent lots).

7. Minimum Rear Yard.
   a. 20 feet.

8. Maximum Height.
   a. 40 feet

9. Garages.
   a. All houses shall have a minimum of double car garages. Garage doors, whether attached or detached garages, shall be located behind the rear façade of the primary structure. When accessed from the front, driveways shall not exceed 10 feet in width in front of the house.

10. Street Rights-of-way.
    a. 48 feet if in the interior of a subdivision.
    b. Other streets – as determined by the Thoroughfare Plan.

11. Minimum Heated Floor Area.
    a. 1,600 square feet.

SECTION 513. Gwinnett County-Annexed (GC-A)

A. ESTABLISHMENT AND APPLICATION.

The Gwinnett County-Annexed (GC-A) zoning district is used for certain properties annexed from unincorporated Gwinnett County into the city limits of the City of Suwanee to maintain regulatory continuity and legal status.

B. REGULATIONS OF LANDS IN THE GC-A ZONING DISTRICT.

Any property zoned Gwinnett County-Annexed (GC-A) as shown on the Official Zoning Map, unless otherwise specifically approved by the Suwanee, shall be subject to the zoning standards and property-specific conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners by resolution which applied to said properties at the time they were zoned, or the special use was permitted, in unincorporated Gwinnett County immediately prior to annexation. Copies of the contents of the official Gwinnett County zoning and special use permit files of properties so annexed shall become official files of the City of Suwanee and shall be maintained by the Director, and said conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners as adopted and applied by the City of Suwanee, shall constitute the zoning regulations governing said properties.

C. Development of Properties in the GC-A Zoning District.

Properties in the GC-A district shall continue to enjoy the use or uses specifically conferred by formal zoning or special use permit action of the Gwinnett County Board of Commissioners immediately prior to annexation. Development of any properties zoned GC-A on the effective date of this zoning ordinance shall comply with the following:

1. The property-specific conditions of zoning adopted by the Gwinnett County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.

2. The property-specific conditions of special use approval adopted by the Gwinnett County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.

3. Any property-specific variances granted by the Gwinnett County Board of Zoning Appeals and which are a part of the official Gwinnett County files for said property on record with the Director.

4. Any property-specific modifications of zoning or special use permit conditions approved by the City of Suwanee through formal action at a regular meeting prior to the effective date of this zoning ordinance, on record with the City Clerk.

5. In reviewing a development proposal for compliance with the zoning regulations of the GC-A zoning district, questions may arise as to what other additional dimensional requirements or use regulations apply. In certain cases the Director may not be able to resolve such questions by relying on the zoning or special use permit conditions and any applicable variances or modifications of said conditions alone. For example, a building on a site plan approved as a condition of zoning or special use permit approval may not be shown with enough specificity to determine the maximum building height or setbacks that apply to the proposed building. Or, questions may arise as to whether the use provisions allow for an accessory building, structure, or use on the subject property that is not shown on the site plan approved as a condition. In such instances where questions about development permissions cannot be resolved by applying the above provisions 1 through 4 of this section, the Director shall apply regulations of the Suwanee zoning district established in Article V of this zoning ordinance which most closely resembles the zoning district of Gwinnett County's Zoning Resolution which applied to the property immediately prior to annexation, as more particularly shown in Table 8.1.1:

Gwinnett County – Suwanee Zoning District Conversion Based on Permitted Uses and Density (each row indicates compatible zoning districts).

Gwinnett County District	Suwanee Zoning District standards which shall apply when questions arise under the terms of this Section as they related to dimensional requirements and accessory buildings, structures, and uses.
RA-200, R-140	R-140
R-100, MHS	R-100
R-75, R60, RL	R-75
R-TH, R-ZT, RM-8, RM-10, RM-13	RM-8
RMD	RMD
RM-6	RM-6
HS	R-100, C-2
NS, C-1	C-1
C-2	C-2
C-3	C-2A
O-I, OBP	O-I
M-1, M-2	M-1
CSO	CSO
MUR	PMUD

D. <u>Remedies for Additional Development Permission</u>

1. In any case where a development is proposed on property zoned GC-A but such development would not be consistent with the provisions of the GC-A zoning district as specified in this Section, there shall be the following possible remedies:

a. File an application to rezone the property from GC-A to another zoning district set forth in Article V of this zoning ordinance that lawfully provides for the proposed development, in accordance with applicable zoning procedures and Article XXI of this zoning ordinance.

b. The Director may authorize that a variance application be made to the Suwanee Board of Zoning Appeals, in accordance with the provisions of Article XX of this zoning ordinance, but only on an individual, case-by-case basis and only involving a single building that cannot meet the yard area, setbacks, buffers, landscape strips, building coverage, or other dimensional (numeric) requirements of the approved site plan and conditions of zoning. No application for a variance shall be filed, accepted, or processed that contains a request to vary dimensional requirements pertaining to more than one principal building; provided, however, that an applicant may file more than one variance application when more than one building is involved. Such applications, if approved by the Director to be filed, shall be processed in accordance with applications for variances as specified in this zoning ordinance.

c. The Chairman of the Zoning Board of Appeals is authorized to grant administrative variances to properties zoned GC-A, pursuant to and as specified in Section 2102 of this zoning ordinance.

2. Minor revisions to an approved site plan or development plan may be administratively approved by the Director if in the Director's judgment such changes: (1) do not involve an increase in density or intensity of the site; and (2) do not alter buffers or setbacks along perimeter boundaries; and (3) do not otherwise result in a change that would be contrary to the public interest or that would be better considered via a public hearing process and a change in zoning or special use approval.

E. Compliance.

Except as this chapter specifically authorizes otherwise, lands annexed into the municipal limits of the City of Suwanee between 1998 and the effective date of this zoning ordinance shall be subject to all applicable procedural and substantive requirements of this zoning ordinance as now or hereafter amended.

F. Assumption of Administrative Functions.

In cases where conditions of Gwinnett County zoning approval applicable to property in the GC-A zoning district require an administrative determination or decision, interpretation, or other administrative action, the Director shall have the authority to make such administrative determination, decision, or interpretation. To this end, the Director shall assume the authority of all administrative officials referred to in said conditions of zoning approval by Gwinnett County; provided, however, that in cases where engineering considerations are specified, the City Engineer shall have such administrative authority.

ARTICLE VI
GENERAL DEVELOPMENT REGULATIONS

SECTION 600. One Principal Building or Use on a Lot.

Only one principal building, structure or use and its customary accessory buildings, structures and uses shall be permitted on any lot, except in the case of a planned industrial, office or retail center, and provided that the lot meets the required lot size, lot width, road frontage and other District Development Regulations of the applicable Zoning District.

SECTION 601. Road Frontage Requirement.

No building or structure shall hereafter be erected on a lot that does not abut upon an open street which shall be either a public street, a publicly approved street or a publicly maintained street. The amount of required road frontage shall be that as specified for each Zoning District under the District Development Regulations.

SECTION 602. Thoroughfare Map.

For the purposes of this Ordinance, all of the streets, roads and highways in the City are classified as Arterial Streets, Collector Streets and Local Streets. The classification of each street in the City is shown on the "Thoroughfare Map of the City of Suwanee, Georgia" which is on file in the office of the City Clerk.

SECTION 603. Right-of-Way Dedication.

As a prerequisite for the issuance of a Development Permit, right-of-way shall be dedicated at no cost to the City along all abutting public streets. The amount of required dedication shall be that as established by the Thoroughfare Map of the City.

SECTION 604. Accessory Buildings, Structures and Uses.

A. Accessory buildings, structures and uses shall be permitted only within the required rear yard unless specifically exempted in this Ordinance.

B. Accessory buildings, structures and uses shall be located on the same lot of record as the principal building, structure or use.

C. Accessory buildings, structures and uses shall be customarily incidental and subordinate to the principal building, structure or use.

D. Accessory buildings, structures and uses shall be setback at least 5 feet from any lot line, except where abutting a public street, unless specifically exempted in this Ordinance. Where abutting a public street, an accessory building, structure or use shall be setback by 50 feet, unless specifically exempted in this Ordinance.

SECTION 605. Vision Clearance at Intersections.

In all Zoning Districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of 3 feet and 15 feet, except utility poles, light or street sign standards or tree trunks shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

SECTION 606. Residential Floor Area Requirements.

To promote the public health, safety, morals or general welfare, all residential structures within all residential Zoning Districts of the City shall have a minimum floor area. The minimum amount of floor area required for each Zoning District shall be as established in each Zoning District under the District Development Regulations.

SECTION 607. Vehicular and Pedestrian Circulation.

All structures shall be designed so as to provide safe circulation for or evacuation of occupants. All portions of a structure shall be accessible to fire-fighting equipment. Plans shall be submitted to the City Engineer and Gwinnett County Fire Department for approval.

SECTION 608. Public Nuisance Vegetation.

Any tree or shrub, or parts thereof growing on public or private property which interferes with or endangers the use of a public street or other public place within the City, that in the opinion of the City Inspector and the City Council, endangers the life, health, safety or property of the public, shall be declared a Public Nuisance. The owner shall be notified in writing and by publication in the City's organ of the existence of the nuisance and given reasonable time for its correction or removal. If not corrected or removed within the time allotted, the City Inspector shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner.

The grading of property which results in increased water run-off, siltation, erosion, and/or unsightly and objectionable appearance and which is wholly incompatible to surrounding properties shall constitute a Public Nuisance in violation of this Ordinance unless a replanting schedule has previously been accepted by the City.

SECTION 609. Required Fence.

When this Ordinance requires a fence to be constructed, this fence shall be completed prior to issuance of a Certificate of Occupancy.

SECTION 610. Fences and Walls.

A. The setback requirements of this Ordinance shall not prohibit any necessary retaining wall nor prohibit any wall or fence, except that:

   1. No fence or wall shall exceed 8 feet in height.

2. In a yard abutting a public street only decorative fences or walls shall be allowed. No fence or wall within a yard abutting a public street shall be constructed of woven wire or metal fabric (chain-linked, hog wire, barbed wire, or razor wire, etc.).

3. In a yard abutting a public street no fence or wall shall exceed 4 feet in height, except that:

   a. On residentially zoned lots greater than 2.0 acres, fences or walls within a yard abutting a public street shall not exceed six feet in height.
   b. On residentially zoned corner lots, a fence or wall not exceeding 6 feet in height may be provided within one yard abutting a public street.
   c. On residentially zoned through lots with a 10 foot wide no access easement along the entire length of one of the road frontages, a fence or wall not exceeding 6 feet in height may be provided within that yard abutting a public street.

4. No fence or wall exceeding 4 feet in height shall be located within 15 feet of the back of curb or edge of pavement (if no curbing) or within 20 feet of the intersection of two or more public roads.

SECTION 611. Substandard Lots of Record

Any lot of record existing at the time of the adoption of or an amendment to this Ordinance, that has an area or width that is less than is required by this Ordinance, may be used, subject to the following exemptions and modifications.

A. Adjoining Lots. When 2 or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption of or an amendment to this Ordinance, and such lots, individually, have an area or width that is less than is required by this Ordinance, then such contiguous lots shall be considered as a single lot or several lots of the minimum width and area required in the Zoning District in which they are located.

B. Individual Lots Not Meeting Minimum Lot Size Requirements.

   Except as set forth in Subsection "A" of this Section, in any Zoning District in which single-family dwellings are permitted, any lot of record existing at the time of the adoption or amendment of this Ordinance which has an area, width of depth less than that required by this Ordinance may be used as a building site for a Single Family Dwelling. In the case of such a lot, when it is not possible to provide the required Side Yards and at the same time building a minimum width Single Family Dwelling, the Zoning Board of Appeals is hereby authorized to grant a Variance reducing the side yard requirements for such lot to the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than 5 feet in width.

SECTION 612. Temporary Buildings.

A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period, not to exceed two years, upon granting of a Building, Development or Grading Permit by the City.

SECTION 613. Architectural and Design Standards.

The City of Suwanee Architectural and Design Standards, as now or hereafter amended, are hereby adopted for the City of Suwanee. Said Architectural and Design Standards are fully set forth as an Addendum to this Ordinance which are hereby incorporated in this Ordinance by reference. A copy of the current Architectural and Design Standards and any additions or deletions thereto shall be maintained in the office of the City Clerk.

SECTION 614. General Conditions.

(Reserved)

SECTION 615. Method of Density Calculation.

For the purposes of determining density of a development where required by this Ordinance, permitted development shall be calculated on the basis of net density (see definition of "Density").

SECTION 616. Home Occupations.

A. Intent and Purpose. It is the intent and purpose of this article to provide for certain types of restricted occupational uses within residences. Only such uses will be allowed which:

1. Are incidental to the use of the premises as a residence;

2. Display little or no outward signs of a business or business-like activities other than those which would commonly be found in a residential district.

3. The business or business-like activities shall not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.

B. Application Procedures. Home occupations that operate under the standards set forth in this section may not commence until receipt of a Home Occupation License as approved by the Finance Department and Planning and Inspections Department and shall be renewed on an annual basis.

C. Home Occupation Standards. Home Occupations shall be permitted in all residential zoning districts, as well as residences in PMUD and OTCD districts. In addition to the limitations imposed on "Home Occupations" under "Article III. Definitions", the following requirements shall be met:

1. No more than 25 percent of the dwelling unit may be used for conducting the home occupation. If the home occupation is operated within an accessory building, that building shall not occupy more than 800 square feet.

2. The home occupation shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m., excluding routine residential type carriers. The home occupation shall not generate objectionable traffic.

3. Home Occupations shall be limited to a maximum of 2 business related visitors at any time. Business related visitors include but are not limited to employees, business partners, contractors, subcontractors, clients, customers, students, etc.

4. It is the responsibility of home occupation applicants to be aware of their obligations to understand and comply with all applicable federal, state, and local laws, ordinances, regulations, and/or licensing requirements that may apply to their home occupation.

5. It is the obligation of home occupation applicants to be aware of any neighborhood covenants that may apply to their home occupation. Issuance of a home occupation license by the City does not constitute an endorsement that all other regulations and/or covenants have been met.

5. A home occupation shall produce no offensive noise, vibration, smoke, dust, odors, heat. No equipment or process shall be used in a home occupation which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in the line voltage off premises.

6. The home occupation shall be incidental and secondary to the use of the dwelling. No additions or alternations to the dwelling unit, accessory building or lot shall be permitted that change the residential appearance of the premises. No separate driveway shall be permitted for a home occupation.
7. The home occupation shall be constructed entirely from an enclosed structure. Neither home occupations nor any storage of goods, materials, or products connected with a home occupation shall be allowed outdoors or in carports. There shall be no visible evidence of the operation of the home occupation from neighboring properties. Window displays shall not be utilized. If materials are stored in an attached garage then the door shall not be left in the open position.

8. Business related parties/gatherings may be held no more than once per month. These parties shall not be advertised to the general public.

9. Multiple home occupations may be permitted within a single residence; however, the above limitations shall apply to the combined uses.

10. Home occupations shall be limited to two visible business vehicles. No visible vehicle associated with a Home Occupation shall have more than 2 axles.

D. Business-like Activities. Unlicensed business-like activities that are undertaken out of the home shall be subject to the same standards as a licensed home occupation.

E. Garage Sales. Garage, yard, estate, etc. sales do not require a permit. However, they are required to meet the following standards:

1. Sales may not last longer than three (3) days.

2. Sales are held no more than four (4) times yearly.

3. Sales are conducted entirely on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.

4. No goods purchased for resale may be offered for sale.

5. No consignment goods may be offered for sale.

6. Any signs advertising sales shall be erected in accordance with Article XVI.

F. Family Day Cares. A customary home occupation which provides, for no more than 6 persons who are not residents of the premises, care and supervision by a State of Georgia registered resident adult for less than twenty-four hours per day on a regular basis for compensation. Family Day cares are exempt from Section 616.C paragraphs 1, 2 and 3.

G. Special Use Permits. Some Special Uses may be allowed as home occupations. Such requests are reviewed on a case by case basis in order to ensure a minimal impact to surrounding residences. Special Uses authorized as a home occupation are subject to the requirements of Section 616 except as otherwise authorized by City Council

H. Appeals of Administrative Decisions. Any appeal of Section 616 to the Zoning Board of Appeals shall be subject to the requirements of Section 2010.

ARTICLE VII
PERMIT PROCEDURE AND REQUIREMENTS

SECTION 700. Permit Approvals on State Highways.

For all developments with road frontage upon a state highway, no Building or Development Permit shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant for entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the department.

SECTION 701. City and County Approvals Required.

All City and County approvals that are required for the use of land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted by him with his request for a Building, Clearing, Development or Grading Permit, or Certificate of Occupancy. Except as otherwise required by state law, no local action shall be taken and no public hearings shall be held until the above-required approvals have been obtained by the applicant.

SECTION 702. Site Plan Requirements.

A. A site plan for the development or improvement of any property within the City shall be submitted to the Planning Department for review, at the time of application for a Development or Building Permit, and in every case prior to any grading, bulldozing or other extensive removal of vegetation that may affect the health of existing tree cover and/or drainage and siltation hazards.

B. Site plans and other development plans required to be submitted under the provision of this Ordinance shall be prepared by Engineers, Architects, and Landscape Architects who are currently registered for this work in accordance with the applicable state laws; no plans for structures shall be prepared by any individual other than a currently state registered architect or engineer.

C. No site plan shall be required for the construction of a single-family or duplex dwelling except as may be required by other city ordinances.

D. Subdivision Plans: Refer to the adopted Development Regulations for the requirements and procedures necessary to submit plans for review.

E. For every application, consideration shall be given to the needs of the intended use of the property, together with a realistic evaluation of the following:

1. Existing tree coverage.

2. Number of trees to be removed from the entire property.
3. Area to be covered with structures, parking and driveways.

4. Topography and drainage.

5. Character of the site and its environs.

6. Ecology.

7. Site distances afforded motor traffic.

8. Characteristics and amount of shrubs, grass, and trees to be planted.

F. The Site Plan shall be drawn to scale and shall accurately depict the lot size, location and size of existing and proposed buildings, structures or improvements to be placed on the site; the specific use of each building, structure, property or part thereof; detailed arrangement of required parking spaces, location of means of ingress and egress and, when necessary, topographical information to indicate status of the completed size.

The Site Plan shall bear a legend in tabular form depicting the total gross acreage, the area devoted to recreation, if applicable the square footage devoted to each proposed use, the number of parking spaces, if applicable, the number of loading spaces, if applicable, square footage and number of one, two, three or four, or more bedroom dwelling units, if applicable, as well as any other pertinent data.

SECTION 703. Plan Review Procedure.

A. The Planning Department with the City Engineer shall review the Site Plan for completeness and conformance with applicable City of Suwanee rules and regulations.

B. Issuance of Building and Development Permits may be withheld when it is the opinion of the director that the specifications of the Site Plan have not been complied with.

C. If the Site Plan is approved with modifications the applicant shall file a properly revised Site Plan with the director.

D. Construction and development of the property shall be in accordance with the Site Plan as approved and shall not be changed, varied, extended, altered, modified, or expanded in any manner different from that specified or described in the application as approved, unless such change, variation, extension, alteration, modification, or expansion, has been approved by the Planning Department.

E. All plans for commercial, industrial, office, subdivisions, etc., shall be reviewed by the designated City Engineer for technical compliance with this and other ordinances.

F. Only complete plans in compliance with required submittal information shall be approved by the City.

G. Plans must be approved by the Planning Department only.

H. A fee shall be required to be paid upon submittal of plans according to the adopted fee schedule indicated in Addendum III.

ARTICLE VIII
TELECOMMUNICATIONS ANTENNA AND TOWER REGULATIONS

SECTION 800. Intent

This Article shall apply to all properties or portions thereof within the incorporated areas of Suwanee, Georgia, to the extent of the provisions contained herein. The intent of this Article is to establish procedures and criteria for building a communication tower or affix an antenna as well as establish regulations for the placement of communications towers and antennas to provide for the public health and general welfare. For the purposes of this Section, all terms defined within this Section shall become part of this Article and also be included in ARTICLE III. DEFINITIONS of the 1998 City of Suwanee Zoning Ordinance.

Definitions. As used in this ordinance, the following terms shall have the meanings indicated.

A. Alternative tower structure shall mean man-made structures such as clock towers, belt towers, church steeples, water towers, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas and towers.

B. Antenna means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving or electromagnetic waves.

C. City Administrator means the appointed City Administrator of the City of Suwanee of his/her designee.

D. FAA means the Federal Aviation Administration

E. FCC means the Federal Communications Commission.

F. Governing Body means the City Council for the City of Suwanee.

G. Guy towers means a communication tower that is supported, in whole or in part, by guy wires any ground anchors.

H. Height, when referring to a tower, antenna or other structure, means the distance measured vertically from the highest point when positioned for operation to the lowest point which is defined as the bottom of the base of the structure being measured at either roof or ground level, whichever is applicable. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

I. Lattice or Self-supporting tower means a communication tower that has open-framed supports on three or four sides and is constructed without guy wires and ground anchors.

J. Monopole tower means a communications tower consisting of a single pole, constructed without guy wires or ground anchors.

K. Tower means a structure, such as a self-supporting lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electric communication. The term includes radio and television transmission towers, microwave towers, common carriers towers, and cellular telephone towers. The term excludes any tower and antenna under seventy (70) feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and satellite earth station antenna one meter in diameter or less, any receive-only home television antenna, and any satellite earth station antenna two meters or less in diameter which is located in commercial or industrial zoning district.

SECTION 801. Purposes

801.1. The purposes of this Article are to:

A. Provide for the appropriate location and development of communication towers and antennas within the City of Suwanee;

B. Minimize adverse visual impacts of towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

C. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures;

D. Minimize traffic impacts on surrounding residential areas;

E. Maximize use of any new and existing communication towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;

F. Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers; and

G. Encourage and promote the location of new communication towers in areas which are not zoned for residential use.

SECTION 802. Permitted Uses

A. Upon receipt of an appropriate building permit, freestanding communication towers may be located in the following zoning districts of the City:

1. Light Industrial (M1) zoning district as a use by right; provided however, such towers satisfy all of the conditions in Sections 805 and 806 of this ordinance and do not exceed the following height limitations:

    a. For one or two users, no more than one hundred and fifty (150) feet in height:

    b. For three or more users, no more than two hundred and fifty (250) feet in height.

B. Rooftop mounted communications towers and antennas may be located on any nonresidential buildings and alternative tower structures in the City so long as:

1. Such tower or antenna is set back from any existing or proposed off-site residence and separated from any residentially zoned property at least a distance equal to two times the full height of the tower and antenna, but in no event less than one hundred (100) feet;

2. The existing free-standing nonresidential structure other than a tower on which such tower or antenna will be placed is fifty (50) feet in height or greater and the tower and antenna will add no more than twenty (20) feet total to the height of said existing structure;

3. No advertising or writing is permitted on an antenna or tower;

4. No signs or illumination are permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the City Administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views; and

5. The number and location of antennas, communication towers or other receiving or transmitting devices located on a single structure is not excessive and does not adversely affect properties and views.

C. Prohibitions

1. No new tower may be established if there is a technically suitable space available on an existing tower within the search area that the new tower is to serve.
2. No new tower shall be allowed in a residentially zoned district (R-140, R-100, R-85, TRD, RM-8, RM-6, or RMD).

3. No new tower shall be allowed in commercially zoned district (C-1, C-2, or C-3) or office-institutional zoned district (O-I).

SECTION 803. Tower Requirements

A. Application: Contents; fee

All applications for permission to construct new telecommunications towers shall be submitted to the City Administrator. Each application shall contain as a part thereof detailed plans and specifications as set forth in Section 804. An application shall not be accepted for processing without the information required in this Article. An application fee shall be charged by the City in an amount stated in the schedule of fees and charges.

B. Exhibits Required

Each applicant requesting permission to construct a new telecommunications tower under this Article shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements including topography (utilizing minimum two (2) foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent land use, and any other information deemed by the City to be necessary to assess compliance with this Article and compatibility with surrounding uses.

C. Co-location of Antennas Required

Applicants for the erection of a tower or antenna, except amateur radio operations, shall be required to be co-located upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic placement area utilizing the tower inventory maintained by the City, and that no suitable alternative tower structure is available as set forth in Section 806 contained herein.

D. Considerations For Reviewing New Telecommunication Towers

Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The City shall consider the following factors in reviewing applications for new telecommunications towers:

a. The height and setbacks of the proposed tower;
b. The proximity of the tower to residential structures and residential district boundaries;
c. The nature of uses on adjacent and nearby properties;
d. The surrounding topography;
e. The surrounding tree coverage and foliage;
f. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
g. The proposed ingress and egress;
h. The availability of suitable existing towers or other structures for antenna co-location; and,

i. The impact of the proposed tower upon scenic views and visual quality of the surrounding area.

SECTION 804. General Requirements

804.1. The requirements set forth in this Section shall govern the location and construction of all towers and the installation of all antennas governed by this Article.

A. Building Codes: Safety Standards

To ensure the structural integrity of communication towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. Tower owners shall conduct periodic inspections of communication towers at least once every two years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the City Administrator. The owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense.

B. Regulatory Compliance

1. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennas. If such standards and regulations are changed then the owners of the communications towers and antennas governed by this Article shall bring such communications towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

2. Tower owners shall provide documentation showing that each communication tower is in compliance with all federal requirements. Evidence of compliance must be submitted every 12 months.

3. Tower owners shall register ownership annually with the City and ownership changes with the City within thirty (30) days of any change.

4. The tower owner must file with the City a letter of intent for use every twenty-four (24) months and provide the City with a copy of any notice to the FCC of intent to cease operations within sixty (60) days of the date planned to cease.

C. Security

Communication towers shall be enclosed by virtually pleasing, decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, the City Administrator or the Governing Body may waive such requirements for alternative tower structures.

D. Lighting

No illumination is permitted on an antenna or tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the City Administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

E. Advertising

No advertising is permitted on an antenna or tower. No signs, verbiage, symbols, or information of any kind is permitted on an antenna or tower.

F. Visual Impact

1. Non-camouflaged towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.

2. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and build environment. Tower applicants are strongly encouraged to camouflage towers, such as by designing as a tree type appropriate to the area.

3. Any tower applicant that is not proposing a camouflage tower must provide a detailed explanation why they are not proposing a camouflaged tower. Explanation must discuss items other than economics.

4. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Towers clustered at the same site shall be of similar design and scale.

6. Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

G. Landscaping

Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property and shall be as follows:

1. Tower facilities shall be landscaped with a landscaped strip of plant materials, which effectively screens the view of the tower compound. Landscaped strips shall be a minimum of fifteen (15) feet in width and located outside the fenced perimeter of the compound. Landscaped strips shall satisfy the minimum design and planting requirements for buffers established in the Article XVII. Buffer, Landscape and Tree Regulations.

2. All existing mature tree growth and natural land forms on the site shall be preserved. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

3. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.

4. In lieu of these standards, the City Administrator may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved by the provisions above, except as lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be reduced or waived via written permission from the City Council.

H. Maintenance Impacts.

Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access from a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street.

I. Principal, Accessory and Joint Uses

1. Accessory structures used in direct support of a tower shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower, unless repairs to the tower are being made.

2. Towers may be located on sites containing another principal use in the same buildable area. As long as all of the other siting, setback, separation and general requirements of this Article are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. The minimum distance between a tower and other principal use located on the same lot shall be the greater of one hundred (100%) of the breakpoint or twenty-five (25) feet for a monopole, lattice or guy tower. This separation is required to assure compatibility of land uses and to provide for the health, safety and welfare of individuals and structures occupying the same site.

3. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

J. Tower lot size, setbacks and separation

1. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:

a. Provide for an adequate vegetative, topographic or other buffer as required in Section 804.1. (F) and (G);

b. Preserve the privacy of surrounding residential property;

c. Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in this Article.

2. A site is presumed to be of sufficient size when it:

a. Meets the requirements of the above subsection (1);

b. Provides a setback equal to the greater of two times the height of the tower failure or the height of the actual tower by being large enough to accommodate such failure on the site, based on the engineer's analysis required in this Article.

c. Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in a residential district nor a public property nor a public street, as long as the setback of the adjoining property is at least 100% of the breakpoint of the tower.

3. Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structure may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

4. For a guyed structure, the site shall be of a size and shape sufficient to provide a setback equal to at least the height of the tower from a guy anchor to any property line abutting a residential district, public property or public street in addition to the size required to comply with subsection (2) above. Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.

5. All structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in the zoning district where the tower is to be located.

SECTION 805. Shared Use

805.1. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable.

A. Once a new tower is approved, additional antennas and accompanying accessory uses may be added to it in accordance with the approved share plan if the City Administrator finds that the standards of this Article are met.

B. For a new tower to be approved, the owner shall be required as conditions of approval, to:

1. Record the letter of intent to include a project contact and a brief description of the site where the tower is located at the City of Suwanee in the office of the City Clerk.

2. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;

3. Negotiate in good faith for shared use by third parties; and

4. Allow shared use where the third party seeking such agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to modify the tower and transmitters to accommodate shared use, but not total tower reconstruction, and to observe whatever technical requirements are necessary to allow shared use without creating interference.

C. Willful, knowing failure of an owner whose tower was approved after the effective date of this Article to comply with the requirement of (1) through (4) above shall

be grounds for withholding approval of any application by such owner for a building permit or Tall Structure Permit for any tower or antenna.

D. Applicant and all subsequent users of any telecommunication tower located in Suwanee shall comply with Part 77 of the Federal Aviation Regulations. Passage of this Article shall also include adoption of part 77 of the Federal Aviation Regulations. All placement of towers and antennas must be approved by the FAA before a building permit or placement is allowed. This approval is generally granted by the successful completion of "FAA Form 7480-1" or its equivalent.

E. Such conditions shall run with the land and be binding on subsequent purchasers of the tower site.

SECTION 806. Application Procedures

806.1. Application for a development permit for any communication tower or use of an alternative tower structure shall be made to the City Administrator. An application will not be considered until it is complete. A complete application must contain the following:

A. Inventory of Existing Sites: An inventory of the applicant's existing towers that are either within the jurisdiction of the governing authority or within two miles of the border thereof, including specific information about the location, height, and design of each tower.

B. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), transmission building and/or other accessory uses, access, fences, landscaped areas, and adjacent land uses.

C. Landscape plan to scale indicating size, spacing and type of plantings required in Section 804.1.G.

D. Utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.

E. A Phase I Environmental Site Assessment & Environmental Impact Study/Statement fully describing the effect that the proposed tower and/or antenna will have on the environment and surrounding area, impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes. The required report shall fully described the potential environmental concerns associated with past or current site or surrounding land use.

F. A certified statement prepared by an engineer licensed to practice in Georgia that the construction of the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent properties.

G. A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.

H. Report from a professional structural engineer licensed in the State of Georgia, documenting the following:

1. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.

2. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated.

3. Evidence of structural integrity of the tower structure.

4. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

I. Written statements from the FAA, FCC and any appropriate state review authority stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.

J. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.

K. A reasonable pro rata charge may be made for shared use, consistent with an appropriate sharing of construction, financing and maintenance costs. Fees may also be charged for any structural or RF changes necessitated by such shared use. Such sharing shall be a condition for approval.

1. The applicant shall describe what range of charges are reasonably expected to be assessed against shared users.

2. The applicant shall base charges on Generally Accepted Accounting Principles (GAAP) and shall explain the elements included in the charge.

L. The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennas. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The City Administrator shall approve those limitations if they cannot be overcome by reasonable technical means.

M. Evidence of the lack of space on all suitable existing towers and alternative tower structures to locate the proposed antenna and of the lack of space on existing

tower sites and alternative tower structures to construct a tower for the proposed antenna.

N. Each applicant must make a good faith effort to substantially demonstrate that no existing or proposed towers can accommodate the applicant's proposed antenna/transmitter as described below:

1. The applicant shall contact the owners of all existing or planned towers of a height roughly equal to or greater than the height of the tower proposed by the applicant. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.

2. Such contact shall be made in a timely manner; that is, sufficiently before the filing of an application for a building permit to include a response into the application when filed.

   a. Failure of a listed owner to respond shall not be relevant if a timely, good faith effort was made to obtain one. However, where an existing or planned tower is known to have capacity for additional antennas of the sort proposed, based on the decision regarding such tower, that application for a new tower shall not be complete until the owner of the existing or planned tower responds. Such response is to be required as a condition of approval.

   b. The City Administrator shall maintain and provide, on request, records of responses from each tower owner.

   c. Once an owner demonstrates an antenna of the sort proposed by the applicant cannot be accommodated on the owner's tower as described below, the owner need not be contacted by future applicants for antennas of the sort proposed.

3. The applicant shall request the following information from each tower owner contacted:

   a. Identification of the site by location, tax lot number, existing uses, and tower height.

   b. Whether each such tower could structurally accommodate the antenna proposed by the applicant without requiring structural changes be made to the tower. To enable the owner to respond, the applicant shall provide each such owner with the height, length, weight, and other relevant data about the proposed antenna.

   c. Whether each such tower could structurally accommodate the proposed antenna, if structural changes were made, not including totally rebuilding the tower. If so, the owner shall specify in general terms what structural changes would be required.

d. If structurally able, would shared use of such existing tower be precluded for reasons related to RF interference. If so, the owner shall describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed tower, if at all.

e. If shared use is possible, the fee an owner of an existing tower would charge for such shared use.

4. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The City Administrator and the Governing Body may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.

O. Applicant shall supply a site specific description and artistic renderings depicting how the tower will be camouflaged at the time of construction completion (camouflage will be consistent with existing vegetation and terrain) to overcome negative visual impact on non-industrial and residential areas.

P. Any other information which may be requested by the City Administrator to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

SECTION 807. Appeals

A. Appeals from any decision of the City Administrator and/or the Planning and Zoning Commission shall be to the Suwanee City Council within 10 days of receipt of the decision. Any appeal of a decision of the Suwanee City Council shall be made to the Suwanee Planning and Zoning Board of Appeals within 10 days pursuant to Article XIV. Appeals from any decision of the Board of Appeals shall be made to the Superior Court of Gwinnett County within 30 days of the decision.

B. All appeals shall be in writing and must be supported by substantial evidence in a written record.

SECTION 808. Removal of Antennas and Towers

All towers and antennas shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection by the City Administrator such tower is determined not to comply with the code standards or to constitute a danger to persons or property, then upon notice being provided to the owner of the tower and the owner of the property if such owner is different, such owners shall have thirty (30) days to bring such tower into compliance. In the event such tower or antenna is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the tower or antenna to be removed. In the event such tower or antenna is not removed within (30)

days of receipt of such notice, the City may remove such tower or antenna and place a lien upon the property for the costs of removal. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to insure that communication towers and antenna not in compliance with the code standards or which constitute danger to persons or property are brought into compliance or removed. The City may seek to have the tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

SECTION 809. Abandoned Towers

A. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of the tower. The owner of an abandoned antenna or tower and the owner of the property where the tower is located shall be under a duty to remove such a tower or antenna. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and accessory building and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to insure that abandoned communication towers and antenna are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the communication tower or antenna removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this Article as if such tower or antenna were a new tower or antenna.

SECTION 810. Pre-Existing Towers/Non-Conforming Uses

All communications towers operative on March 17, 1998 shall be allowed to continue their present usage as a non-conforming use in accordance with Section 1300 of the City of Suwanee Zoning Article. Routine maintenance, including replacement with a new tower of identical construction and height, shall be permitted on such existing towers. All new construction other than routine maintenance on an existing communication tower shall comply with the requirements of this ordinance.

SECTION 811. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 812. Repeal of Laws in Conflict.

This Article supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

SECTION 813. Effective Date.

This Article shall take effect immediately upon adoption.

ARTICLE IX
CHATTAHOOCHEE RIVER DEVELOPMENT REGULATIONS

SECTION 900. Chattahoochee River Corridor Protection Area.

A. River Corridor Defined.

The Chattahoochee River Corridor shall extend for a horizontal distance of 2,000 feet from the edge of the Chattahoochee River, and any impoundment thereon, as specifically defined in the Metropolitan River Protection Act of the State of Georgia, as amended from time to time.

B. Activities Controlled.

All construction and development activities, clearance, land disturbance, landscaping, occupancy and use of lands within the Chattahoochee River Corridor shall be undertaken in conformance to the provisions of the Georgia Metropolitan River Protection Act, the River Corridor Plan and applicable rules and regulations as adopted by the Atlanta Regional Commission, and any applicable certificate or permit issued pursuant to approval of a River Corridor Application by the Mayor and Council.

C. River Corridor Application Approval Required.

Prior to initiating any activity on lands within the Chattahoochee River Corridor which is controlled by the Metropolitan River Protection Act, and as a prerequisite for issuance of any Clearing, Grading or Development or Building Permit for such activity, a River Corridor Application must be filed with the City Clerk and approved by the Mayor and Council pursuant to the rules and regulations of the Atlanta Regional Commission. All such activities shall be carried out in strict compliance with the provisions of the approved River Corridor Application and any permits or certificates issued pursuant thereto.

SECTION 901. Chattahoochee River Tributary Protection Area.

This section of the Zoning Ordinance is adopted pursuant to the requirements of the Official Code of Georgia, Annotated, Section 12-5-453.

A. Findings.

The City finds that:

1. The Chattahoochee River provides multiple benefits, which includes use of the river as the primary water supply for metropolitan Atlanta.

2. The water quality of the Chattahoochee River depends upon the water quality of the flowing streams tributary to the river.

3. Sediment and other polluting materials and conditions, including but not limited to pesticides, nutrients such as nitrogen and phosphorus, toxic materials, and elevations in water temperatures are harmful to the water quality of the river and its tributaries.

4. The riparian vegetation along these watercourses helps preserve water quality. Dense tree growth helps to prevent stream bank erosion, and streamside vegetation reduces the amount of sediment and other polluting materials that would otherwise wash into streams. Riparian trees, by shading, help maintain cooler water temperatures and thus enhance water quality.

B. Purpose.

The purpose of this protection area is as follows:

1. Promote health, safety, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution.

2. Create vegetative buffer areas and adjacent to tributary streams in the drainage basin of the Chattahoochee River.

C. Tributary Protection Area Development Standards.

1. Definition.

This protection area means the stream channel and the land area extending outward 35 horizontal feet from the banks on either side of all flowing streams in the drainage basins of all tributaries of the Chattahoochee River located in the City of Suwanee. A flowing stream is defined for the purpose of this Section as any stream that is portrayed on the most current United States Geological Survey 7.5 minute quadrangle as a perennial stream which has a drainage area of at least 320 acres.

2. Buffer.

A 15 foot natural buffer adjacent to the stream bank of said area is to remain.

3. Building Setback.

A 35 foot building setback adjacent to the stream bank is to be provided. (This is not a change in the minimum required yards nor permission to build in a Flood Hazard.)

4. Buffer and Building Setback To Be Shown on Plats.

The buffer zone and building setback must be shown on Final Subdivision Plats, as well as commercial, industrial and multi-family site plans.

D. Permit Required.

No person shall engage in any land disturbing activity within the protection area without having obtained a Development Permit or Building Permit from the City.

No permit will be issued for any land disturbing activity within the protection area unless the land disturbing activity is for the purpose of constructing one of the following:

1. A stream crossing by a driveway, transportation route, or a public utility including sanitary sewer lines.

2. The construction of public utilities including sanitary sewer lines.

3. A dam and/or impoundment, a detention, retention or sediment control pond or facility.

E. Exemptions.

The provisions of this section shall not apply to:

1. Any public agency or its contractor.

2. Any person performing work within a right-of-way of any public agency pursuant to a permit issued by such public agency.

3. Emergency work necessary to preserve life or property provided a written factual report is presented to the City Clerk within 10 days.

4. Any development which has received a Development Permit prior to the adoption of this Article or January 1, 1984, whichever is earlier.

5. Any work consisting of the operation, repair or maintenance of any lawful use of land existing on the date of adoption of this Article or January 1, 1984, whichever is earlier.

ARTICLE X
EXEMPTIONS

SECTION 1000. Exemptions From Maximum Height Limitation.

The maximum height limitation in all Zoning Districts shall not apply to the following, except in the vicinity of airports:

A. Chimneys.

B. Church belfries and spires.

C. Conveyors.

D. Cupolas.

E. Derricks.

F. Domes.

G. Flag poles.

H. Mechanical roof appurtenances.

I. Monuments.

J. Observation towers, provided:
   1. They are not intended or used for human occupancy.

K. Ornamental towers.

L Parapet walls, provided:
   1. They do not exceed 4 feet above the roof line of a building.

M. Radio or television or communication towers.

N. Silos or grain elevators.

O. Smokestacks.

P. Transmission towers.

Q. Water towers.

SECTION 1001. Exemptions From Yard Requirements.

The minimum required yards in all Zoning Districts shall establish minimum setback lines for all buildings and structures except for:

A. At-grade Parking Areas and Off Street Loading/Unloading Areas and Driveways which are controlled as to minimum building setbacks in Article XIV of this Ordinance.

B. Fences which are controlled as to minimum building setbacks in Section 610 of this Ordinance.

C. Ordinary building projections as listed below may project into a required yard for a distance not to exceed 3 feet:

1. Chimneys.

2. Cornices.

3. Eaves.

4. Uncovered Porches.

5. Sills.

SECTION 1002. Exemptions From Front Yard Requirements.

A. The front yard requirements of this Ordinance shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or in part within 100 feet on each side of such lot within the same block and zoning districts and fronting on the same side of the street is either greater or less than the minimum required front yard depth.

B. If the average depth of the front yard is greater than the required minimum front yard depth, the depth of the front yard of such lot shall be the average of the front yard of the aforementioned buildings but need not be greater than 150 percent of the required front yard depth.

C. If the average depth of the front yard is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard of the aforementioned buildings.

ARTICLE XI
FLOODPLAIN GENERAL REGULATIONS

SECTION 1100. Floodplain General Provisions.

These regulations pertain only to the use of lands contained within a floodplain as defined by the Floodplain Management Ordinance. For the purposes of this Section, all terms shall be defined in the Floodplain Management Ordinance and as may be defined in ARTICLE III. DEFINITIONS of the 1998 City of Suwanee Zoning Ordinance, whichever definition is more restrictive.

SECTION 1101. Use Provisions.

The intent of the regulations within this Section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land shall hereafter be used or occupied other than herein provided, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the requirements of this regulation~~s~~ when such lands fall within or are affected by a floodplain.

A. Uses Permitted in the Floodplain: Within a floodplain, the following uses may be permitted subject to the requirements of the Floodplain Management Ordinance and the requirements of the Development Regulations:

1. Agriculture, including forestry and livestock raising, requiring no structure within the floodway except structures for temporary shelter and including agriculture and forestry access roads.

2. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act, latest revision, and the Development Regulations.

3. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including but not limited to boat ramps, docks, parking areas, and recreation facilities; private and commercial recreation developments, and campgrounds.

4. Bridges, culverts and the roadway fill related to these structures.

5. Parking areas, provided all required parking areas shall be located at an elevation higher than the calculated five year storm, and shall not be located within any floodway and shall be constructed of pervious material approved as an alternative paving surface.

6. Outdoor storage, requiring no structures within the floodplain.

7. Fences having sufficient open area to permit the free flow of water and debris.

8. Public utility poles, towers, pipelines, sewer and other similar public and semi-public utilities and facilities.

9. Signs and sign structures, provided they permit the free flow of water and debris.

B. Lot Area Restrictions: All concept plans, site plans, preliminary plats, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, shall comply with the following requirements, as applicable:

1. In the Zoning Districts which permit residential use, no lot shall contain less than 50% of the minimum required lot area above the base flood elevation.

2. Each plat, concept plan or site plan submitted for rezoning or Special Use Permit, shall contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line shall be clearly labeled and the base flood elevation above mean sea level stated. The plat or site plan shall indicate where the base flood elevation has been established by the Federal Emergency Management Agency or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

3. No subdivision lot shall be approved which has less than 50 percent of the minimum lot area required by the applicable zoning district located above the base flood elevation.

ARTICLE XII
WETLAND REQUIREMENTS

SECTION 1200. Wetland Protection District

This Article shall apply to all lands within wetland areas located within the jurisdiction of the City of Suwanee, Georgia. The National Wetland Inventory Maps (NWI), prepared by the U.S. Fish and Wildlife Service, as amended, are hereby adopted as the City's Generalized Wetland Map Inventory. These maps show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. Copies of said maps shall be on file in the office of the City Clerk.

SECTION 1201. Permitting and Use Provisions

Within the City of Suwanee, no land disturbance or building permits shall be issued on a parcel of land that appears to contain wetlands on the City's Generalized Wetland Map Inventory until a determination has been made by the U.S. Army Corps of Engineers on whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must first obtain a wetlands alteration Section 404 Permit and/or Letter of Permission from the Corps of Engineers prior to any permits being issued on the site.

ARTICLE XIII
LANDFILLS

SECTION 1300. Sanitary Landfills.

A. Special Exception Required.

A Sanitary Landfill may be permitted in any Zoning District, except a Flood Hazard Area, as a Special Exception, subject to the approval of the Zoning Board of Appeals after a Public Hearing, if the following conditions are met and such other conditions as the Zoning Board of Appeals may require. The City Council may establish a City-owned-and-operated sanitary landfill for the City without the approval of the Zoning Board of Appeals provided that a Public Hearing is held thereon.

1. The location and boundaries of the site shall have received preliminary site acceptability by the State of Georgia before action by the Zoning Board of Appeals.

2. The sanitary landfill shall be accessible without excessive travel over residential streets.

3. The application and supporting information is reviewed by the City Engineer.

4. A sanitary landfill may be located only on soils having slight or moderate limitations for use for this purpose, as listed in Table 2 of the "Soil Survey, Gwinnett County, Georgia", Department of Agriculture, Soil Conservation Service, et al, and issued July, 1967.

5. A 100-foot undisturbed and landscaped buffer shall be provided along the boundaries of the sanitary landfill.

6. The sanitary landfill shall not be closer than 200 feet from a flowing stream.

B. Development Standards.

1. The sanitary landfill shall be suitably fenced to prevent the spread of paper and other material and shall be screened and planted so that it is not visible from any residential, commercial or industrial structure or from any street.

2. The completion of the sanitary landfill shall result in the improvement of the property on which it is located.
3. A uniform compacted layer of clean earth cover, at least 6 inches in depth, shall be placed over all exposed solid waste by the end of each day's operation, or more frequently as may be determined by the Zoning Board

of Appeals. In no case may solid waste be left uncovered for more than 24 hours.

4. No burning whatsoever shall be permitted on any sanitary landfill.

5. When the sanitary landfill is completed, it shall be covered with a final layer of 24 inches of topsoil which shall be adequately stabilized with suitable vegetative cover.

6. Solid waste shall be spread in uniform layers of over 2 feet thick and compacted before covering with earth.

7. The disposal site shall be graded and drained to minimize run-off onto the sanitary landfill, to prevent erosion and to drain water from the surface of the sanitary landfill.

8. All-weather access roads shall be provided to the disposal site and provisions shall be made for equipment repair or replacement when needed within a reasonable period of time.

9. Disposal operations for solid wastes and their decomposition products shall be conducted in such manner that pollution of air, land and water is prevented and that hazards or nuisances caused by gases or other products of chemical or biological activity are not created.

10. Hazardous wastes shall be handled in accordance with a procedure submitted to and approved by the Zoning Board of Appeals.

11. The disposal site shall be under the supervision of a responsible individual, at the disposal site, at all times during operation.

12. The applicant shall submit to the City construction and/or operation plans of the sanitary landfill facility as approved by the State of Georgia.

SECTION 1301. Landfills.

A. Special Exception Required.

A Landfill may be permitted in any Zoning District except a Flood Hazard Area, as a Special Exception, subject to the approval of the Zoning Board of Appeals after a Public Hearing if the following conditions are met and such other conditions are the Zoning Board of Appeals may require. The City Council may establish a City-owned-and-operated landfill for the City without the approval of the Zoning Board of Appeals provided that a Public Hearing is held thereon.

1. The location and boundaries of the site shall have received preliminary site acceptability by the State of Georgia before action by the Zoning Board of Appeals.

2. The landfill shall be accessible by collector or major thoroughfare roads and without excessive travel over residential streets.

3. The application and supporting information is reviewed by the City Engineer.

4. A landfill may be located only on soils having slight or moderate limitations for use for this purpose, as listed in Table 2 of the "Soil Survey, Gwinnett County, Georgia", Department of Agriculture, Soil Conservation Service, et al, and issued July 1967.

5. A 100-foot undisturbed and landscaped buffer shall be provided along the boundaries of the landfill.

6. The landfill shall not be closer than 200 feet from a flowing stream.

B. Development Standards.

1. The landfill shall be suitably fenced to deny animals access to the premises and to prevent the spread of debris and other materials. It shall be screened and planted so that it is not visible from any residential, commercial or industrial structure or from any street.

2. The completion of the landfill shall result in the improvement of the property on which it is located.

3. Materials placed in landfills shall be compacted to the extent possible with available equipment and covered with earth at least monthly or more frequently as may be determined by the Zoning Board of Appeals.

4. The disposal site shall be graded and drained to minimize run-off onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

5. Disposal operations shall be in such manner as to prevent air, land and water pollution, public health hazards or nuisances.

6. Suitable means shall be provided to prevent and control fires.

7. Rodents and insects shall be controlled.

8. The applicant shall submit to the City construction and/or operation plans of the landfill facility as approved by the State of Georgia.

ARTICLE XIV
NON-CONFORMING USES

SECTION 1400. Continuance of Non-Conforming Uses.

The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:

A. Extended to occupy a greater area of land;

B. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure;

C. Re-established after discontinuance for 12 months; and

D. Changed to another non-conforming use.

SECTION 1401. Continuance of a Building Occupied by a Non-Conforming Use.

A building occupied by a non-conforming use at the time of the enactment or amendment of this Ordinance may be retained except that it shall not be:

A. Enlarged, altered or rebuilt except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and

B. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction, except in conformity with this Ordinance.

SECTION 1402. Certificate of Occupancy for a Non-Conforming Use.

A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by this Ordinance.

An application for such Certificates of Occupancy for non-conforming uses shall be filed with the City Clerk by the owner or lessee of the land or building occupied by such non-conforming use within 1 year of the effective date of this Ordinance. Failure to apply for such Certificate of Occupancy will place upon the owner and the lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this Ordinance. It shall be the duty of the City Inspector to issue a Certificate of Occupancy for a lawful non-conforming use upon application.

ARTICLE XV
PARKING REQUIREMENTS

SECTION 1500. Off-Street Parking, Loading/Unloading Spaces Required.

Off-street automobile parking and loading and unloading spaces shall be provided as specified in this Ordinance for uses and structures hereafter established.

Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this Ordinance for the addition made. This is to include the addition of additional employees to a business.

At-grade off-street parking and loading/unloading spaces as well as interior drives may be located within a required yard except in a Buffer Area and unless specifically prohibited in this Ordinance or as a condition of zoning.

SECTION 1501. Design Standards for Off-Street Parking.

The following are the design standards for off-street parking spaces:

A. Required area for each parking space. Each automobile parking space shall be not less than 9 feet wide and 19 feet deep, except for Handicapped parking spaces which shall be not less than 12 feet wide and 19 feet deep. A maximum of 1 foot 6 inches of the required 19 feet may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking. Interior driveways shall connect each parking space with a public right-of-way.

B. Interior driveways. Interior driveways when used with 90 degree angle parking shall be at least 22 feet wide; when used with 60 degree angle parking, at least 12 feet wide with one-way traffic, 22 feet wide with two-way traffic; when used with parallel parking or where there is no parking, at least 10 feet wide for one-way traffic and at least 20 feet wide for two-way traffic. A minimum 10-foot driveway and stacking lane is required for any type drive-up window or pick-up station. This is in addition to regular driveways.

C. Improvement of Off-Street Parking Lots. All off-street parking lots, whether public or private, shall meet the following standards:

1. They shall be graded to insure proper drainage, surfaced with a minimum of 4 inches of concrete or 2 inches of asphalt installed on a minimum of 4 inches of base, or as an alternative paving system otherwise allowed by the City, and maintained in good condition free of weeds, dust, trash and debris.

   Alternative paving surfaces with suitable base and structure for intended use may be used in temporary or overflow situations with the approval of the City of Suwanee. Alternative paving surface design shall be able to meet minimum durability and weight requirements of the City.

2. High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

   Exterior lights within and around parking lots, including those beneath canopies, shall be contained in cut-off type luminaries whose source is completely recessed in an opaque housing. All light bulbs shall be recessed and placed completely within an enclosed opaque housing. Drop Dish Refractors shall be prohibited. Light bulbs shall not extend or protrude below the enclosure in any manner. Lenses on the housing shall be completely flat with no portion of the lens extending below the housing. The maximum wattage shall not exceed 420 watts/480V per fixture. Wall Pack lighting shall be cut-off downward directional fixtures with a maximum of 250 watts.

   All exterior lighting is to be contained in cut-off type luminaries or directed toward the buildings in the project, or as may be allowed by the City of Suwanee Architectural and Design Standards.

   Approved street lights with exposed bulbs may be provided where appropriate. However, such fixtures shall not exceed 100 watts and shall be enclosed within a semi-transparent housing. Standard City of Suwanee street lights are allowed.

3. All parking spaces shall be striped and sized in accordance with Section 1401 of this Ordinance.

D. Location of Required Off-Street Parking spaces on Other Property. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property subject to the requirements of Section 1509

E. Sharing of Required Off-Street Parking Spaces. One half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.

F. Location and Surface of Parking Areas. In any district, the parking of any vehicle on a surface other than one treated and intended to accommodate the vehicle is prohibited.

   In any residential district, the parking of any vehicle in the front yard or in front of the principal building line is prohibited except on an appropriately surfaced driveway or in a carport or garage. Not more than 35 percent of this required front yard area shall be used for parking under any circumstances.

G. Pedestrian Circulation. Pedestrian walkways shall be provided within any surface off-street parking areas exceeding 100 spaces. Where walkways cross internal driveways, pedestrian walkways shall include raised walkways to slow

traffic and provide safe access. No parking space shall be farther than 150 feet from a pedestrian walkway.

SECTION 1502. Minimum and Maximum Number of Off-Street Parking Spaces.

The following are the required minimum and maximum number of asphalt, concrete or other hard-surfaced off-street parking spaces. Any alternative paving surfaces or multi-level parking facilities provided, shall not be required to count against the allowed maximums. Additional off-street parking is allowed as outlined in Section 1504.

For uses not specifically listed, the off-street parking requirements shall be those of the most similar use. Parking spaces for the physically handicapped shall be required in accordance with the "Standard Building Code."

A. Automobile Sales and Service. One space for each 250 square feet of gross floor area minimum.

B. Religious Institutions. One space for each 6 seats in the main auditorium minimum. One space for each 4 seats in the main auditorium maximum.

C. Food/Grocery Stores. One space per 250 square feet of gross floor area minimum. One space per 175 square feet of gross floor area maximum.

D. Funeral Parlors. One space for each 3 fixed seats and one space for each 25 square feet of floor area available for accommodation of movable seats in the largest assembly room minimum.

E. Vehicle Service Station. Three spaces for each service bay, with a minimum of 10 spaces required.

F. Hospitals, Nursing Homes and Similar Institutions. One space for each 2 beds minimum.

G. Industrial Plants. One space for each 2,000 square feet of gross floor area minimum. One space for each 1,800 square feet maximum.

H. Lodges and Clubs. One space for each 100 square feet of gross floor area minimum.

I. Hotels/Motels. One space per unit plus any spaces for restaurants, meeting rooms and related facilities minimum. One and one quarter space spaces per unit plus any spaces for restaurants, meeting rooms and related facilities maximum.

J. Offices. One space for each 300 square feet of gross floor area minimum. One space for each 275 square feet maximum.

K. Places of Public Assembly Without Fixed Seating. One space for each 25 square feet of floor area available for the accommodations of movable seats in the largest assembly room minimum.

L. Places of Public Assembly with Fixed Seating. One space for each 4 seats minimum.

M. Recreation Centers, Private. One space per five members but no less than twenty (20) spaces, except that golf courses shall require a minimum of twenty spaces per 9 holes.

N. Recreation Centers, Public. A minimum of twenty (20) spaces, except that golf courses shall require a minimum of twenty (20) spaces per 9 holes.

O. Residences. Two spaces for each dwelling unit minimum.

P. Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area. One space for each 125 square feet of gross floor area minimum. One space for each 75 square feet of gross floor area maximum.

Q. Restaurants, drive-in, without area provided for patron use. One space per 100 square feet of gross floor area, but not less than 10 minimum.

R. Retail Business, including general business, commercial or personal service establishments. One (1) space for each 250 square feet of gross floor area minimum. One space for each 175 square feet of gross floor area maximum.

S. Rooming and Boarding Houses. One space for each 2 bedrooms minimum.

T. Schools, Public or Private Elementary and Day Care Centers. Two spaces per classroom minimum.

U. Schools, Public or Private High. Five spaces per classroom minimum.

V. Schools, College, Trade and Vocational. Ten spaces per classroom minimum.

W. Shopping Center.
   1. Less than 15,000 square feet: One space per 200 square feet of gross floor area minimum. One space per 150 square feet of gross floor area maximum.
   2. Greater than 15,000 square feet: One space per 250 square feet of gross floor area minimum. One space per 225 square feet of gross floor area maximum.

X. Wholesale and Warehousing. One space per 200 square feet of gross floor area devoted to sales or display plus one space 2,000 square feet of gross storage area minimum. One space per 200 square feet of gross floor area devoted to

sales or display plus one space 1,800 square feet of gross storage area maximum.

SECTION 1503. Large Off-Street Parking Lot Requirements.

A. Any off-street parking in excess of 500 spaces shall include a minimum of 10 percent of the surface parking, based on gross surface area, as an alternative paving surface or an a multi-level parking deck.

B. For any large parking area exceeding 500 combined spaces, landscaping shall be provided within the interior of the parking facility in large islands in a manner that separates the large parking areas. The interior of large parking facilities shall be broken up by large landscaped islands of sufficient size to create distinct sections of parking areas.

SECTION 1504. Exceeding the Maximum Amount of Hard-Surface Parking.

A. No project may exceed the maximum amount of hard-surface parking area except when:

i. Multi-level parking deck is provided, and/or;
ii. An alternative paving system is used for any spaces that exceed the maximum allowed amount, or;
iii. A Special Use Permit is granted by the Suwanee City Council.

B. In cases where a small number of additional hard surface parking spaces may be needed, an administrative variance may be sought in an amount not to exceed 10 additional spaces.

SECTION 1505. Parking Reduction.

A. The chairman of the Zoning Board of Appeals may grant an administrative variance to reduce the number of minimum required parking spaces by up to 20%.

SECTION 1506. Minimum Number of Handicapped Off-Street Parking Spaces.

The following are the number of off-street handicapped parking spaces required. This requirement is not to be construed as requiring additional parking spaces above those required in Section 1502.

Total Spaces Provided as Required	Number of Handicapped Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

401 to 500	9
501 to 1000	2% of total

SECTION 1507. Design Standards for Off-Street Loading/Unloading Spaces.

The following are the plan and design standards for off-street loading and unloading spaces:

A. Off-street loading and unloading spaces shall have access from an alley or, if there is no alley, from a public street.
B. The off-street loading and unloading space shall be so located that it causes a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.

SECTION 1508. Minimum Size and Number of Off-Street Loading and Unloading Spaces.

The minimum number and size of off-street loading and unloading spaces required are as follows.

For the purpose of this section an off-street loading and unloading space shall have the minimum dimensions of 12 feet x 40 feet x 14 feet of overhead clearance. The minimum number of such spaces required are as follows:

Retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals and educational institutions, one space for the first 25,000 square feet of total floor area or fractional part thereof. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	No. of Spaces
25,001 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,999	5
Each Additional 100,000 or fraction thereof	1 additional

SECTION 1509. Shared/Mixed Use Parking

Shared parking allows for a reduction in the total number of parking spaces when two or more distinguishable uses in proximity to each other have peak parking demands that occur at different times of the day or days of the week, or when the mix of uses and design of the area allows users to park once and walk to multiple uses. If sufficient evidence exists demonstrating that a reduced number of parking spaces will adequately support proposed land uses, a shared/mixed-use parking arrangement may be approved or conditionally approved by the Director if the following provisions are met by the applicant.

A. Parking Study Required. A parking demand analysis prepared by a qualified parking or traffic consultant or civil engineer, which substantiates the basis for granting a reduced number of spaces must be submitted to the Director. The parking study shall be prepared following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines or other approved procedures. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the ULI or ITE reports. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation.

B. Maximum Distance to Parking Spaces. Shared spaces must be located within 500 feet of a principal building entrance of all sharing uses. Clear, safe pedestrian connections must be provided.

C. Shared Parking Operations Plan. A shared parking operations plan must be prepared to the satisfaction of the Director showing that parking spaces most conveniently serve the land uses intended, directional signage is provided if appropriate, and pedestrian links are direct and clear. On-street parking spaces wholly adjacent to the property may be included.

D. Application. Any application for a shared/mixed-use parking reduction must be signed by all property owners with property involved in the application. The application should indicate the proposed number of parking spaces to be provided and detail the amount of development and types of uses. Said application shall be supported by a parking study as detailed in paragraph A of this section.

E. Changes in Land Use. Future changes in use might require an updated parking demand analysis to demonstrate any changes in parking demand patterns. Any deficiencies will require construction of additional parking spaces, a parking variance or maintaining the uses in place when the original shared parking agreement was approved.

F. Planning Commission Review. Requests for shared parking might require review and approval by the Planning Commission if deemed necessary by the Director.

ARTICLE XVI.
SIGNS

SECTION 1600. Title.

This chapter shall be known and may be referred to as the "Sign Ordinance of the City of Suwanee."

SECTION 1601. Authority.

This chapter is enacted pursuant to the general police powers of the city and other authority provided by federal, state and local laws applicable hereto.

SECTION 1602. Findings, purpose and intent.

The city finds that the number, size, design characteristics, and locations of signs in the city directly affect the public health, safety, welfare and property values. The city finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, may be confusing to the public, and substantially detract from the beauty and appearance of the city and associated property values. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations.

The purpose and intent of the governing authority of the city in enacting this chapter are as follows:

A. To protect the health, safety, general welfare and property values of the citizens of the city, and to implement the policies and objectives of the Comprehensive Plan of the city through the enactment of a comprehensive set of regulations governing signs in the city.
B. To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians.
C. To preserve the value of property on which signs are located and from which signs may be viewed.
D. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area.
E. To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the city.
F. To establish comprehensive sign regulations that effectively balance legitimate business and development needs with safe and aesthetically attractive environment for residents, workers and visitors to the city.
G. To provide fair and reasonable opportunities for the identification of businesses that are located within the city and to provide for the identification of the availability of products, goods or services to promote economic vitality.
H. To ensure the protection of free speech rights under the state and United States Constitutions within the city.

I. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located.
J. To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article but without a requirement for permits.
K. To provide for temporary signs in certain circumstances.
L. To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs.
M. To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

SECTION 1603. Scope of regulations.

A. It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the City except in accordance with the provisions of this Ordinance.

B. Noncommercial speech protected under the First Amendment of the United States Constitution and the Constitution of the State of Georgia shall be regulated by this Ordinance only as to the size of signage containing such speech, the number and location of such signs, and such other reasonable time, place and manner restrictions as are set forth in this Ordinance. Any sign or structure used solely for the purpose of displaying a protected non-commercial message or protected non-commercial speech is exempt from all other aspects of this Ordinance. Except, however, all sign structures shall remain subject to the provisions of the City of Suwanee Zoning Ordinance, Building Codes and other relevant laws.

C. Protected noncommercial speech shall be permitted in any place commercial speech is permitted under this Ordinance. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.

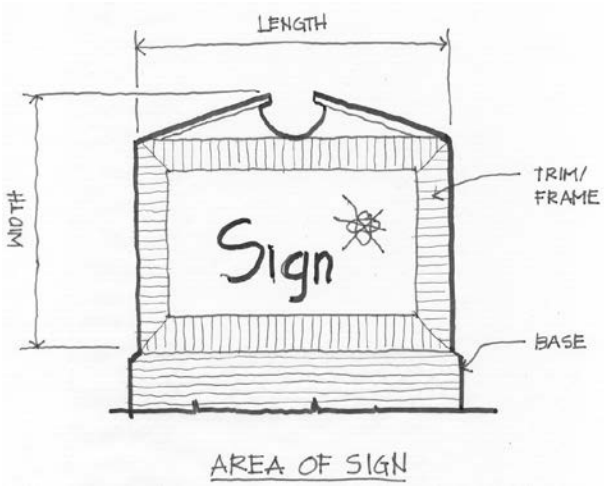
D. Any sign or structure erected for the purpose of displaying a protected noncommercial message or protected noncommercial speech shall not be used for a commercial message or commercial speech unless such sign or structure is erected in conformance with all requirements of this Ordinance and has received a sign permit as required by this Ordinance.

E. For purposes of this chapter a "noncommercial message" or "noncommercial speech" shall mean any message or speech that does not meet the definition of "commercial message or commercial sign" as set forth in this Ordinance. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the city or other duly constituted government authority or a civil action by the city or other private person or entity.

SECTION 1604. Definitions.

The following definitions shall apply to this chapter unless specifically stated otherwise. Any words or phrases not defined below shall be given their common ordinary meaning unless the context clearly indicates otherwise.

Area Identification Sign. A sign, free-standing or affixed to a wall which identifies a development, such as a shopping center, office or industrial park, or a residential subdivision or multiple-family project.



Area of Sign. The area of the face of the sign within a perimeter which forms the outside shape including any decorative trim or frame which forms an integral part of the display, but excluding the base or necessary supports or uprights on which the sign may be placed.

Banner. A sign of lightweight fabric, plastic or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners.

Beacon. Any light with one (1) or more beams which rotate, move or which are directed into the atmosphere or at one (1) or more points not on the same lot as the light source.

Blade Sign. A smaller pedestrian oriented sign that extends perpendicularly (or approximately perpendicularly) more than 12 inches from the first floor of a supporting building and is located near the entrance of commercial establishments. It does not require support from the ground.

Canopy (or marquee). A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as fabric, metal, glass or plastic, except gasoline canopy.

Canopy, fuel. A permanent roof-like shelter over fuel pumps constructed of durable material such as masonry, fabric, metal, glass and/or plastic.

Canopy Sign. Any sign attached to or constructed in or on a canopy. For purposes of this chapter, this term includes marquee sign.

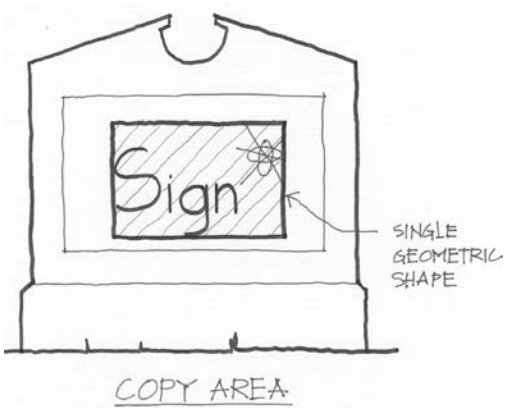
Changeable Copy Board. A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

Commercial Message or Commercial Sign. Any sign, wording, logo, or other visual representation that directly or indirectly identifies, names, advertises, or directs attention to a business operated for profit, or to a product, commodity or service for sale or lease,

to any other commercial interest or activity, or is otherwise intended to induce the purchase of goods, commodities, products, property, or services.

Copy. The wording, designs and other advertising display on a sign surface.

Copy Area. The area in square feet of the smallest geometric figure that describes the total area enclosed by the actual copy of a sign. For wall or canopy signs, the copy area limits refer to the message, not to the illuminated background.



Director. The Planning and Community Development Director for the City of Suwanee or his or her designee.

Double-faced Sign. A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one (1) face is designed to be seen from one (1) direction and the other face from another direction.

Dilapidated or Neglected Signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating.

Electronic Sign. Any sign wherein the message can be electronically programmed or modified by an electronic or automated means. This includes, but is not limited to, signs commonly known as LED, LCD, and other similar technologies.

Facade. The exterior front of a building or structure exposed to public view.

Flags. Any fabric, plastic or similar material containing distinctive colors, patterns, or symbols and which is used as an official symbol of any government, business, institution or organization.

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.
Free-standing Sign. A sign erected on a free-standing frame, mast or pole not attached to any building.

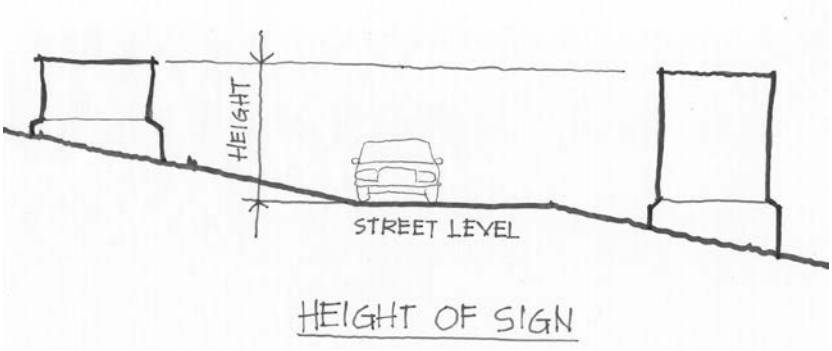
Ground Level. Street level.

Ground Sign. A free-standing sign connected, attached, secured or otherwise permanently affixed to the ground. This may include monument-style signs, pole signs, billboards, or similar signs affixed to the ground.

Height of Sign. The vertical distance measured from ground level to the highest point of a sign, including the sign structure.

Illuminated Sign. Any sign which is lighted from within (direct) or without (indirect).

Individual Establishment. A non-residential structure containing an office, business, store, shop, facility, institution, or groups thereof where the primary access point for the employees, tenants and customers is by a collective entryway instead of individual doorways to the outside. This includes buildings with multiple tenants provided the building's principal means of access is provided by common entry points.

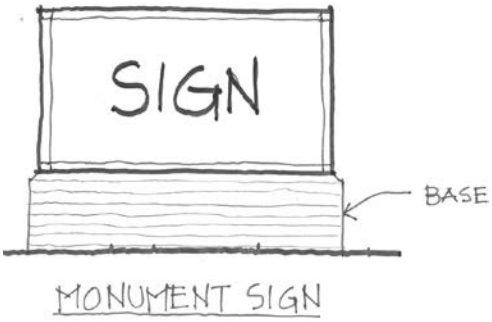


Industrial or Office Park. An industrial or office development on one or more lots containing multiple buildings per lot around a network of private streets and drives and functioning as a single collective development. This term includes office-condominium and other like developments.

Interstate Visible Sign. A sign located on a legally approved parcel of land within the Interstate 85 corridor meeting the requirements outlined herein. Said sign shall not exceed two hundred (200) square feet in size nor eighty (80) feet in height.

Lot or Parcel. A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law.

Monument-Style Sign. A sign other than a pole sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick or stone and with a frame within which advertising panels are contained.



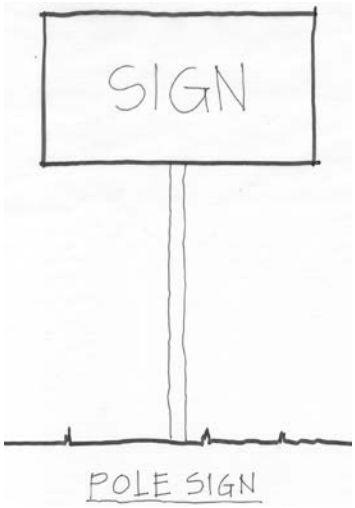
Neighborhood Marketing Sign. Temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold within the neighborhood.

Nonconforming Sign. A sign erected or otherwise in use prior to the effective date of this chapter which fails in one (1) or more respects to comply with all provisions of this chapter.

Owner. The title owner and its agents and assignees.

Planned Multi-Tenant Office, Institutional, Industrial or Shopping Center. A planned concentration of multiple business establishments with shared parking and direct external entry points (doorways) for its employees, customers and tenants in lieu of collective entrances. Retail shopping centers are included in this definition.

Pole Sign. A sign that is mounted on a freestanding pole, pylon or other support so that the bottom edge of the sign face is three feet or more above grade and is independent of any other structure.



Portable Sign. A sign that is designed to be transported, including but not limited to a sign mounted or painted on a vehicle which is parked in such a manner as to serve the purpose of an advertising device, and including a sign designed to be transported by trailer or its own wheels, even though such wheels may be removed and the remaining chassis is attached to the ground. Delivery or service vehicles that park onsite but spend at least 75% of a typical business day offsite shall not be considered a portable sign.

Prohibited Sign. Any sign, other than a nonconforming sign, which does not comply with this chapter or is specifically restricted herein.

Projecting Sign. A larger vehicular oriented sign that extends perpendicularly (or approximately perpendicularly) more than 12 inches from an elevation above the first floor of a supporting building. It does not require support from the ground and does not extend above the roofline of the building.

Public Notice. Any sign or notice posted by the city, county, or other governmental entity.

Public Interest Signs. Sign in the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

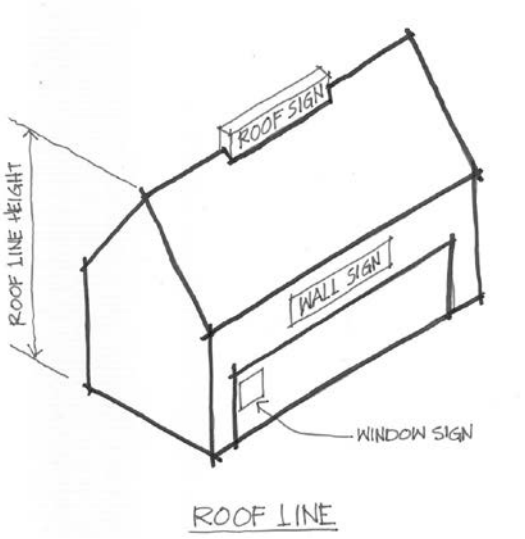
Road Frontage. The distance of which a parcel of land adjoins a right-of-way dedicated or owned by the a local, state or federal government, including prescriptive easements for public access.

Real Estate for Sale, Lease or Rent. For the purposes of this Ordinance, real estate is for sale, lease or rent when the real estate is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.

Residential Identification Sign. A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of a subdivision, or on a parcel containing buildings within a planned residential development.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign. Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.



Rotating Sign. Any sign or portion of a sign that moves in a revolving or similar manner.

Subdivision. The total boundary of a tract of land that has been legally platted into five or more lots.

Subdivision Identification Sign. A sign located at the vehicular entrance or exit to a platted subdivision where it accesses an external public roadway and located within the platted portion of the subdivision.

Sidewalk or Sandwich Board Sign. A movable sign not secured or attached to the ground or surface upon which it is located.

Sign. Any identification, description, illustration, symbol, lighting, statue or device, illuminated or non-illuminated, that is visible from any public place designed to advertise, identify, convey information or draw the public's attention, with the exception of non-illuminated window displays and state or national flags. For the purpose of removal, sign shall also include all sign structures.

Sign Structure. Any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Substandard Lot or Parcel. A lot or parcel that does not meet the lot area, width or public street frontage and access requirements of the City of Suwanee Zoning Ordinance.

Temporary Advertising Device. Banners, streamers, pennants, balloons, and similar advertising devices used during special events on private property.

Under-canopy Sign. A sign suspended below the ceiling or roof of a canopy or marquee. For the purposes of this chapter, this term includes under-marquee sign.

Wall Sign. A sign attached, erected or painted against a wall of a building, with the face parallel to the building wall and extending out not more than one (1) foot.

Window Sign. A sign installed inside a window for purposes of viewing from the outside of a building. This term does not include merchandise located in window.

SECTION 1605. Permit requirements.

Except as specifically exempted from the provisions of this chapter, it shall be unlawful for any person to post, display, substantially change, or erect a sign without a permit. A change in the copy only of a sign or advertising device shall not constitute a substantial change.

A. Permit applications. Applications for sign permits shall be filed by the sign owner or its agent to the City upon forms furnished by the City. Said application shall describe and set forth the following:

1. The street address of the property upon which the subject sign is to be located and the proposed location of the subject sign on the property. In the absence of a street address, a method of location acceptable to the director shall be used;
2. The aggregate area and square foot copy area per sign for all signs;
3. The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located;
4. The written consent of the owner, or its agent granting permission for the placement and maintenance of the sign;
5. A sketch or print drawn to scale showing pertinent information such as dimensions, materials and location on the building or property, in accordance with the building code;
6. The name, address, telephone number and business license number of the sign contractor;
7. The type of sign to be erected, the area and copy area, height shape and overall size of the sign; and
8. The size of the parcel on which the sign is to be placed.
9. Other administrative or technical information needed as may be determined by the Director in performance of his or her duties.

B. Permit fees. No permit shall be issued until the appropriate and complete application has been filed with the director, all relevant deposits and fees have been paid, and the application has been approved by the director. Fees and any required deposits shall be established from time to time by the city council. If required at time of application, no application shall be deemed to be accepted by the director unless and until all fees and deposits are paid and all information reasonably required by the director is provided by the applicant.

C. Review Period. A sign permit shall be issued or denied by the director within thirty (30) days of the filing of a complete and conforming permit application, payment of the appropriate deposits and fee(s), and compliance with all requirements under this Ordinance. If the City fails to act within the 30-day period, the permit shall be deemed to have been granted.

In the event a permit application is denied, the director shall provide the applicant a written denial, indicating the reason(s) for denial. The applicant may appeal a denial to the Zoning Board of Appeals by filing a notice of appeal with the director within ten (10) days of written notice of the permit denial. The notice shall state the reasons for the appeal. The board of appeals shall take final action on the appeal within sixty (60) days of the notice. Should the board of appeals vote to uphold the denial, the board of appeals shall issue a written confirmation of its

decision, indicating the reason(s) therefore, to the applicant. Appeal from the decision of the board of appeals is by Writ of Certiorari to the Gwinnett County Superior Court and must be filed within thirty (30) days of the date of the board's decision.

D. Permit time limitation. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within six (6) months after the date of issuance.

SECTION 1606. Remedies.

In case any sign, advertising device or other device covered by this Ordinance is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s), issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 1607. Severability.

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Chapter, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this Section, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The City Council declares that it would have enacted the remaining parts of the Section if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional. The City Council declares its intent that should this ordinance be declared in part or in whole, signs are to be subject to regulations applicable to “structures” contained in the Zoning Ordinance.

SECTION 1608. General provisions.

Unless otherwise specifically stated herein, all signs and sign structures shall comply with minimum setback and height restrictions for structures as set forth in the City of Suwanee Zoning Ordinance. Except as otherwise provided in this Ordinance, the following general stipulations shall apply:

A. Maintenance and appearance of signs. All signs shall be maintained in good condition and present a neat and orderly appearance. Any sign showing gross neglect, or which becomes dilapidated, or which is surrounded by an unmaintained ground area, may be required to be repaired or removed as set forth below.

The Director, upon finding any of the above conditions, will give the owner a minimum of ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the

sign, the director may issue a citation under the enforcement provisions of this chapter.

B. Illumination of signs. The light from any illuminated sign shall not be of an intensity or brightness that interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent or nearby properties.

No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness or color. No color lights shall be used at any location or in any manner to be confused with or construed as traffic control devices.

The source of illumination shall be shielded, obscured or diffused sufficiently to ensure that it is not creating a hazard for drivers.

Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

No signs shall be located on illuminated (back-lit) awnings.

C. Temporary advertising devices. Banners, streamers, pennants, and similar temporary advertising devices shall be permitted on private property during the grand opening of a business, no more than five (5) days prior to opening and no longer than thirty (30) days after the date of the opening. Non-recreational hot-air, cold-air, or other gas-filled advertising devices are prohibited at all times.

After the grand opening, each business owner will be permitted to utilize such advertising devices on such property for a period not to exceed thirty (30) days, said period being measured from calendar month and day to future calendar month and day (ex. March 3rd to March 3rd). Each business owner will be permitted a maximum of three temporary advertising devices in a twelve (12) month period.

For both grand openings and/or special events, each lot shall be limited to no more than two (2) temporary advertising devices. No banner, streamer or similar temporary advertising device shall be used without first obtaining a permit for each such sign from the director in accordance with the permit provisions of this Ordinance. See Section 1612.C.3.d for additional location requirements for Planned Multi-tenant facilities.

D. Construction of permanent ground signs. All permanent ground signs with a sign area greater than 6 square feet but 192 square feet or less shall be monument-style signs. No permanent pole signs greater than 6 square feet or less than 192 square feet shall be allowed.

SECTION 1609. Nonconforming signs.

It is the policy of the city to encourage compliance of all signs within the city with the terms and requirements of this Ordinance.

A. The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.

B. Any legally permitted and constructed sign shall be allowed to continue as a legal non-conforming use under this Ordinance except that it shall not be:

1. Enlarged, altered or rebuilt except in conformance with this Ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and

2. Rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction, except in conformity with this Ordinance.

Any sign submitted for approval by the City for a sign permit that meets the criteria of the previously adopted Ordinance, shall be allowed to continue obtain permits under the previous regulations. However, signs shall be constructed within 120 days of permit approval or said permit shall expire.

C. The owner(s) or authorized agent(s) of each nonconforming sign located within the city shall register said nonconforming sign with the director no later than ninety (90) days after the effective date of this Ordinance. Failure to register such sign will place upon the owner and the lessee the entire burden of proof that such use lawfully existed on the effective date of this Ordinance.

SECTION 1610. Exempt Signs.

A. Public Interest Signs. Sign in the public interest, erected by, or on the order of, a public officer in the performance of his or her duty such as public notices, safety signs, traffic and street signs, memorial plaques, and the like.

B. The following types of signs must comply with the provisions of this Ordinance, however they are exempt from the permit requirements of this Ordinance. These signs are in addition to allowed signs and may be provided without formal permit approval.

(1) Non-illuminated free-standing or wall signs having an aggregate sign area per lot of ten (10) square feet, provided that no sign shall exceed three (3) feet in height (except when used as a wall sign) or have an area greater than 5 (five) square.

(2) Signs for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.

(3) Non-commercial flags provided that the height of a flag pole shall not exceed the allowed height provided for a structure or building the applicable zoning district, or sixty (60) feet whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flag pole. Each lot shall be allowed a maximum of three (3) flag poles.

(4) Signs six (6) square feet or less in size in residential areas and thirty-two (32) square feet or less in commercial or industrial areas, when located on a lot or building that is for sale, lease, rent or being constructed and are limited to one (1) sign per street frontage. Such signs shall be removed within ten (10) days after the subject lot or building is leased, sold, or construction is completed.

(5) Non-governmental traffic control signs less than three (3) square feet in area and three (3) square feet in height located in or adjacent to parking areas and driveways.

(6) Window signs that do not exceed twenty-five (25) percent of the available window space.

(7) Any sign not visible from public thoroughfares or any sign within a business, office, mall, or totally enclosed area except window signs.

SECTION 1611. Prohibited Signs.

Except as otherwise provided, the following types of signs or advertising devices are prohibited in the city:

(1) Roof signs.

(2) Rotating signs.

(3) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, blinking or traveling lights or any other means not providing constant illumination.

(4) Electronic signs used for purposes other than traffic management and official government signs.

(5) Signs which purport to be, or are an imitation of, or resemble an official sign, traffic sign or signal.

(6) Signs which are painted on or attached to any courtesy bench, trash can, or similar object on which advertising is displayed.

(7) Search lights or beacons.

(8) Window signs that exceed twenty-five (25) percent of the window area.

(9) Wind activated devices other than flags, banners and streamers.

(10) A-frame signs, sandwich boards, sidewalk or curb signs except when placed within ten (10) feet of the front door of the tenant's business.

(11) Signs occupying a parking space required under the minimum parking requirements of this chapter, other than signs designating the space as reserved for handicapped or other use.

(12) Signs which by reason of their size, location and manner of illumination cast light directly on streets and roads so as to adversely affect traffic movement and safety.

(13) Signs which emit audible sound, odor or visible matter.

(14) Portable signs.
(15) Pylon or pole signs between 6 square feet and 192 square feet in sign or copy area
(16) Signs attached to any street signs, signs directing or controlling traffic, or poles and posts supporting such signs; or any sign attached to trees, rocks or shrubbery.
(17) Dilapidated or neglected signs.
(18) Any sign exceeding two hundred (200) square feet in copy area.
(19) Any ground sign in excess of twenty (20) feet in height except Interstate Visible Signs.
(20) Signs located within a public right-of-way except for street signs, traffic signs, or public interest signs.
(21) Signs located on back-lit awnings.
(22) Exposed LED light strips serving as a sign.

SECTION 1612. Sign Standards.

References herein to zoning districts refer to districts established pursuant to the City of Suwanee Zoning Ordinance. This chapter does not create zones or districts. Unless otherwise provided in this chapter, any sign not specifically permitted in a zoning district as provided in this chapter shall be prohibited in that zoning district.

A. Single-Family Residential Areas. Within the R-140, R-100, R-85, TRD, and Single-Family detached designated areas within PMUD zoned tracts, the following types of signs shall be permitted as follows:

(1) Each lot located in a single-family residential area is permitted an aggregate sign area of no greater than ten (10) square feet as outlined in the Exempt Signs Section of this Ordinance and subject to exemptions and allowances contained elsewhere. No single sign shall exceed three (3) feet in height (except when used as a wall sign), two and one-half (2.5) square feet in area, and set back less than ten (10) feet from the edge of the right-of-way.

(2) Subdivision Identification Signs. A maximum of two (2) permanent subdivision or residential entrance signs per entrance into any residential real estate development is permitted. Such signs shall not be included in the calculation of aggregate sign area for any lot.

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 12 feet high.
Setback from Right of Way :	See above.
Maximum Size per Sign Allowed:	32 square feet of Copy Area;
Number and Type Permitted:	One per lot; Two total signs per entrance.

(3) Temporary Real Estate Signs in excess of 6 square feet. Sign(s) located on tract of land that is for sale or lease and is being openly and

actively marketed by the owner or a duly licensed real estate agent or broker.

Maximum Height:	10 feet.
Minimum Setback from Right of Way:	5 feet.
Maximum Size per Sign Allowed:	32 square feet of Sign/Copy Area.
Number and Type Permitted:	One sign per road frontage.

(4) Temporary Neighborhood Marketing Sign. Temporary sign located at the entrance of a platted subdivision that has lots or houses that are being actively developed and sold.

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 10 feet high.
Maximum Size per Sign Allowed:	32 square feet of Sign/Copy Area.
Number and Type Permitted:	One sign per entrance.

(5) Large Building Sign. Each lot that contains a single building greater than 5,000 (five thousand) gross square feet is permitted one permanent ground sign per public road frontage.

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 12 feet high.
Maximum Size per Sign Allowed:	32 square feet of Copy Area; 64 square feet of Sign Area.
Number and Type Permitted:	One sign per road frontage.

B. Multi-Family Residential Areas. Within the RMD, RM-6, RM-8 and multi-family designated areas within PMUD zoned tracts the following types of signs shall be permitted as follows:

(1) In apartment, condominium or townhouse developments, the permitted aggregate sign area is no greater than four (4) square feet per unit. No single sign shall exceed three (3) feet in height (except when used as a wall sign), two and one-half (2.5) square feet in area, and set back less than ten (10) feet from the edge of the right-of-way.

(2) Residential Identification Signs. A maximum of two (2) permanent entrance signs per entrance into a residential development is permitted. Such signs shall not be included in the calculation of aggregate sign area for any lot.

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot

	or over setback maximum 12 feet high.
Setback from Right of Way :	See above.
Maximum Size per Sign Allowed:	32 square feet of Copy Area;
Number and Type Permitted:	Two signs per entrance.

(3) Temporary real estate signs in excess of 6 square feet. Signs located on tract of land that is for sale or lease and is being openly and actively marketed by the owner or a duly licensed real estate agent or broker.

Maximum Height:	10 feet.
Minimum Setback from Right of Way:	5 feet.
Maximum Size per Sign Allowed:	32 square feet of Sign/Copy Area.
Number and Type Permitted:	One sign per road frontage.

(4) Temporary Construction signs exceeding 32 square feet. One sign exceeding 32 square feet per project shall be permitted. Such signs shall be erected no more than fifteen (15) days prior to the beginning of construction for which a valid permit has been issued and shall be removed within thirty (30) days following the opening of the project.

Maximum Height:	10 feet.
Minimum Setback:	5 feet from right-of-way.
Maximum Size per Sign Allowed:	48 square feet.
Number and Type Permitted:	One per lot.

C. Non-Residential Signs. The following signs are permitted in non-residential areas within a PMUD zoned development, and the O-I, C-1, C-2, C-2A, C-3, and M-1 Zoning Districts as follows:

(1) General Signs.

a. Temporary real estate signs exceeding 6 square feet. Signs located on tract of land that is for sale or lease and is being openly and actively marketed by the owner or a duly licensed real estate agent or broker. These signs are allowed in all non-residential zoning districts subject to the following standards:

Maximum Height:	10 feet.
Minimum Setback:	10 feet from right-of-way.
Maximum Size per Sign Allowed:	32 square feet.
Number and Type Permitted:	One sign per road frontage.

b. Temporary construction signs exceeding 32 square feet. One sign exceeding 32 square feet per project shall be permitted. Such signs shall be erected no more than fifteen (15) days prior to the beginning of construction for which a valid permit has been issued and shall be removed within thirty (30) days following the opening of the development or business. These signs are allowed in all non-residential zoning districts subject to the following standards:

Maximum Height:	10 feet.
Minimum Setback:	10 feet from right-of-way.
Maximum Size per Sign Allowed:	48 square feet.
Number and Type Permitted:	One per lot.

c. Subdivision identification signs. A maximum of two (2) permanent subdivision or residential entrance signs per entrance into a platted commercial or industrial subdivision development. Such signs shall not be included in the calculation of aggregate sign area for any lot.

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 12 feet high.
Setback from Right of Way :	See above.
Maximum Size per Sign Allowed:	32 square feet of sign/copy Area;
Number and Type Permitted:	One per lot; Two total signs per entrance.

d. Window signs. These signs are allowed in all non-residential zoning districts subject to the following standards:

The total copy area of such signs, however, shall not exceed a maximum of twenty-five (25) percent of the total window area.

Neon window signs are permitted for each tenant provided that such sign does not exceed a maximum of twenty-five (25) percent of the total window area. Any such neon window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of a character to obscure vision into the premises from the outside.

e. Interstate Visible Signs. A freestanding ground sign within the Interstate 85 Corridor. These signs are allowed in addition

Interstate 85 Corridor. For the purpose of this section, a parcel that is eligible for an Interstate Visible Sign is any parcel of land zoned C-2, C-2A, C-3 or M-1 that complies with the size, width, road frontage and area requirements of the *Suwanee Zoning Ordinance*, contains a minimum of two (2) acres, directly abuts the right-of-way of Interstate 85 for a minimum of 200 consecutive linear feet and has its furthermost portion of the lot located no more than 400 feet from right-of-way of Interstate 85, as measured in a straight line. Interstate visible signs shall only be allowed on a parcel of land meeting the above requirements.

Maximum Height:	80 feet maximum.
Maximum Size per Sign Allowed:	Maximum of 200 square feet of sign/copy area.

Number and Type Permitted:	One (1) sign per parcel.
Location:	Furthermost edge of sign must be located within 100 linear feet of the right-of-way of I-85.

f. Temporary Advertising Device. See General Provisions.

g. Exempt Signs. See Exempt Signs.

(2) Individual establishment on an individual lot (except for Convenience Stores with gasoline pumps).

a. Free Standing Signs. Each lot containing a building is allowed free standing signs as follows:

Number and Type Permitted:	One (1) sign per road frontage.
Setback from Right-of-Way:	See below.

Size Standards:

Gross Building Space (s.f.)	Maximum Sign Size (s.f.)
0-10,000	40' Copy Area; 64' Sign Area
10,001-50,000	48' Copy Area; 80' Sign Area
50,001-100,000	64' Copy Area; 104' Sign Area
100,000+	96' Copy Area; 144' Sign Area

Height and Setback Standards:

Sign Area	Setback from Right-of-Way
Up to 64 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 foot setback – 8 feet high.
Over 64 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 foot setback – 10 feet high.

b. Canopy and Wall Signs.

Maximum Height:	Not greater than height of wall.
Maximum Size of Wall Sign:	Maximum of 5% of wall area where sign is affixed, not to exceed 200 square feet of sign/copy area.
Number and Type Permitted:	One (1) wall sign per wall elevation; Maximum of 4 elevations per building.

(3) Planned Multi-Tenant Office, Institutional, Industrial or Shopping Center. Each lot containing such a building is allowed signs as follows:

a. Free Standing Signs.

Number and Type Permitted:	One (1) sign per road frontage.

Setback from Right-of-Way: See below.

Size Standards:

Gross Building Space (s.f.)	Maximum Sign Size (s.f.)
0-10,000	48' Copy Area; 64' Sign Area.
10,001-50,000	80' Copy Area; 104' Sign Area
50,001-100,000	104' Copy Area; 144' Sign Area
100,000+	112' Copy Area; 192' Sign Area

Height and Setback Standards:

Sign Area	Setback from Right-of-Way
Up to 104 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 8 feet high; 20-foot and greater setback – 10 feet high.
104 – 144 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 10 feet high; 20-foot and greater setback – 12 feet high.
Over 144 s.f. of Sign Area	0 to 5 foot setback – 6 feet high; More than 5 feet and less than 20-foot setback – 12 feet high; 20-foot and greater setback – 16 feet high.

b. Canopy and Wall Signs. Signs for individual tenants within planned commercial, industrial, office and shopping centers (retail shopping center tenant signs).

Maximum Height:	Not greater than height of wall.
Maximum Size per Sign Allowed:	Maximum of 5% of wall area per business; Measured by using the leasable exterior wall area per business. Maximum of 200 s.f. per sign.
Number and Type Permitted:	One (1) sign per wall per business.

c. Blade Signs. Signs for individual tenants within planned commercial, industrial, office and shopping centers (retail shopping center tenant signs).

Maximum Size:	Six (6) square feet.
Maximum Projection:	Four (4) feet.
Location:	within five (5) feet of a tenant entrance
Maximum Number:	One (1) per tenant.
Illumination:	No internal illumination.
Minimum Clearance:	Bottom edge must provide seven and one-half (7.5) feet.
Right-of-way:	Project a maximum of three (3)

	feet into locally maintained right-of way with written permission from the Planning Director.

d. Projecting Signs. One (1) per Multi-Tenant Office, Institutional, Industrial or Shopping Center Building.

Maximum Size:	Thirty-two (32) square feet.
Maximum Projection:	Eight (8) feet.
Location:	Must be located above the first floor but cannot extend above the roof line of the building. The building must be at least two (2) stories or may be 1 story but must be taller than twenty (20) feet.
Minimum clearance:	Seven and one-half (7.5) feet.
Right-of-way:	Project a maximum of three (3) feet into locally maintained right-of-way with written permission from the Planning Director.

e. Temporary signs. Temporary advertising devices shall be allowed per the requirements of Section 1608.C provided that all temporary advertising devices are located no further than 10 feet from the applicants tenant space (leased or owned). Except that a property owner (or designee) may apply for a temporary advertising device located on common area, and farther than 10 feet from the building, as indicated above (three times per year) and the permit will be issued to the landlord or property owner only.

(4) Industrial or Office Park.

a. Primary Entrance Signs. A maximum of two (2) permanent free-standing entrance signs at the entrance of an industrial or office park is permitted as follows:

Maximum Height:	0-5 foot setback maximum 4 feet high; over 5 feet but less than 10 feet maximum 6 feet high; 10 foot or over setback maximum 12 feet high.
Setback from Right-of-Way:	See above.
Maximum Size per Sign Allowed:	72 square feet of sign/copy area.
Number and Type Permitted:	Two total signs per entrance.

b. Secondary free-standing building signs. One (1) secondary free-standing sign shall be permitted for each building in an industrial/office park subject to the following standards:

Maximum Height:	3 feet.
Setback from publicly dedicated Right-of-Way:	20 feet.
Setback from internal private streets:	0 feet
Maximum Size per Sign Allowed:	10 square feet of sign/copy area.
Number and Type Permitted:	One per building;

c. Secondary Door, Canopy or Wall Signs. One (1) secondary door, canopy or wall sign shall be permitted for each tenant with an external doorway subject to the following standards:

Maximum Height:	Not greater than height of wall.
Maximum Size per Sign Allowed:	Maximum of 5% of wall area or 9 square feet, whichever is less, per business; Measured by using the leasable exterior wall area per business.
Number and Type Permitted:	One (1) sign per wall per business.

(5) Convenience Store/Fuel Canopy Signs. For convenience stores with fuel sales the following applies:

a. Free Standing Signs. Each lot containing a building is allowed free standing signs as follows:

Maximum Height:	0 to 5 foot setback – 6 feet high; More than 5 feet – 8 feet high.
Setback from Right-of-Way:	See above.
Number and Type Permitted:	One (1) sign per road frontage.
Size Standards:	Maximum 48' Copy Area; 64' Sign Area.

b. Canopy and Wall Signs (except fuel canopy).

Maximum Height:	Not greater than height of wall.
Maximum Size of Wall Sign:	Maximum of 5% of wall area where sign is affixed, not to exceed 200 square feet of sign/copy area.
Number and Type Permitted:	One (1) wall sign per wall elevation; Maximum of 4 elevations per building.

c. Fuel Canopy Signs. One sign per canopy per public road frontage is allowed with a maximum of 16 square feet of copy area.

d. Spreader bars (signs located under canopy over pump islands). No more than two signs per spreader bar, not to exceed four square feet per sign.

e. Accessory car wash. One additional wall sign located per face of the car wash is allowed provided each sign does not exceed eight (8) square feet in sign or copy area.

SECTION 1613. Repealer.

This chapter shall be effective upon its adoption and shall repeal all conflicting ordinances and resolutions.

ARTICLE XVII
BUFFER, LANDSCAPE AND TREE PRESERVATION REQUIREMENTS

SECTION 1700. Intent and Purpose.

A. Intent. This Article shall apply to all properties or portions thereof within the incorporated areas of Suwanee, Georgia, to the extent of the provisions contained herein. The City Council hereby finds that the protection and preservation of trees, the planting of new trees and other landscape material, and the provision of buffers between dissimilar uses as part of the land development process is a public purpose and provides for the public health and general welfare.

B. Purpose.

1. The purpose of this Article is to preserve and enhance the City's natural environment through tree protection and preservation, the planting of trees and other landscape material, and the provision of natural and/or planted buffers between dissimilar uses. The Article is intended to further the City's policy that all development where trees are most commonly removed will achieve upon project completion a uniform standard related to tree coverage, landscaping and maintenance.
2. Benefits derived from tree protection and replacing include:
   i. Improved control of soil erosion;
   ii. Moderation of storm water runoff, and improved water quality;
   iii. Enhanced habitat for desirable wildlife;
   iv. Reduction of noise and glare;
   v. Climate moderation and reduction of the heat island effect;
   vi. Aesthetics, scenic amenity;
   vii. Increased property value; and,
   viii. Assistance in traffic calming.

SECTION 1701. (Reserved)

SECTION 1702. Buffer Regulations.

SECTION 1702.1 Applicability.

Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the *Zoning Ordinance* or as a condition of zoning, special use or variance approval.

SECTION 1702.2 Standards For Permanent Buffers.

1702.2.1 Width of Buffers

Buffers shall meet the minimum - width requirements contained in the *Zoning Ordinance*, except as authorized to be reduced by the applicable buffer reduction process, as follows:

A. As specified in the development regulations of the zoning district "Minimum Buffer Area"; or

B. As specified in a residential zoning district for a permitted non-residential user (e.g. a church, temple, synagogue, etc.); or

C. As required by a condition of zoning, special use, or variance approval.

1702.2.2 Screening Requirements

A. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.

B. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

C. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required by the City Inspector, in order to observe the sight distance requirements contained in the Development Regulations, or as authorized by a condition of zoning, special use, or variance approval.

D. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this Article shall be met outside of the easement area.

1702.2.3 Supplemental Plantings

A. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Article shall be planted with supplemental plantings so as to provide a year-round effective visual screen.

B. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of 6 feet in height at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.

C. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

1702.2.4 Non-Vegetative Screening

A. Non-vegetative materials utilized to satisfy the screening requirements of this Article, in addition to the use of existing vegetation and/or supplemental

plantings, may consist of walls, fences, earthen berms or any combination thereof.

B. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

C. Non-vegetative screenings do not take the place of required vegetative buffers, but are only intended to supplement planted buffers.

1702.2.5 Disturbance or Encroachments

A. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.

B. Supplemental plantings or replantings of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any significant existing vegetation.

C. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements contained herein.

D. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

1702.2.6 Protection During Land Disturbing Activities

A. During authorized land disturbing activities, buffers shall be clearly marked and protected prior to commencement of, and during construction.

B. The method of marking and protection utilized shall be in accordance with the approved tree preservation/replacement plan. The City Inspector may require additional tree protection if deemed necessary to the preservation of trees within the buffer.

SECTION 1702.3 Standards for Construction Buffers.

1702.3.1 Where Required

Construction buffers shall only be required where specifically provided as a condition of zoning, special use or variance approval.

1702.3.2 Time Constraints

Construction buffers shall only be in effect during the construction period of a project and shall terminate upon project completion. In the case of a residential subdivision a construction buffer shall terminate upon each individual lot with the issuance of a Certificate of Occupancy for the principal dwelling.

1702.3.3 Disturbance or Encroachments

A. Construction buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein.

B. The encroachment of ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sediment basins, sanitary sewer conveyance facilities, similar facilities, and any associated easements, into a construction buffer shall not be authorized except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes), and natural bottom detention ponds (sediment basins must be located outside of the construction buffer) and their appurtenant structures which require no grading and removal of trees, may encroach upon the construction buffer.

C. If the construction buffer on a residential lot is devoid of existing trees and vegetation, and a tree survey is submitted to document this situation prior to conducting land disturbing activities (including clearing) on the lot, then the City Inspector may authorize the encroachment of a building or structure into the construction buffer for a distance not to exceed 10 feet.

1702.3.4 Protection During Land Disturbing Activities

A. During authorized land disturbing activities, construction buffers shall be clearly marked and protected prior to commencement of, and during, construction.

B. The method of marking and protection utilized shall be in accordance with the approved tree preservation/replacement plan. The City Inspector may require additional tree protection if deemed necessary to the preservation of trees within the buffer.

SECTION 1703. Landscape Regulations.

SECTION 1703.1 Applicability.

1703.1.1 Landscape strips for Non-Residential and Multi-Family Uses

Non-residential and multi-family uses shall provide for landscape plantings on-site as follows:

A. In a Landscape Strip at least 15 feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage; and

B. In areas adjacent or internal to off-street parking lots that are required by the Zoning Ordinance to contain more than 5 off-street parking spaces; and

C. As required by a condition of zoning, special use or variance approval; and

D. In a Landscape Strip at least 5 feet in width adjacent to any property lines not adjacent to a street right-of-way.

1703.1.2 Landscape strips for Residential Subdivisions and planned mixed use developments

Residential subdivisions and planned mixed-use developments shall provide for landscape plantings on-site as follows:

A. In no-access easements that are required to be provided by the Development Regulations along the property line of double frontage lots abutting upon a major thoroughfare; and

B. As required by a condition of zoning, special use of variance approval.

SECTION 1703.2 Landscape Strip Planting Requirements.

1703.2.1 Fifteen (15) Foot Wide Landscape Strips

A. Landscape Strips, which are required to be 15 feet in width shall contain landscaping and plantings within said landscape strip as follows:

1a. One (1) overstory tree with an anticipated canopy of 900 square feet for each 30 linear feet of strip length or one overstory tree with an anticipated canopy of 1,600 square feet for each 40 linear feet of strip lenght shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.

OR

1b. Either, one (1) overstory tree with an anticipated canopy of 900 square feet per 40 linear feet of strip or one overstory tree with an anticipated canopy of 1,600 square feet per 50 linear feet of landscape strip for trees shall be planted.

AND

Either, one (1) understory tree with an anticipated canopy of 400 square feet per 40 linear feet of strip or one understory tree with an anticipated canopy of 100 square feet per 25 linear feet of landscape strip shall be planted. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.

2. One (1) shrub for each 25 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.

3. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the Planning and Inspections Department so long as the total number of plantings is achieved.

4. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

B. All trees planted to meet the requirements of this section shall be a minimum 3" caliper at the time of planting. No columnar or fastigiated tree cultivars may be planted to meet the requirements for an overstory tree.

C. If existing overhead power lines are located within the 15' front landscape strip, then understory trees may be planted with approval of the Planning Department.

1703.2.2 Five (5) Foot Wide Landscape Strips

A. Landscape strips which are required to be 5 feet in width shall contain landscaping and plantings within said strip as follows:

1. One (1) tree for each 50 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.

2. One (1) shrub for each 50 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.

3. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the Planning and Inspections Department so long as the total number of required plantings is achieved.

4. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.

1703.2.3 Encroachments Into Landscape Strips

Required landscaped strips shall not be encroached upon by parking spaces, driveway surfaces or stormwater detention facilities (excluding underground detention facilities) except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical.

SECTION 1703.3 Off-Street Parking Lot Planting Requirements.

A. Off-street parking lots which are required to contain more than 5 off-street parking spaces shall contain landscaping and plantings as follows:

1. For double rows of parking, planter islands may be arranged according to two different options:

a. Planter islands shall be located at the terminus of each parking row. Each planter island shall be a minimum of 400 square feet. Planting strips with a minimum width of six (6) feet shall run continuously between the planter islands located at the terminus of each parking row. Each planter island shall contain two (2) trees. If trees with an anticipated canopy of 900 square feet are used, the planting strips shall contain trees located every thirty (30) feet. If trees with an anticipated canopy of 1600 square feet are used, the planting strips shall contain trees located every forty (40) feet.

b. Planter islands shall be located at the terminus of each parking row and no further apart than every: seven (7) parking spaces if trees with an anticipated canopy of 900 square feet are used or nine (9) parking spaces if trees with an anticipated canopy of 1600 square feet are used. Each planter island shall be a minimum of 400 square feet. Each planter island shall contain two (2) trees. This option is only available when a sidewalk is located between rows of parking.

2. For single rows of parking around the exterior of parking lots and/or directly adjacent to buildings, planter islands shall be located at the terminus of each parking row and no farther apart than every seven (7) parking spaces. Each planter island shall be a minimum of 200 square feet and contain 1 tree. In planter islands located 1) directly adjacent to buildings and 2) between the building and a public right-of-way, an understory or two (2) ornamental trees may be planted in lieu of a required overstory tree.

B. Each tree planted to meet the requirements of this section shall be a minimum 3" caliper overstory tree with a minimum anticipated canopy of 900 square feet.

C. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof. No plant materials with the exception of trees shall exceed three (3) feet in height. When "other landscaping material" is used it shall be clearly noted. "Other landscaping materials" must be approved by the Planning and Inspections Department.

D. Planter islands and strips shall be designed to prevent compaction or the effects of compaction. This may be accomplished by planting a dense shrub cover, appropriate use of structural soil, or by elevating the planting area a minimum of one (1) foot above the curb.

E. Any tree removed or having had its tops cut after compliance with this section shall be replaced with the equivalent inches of removed trees. However, any tree removed due to disease or insect infestation upon the written advice and findings of the County Extension Service or the Georgia Forestry Commission shall be replaced in accordance with the minimum standards contained in the ordinance.

F. Planter islands shall be designed to provide ample space for tree growth. If structures (i.e. power transformers, fire hydrants, parking lot lights, vaults, etc.) are to be located within planter islands, the size of the planter island must be large enough to accommodate the required tree and the proposed structure, without hindering the growth of the tree.

G. All off-street parking lots shall be concealed from public view by a minimum three-foot high hedgerow. The hedgerow shall be designed to minimize visibility of the parking area from public right-of-ways. Hedges shall form a solid continuous visual screen immediately and shall consist of two staggered rows of shrubs spaced a maximum of 2 feet on center. Hedge plantings shall be comprised of species off the approved Hedgerow list.

SECTION 1703.4. No-Access Easement Screening Requirements.

No-access easements which are required to be provided and recorded by the Development Regulations, or as a condition of zoning, special use or variance approval, shall be screened as follows:

A. Planted with a single line of evergreen trees or shrubs; or

B. Contain a decorative ornamental fence; or,

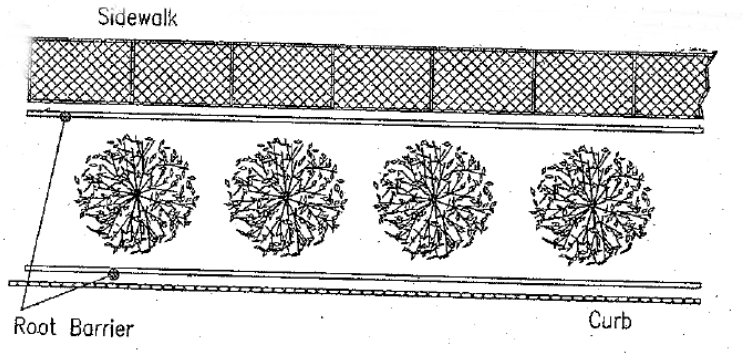
C. Contain such other landscaping treatments or grade changes, which will produce a partial screening effect as authorized by the Chief Building Inspector.

SECTION 1703.5 Public Street Rights-of-Way

A. Street trees planted within publicly maintained rights-of-way cannot be counted toward the tree density requirement for a site unless otherwise approved by the City Planning and Inspections Department and the County Department of Transportation depending upon whether the right-of-way will be maintained by the City or County. Street trees required to be planted as a condition of zoning or per a zoning district development requirement shall be counted toward the tree density requirements for the site.

B. Street Tree Standards.

1. Only trees approved as street trees per section 1704.7.3 shall be permitted to be planted within City of Suwanee right-of-ways
2. Street trees shall be spaced per condition of zoning or district development requirements.
3. Street trees shall have a minimum caliper of three (3) inches. They shall be single-stemmed with a single, straight leader.
4. Impermeable rigid tree root barriers shall be installed in a linear method in all tree strips. The barriers shall be a minimum of 24 inches deep and includes ribs to direct root growth downward. The root barriers shall be installed in accordance with the details provided below.



5. Indemnification and maintenance agreements must be recorded with the City of Suwanee prior to plan approval for irrigation or plantings within City rights-of-way. For subdivisions, these agreements must be recorded in the name of a homeowner's association along with documentation attesting to that association's existence. For all other types of projects, these agreements must be recorded in the name of any current project owner. All maintenance shall be in compliance with ANSI A300 standards for tree care. A maintenance responsibility statement shall be provided on the final plat.
6. Expandable plastic tree trunk protectors shall be installed on each tree.
7. Street trees shall be planted prior to the issuance of a final plat or Certificate of Occupancy; whichever is applicable as determined by the Planning Department. If conditions are not suitable for planting trees at the time at the time of final plat or certificate of occupancy, then the builder/developer shall enter into a performance surety agreement with the City to plant trees at a time when the weather is more suitable as determined by the Planning and Inspections Department.

SECTION 1704. Tree Preservation and Replacement Regulations.

SECTION 1704.1 Applicability and Exemptions

1704.1.1 Applicability

The terms and provisions of this Article shall apply to any activity on real property, which requires the issuance of a Land Disturbance Permit within incorporated City of Suwanee except as excluded in other paragraphs in this Section. Table 1700.1: Summary of Applicability and Exemptions, at the end of this section, summarizes those activities~~,~~ which are exempt from the provisions of this Article and those for which a Tree Preservation/Replacement Plan must be approved prior to issuance of a Land Disturbance Permit.

1704.1.2 Grandfathered Projects

A. This Article shall not apply to any portion of a property included within the limits of a valid Land Disturbance Permit issued prior to the effective date of this

Article, provided that all time constraints relating to the permit issued shall be observed.

B. In no event shall any grandfathered project be extended for a greater time period than 24 months from the date of enactment of this Article.

1704.1.3 Horticultural or Agricultural Operations

A. All plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this Article in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.

B. All orchards of trees in active commercial operation shall be exempt from the terms and provisions of this Article for bona fide agricultural purposes only.

C. Land clearing or clearing and grubbing activities for clearly agricultural purposes in R-140 zoning district shall be exempt from the provisions of this Article.

D. Timber harvesting (selective cutting or clear-cutting) for pulpwood or sawtimber shall be exempt from the provisions of this Article upon approval by the Planning Commission. Timber harvesting requires a 75-foot undisturbed buffer along the entire perimeter of the property if abutting a non-agricultural property.

1704.1.4 Removal of Disease or Infestation

Upon the advice of the County Extension Service or the Georgia Forestry Commission in accordance with commonly accepted forestry practices and a finding of tree disease or infestation, the City Clerk may authorize the removal of trees to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The owner/ developer, prior to the removal of the diseased trees, shall notify the City Clerk, identifying the location of the infested property, and shall submit to the City Clerk the written finding of the County Extension Service or Georgia Forestry Commission. Upon which time, the City Clerk may require the review of a Tree Preservation/Replacement Plan to reflect a density of 24 units/acre.

1704.1.5 Tree Thinning

The thinning of trees (selective cutting only) solely for the purpose of good forestry management, may be permitted upon authorization by the City Clerk and shall require the submittal and approval of a Tree Preservation/Replacement Plan. Permits authorizing tree thinning shall be limited to the following:

A. A 75-foot natural undisturbed buffer (not a zoning buffer) shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized road crossings.

B. The property shall be required to meet a Tree Density Standard of 20 units per acre upon completion of authorized land disturbing activities.

C. The owner/developer shall utilize the recommended Best Management Practices (BMP's) as established by the Georgia Forestry Commission.

1704.1.6 Credit for Zoning Buffer Plantings Excluded

Existing trees proposed to be retained and new trees proposed to be planted in order to meet the buffer requirements of the this Article or conditions of zoning, special use or variance approval shall not be considered in fulfilling the requirements of this Article. Trees or other vegetation shall not be removed from a zoning buffer area except under the provisions of the *Zoning Ordinance*.

1704.1.7 Easement Exemption

Properties possessing natural gas, petroleum or electric power transmission easements, or sanitary sewer main (greater than 8 inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in said easement from the total acreage of the property in fulfilling the Tree Density Standard of this Article provided that no improvements (e.g. parking lots, tennis courts, driveways, stormwater detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so utilized within the easement for the improvement, plus an additional 10 feet of land area surrounding the improvements, shall be used to fulfill the Tree Density Standard of this Article.

TABLE 1700.1:
SUMMARY OF APPLICABILITY AND EXEMPTIONS
(See Text for Further Details)

1 & 2 FAMILY HOUSE	Building Permit.	EXEMPT (1704.1.1)
GRANDFATHERED PROJECTS	Any property included within the limits of a LDP approved prior to the effective date of this Article, and remaining portion of a project where 75% of area has already been included in LDP's approved prior to , which was the effective date of this Article.	EXEMPT (1704.1.2)
HORTICULTURAL OR AGRICULTURAL OPERATIONS	Plant or Tree Nurseries. Orchards. Land clearing for clearly agricultural purposes, including Timber Harvesting in an R-140 zoning district.	EXEMPT (1704.1.3)
DISEASED OR INFESTED TREES	Removal upon advice and written finding of County Extension Service or Georgia Forestry Commission.	EXEMPT (1704.1.4)
TREE THINNING	Thinning of trees (selective cutting) in zoning districts solely for the purpose of good forestry management, utilizing recommended BMP's of the Georgia Forestry Commission, upon the advice and written findings of the County Extension Service or Georgia Forestry Commission.	TP/RP Required (1704.1.5)
RESIDENTIAL S/D & NON-RESIDENTIAL S/D	• Land disturbance limited to area needed for streets, drainage, and utilities. • Land disturbance beyond area needed for streets, drainage, and utilities.	TP/RP Required* TP/RP Required TP/RP Required

MULTI-FAMILY & NON-RESIDENTIAL SITES	• Building Permit for the construction of 1 and 2 Family Dwellings.	TP/RP Required*
	• Recreation Areas.	TP/RP Required*
	• Clearing or Clearing & Grubbing only, proposing disturbance not within a minimum yard nor a 100-year flood plain.	TP/RP Required**
	• Clearing or Clearing & Grubbing only, proposing disturbance within a minimum yard or 100-year flood plain. Grading or Development Permit.	
	• Building Permit.	Covered by TP/RP as approved by LDP

(TP/RP - Tree Protection/Replacement Plan)

* Limits of land disturbance to be designated with protective tree fencing or silt fencing with attached continuous ribbon prior to commencement of activities, consistent with exemption allowances.
**Additional areas may be designated by the City Inspector to remain undisturbed based on land use plan.

1704.1.8 Planned Mixed-Use Center Exemption

A true planned mixed use center designed in a manner consistent with urban design principles will not be able to realistically comply with tree density or landscape strip requirements. As such, planned mixed-use centers, as determined by the Planning and Inspections Department, may be exempt for Tree Density Requirements and/or Landscape strip requirements if exempting these requirements benefits the overall design of the project.

SECTION 1704.2 Permits.

Land disturbance activities shall not commence until such activities have been authorized by issuance of any Land Disturbance Permit under provisions of the Development Regulations.

SECTION 1704.3 Plan Review Procedures.

1704.3.1 Overview

The Planning and Inspections Department is the primary plan reviewer, and is responsible for making professional judgments regarding any arboricultural principles or practices related to the implementation of the Article.

1704.3.2 Pre-Submittal Conference

Developers and design professionals may meet at any time with the City Planning and Inspections Department to discuss the tree preservation planning process. The Planning and Inspections Department is available for field inspections of site conditions prior to submittal to give advice as to the relative value of trees, and to assist in the design process as it relates to preserving trees. Information can also be disseminated about how to prepare a Tree Preservation/Replacement Plan for submittal in order to minimize staff review time.

1704.3.3 Land Disturbance Permit

Tree Preservation/ Replacement Plans shall be submitted with other permit drawings as part of the plan approval and/or land disturbance permit process. These plans shall be

reviewed for conformance with applicable zoning conditions, the *Zoning Ordinance*, and other administrative standards, and will either be approved or returned for revisions. Reasons for denial will be stated in writing.

Issuance of any land disturbance permit is contingent upon approval of the Tree Preservation/Replacement Plan.

1704.3.4 Tree Survey Inspection

Following the receipt of the completed tree removal application and supporting data, the City Planner if deemed necessary, shall schedule and conduct an inspection of the proposed development site. The applicant or his designee shall be advised as to the date and time of the inspection and given an opportunity to participate. Following the inspection, the City Planner, consistent with the purposes of this Article, shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans.

SECTION 1704.4 Preservation Plan Requirements.

1704.4.1 Introduction

The Tree Preservation Plan shall be submitted as a separate sheet.

Plan requirements for each type of permit are listed below. Appropriate sections of these standards are referenced where additional explanations or instructions are necessary.

1704.4.2 Clearing and Grading Permits

All requirements shown for Development Permits with the exception of building and paving improvements must be met for Clearing and/or Grading Permits.

1704.4.3 Development Permits

Show the following information on the plan:

- All items found on the Erosion and Sedimentation Control submittal checklist pertinent to normal plan review.
- Site area.
- The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.
- Phase lines or limits of construction (See Phased Projects).
- A delineation of all protected zones with any required dimensions (See Plan Review Standards).
- Calculations showing compliance with the required Site Density Factor using existing trees, and/or replacement trees, (See Density Factor Analysis).
- Locations of all existing and proposed utility lines or easements.
- Locations of any boring sites for underground utilities.

- Locations of all specimen trees and indications whether they are to be removed or preserved (See Specimen Trees).
- Locations of all tree protection devices with an indication of whether the measures are active or passive, materials to be used in each location and details (See Construction Standards).
- A delineation of tree save areas in which trees have been inventoried for density calculations.
- The location of any state waters and the limits of any proposed disturbance in a water quality buffer zone.
- If applicable, locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.)
- Additional information as required on a case-by-case basis.
- The following notes:

NOTIFY CITY OF SUWANEE INSPECTIONS DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION AT 770.945.8996.

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

TREES TO BE A MINIMUM OF 6' IN HEIGHT AT TIME OF PLANTING.

ALL TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING. CALL THE CITY INSPECTOR FOR AN INSPECTION.

THE DENSITY REQUIREMENTS SHOWN ON THE TREE PRESERVATION/ REPLACEMENT PLAN(S) MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE PROJECT.

A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER ONE FULL GROWING SEASON FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORDINANCE COMPLIANCE.

SECTION 1704.5 Replacement Plan Requirements.

1704.5.1 Introduction

The Tree Replacement Plan shall be submitted as a separate sheet or as part of the Tree Preservation Plan; provided that all required information is legible.

Plan requirements for each type of permit are listed below.

1704.5.2 Clearing and Grading Permits

All requirements shown for Development Permits with the exception of building and paving improvements must be met for Clearing and/or Grading Permits.

1704.5.3 Development Permits

Show the following information on the plan:

- All items found on the Erosion and Sedimentation Control submittal checklist pertinent to normal plan review.
- Site area.
- The locations of existing and proposed improvements, including structures, paving, driveways, cut and fill area, and detention areas, etc.
- Calculations showing compliance with the required Site Density Factor using existing trees, and/or replacement trees, (See Density Factor Analysis).
- Locations of all existing and proposed utility lines or easements.
- A planting schedule showing the type (common and botanical names), size and quantity of trees to be planted, tree density units per tree and any special planting notes (see Tree Replacement Standards).
- The locations of all trees to be planted on the site to meet density requirements.
- For trees to be planted in any publicly maintained street right-of-way, show the following:
    1. A shoulder section showing placement of trees in relation to the curb and underground utilities;
    2. If an irrigation system is provided, plans showing the location of lines and heads, the spray radius for each head, shut-off valve and timer locations, and a 24-hour emergency contact phone number;
    3. A note indicating the type of irrigation to be used;
    4. Additional information as required on a case by case basis; and
- The following notes:

NOTIFY CITY OF SUWANEE INSPECTIONS DEPARTMENT 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION AT 770.945.8996.

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

REPLACEMENT TREES MUST BE FREE FROM INJURY, PESTS, DISEASE, NUTRITIONAL DISORDERS OR ROOT DEFECTS, AND

MUST BE OF GOOD VIGOR IN ORDER TO ASSURE A REASONABLE EXPECTATION OF SURVIVABILITY.
PLANT MATERIAL QUALITY SHALL MEET THE AMERICAN STANDARD FOR NURSERY STOCK.

TREES TO BE A MINIMUM OF 6' IN HEIGHT AT TIME OF PLANTING.

ALL TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING. CALL THE CITY INSPECTOR FOR AN INSPECTION.

THE DENSITY REQUIREMENTS SHOWN ON THE TREE PRESERVATION/REPLACEMENT PLAN(S) MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE PROJECT.

A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER ONE FULL GROWING SEASON FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORDINANCE COMPLIANCE.

SECTION 1704.6 Density Factor Analysis.

1704.6.1 Overview

A basic requirement of this Article is that all applicable sites maintain a minimum tree density of 20 units per acre. The term "unit" is an expression of basal area (a standard forest inventory measurement), and is not synonymous with "tree".

This density requirement must be met whether or not a site had trees prior to development. The density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two as represented by the formula:

SDF = EDF + RDF

Where:

SDF (Site Density Factor) = The minimum tree density required to be maintained on a developed site (**20 units per acre**).

EDF (Existing Density Factor) = Density of existing trees to be preserved on a site.

RDF (Replacement Density Factor) = Density of new trees to be planted on site.

1704.6.2 Site Density Factor

The **SDF** is calculated by multiplying the number of site acres by 20.
Example: A 2.2 acre site has a **SDF** of 2.2 x 20 = 44

1704.6.3 Existing Density Factor

The **EDF** is calculated by converting the diameter of individual trees to density factor units. This is done using Table 1700.2 below.

TABLE 1700.2 - CREDIT FOR EXISTING TREES

CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR TREES REMAINING ON SITE

DIA.	INITS	DIA.	UNITS	DIA.	UNITS	DIA.	UNITS
3	.05	15	1.2	27	4.0	39	8.3
4	.1	16	1.4	28	4.3	40	8.7
5	.15	17	1.6	29	4.6	41	9.2
6	.2	18	1.8	30	4.9	42	9.6
7	.3	19	2.0	31	5.2	43	10.1
8	.4	20	2.2	32	5.6	44	10.6
9	.5	21	2.4	33	5.9	45	11.0
10	.6	22	2.6	34	6.3	46	11.5
11	.7	23	2.9	35	6.7	47	12.0
12	.8	24	3.1	36	7.1	48	12.6
13	.9	25	3.4	37	7.5	49	13.1
14	1.1	26	3.7	38	7.9	50	13.6

Note: Tree diameter for existing trees is measured at 4.5 feet above the ground.

Note: Tree diameter fractions may be "rounded up" if 0.5 inches or greater or "rounded down" if less than 0.5 inches.

Example:

A total of 15 trees will remain on the 2.2 acre site. The tree inventory is as follows:

7 - 12" diameter pines
3 - 14" diameter pines
3 - 18" diameter oaks
1 - 21" diameter hickory
1 - 30" diameter oak

Converting diameters (DBH) to density units, the **EDF** is determined as shown in the following example:

Scientific Name	Common Name	DBH	Units	No. of Trees		Totals
Acer barbatum	Florida Maple	12"	0.8	x	7	= 5.6
Ginkgo biloba	Ginkgo, grafted	14"	1.1	x	3	= 3.3
Pinua strobes	White Pine	18"	1.8	x	3	= 5.4
Quercus alba	White Oak	21"	2.0	x	1	= 2.4
Quercus falcata	Southern Red Oak	30"	4.9	x	1	= 4.9
						21.6

1704.6.4 Replacement Density Factor

A) Calculate the **RDF** by subtracting the **EDF** from the **SDF**.

Example: **RDF** = 44 - 21.4 = 22.6

The density factor credit for each caliper size of replacement (new) trees is shown in Table 1700.3. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF and the species list is accepted by the City Engineer.

B) All replacement trees shall be selected from one of the City maintained tree lists (per Section 1704.8.3)

C) No more than 30% of all replacement trees to be planted on site may be of any one species. Show calculation on plan that demonstrates compliance with this requirement.

D) No more than 15% of all replacement trees to be planted on a site may be from the limited understory and overstory tree lists.

TABLE 1700.3

Conversion of Replacement Tree Caliper to Density Factor Units

Caliper Size	Density Factor Units
1"	.0
2"	.5
3"	.6
4"	.7
5"	.9
6"	1.0
7"	1.2
8"	1.3
9"	1.5
10"	1.7
11"	1.9
12"	2.1
13"	2.3
14"	2.5
15"	2.8

1704.6.5 Unique Requirements

A. Subdivisions

New residential, commercial and industrial subdivisions are subject to a two-staged review process (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net site area defined by the limits of construction of the infrastructure(roads, utility lines, detention ponds, etc.). For residential subdivisions the per lot compensation shall be determined prior to approval of a final plat.

B. Additions to Existing Projects

For additions to existing projects, the density requirements may be met in one of the following ways:

- When more than 50% of the property of a developed project site is disturbed for either redevelopment or improvement, the requirements of this Article apply to the entire site.

- When less than 50% of the property of a developed project site is disturbed for either redevelopment or improvement, the project shall meet the requirements of this Article for just the improved or redeveloped portion of the site.

C. Phased Projects and Reduced Net Site Areas

Where development is going to occur in increments (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.

The following criteria are applied regarding existing trees:

- Existing trees to be counted toward meeting the density requirements should be within the phase line or limits of construction.

- The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

SECTION 1704.7 Tree Preservation Standards.

1704.7.1 Introduction

The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree preservation intent of this Article.

1704.7.2 Tree Inventories and Surveys

All trees that are to be counted toward meeting density requirements must be surveyed and inventoried according to size and species and shown on the tree inventory plan. The plan must accurately show and list the total density value of the trees that are to be counted toward meeting density requirements. Trees in any buffer areas need not be inventoried.

Specimen trees must be shown on the plan with an indication whether they are to be retained or removed. All specimen trees that are to be preserved as well as those proposed for removal must be shown on the survey and inventoried by size and species. Accurate locations are requested when the preservation of a specimen tree is questionable, or when a site design alteration is feasible.

On sites with significant tree save areas, tree sampling may be allowed subject to the approval of the Planning and Inspections Director. All tree surveys shall be certified. The tree survey must be performed by an actual field survey by a registered land surveyor and a certified arborist, registered landscape architect, or a registered forester. Each professional must be identified by name, address and phone number on the survey.

1704.7.3 Plan Review Standards

All buffer areas must be delineated on the plan along with a designation whether protection during construction is to be active or passive (See Construction Standards below). Tree Save Areas established to preserve specimen trees must be dimensioned on the plan and must include the entire critical root zone for the tree(s). All buffers with existing trees must be delineated on plans as Tree Save Areas. Land disturbance

within any buffer (See Article III, Definitions) is subject to City approval. The applicant must clearly demonstrate the need for the proposed disturbance.

1704.7.4 Construction Standards

A. Purpose of Tree Protection Devices

Tree protection devices are necessary to eliminate activities detrimental to trees including but not limited to:

- Soil compaction in the critical root zone resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
- Root disturbance due to cuts, fills or trenching;
- Wounds to exposed roots, trunks or limbs by mechanical equipment;
- Other activities such as chemical storage, cement truck cleaning, fire, etc.

B. Location and Types of Tree Protection Devices

Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the critical root zone (See Article III, Definitions) of all trees to be preserved.

The plan shall indicate whether the tree protection device is to be active or passive.

- Active protection (see Materials section below) is required where Tree Save Areas are located in proximity to construction activity). Construction buffers require active protection**.**

- Passive protection (see Materials section below) may be used in more remote and undisturbed locations.

The locations of all tree protection devices will be verified prior to the issuance of any Land Disturbance Permit. Once Tree Save Areas are established and approved, any changes are subject to re-review.

C. Materials

1. Active tree protection shall consist of silt fence with continuous ribbon, orange laminated plastic, wooden post, rail fencing and/other equivalent restraining material. In addition to fencing, where tree trunks are in jeopardy of being damaged by equipment, 2 x 4 inch boards may be requested to be strapped around the trunks of trees.

2. Passive protection shall consist of plastic flagging a minimum of four (4) inches wide with dark letters on a bright background

reading "Tree Protection Area - Do Not Enter," or equivalent signage on a continuous, durable restraint.

D. Sequence of Installation and Removal

All tree protection devices shall be installed prior to any clearing, grubbing or grading. The City Inspector, if deemed necessary, inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of any Land Disturbance Permit. Tree protection must remain in functioning condition throughout all phases of development.

E. Other Specifications

1. Clearing - Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Avoid felling trees into Tree Save Areas or disturbing roots inside Tree Save Areas.

2. Erosion and Sedimentation Control - All erosion and sedimentation control measures shall be installed in a manner which will not result in the accumulation of sediment in any Tree Save Areas. Silt fences shall be installed along the outer uphill edges of tree save areas.

3. Signage - All tree protection zones shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in areas. These signs are intended to inform subcontractors of the tree protection process.

4. Utilities – Reasonable efforts shall be made to locate utility lines outside tree save areas. If utility lines must encroach in the tree save areas they shall be installed by tunneling rather than trenching.

5. Signs - Signs requesting subcontractor's cooperation and compliance with the tree protection standards are recommended for site entrances.

<u>1704.7.5 Tree Registry</u>

A. Trees or groups of trees which are documented to be of historic merit, of an uncommon or endangered species, or are of extraordinary value due to their age, size or type, may be registered in the City of Suwanee Tree Registry. It shall be the duty of the Planning Department to maintain and keep this registry on file.

B. Registry of trees shall be voluntary and may be done by the owner(s) of the property on which the tree is located. Registration shall not run with the land,

unless the property owner wishes to use an express trust to transfer a benefit in the tree or groups of trees to the City.

SECTION 1704.8 Tree Replacement Standards.

1704.8.1 Introduction

The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of this Article.

Tree Replacement Plans should be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.

1704.8.2 Planting Specifications

Replacement tree proposed to be planted for credit toward meeting the minimum required Tree Density standards on a property shall comply with the following:

A. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. The following criteria are generally used for the determination of vigor:

1. Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.
2. Shoot growth for most vigorous trees will be at least one (1) foot per year. One half or more of the foliate should be on the branches originating from the lower two-thirds of the trunk, and one-half should originate from the upper third.
3. Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches usually denotes good vigor, conversely, rough and full bark could indicate poor vigor.
4. Trunk taper. The trunks of vigorous trees will generally have a decrease in trunk diameter with increasing height. Trees with reverse tapers or no taper should be avoided.
5. Root color. Young roots of most trees will be light in color.
6. Trees selected for planting must be free of root defects. Two types of root defects generally occur:
    a. Kinked roots, in which taproots, major roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.
    b. Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.

B. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting*

Manual or similar publication. Reference the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANSI Z60, 1973) for plant material quality specifications. Reference the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, *Castle Books*) or similar publication for information on tree species site requirements.

C. Planting Procedures:

1. Planting holes should be at least three times the diameter of the root ball.
2. Trees should not be planted deeper than they were in their former location or container.
3. Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.
4. Good water drainage from the bottom of the planting hole is essential for root regeneration.
5. Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of negative soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1 ratio. There are indications that a backfill with native soil alone may be adequate.
6. The addition of fertilizer to backfill soil can cause root injury, and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately, 1.5 pounds of nitrogen per cubic yard of backfill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of backfill for balled and burlapped trees.
7. The backfill should be gently tamped (but not compacted), and soaked for settling.
8. The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole can facilitate watering.

1704.8.3 Species

The Planning and Inspections Department shall maintain the following tree lists:

1) Recommended Overstory Tree List
2) Recommended Limited Overstory Tree List
3) Recommended Understory Tree List
4) Recommended Limited Understory Tree List
5) Recommended Ornamental Tree List
6) Recommended Evergreen Hedgerow List

The purpose of these lists is to establish a compilation of trees physically suitable to the City of Suwanee environment and to compliment the City's existing urban forest. All trees or hedgerow shrubs planted to meet the requirements of this article shall be selected from one of the above lists maintained by the Planning and Inspections Department. Each tree list shall include the scientific name, common name, anticipated canopy area, suitability for parking lots, suitability of use as a street tree, and whether the tree is a native species or not. The hedgerow list shall include the scientific name, common name and anticipated height.

The Planning and Inspections Department develops and maintains these lists of suitable overstory and understory tree species and hedgerow species that may be planted within the City of Suwanee. The tree and hedgerow lists shall be updated as new cultivars or new species are introduced, as issues arise with current species such as diseases or pests, and to ensure that trees are being planted that meet the purpose and intent of the ordinance.

1704.8.4 Minimum Root Zones

In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved.

Large trees - 200 sq. ft. of pervious root zone
Small trees - 100 sq. ft. of pervious root zone
All planting strips - Five (5) ft. minimum width

1704.8.5 Irrigation

Newly planted trees and existing trees subjected to construction impacts typically need supplemental watering when rainfall is inadequate. Applicants should be prepared to discuss how trees are to be watered during their establishment or transition period, and possibly note on the plan the method of irrigation that is proposed.

SECTION 1704.9 Specimen Trees.

1704.9.1 Identification

Some trees on a site warrant special consideration due to their species, distinctive form, appearance, rarity, historical significance, age, ecological value, or other unique characteristic. These trees are referred to as specimen trees. As such, these trees should be preserved.

The following criteria are used by the City of Suwanee to identify specimen trees. Size, appearance, health, and overall condition criteria must be met for a tree to qualify.

Size Criteria

- Large Hardwoods: 24-inch diameter or larger
- Large Softwoods: 24-inch diameter or larger
- Small Trees (See Article III, Definitions): 12-inch diameter or larger

Condition Criteria

- Life expectancy of greater than 15 years.
- Relatively sound and solid trunk with no extensive decay.
- No more than one major and several minor dead limbs (hardwoods only).
- No major insect or pathological problem.
- The tolerance of the species to changes in the site.

- The future level of maintenance that will be required.
- Well defined broad canopy
- Full branching throughout

If a tree does not meet the size criteria but is shown to be a rare species, have historical significance, ecological value, or other unique characteristics, the City may deem the tree to be a specimen tree.

1704.9.2 Preservation

In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purposes. Credit for any specimen tree thus saved would be two (2) times the assigned unit value shown in Table 1700.2.

1704.9.3 Removal and Replacement

If a specimen tree is to be removed, a plan or written documentation from a qualified expert (certified arborist or registered forester) indicating the reason for the removal must be submitted to and approved by the City.

Specimen trees must be replaced by species with potentials for comparable size and quality. Trees intended to replace a specimen may not be any smaller than 3" caliper dbh.

Any specimen tree which is removed must be replaced by trees with a total density equal to two (2) times the unit value of the tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of this condition.

SECTION 1705 Compliance.

SECTION 1705.1 Artificial Materials Prohibited.

All artificial plants, trees, shrubs grass or other vegetation shall be prohibited from fulfilling the requirements of this Article.

SECTION 1705.2 Warranty or Maintenance Surety.

Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this Article, and following acceptance by the City Inspector in accordance with the procedures set forth in the *Development Regulations*, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one (1) year.

SECTION 1705.3 Inspection.

1705.3.1 Pre-Construction Inspection

Prior to the issuance of any Land Disturbance Permit, the City of Suwanee must inspect all tree protection devices for compliance with the approved plans. Land Disturbance Permits will not be issued until tree protection fencing has been installed correctly.

1705.3.2 Construction Inspection

During construction, the City Inspector will periodically inspect all project***s*** to assure the adequacy of tree protection fencing. Failure to adhere to the provisions of this Article will constitute noncompliance, and will subject the project to enforcement procedures found in Section 1706.2 of this Article.

1705.3.3 Final Inspection

Prior to the release of the project for final platting or Certificate of Occupancy, or other form of acceptance, the City Inspector shall inspect for compliance with all requirements. **NOTE: Procedures for final inspections may vary when consideration must be given to the peculiarities of a particular type of construction project.** Any disturbances in Tree Save Areas or deficiencies in the required Site Density Factor will be cited at this time. Tree Save Area disturbances and/or SDF deficiencies must be corrected with new tree plantings prior to project release.

Existing trees which are not expected to survive will not be counted toward meeting density requirements. Conversely, any existing trees not shown to remain on plans but which have been preserved (meeting all tree preservation standards) through field adjustments may be counted toward density requirements, provided that all changes are accepted by the City Engineer.

New tree plantings may be postponed for up to nine (9) months by posting performance security. The project will not be released until after receipt of the security by City of Suwanee

1705.3.4 Maintenance Inspection

Trees preserved to meet the required site density which are dead or near death at the time of the maintenance inspection must be replaced if there is evidence that the demise of such trees was due to construction injury. One full growing season (see Article III, Definitions) after the date of the inspection of new tree installations, the City Inspector will inspect all trees on the project site. Any trees planted to meet the required Site Density Factor which are dead or near death must be replaced. Trees preserved to meet the required site density which are dead or near death at the time of the maintenance inspection must be replaced if there is evidence that the demise of such trees was due to construction injury.

Any trees required to be replaced by this inspection must be planted within 30 days of receipt of notification by the current owner(s). New tree plantings may be postponed for up to six (6) months by posting performance security (see next section). Failure to plant

new trees in accordance with these provisions will constitute noncompliance, and will subject the project to possible civil penalties.

SECTION 1705.4 Performance Surety.

1705.4.1 Compliance Prior to Certificate of Occupancy or Final Plat Approval

In the event that new trees proposed to be planted to achieve the Tree Density Standard as set forth in the Article contained herein, or other trees or landscape material required to be planted as set forth herein, are not installed upon application for a Certificate of Occupancy or Final Plat Approval as appropriate to the project, then a Performance Bond or other acceptable surety in an amount equal to 110% of the value of the new trees or landscape material and their installation shall be posted in accordance with the performance bonding requirements and provisions of the Development Regulations.

1705.4.2 Compliance Upon Permit Completion or Expiration

Properties where a permit is issued to conduct land disturbing activities that do not require the issuance of a Certificate of Occupancy or the approval of a Final Plat, or said activities as authorized are completed or the permit expires, shall comply with the Tree Density Standard of this Article.

A. Clearing, Clearing and Grubbing, or Grading Only Permits

Replacement trees proposed to be planted to achieve the Tree Density Standard of this Article which are not planted upon completion or prior to expiration of a Clearing, Clearing and Grubbing, or Grading Permit, shall be planted within 30 days of the completion or expiration of said permit unless a Performance Bond is posted with the City. Any site that allows a permit to expire without installation of the approved landscaping shall be deemed to be in violation of this ordinance.

B. Development Permits

Replacement trees proposed to be planted to achieve the Tree Density Standard of this Article which are not planted upon expiration, as opposed to completion, of a Development Permit shall be planted within 30 days of expiration of said permit unless a Performance Bond is posted. Any site that allows a permit to expire without installation of the approved landscaping shall be deemed to be in violation of this ordinance.

1705.4.3 Continuing Maintenance

The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this Article or any previously adopted landscape requirements.

The Planning and Inspections Department is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced. Replacement trees shall be of a comparable species to the removed tree and shall meet the minimum current size standards for the type of tree (for example, parking lot tree, specimen tree, front landscape strip tree).

Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this Article.

Replacement trees and landscaping shall be in accordance with the applicable provisions of this Article.

SECTION 1706 Enforcement, Violation and Appeals.

SECTION 1706.1 Enforcement.

It shall be the responsibility of the City Inspector to enforce this Article. The City Inspector or his/her designee shall have the authority to revoke, suspend, or void any Clearing, Clearing and Grubbing, Grading, Development or Building Permit or to withhold issuance of a Certificate of Occupancy, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this Article or the provisions of the approved Tree Preservation/ Replacement Plan for the site.

SECTION 1706.2 Violation and Penalty.

For violations of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s,) issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each day's continuance of violation and each tree removed shall constitute a separate offense.

Notwithstanding any disposition of a citation in a court of competent jurisdiction, any violation of this Ordinance shall constitute grounds for revoking or suspending any permit granted for the development, clearing, grading, or grubbing of the impacted property or any permit granted for the construction, demolition, or renovation of a structure on the lot or parcel and the City shall be authorized to revoke or suspend same.

SECTION 1706.3 Appeals & Variances.

1706.3.1 Variance from the *Zoning Ordinance*

The preservation of trees may be considered as a condition peculiar to the particular piece of property in support of an application for a variance from the literal application of the provisions of the Zoning Ordinance, under the procedures and requirements contained therein.

1706.3.2 Appeals

Appeals of the interpretation of the requirements of this Article by the City shall be filed and processed in accordance with the appeal procedures as set forth in the *Zoning Ordinance*.

SECTION 1707 Adoption and Amendment.

1707.1 Repeal Clause

The provisions of any Article or resolutions or parts of Articles or resolutions in conflict herewith are repealed, save and except such Articles or resolutions or parts of Articles or resolutions which provide stricter standards than those provided herein.

1707.2 Severability

Should any section, subsection, clause, or provision of this Article be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Article in whole or any part thereof other than the part so declared to be invalid.

ARTICLE XVIII
ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

SECTION 1800. Zoning Enforcement Officer.

Authority is hereby given to the Director of Planning and Community Development, to be appointed by the City of Suwanee, to administer and enforce the provisions of this Ordinance.

SECTION 1801. Permits Requirements.

No building or other structure shall be erected, moved, added to or structurally altered without a Building Permit or a Development Permit issued by the Public Works and Inspections Department. No Building Permit shall be issued except in conformance with the provisions of this Ordinance.

All applications for Building Permits or Development Permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this Ordinance.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lots shall be staked out on the ground before construction is started.

A Building Permit once issued becomes null and void if the work or construction authorized is not commenced with 6 months, or if construction or work is suspended or abandoned for a period of 6 months after work has commenced.

SECTION 1802. Certificate of Occupancy Required.

It shall be unlawful for an owner to use or permit the use of a building or part thereof, hereafter created, changed converted or enlarged, wholly or partly, until a Certificate of Occupancy, which shall be a part of the Building Permit, shall have been issued by the City Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Planning and Inspections Department to issue a Certificate of Occupancy, provided that he is satisfied that the building lot or structure and the proposed use thereof conform with all the requirements of this Ordinance and other Ordinances of the City.

SECTION 1803. Temporary Certificate of Occupancy.

Under such rules and regulations as may be established by the Planning and Inspections Department, a Temporary Certificate of Occupancy for a part of a building may be issued.

SECTION 1804. Records of Certificate of Occupancy.

A record of all Certificates of Occupancy shall be kept on file in the office of the City Clerk and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

SECTION 1805. Penalties for Violation.

For violations of this Ordinance, the director, or designee may, in addition to other remedies, and after due notice to the appropriate person(s,) issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 1806. Alternate Sentences or Penalties.

The Court shall have the power and authority to place any person found guilty of a violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution or impose other punishment allowed by law.

SECTION 1807. Remedies.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any buildings, structure or land is used in violation of this Ordinance, the City Council or any adjacent or other property owner who would be damaged by the violation, in addition to other remedies, may institute an injunction mandamus or other appropriate action or proceeding to stop the violation in the case of such building, structure or land use.

ARTICLE XIX
APPLICATION OF REGULATIONS

SECTION 1900. Compliance with Regulations.

No building or structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in compliance with the regulations of this Ordinance.

SECTION 1901. Density and Height.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

A. Exceed the height limits.

B. House a greater number of Dwelling Units per acre or occupy a smaller lot area per Dwelling Unit than are herein required.

C. Have narrower or smaller minimum yards than are herein required.

SECTION 1902. Reduction in Lot Size.

No lot shall be reduced in size so that lot width or lot depth, size of yards, lot area per Dwelling Unit or any other requirement of this Ordinance is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 1903. Yards and Other Spaces.

No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein.

ARTICLE XX
ZONING BOARD OF APPEALS

SECTION 2000. Zoning Board of Appeals Created.

Pursuant to the authority conferred by the State of Georgia in the 1983 Constitution, Paragraph Four, Article Nine as amended, the City of Suwanee Zoning Board of Appeals (hereinafter referred to as the Board) is hereby created and established as of December 30, 2006.

SECTION 2001. Membership and Appointment.

The Board shall consist of 5 members who shall be residents of the City of Suwanee and who shall be appointed by the Mayor and Council of the City of Suwanee. No member shall hold any other public office in the City of Suwanee with the exception of one member who may also be a member of the City of Suwanee Planning Commission.

SECTION 2002. Terms of Office, Vacancies and Removal.

The term of each member shall be for two (2) years or thereafter until a successor is appointed, provided, however, in the appointment of the initial Zoning Board of Appeals members; three (3) members shall serve for a term of one (1) year and the remaining two (2) members shall serve for a term of two (2) years. After the members serve their initial one (1) year term, each subsequent term shall be for two years. A member may be reappointed. Any vacancy in membership shall be filled for the unexpired term by appointment by the Mayor and Council of the City of Suwanee. A member of the board may be removed for cause provided the Board member shall receive written notification of the charge or charges and shall be furnished an opportunity to address City Council prior to any vote removing such member.

SECTION 2003. Officers.

The Board shall elect a Chairperson and a Vice-Chairperson from its members. The term of the Chairperson shall be for one (1) year, and he/she shall be eligible for re-election. Staff from the City of Suwanee Planning Department shall serve as recording secretary.

SECTION 2004. Compensation.

All members of the Board and the Recording Secretary shall receive compensation as established by the Mayor and Council for each hearing attended.

SECTION 2005. Rules of Procedures, Meetings, Minutes & Records.

The Board may adopt local procedural rules and policies provided, however, the Board shall comply with any adopted rules or procedures adopted by the Mayor and Council as applicable, including but not limited to, Procedures for Public Hearings and procedures established by Roberts Rules of Order, or as may be approved or adopted by the Mayor and Council. All meetings of the Board shall be open to the public unless

otherwise provided for under state law; and all records of the Board shall be public records and shall be kept in the custody of the Clerk of the City of Suwanee.

The members of the Board shall comply with any standards or codes of conduct or other governing rules, regulations, polices or requirements such as attendance standards and minimum or ongoing training/educational requirements, that are established or adopted by the Mayor and Council.

SECTION 2006. Powers.

The Board shall have the following powers:

A. To hear and decide Appeals of Administrative Decision when it is alleged there is error in any order, requirement, decision or determination made by the director in the enforcement of the Zoning Ordinance.

B. To hear and decide requests for Special Exceptions of the Zoning Ordinance upon which the Board is required to pass.

C. To authorize, upon appeal in specific cases, Variances from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardships upon a finding by the Board that:

1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and/or

2. The application of the Zoning Ordinance to the particular piece of property would create an unnecessary hardship; and/or

3. Such conditions are peculiar to the particular piece of property involved; and/or

4. Such conditions are not the result of any actions of the property owner; and/or

5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

D. In exercising the above powers, the Board may, in conformity with the provision of the Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination from which the appeal is taken and, to that end, shall have all the powers of the director from whom the appeal is taken and may issue or direct the issuance of a building or occupancy permit.

E. In exercising the above process, the Board may approve a Special Exception or Variance subject to such conditions that are deemed appropriate by the Board to further the health, safety and welfare of the City.

SECTION 2007. Appeals of Administrative Decision.

Appeals of Administrative Decision to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by an decision of the director. Such appeal shall be filed within 15 days of such decision, by filing with the director and with the secretary of the Board an appeal specifying the grounds thereof. The director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was filed.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the director certifies to the Board after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings may be stayed by a restraining order granted by the City of Suwanee Zoning Board of Appeals or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken, and on good cause shown.

SECTION 2008. Special Exceptions.

A. Standards for Consideration. In considering all applications for a Special Exception to the Zoning Ordinance, the Board shall, before granting any Special Exception from the Ordinance in a specific case, first determine that it will not unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

B. Length of Time Special Exceptions Valid. A Special Exception shall be valid only for a period of one (1) year from the date granted. All rights to the Special Exception shall lapse unless a Certificate of Occupancy is granted within one (1) year from the date the Special Exception was granted. Should an appeal be filed to the Superior Court of Gwinnett County from a decision of the Board, the one-year period shall being on the date the order of Superior Court becomes final.

C. Reapplication. An application for a Special Exception which has been denied by the Board shall not be resubmitted for a period of one (1) year from the date of the Public Hearing. If additional information is furnished which warrants consideration before the one-year period has expired, the Board may instruct the Secretary to accept an application for a rehearing notwithstanding this Ordinance.

SECTION 2009. Variances.

A. Standards for Consideration. In considering all applications for a Variance to the Zoning Ordinance, the Board shall, before granting any Variance from the

Ordinance in a specific case, first determine that it will not unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

B. Reapplication. An application for a Variance which has been denied by the Board shall not be resubmitted for a period of one (1) year from the date of the Public Hearing. If additional information is furnished which warrants consideration before the one-year period has expired, the Board may instruct the Secretary to accept an application for a rehearing notwithstanding this Ordinance.

SECTION 2010. Public Hearing.

A. Before the Board shall act upon an application for a Variance or a Special Exception, it shall hold a Public Hearing thereon.

B. The notice of the time and place of the hearing shall be published at least 15 days prior to the hearing in the official news organ of the City.

C. The Board shall also give similar notice by regular mail to the interested parties and all property owners within 300 feet of the property involved. Said notice shall be mailed to the property owners as ownership and addresses appear on the current tax records of the City of Suwanee.

D. The City shall erect a sign in a conspicuous place on the property involved, at least fifteen (15) days before the public hearing, giving notice of the date, time, place, and purpose of the hearing/pending appeal.

SECTION 2011. Appeals From Decision of the Zoning Board of Appeals.

Any person or persons who may have substantial interest in any decision of the board, or any officer, board or bureau of the City, may appeal from any decision of the said Board to the Superior Court of Gwinnett County by filing with the Clerk of said Court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within 30 days after the decision of the Board is rendered and upon failure to file the appeal with 30 days, the decision of the Zoning Board of Appeals shall be final.

Upon the filing of such an appeal, the Clerk of the Superior Court shall give immediate notice thereof to the Secretary of the Board and within 30 days from the time of such notice the Board shall cause to be filed with the said Clerk a duly certified copy of the proceedings before the said Board, including a transcript of the evidence heard before it, if any, and the decision of the said Board.

Thereafter at the next term of the Superior Court, or in vacation upon 10 days notice to the parties, the judge of such court shall proceed to hear and pass upon the said appeal. The findings of fact by the said Board shall be final and conclusive on such

appeal. In determining the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law.

Any party at interest who is aggrieved by the judgment rendered by the Superior Court upon such appeal may have the same reviewed by appeal in the same manner as provided by law.

The filing of an appeal in the Superior Court from any decision of the Board shall not by the very nature of the case act as an order of stay, but an order of stay may be granted by the Court upon such terms and conditions as may seem reasonable and proper.

SECTION 2012. Administrative Variances.

The Chairperson of the Zoning Board of Appeals shall have the power to grant Variances (except for density and use Variances) from the development standards of this Ordinance where, in his opinion, the intent of the Ordinance can be achieved and equal perform obtained by granting a Variance. The authority to grant such Variances shall be limited to Variances from the following requirements:

A. From Yard of Yard Adjacent to Public Street. Variance not to exceed five (5) feet.

B. Side Yard. Variance not to exceed five (5) feet.

C. Rear Yard. Variance not to exceed five (5) feet.

D. Parking Reduction. Variance not to exceed 20 percent less than the minimum number of required spaces.

E. Parking Excess. Variance not to exceed 110 percent of the maximum for sites with a maximum of more than a 100 parking spaces. Variance not to exceed 10 additional spaces for sites with a maximum of 100 or fewer spaces.

SECTION 2013. Meetings: Quorum.

The Board shall utilize such public hearing procedures as adopted by the City Council. Three (3) members of the Board shall constitute a quorum, however an affirmative vote of three (3) members shall be required to take any action.

ARTICLE XXI
AMENDMENTS

SECTION 2100. Procedure for Amending the Zoning Ordinance.

A. This Ordinance may be amended from time to time by the City Council.

B. All amendments to this Ordinance shall be submitted to or proposed by the Planning Commission, who shall review and make a recommendation upon the amendment, before action by the City Council.

C. If the Planning Commission fails to submit a report to the City Council with 30 days of its meeting, after it has received an amendment request complete in all respects, the request shall be deemed to have received a "no comment" on the proposed amendment. However, the City's Planning Commission and an applicant for an amendment may jointly agree to an extension of the 30-day period.

D. Before the City Council enacts an amendment to this Ordinance they shall hold a Public Hearing thereon.

   1. The notice of such hearing shall be published at least 15 days but not more than 45 days prior to the hearing in the official organ of the City.

   2. The notice shall include the date, time, place and purpose of the Public Hearing.

SECTION 2101. Procedure for Amending the Official Zoning Maps.

A. The Official Zoning Maps of the City may be amended from time to time by the City Council. The City Council shall consider Standard Governing Exercise of Zoning Power, Section 2106, within its review and consideration for amending the Official Zoning Map.

B. Application for amendment of the Official Zoning Maps may be initiated by ordinance of the City Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent, or by a contract purchaser with owner's written consent.

C. If the Planning Commission fails to submit a report to the City Council within 30 days of its meeting, after it has received an amendment request complete in all respect, the request shall be deemed to have received a "no comment" on the proposed amendment. However, the City's Planning Commission and the applicant for an amendment may jointly agree to an extension of the 30-day period.

D. Before the City Council enacts an amendment to the Official Zoning Maps, the City Council shall base this enactment on Section 2105 of the Standards Governing Exercise of Zoning Power and shall hold a Public Hearing thereon.

1. The notice of the time and place of such hearing shall be published at least 15 days but not more than 45 days prior to the hearing in the official organ of the City.

2. The Notice shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property, as well as the date, time, place and purpose of the Public Hearing.

E. The City shall erect a sign on the property involved, at least 15 days before the public hearing, giving notice of the date, time, place and purpose of the hearing. Failure to erect and maintain the sign as specified above shall not invalidate the amendment procedure.

F. The City shall also give similar notice by regular mail to all abutting property owners. Said notice shall be mailed to the abutting property owners of record as they appear on the current tax records of the City.

SECTION 2102. Documents Required for Filing and Application.

An application for an amendment to the Official Zoning Maps or a Special Use Permit shall be accompanied by the following items:

A. A sketch plan at scale and other such plans, elevations, or additional information as the Planning Commission or this Ordinance may require, showing the proposed development and specific information about the proposed business or use if required by the Planning Commission.

B. A metes and bounds legal description of the property.

C. A boundary survey prepared by a registered land surveyor.

D. A fee as established by the City Council.

E. Application form as available from the City Clerk.

SECTION 2103. Conditional Zoning.

The City Council may impose special conditions upon an application for an amendment to the Official Zoning Map or a Special Use Permit which it deems necessary in order to make a request acceptable and consistent with the Zoning Districts and special uses involved and abutting or nearby developments. Such conditions of zoning may consist of imposing more restrictive buffers, setbacks, building locations, land uses, driveway curb cuts, maximum building heights, dedication of right-of-way or any other requirement that the City deems appropriate and necessary.

Such conditions shall:

A. Only be valid if they are included in the motion approving the amendment or Special Use Permit.

B. Be in effect for the period of time specified in the amendment or Special Use Permit.

C. Be required of the property owner and all subsequent owners as a condition of their use of the property.

D. Be interpreted and continuously enforced by the Zoning Enforcement Officer in the same manner as any other provision of this Ordinance.

SECTION 2104. Application or Reapplication Time Constraints for Amendments to the Official Zoning Map.

If an application for an amendment to the Official Zoning Map or Special Use Permit is denied by the City Council, an application or reapplication involving the same or part of the same property may not be considered for action by the City Council within 12 months from the date of last action by the City Council. The City Council may waive the 12-month time constraint, but in no case may an application or reapplication be considered in less than 6 months from the date of last action by the City Council.

SECTION 2105. Standards Governing Exercise of Zoning Power.

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power therewith.

A. Whether the zoning or special use proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

B. Whether the zoning or special use proposal will adversely affect the existing uses or usability of adjacent or nearby property;

C. Whether the property to be affected by the zoning or special use proposal has a reasonable economic use as currently zoned;

D. Whether the zoning or special use proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

E. If the local government has an adopted land use plan, whether the zoning or special use proposal is in conformity with the policy and intent of the land use plan; and

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning or special use proposal.

SECTION 2106. Applicant and/or Representative.

The property owner, applicant and/or representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance, Special Use Permit or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance, Special Use Permit or application for amendment.

SECTION 2107. Support of Comprehensive Planning.

All applications for rezoning or special use permit shall include an explanation as to how the proposal furthers the goals of the comprehensive plan. If the proposal does not further the goals of the plan then the application shall include an explanation as to how the proposal otherwise benefits the City.

ARTICLE XXII
SPECIAL USE PERMITS

Section 2201. Intended Use of Special 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 Suwanee, or,
d. The neighboring properties may be affected by the height of any non-residential or multi-family residential building or structure, and,
e. 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 objective of the Comprehensive Plan.

Section 2202. Special Use Permit Minimum Requirements.

In order to accommodate these special uses, the Special Use Permit allows the City Council to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth below and any surrounding properties. All Special Use Permit applications 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 ordinance 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 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 immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use Permit application, the 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 impact on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

4. If an application is approved and a special sue 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.

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. An application for a Special Use Permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

   a. The special use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.

   b. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the City Council.

   c. The owner of the property shall occupy the property and shall operate any business associated with the special use.

   d. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the Director in writing upon the occurrence of any of these events.

   e. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the

operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

7. The owner of the property approved for Special Use Permit may voluntarily request termination of the Special Use Permit by notifying the Director in writing.

8. The Planning and Inspections Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and 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 violation and giving the owner of the property a maximum of thirty (30) days to come into compliance. If after thirty (30) days the violations continue to exist, the Director shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.

ARTICLE XXIII
LEGAL STATUS PROVISIONS

SECTION 2300. Conflict with Other Laws.

Whenever the regulations of this Ordinance require a greater lot width or depth or size of yard or impose other more restrictive standards that are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Ordinance, the provision of such statutes or covenants shall govern.

SECTION 2301. Separability.

Should any Article of Section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or of any part thereof that is not specifically declared to be invalid or unconstitutional.

SECTION 2302. Repeal of Conflicting Ordinances.

All other Ordinances and parts of Ordinances in conflict with this Ordinance or hereby repealed.

SECTION 2303. Effective Date.

This Ordinance shall take effect and shall be in force from and after the date of its adoption, the public welfare demanding it.

ADDENDUM I*
MINIMUM AREA, YARD, AND HEIGHT

ZONING DISTRICT	LOT SIZE	LOT WIDTH (ft)	YARD ABUTTING PUBLIC STREET (ft from r/w)	SIDE YARD (ft)	REAR YARD (ft)	MAXIMUM HEIGHT (ft)	ROAD FRONTAGE (ft)
R-140	30,000 sf	140 (100 abutting cul-de-sac)	50	10	40	35	40
R-100	22,000 sf 18,500 sewer	100 (85 abutting cul-de-sac)	50 (except on S/D street. 35' from S/D R/W)	10	40	35	40
RMD	24,000	100	50	15	40	40	40
RM-6	6 units/acre	100	50	See Section 503	40	40	40
RM-8	8 units/acre	100	50	See Section 504	40	40	40
0-I	no minimum	n/a	50	10	15 (40 if abutting R Dist.)	40	40
C-1	no minimum	n/a	0	0 (50 residential buffer)	0 (50 residential buffer)	35	40
C-2	no minimum	n/a	50	10 (20 if abutting R dist.)	15 (40 if abutting R Dist.)	35	40
C-2A	no minimum	n/a	50	10 (20 if abutting R dist.)	15 (40 if abutting R Dist.)	35	40
C-3	1 ac	200	50	10 (20 if abutting R dist.)	15 (40 if abutting R Dist.)	35	40
M-1	1 ac	100	50	20 (50 if abutting R dist.)	15 (50 if abutting R Dist.)	40	40
TRD	12,000 sf (sewered)	70	50 (except on S/D St. 35' from S/D R/W)	7.5	40	35	40
PMUD	5 acre tract size	special	special	special	special	special	special
R-85 (REPEALED)	15,000 sf (sewered)	85	50 (except on S/D St. 35' from S/D R/W)	10	40	35	40

* This table is not part of the official City of Suwanee Zoning Ordinance. It is a summary document that is provided as a courtesy by the City. All of the information is believed to be true and correct, however, please refer to the most recently adopted City of Suwanee Zoning Ordinance for official information.

Addendum II
Table of Uses

(N=Not Allowed, C = Conditional Use, P = Permitted Use, S = Special Use)

This table is not part of the official City of Suwanee Zoning Ordinance. It is a summary document that is provided as a courtesy by the City. All of the information is believed to be true and correct, however, please refer to the most recently adopted City of Suwanee Zoning Ordinance for official information.

Use	R140	R100	RMD	TRD	RM8	RM6	C-1	C-2	C-2A	C-3	O-I	M-1
Adult Entertainment Facility	N	N	N	N	N	N	N	N	N	C	N	N
Animal Hospital	N	N	N	N	N	N	N	S	S	P	S	N
Antique Store	N	N	N	N	N	N	P	P	P	P	N	N
Art Supply Store	N	N	N	N	N	N	P	P	P	P	N	N
Art Gallery/Studio	N	N	N	N	N	N	P	P	P	P	N	N
ATM, Stand-alone	N	N	N	N	N	N	S	S	S	S	N	N
Automobile Body Shop	N	N	N	N	N	N	N	N	N	N	N	P
Automobile Service and Repair	N	N	N	N	N	N	N	S	S	P	N	N
Automobile Sales Facility	N	N	N	N	N	N	N	S	S	C	N	N
Bakery	N	N	N	N	N	N	P	P	P	P	N	N
Baking Plant	N	N	N	N	N	N	N	N	N	N	N	P
Bank	N	N	N	N	N	N	P	P	P	P	P	N
Barber Shop	S	S	S	S	N	N	P	P	P	P	N	N
Bars, Nightclubs, Lounges, Taverns and Restaurants serving alcoholic beverages for consumption on premises	N	N	N	N	N	N	N	N	P	P	N	N
Baseball Batting Cage	N	N	N	N	N	N	N	S	S	S	N	N
Beauty Parlor	S	S	S	S	N	N	P	P	P	P	N	N
Bed and Breakfast Inns	N	S	N	N	N	N	P	P	P	P	N	N
Bicycle Shop	N	N	N	N	N	N	P	P	P	P	N	N
Book and Stationary Store	N	N	N	N	N	N	P	P	P	P	N	N
Bowling Alleys	N	N	N	N	N	N	C	C	C	C	N	N
Building Material Storage Yard	N	N	N	N	N	N	N	N	N	N	N	C
Bus Terminal	N	N	N	N	N	N	N	N	N	S	N	S
Cabinet Shop	N	N	N	N	N	N	N	N	N	N	N	P
Camera Store	N	N	N	N	N	N	P	P	P	P	N	N
Car Wash	N	N	N	N	N	N	N	S	S	P	N	N
Churches	C	C	C	N	C	C	P	P	P	P	P	S
Clothing Sales	N	N	N	N	N	N	P	P	P	P	N	N
Clothing Rental Store	N	N	N	N	N	N	N	P	P	P	N	N
Club or Lodge, Fraternal	N	N	N	N	N	N	P	P	P	P	P	N
Club or Lodge, Non-commercial	N	N	N	N	N	N	P	P	P	P	P	N
Cold Storage Plant	N	N	N	N	N	N	N	N	N	N	N	P
Commercial Greenhouse	N	N	N	N	N	N	N	P	P	P	N	N
Communication Transmission Tower	See Telecommunications Tower Regulations											C
Contractor, General Building, Special or Heavy Construction	N	N	N	N	N	N	N	N	N	N	N	P
Convenience Store, with accessory car wash and with or without gasoline pumps	N	N	N	N	N	N	N	C	C	C	N	N
Dance Studio	N	N	N	N	N	N	P	P	P	P	N	N
Day Care Center	S	S	N	N	N	N	P	C	P	P	N	S
Use	**R140**	**R100**	**RMD**	**TRD**	**RM8**	**RM6**	**C-1**	**C-2**	**C-2A**	**C-3**	**O-I**	**M-1**
Dental Clinic or Laboratory	N	N	N	N	N	N	P	P	P	P	P	N
Distribution Facility	N	N	N	N	N	N	N	N	N	N	N	P

Use	R140	R100	RMD	TRD	RM8	RM6	C-1	C-2	C-2A	C-3	O-I	M-1
Dog Grooming Shop	N	N	N	N	N	N	P	P	P	P	N	N
Drugstore	N	N	N	N	N	N	P	P	P	P	N	N
Dry Cleaning Pick-up and Delivery Station	N	N	N	N	N	N	P	P	P	P	N	N
Duplex Dwelling	N	N	P	N	P	P	N	N	N	N	N	N
Electronics Sales and Service Establishment	N	N	N	N	N	N	N	P	P	P	N	N
Electrical Showroom and Sales Center, no outdoor storage	N	N	N	N	N	N	N	P	P	P	N	N
Golf Courses and Country Clubs, Private	C	C	C	N	N	N	N	N	N	N	N	N
Family Day Care	P	P	N	P	N	N	N	N	N	N	N	N
Farm Equipment Sales or Service	N	N	N	N	N	N	N	N	N	N	N	P
Farming and Horticulture, General	S	S	N	N	N	N	N	N	N	N	N	N
Fast Food Restaurant	N	N	N	N	N	N	N	P	P	P	N	N
Financial Services/Institutions	N	N	N	N	N	N	P	P	P	P	P	N
Florist	N	N	N	N	N	N	P	P	P	P	N	N
Food Catering Establishment	N	N	N	N	N	N	N	P	P	P	N	N
Food Store (no beer/wine)	N	N	N	N	N	N	P	P	P		N	N
Food Store, with the retail sale of beer and wine	N	N	N	N	N	N	N	N	P	P	N	N
Funeral Home	N	N	N	N	N	N	N	P	P	P	N	N
Furniture Rental and Sales Establishment	N	N	N	N	N	N	N	P	P	P	N	N
General Building Contractor Office (no outdoor storage)	N	N	N	N	N	N	N	P	P	P	N	N
General Building Contractor Office, with outdoor storage	N	N	N	N	N	N	N	S	S	S	N	N
Gift Shop	N	N	N	N	N	N	P	P	P	P	N	N
Golf Driving Range	N	N	N	N	N	N	N	S	S	S	N	N
Grocery Store, with the retail sale of beer and wine	N	N	N	N	N	N	N	N	P	P	N	N
Group Day Care	S	S	N	S	N	N	N	N	N	N	N	N
Hardware Store	N	N	N	N	N	N	P	P	P	P	N	N
Heavy Equipment Rental or Leasing	N	N	N	N	N	N	N	N	N	N	N	S
Hobby Shop	N	N	N	N	N	N	P	P	P	P	N	N
Home Occupation	P	P	P	P	P	P	N	N	N	N	N	N
Home Supply Showroom and Sales Center, no outdoor storage	N	N	N	N	N	N	N	P	P	P	N	P
Hospital	N	N	N	N	N	N	N	N	N	N	P	N
Hotels and Motels	N	N	N	N	N	N	N	C	C	C	N	N
Ice Cream Shop	N	N	N	N	N	N	P	P	P	P	N	N
Industrialized Home	P	P	P	P	N	N	N	N	N	N	N	N
Industrial Research Laboratory	N	N	N	N	N	N	N	N	N	N	N	P
Industry, Light	N	N	N	N	N	N	N	N	N	N	N	P
Jewelry Store	N	N	N	N	N	N	P	P	P	P	N	N
Landfill	N	N	N	N	N	N	N	N	N	S	N	N
Locksmith	N	N	N	N	N	N	P	P	P	P	N	N
Light Manufacturing Facility	N	N	N	N	N	N	N	N	N	N	N	P
Limousine Service	N	N	N	N	N	N	N	S	S	S	N	N
Manufactured Home Sales	N	N	N	N	N	N	N	S	S	S	N	N
Manufacturing, Light	N	N	N	N	N	N	N	N	N	N	N	P
Medical Clinic	N	N	N	N	N	N	P	P	P	P	N	N

Use	R140	R100	RMD	TRD	RM8	RM6	C-1	C-2	C-2A	C-3	O-I	M-1
Medical Laboratory	N	N	N	N	N	N	N	N	N	N	P	N
Mini warehouses	N	N	N	N	N	N	N	N	N	N	N	S
Motel	N	N	N	N	N	N	N	C	C	C	N	N
Movie Theater, Outdoor	N	N	N	N	N	N	N	S	S	S	N	N
Movie Theater, Indoor	N	N	N	N	N	N	N	P	P	P	N	N
Multi-Family Dwelling	N	N	N	N	P	P	N	N	N	N	N	N
Museum	N	N	N	N	N	N	P	P	P	P	P	N
Music Store	N	N	N	N	N	N	P	P	P	P	N	N
Neighborhood Recreation Center	C	C	C	C	P	P	N	N	N	N	N	N
Offices, Business or Professional	N	N	N	N	N	N	P	P	P	P	P	N
Offices or Office Park	N	N	N	N	N	N	P	P	P	P	P	P
Outdoor Storage	N	N	N	N	N	N	S	S	S	S	N	C
Package Store	N	N	N	N	N	N	N	N	N	C	N	N
Parking Lot and Garage, Off-street (less than 750 parking spaces)	N	N	N	N	N	N	N	P	P	P	P	N
Parking Lot, exceeding 750 Surface spaces that are not an alternative parking Surface	N	N	N	N	N	N	N	S	S	S	S	N
Pawn Shop	N	N	N	N	N	N	N			S		N
Personal Care Home	N	N	N	N	N	N	N	P	P	P	P	N
Photocopying/Reproduction Services	N	N	N	N	N	N	P	P	P	P	N	N
Photographic Studio or Supply	N	N	N	N	N	N	P	P	P	P	N	N
Physical Fitness Center	N	N	N	N	N	N		P	P	P	N	N
Picture Framing	N	N	N	N	N	N	P	P	P	P	N	N
Plant Nursery and Commercial Greenhouse	N	N	N	N	N	N	N	P	P	P	N	N
Plumbing showroom and sales center, no outdoor storage	N	N	N	N	N	N	N	P	P	P	N	P
Professional Office	N	N	N	N	N	N	P	P	P	P	P	P
Printing and Publishing Establishment	N	N	N	N	N	N	P	P	P	P	N	N
Printing or Publishing Plant	N	N	N	N	N	N	N	N	N	N	N	P
Quadruplex Dwelling	N	N	N	N	P	P	N	N	N	N	N	N
Quarry	N	N	N	N	N	N	N	N	N	N	N	S
Radio and Television Studio	N	N	N	N	N	N	N	P	P	P	P	N
Radio Transmission Tower	See Telecommunications Tower Regulations											C
Recreation Facilities, Indoor	N	N	N	N	N	N	C	C	C	C	N	N
Recreation Facilities, Outdoor	N	N	N	N	N	N	N	P	P	P	N	N
Recycling Facility	N	N	N	N	N	N	N	N	N	N	N	S
Research and Development	N	N	N	N	N	N	N	N	N	N	N	P
Restaurant (non-fast food)	N	N	N	N	N	N	P	P	P	P	N	N
Restaurant serving alcoholic beverages for consumption on premises	N	N	N	N	N	N	N	N	P	P	N	N
Retirement Community	N	N	N	N	N	N	N	N	N		P	N
Sanitary Landfill	N	N	N	N	N	N	N	N	N	S	N	N
School Supply Store	N	N	N	N	N	N	P	P	P	P	N	N
Schools, Public or Private	C	C	C	N	C	C	P	P	P	P	P	S
Schools, Technical or Vocational	N	N	N	N	N	N	N	N	N	N	P	N
Self Storage Facility	N	N	N	N	N	N	N	N	N	N	N	S
Shoe Repair	N	N	N	N	N	N	P	P	P	P	N	N
Shoe Sales	N	N	N	N	N	N	N	P	P	P	N	N

Use	R140	R100	RMD	TRD	RM8	RM6	C-1	C-2	C-2A	C-3	O-I	M-1
Single Family Dwelling	P	P	P	P	N	N	N	N	N	N	N	N
Skating Rink	N	N	N	N	N	N	C	C	C	C	N	N
Small Appliance Repair Shop	N	N	N	N	N	N	N	P	P	P	N	N
Soft Drink Bottling or Distribution Plant	N	N	N	N	N	N	N	N	N	N	N	P
Sporting Good Store	N	N	N	N	N	N	N	P	P	P	N	N
Stables, Private	C	N	N	N	N	N	N	N	N	N	N	N
Stand-alone ATM	N	N	N	N	N	N	S	S	S	S	N	N
Tailor Shop	N	N	N	N	N	N	P	P	P	P	N	N
Tattoo Parlor	N	N	N	N	N	N	N	N	N	S	N	N
Taxi Cab	N	N	N	N	N	N	N	S	S	S	N	N
Television Transmission Tower	See Telecommunications Tower Regulations											C
Towing Service	N	N	N	N	N	N	N	N	N	N	N	S
Toy Store	N	N	N	N	N	N	P	P	P	P	N	N
Travel Agency	N	N	N	N	N	N	P	P	P	P	P	N
Triplex Dwelling	N	N	N	N	P	P	N	N	N	N	N	N
Truck Rental or Leasing Facility	N	N	N	N	N	N	N	S	S	S	N	S
Truck Terminal	N	N	N	N	N	N	N	N	N	N	N	S
Vehicle Rental or Leasing Facility	N	N	N	N	N	N	N	S	S	S	N	S
Veterinary Clinic	N	N	N	N	N	N	N	P	P	P	P	N
Video/Record Sales and Rental Store	N	N	N	N	N	N	N	P	P	P	N	N
Watch Repair	N	N	N	N	N	N	P	P	P	P	N	N
Warehousing	N	N	N	N	N	N	N	N	N	N	N	P
Wholesale Warehouses, Commercial	N	N	N	N	N	N	N	C	C	C	N	N
Wholesaling, Industrial	N	N	N	N	N	N	N	N	N	N	N	P
Wrecker Service	N	N	N	N	N	N	N	N	N	N	N	S

ADDENDUM III
DEVELOPMENT HANDBOOK

Section 1 City of Suwanee Development Handbook

The City of Suwanee Development Handbook, as now or hereafter amended, is hereby adopted as an administrative policy of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM IV
BUILDING CODE REGULATION

Technical Codes

Section 1 Building Code Adopted.

The Standard Building Code as revised, recommended by the Southern Building Code Congress International, Inc., and as adopted by Gwinnett County, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Building Code and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 2 Plumbing Code Adopted.

The Standard Plumbing Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Plumbing Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 3 Electrical Code Adopted.

The State Electrical Code, as no or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Electrical Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 4 Heating & Air Conditioning Code Adopted.

The Standard Mechanical Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Mechanical Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 5 Gas Code Adopted.

The Standard Gas Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Gas Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 6 Housing Code Adopted.

The Standard Housing Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Housing Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 7 Fire Prevention Code Adopted.

The Standard Fire Prevention Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Fire Prevention Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 8 Swimming Pool Code Adopted.

The Standard Swimming Pool Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Swimming Pool Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 9 Amusement Device Code Adopted.

The Standard Amusement Device Code, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Amusement Device Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

Section 10 Unsafe Building Code Adopted.

The Standard Code for the Elimination or Repair of Unsafe Buildings, as now or hereafter amended, has been adopted as a general ordinance of the City and is incorporated by reference herein. A copy of the current Unsafe Buildings Code and any deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM V
MOVING AND DEMOLITION OF BUILDINGS

Section 1 Moving and Demolition of Buildings Adopted.

Chapter 18 Article IV. Moving, Demolition of Buildings of the Code of Ordinances has been adopted as a general ordinance of the City of Suwanee. A copy of the current regulations pertaining to the moving and demolition of buildings and any additions, deletions or local amendments thereto shall be maintained in the office of the City Clerk and shall be available for inspection by the public.

ADDENDUM VI
DEVELOPMENT REGULATIONS

Section 1. Development Regulations Adopted.

The City of Suwanee Development Regulations have been adopted as a general ordinance of the City of Suwanee. A copy of the current Development Regulations and any additions, deletions or local amendments thereto shall be maintained in the office of the City Clerk and shall be available for inspection by the public.

ADDENDUM VII
SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

Section1 City of Suwanee Soil Erosion and Sedimentation Control Ordinance Adopted.

The City of Suwanee Soil Erosion and Sedimentation Control Ordinance, as now or hereafter amended, has been adopted as a General Ordinance of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM VIII
FLOODPLAIN MANGEMENT ORDINANCE

Section 1 City of Suwanee Floodplain Management Ordinance Adopted.

The City of Suwanee Floodplain Management Ordinance, as now or hereafter amended, has been adopted as a General Ordinance of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM IX
CHATTAHOOCHEE RIVER WATER SUPPLY WATERSHED PROTECTION ORDINANCE OF SUWANEE, GEORGIA

Section 1 Chattahoochee River Water Supply Watershed Protection Ordinance of Suwanee, Georgia Adopted.

The City of Suwanee Chattahoochee River Water Supply Watershed Protection Ordinance of Suwanee, Georgia, as now or hereafter amended, is hereby adopted as a General Ordinance of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM X
GROUNDWATER RECHARGE AREA PROTECTION ORDINANCE OF SUWANEE, GEORGIA

Section 1 Groundwater Recharge Area Protection Ordinance of Suwanee, Georgia Adopted.

The City of Suwanee Groundwater Recharge Area Protection Ordinance of Suwanee, Georgia, as now or hereafter amended, is hereby adopted as a General Ordinance of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

ADDENDUM XI
ARCHITECTURAL AND DESIGN STANDARDS
OF SUWANEE, GEORGIA

Section 1 Architectural and Design Standards of Suwanee, Georgia Adopted.

The City of Suwanee Architectural and Design Standards of Suwanee, Georgia, as now or hereafter amended, has been adopted as a General Ordinance of the City and is incorporated by reference herein. A copy of the current ordinance and any additions or deletions thereto shall be maintained in the office of the City Clerk and be available for inspection by the public.

1998 Zoning Ordinance
Adoption/Amendment Index

1. **City of Suwanee 1998 Zoning Ordinance.** Adopted May 18, 1998 in its entirety.

2. **AMD-98-001: "Density Definition."** An amendment to the Definitions section of the Ordinance to Substitute a revised definition for density. Adopted on June 16, 1998.

3. **AMD-98-004: "Variance Signs."** An amendment to Section 1910. Zoning Board of Appeals to provide that the City of Suwanee places variances signs on applicant's property prior to a variance hearing. Adopted on November 17, 1998.

4. **AMD-98-005: "Hotels/Motels."** An amendment to Section 506 C-2 General Commercial District – Permitted Uses to establish certain requirements for hotels and motels within the City. Adopted on November 17, 1998.

5. **AMD-99-001: "Groundwater Recharge Area Protection."** Creation of an overlay district with special development and environmental requirements for groundwater recharge areas. Adopted May 18, 1999.

6. **AMD-99-002: "Chattahoochee River Water Supply Watershed Protection."** Creation of an overlay district with special development and environmental requirements for water Supply watershed areas. Adopted May 18, 1999.

7. **AMD-99-003: "Wetland Notification Requirements."** An amendment to the City of Suwanee Zoning Ordinance to create Article VII. Wetland Requirements to require a process for U. S. Army Corp of Engineer approval of land disturbing activities within apparent wetland areas. Adopted May 18, 1999.

8. **AMD-99-004: "Planning Department Review Authorization."** An amendment to the Zoning Ordinance to streamline the development process by authorizing the Planning and Inspections Department to review and approve site development plans. Adopted May 18, 1999.

9. **AMD-99-004A: "Architectural Standards."** An amendment to Section 613. Exterior Architectural Requirements and Section 614. General Conditions to establish architectural and design standards for the City of Suwanee and repeal previous design requirements. Adopted June 22, 1999.

10. **AMD-99-005: "Billboard Requirements."** An amendment to Article XVI. Signs to provide for and regulate off-site billboards. Adopted on October 16, 1999.

11. **AMD-99-007: "Planned Mixed-Use Development District."** An amendment to Article V. Zoning District Development and Use Regulations to create Section 510 – PMUD – Planned Mixed-Use Development District. Adopted December 21, 1999.

12. **AMD-2000-001: "Comprehensive Zoning Ordinance Update."** An overall update of the Zoning Ordinance. The update changed various definitions, uses, standards, regulations, and requirements contain within the Zoning Ordinance. The changes included amendments to Article III. Definitions; Article V. Zoning District Development and Use Regulations, including Section 500. R-140 Residential Single-Family District, Section 501. R-100 Residential Single-Family District, Section 502. RMD Residential Multi-Family Duplex District, Section 502A. TRD Transitional Residential Single-Family District, Section 503. RM-6 Residential Multi-Family District, Section 504. RM-8 Residential Multi-Family District, Section 505. C-1 Neighborhood Commercial District, Section 506. C-2 General Commercial District, Section 506.1 C-2A Special Commercial District, Section 507. C-3 Special Commercial District, Section 508. O-I Office-Institutional District, Section 509. M-1 Light Industry District; Article XV. Parking Requirements; Article XX. Zoning Board of Appeals; adding a new Article XXII. Special Use Permits. Adopted January 16, 2001.

13. **AMD-2001-002: "Floodplain."** An amendment to Article XI. Floodplain General Regulations, amending the allowed uses of floodplain. Adopted February 20, 2001.

14. **AMD-2001-003: "M-1 Use Regulations."** An amendment modifying Section 509. M-1 Light Industry District and Section 509B. Permitted Special Uses to regulate places of worship (including churches, mosques, synagogues, etc.) schools, and similar places in M-1 zoning districts. Adopted August 21, 2001.

15. **AMD-2001-004: "Adult Entertainment Establishments**." An amendment modifying Article III. Definitions, and Article V. Zoning District Development and Use Regulations for the C-1. Neighborhood Commercial District, C-2. General Commercial District, C-2A. Special Commercial District-Alcoholic Beverage Sales and C-3. Special Commercial District zoning classifications to define and regulate adult entertainment facilities, including adult bookstores, adult movie houses, adult video stores, erotic dance establishments, and other similar uses. Adopted September 18, 2001.

16. **AMD-2002-001 – "Sign Ordinance Repeal and Adoption**." An amendment to repeal Article XVI. Signs in its entirety, including the Section 1600 Preamble, Section 1600.1 General Provisions, Section 1601 Permit Applications, Section 1602 Expiration Date, Section 1603 Sign Permit Fees, Section 1604 Signs Prohibited, Section 1604.1 Right-Of-Way Removal, Section 1605 Signs Exempt From Specified Provisions Of This Resolution, Section 1606 Maintenance and Appearance of Signs, Section 1607 Illumination of Signs, Section 1608 Signs Permitted and Regulated in Zoning Districts According to the Purpose of Such Signs, Section 1608.1 Signs Permitted In Residential Districts, Section 1608.2 Signs Permitted in Commercial/Office/ Industrial Districts, Section 1608.3 Signs Permitted in C-3 and M-1 Zoning Districts, Section 1609 Signs Permitted With Special Permit, Section 1610 Residential Subdivision Signage, Section 1611 Project Directory Signs, Section 1612 Project Directional Signs, Section 1613 Generic Signs, Section 1614 Convenience Stores and Service Stations with

Pump Islands, Section 1615 Signs Permitted in I-85 Corridor, Section 1616 Structural and Electrical Standards, Section 1617 Non-Conforming Signs, Section 1617.1 Continuance of Non-Conforming Temporary and Portable Signs, Section 1618 Administration and Enforcement, and Section 1619 Severability and replace with a new Article XVI. Sign Ordinance which regulates all forms of signs throughout the City, and other purposes. In addition, this amendment proposes changes to Article III. Definitions to include relevant changes due to modifications in Article XVI. Adopted January 3, 2002.

17. **AMD-2002-002** – "**Fuel Canopy Amendment."** A proposed amendment to section VII. Roof Requirements of the City's "Architectural and Design Standards" which are included as an addendum to the City of Suwanee Zoning Ordinance. Said amendment would modify said regulations to require pitched roofs for fuel canopies within the City of Suwanee, and other similar uses. Adopted September 17, 2004

18. **AMD-2002-004 – "Outdoor Storage Amendment."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III. Definitions and to modify Article V. Zoning District Development and Use Regulations for the C-1. Neighborhood Commercial District, C-2. General Commercial District, C-2A. Special Commercial District-Alcoholic Beverage Sales and C-3. Special Commercial District zoning classifications to define and regulate display of retail goods and outdoor storage. Adopted November 19, 2002.

19. **AMD-2002-005** – **"TRD District Change/Creation of R-75 District."** An amendment to the City of Suwanee Zoning Ordinance to modify Article V. Zoning District Development and Use Regulations for the TRD. Transitional Residential Single Family District classification to regulate the parent lot size, grading and other requirements. Adopted December 12, 2002.

20. **AMD-2004-002** – **"Conservation Subdivision Overlay District Amendment."** An amendment to Article V. Zoning District Development and Use Regulations of the City of Suwanee Zoning Ordinance. This amendment to add Section 511. CSO Conservation Subdivision Overlay District creating a new overlay zoning district that would permit conservation-style residential subdivisions, and other similar purposes. Adopted February 17, 2004.

21. **AMD-2004-001 – "Buffer, Landscape and Tree Preservation Amendment."** An amendment to the City of Suwanee Zoning Ordinance to modify Article XVII Buffer, Landscape and Tree Preservation Requirements including the purpose; buffer regulations; off street parking lot planting requirements; landscape strips; tree preservation and replacement regulations; plan review procedures; replacement plan requirements; preservation plan requirements; density factor analysis; tree replacement standards; specimen trees; and enforcement, violation and appeals. Adopted March 16, 2004.

22. **AMD-2004-003 – "Annual Amendment."** An amendment to the City of Suwanee Zoning Ordinance to eliminate internal inconsistencies and clarify language throughout the ordinance includes of Article III. Definitions, Article IV.

Zoning Districts and Zoning Maps Establishment, Article V. Zoning District Development and Use Regulations, Article VI. General Development Regulations, Article VII. Permit Procedure and Requirements, Article XI. Floodplain General Regulations, Article XV. Parking Requirements, Article XVII. Tree Preservation, Article XVIII. Administration, Enforcement, Penalties, and Remedies, Article XX. Zoning Board of Appeals, Article XXI. Amendments. Adopted March 15, 2005.

23. **AMD-2005-001 – "Old Town Overlay District – Old Town Commercial District and Infill Residential District."** An amendment to the City of Suwanee Zoning Ordinance to add an overlay district with the approximately the same boundary as the Downtown Development Authority. This amendment includes design standards and two Zoning Districts for use within the OTOD: Old Town Commercial District and Infill Residential District. Adopted December 20, 2005.

24. **AMD-2006-001** – "**Gwinnett County Annexed District."** An amendment to the City of Suwanee Zoning Ordinance to add a district allowing property annexed into the City from unincorporated Gwinnett County to preserve land use rights as they were in unincorporated Gwinnett County. Adopted February 21, 2006.

25. **AMD-2006-002** – **"Sign Ordinance – Temporary Advertising Devices."** An amendment to the City of Suwanee Zoning Ordinance to regulate advertising inflatable devices and allowed locations for temporary advertising devices in certain circumstances. Adopted June 29, 2006.

26. **AMD-2006-003** – **"Live-Work – Home Occupations."** An amendment to the City of Suwanee Zoning Ordinance to define live-work units and allow home occupations from said units. Adopted June 29, 2006.

27. **AMD-2006-004** – **"Infill Residential District."** An amendment to the City of Suwanee Zoning Ordinance to modify the infill residential district to allow lot size averaging. Denied June 29, 2006.

28. **AMD-2006-005 – "Infill Residential District Repealer."** An amendment to the City of Suwanee Zoning Ordinance to modify the infill residential district to allow lot size averaging. Denied September 19, 2006.

29. **AMD-2006-006 – "Zoning Board of Appeals Reorganization."** An amendment to the City of Suwanee Zoning Ordinance to modify the terms and other organization structure of the Zoning Board of Appeals. Approved November 21, 2006.

30. **AMD-2006-007 – "Infill Residential District Amendment."** Abandoned.

31. **AMD-2006-008 – "Backlight Awnings/Backlight Signs."** An amendment to the City of Suwanee Zoning Ordinance to define and prohibit backlit awnings and backlight signs. Approved December 17, 2006.

32. **AMD-2008-001 – "Exempt and Window Sign Amendment."** An amendment to the City of Suwanee Zoning Ordinance to increase the size of signs and setback for signs exempt from the sign ordinance and to make the limitation for window signs 25 percent. Approved May 27, 2008.

33. **AMD-2008-002 – "Large Development/Projects Amendment."** An amendment to the City of Suwanee Zoning Ordinance to make development/projects in the R-140, R-100, R-85, R-75, RMD, IRD exceeding certain thresholds a special use. Approved May 27, 2008.

34. **AMD-2008-003 – "Electronic Signs Amendment."** An amendment to the City of Suwanee Zoning Ordinance to define and prohibit electronic signs. Approved September 23, 2008.

35. **AMD-2009-001 – "Blade and Projecting Signs Amendment."** An amendment to the City of Suwanee Zoning Ordinance to define and allow blade and projecting wall signs for Planned Multi-Tenant Offices, Institutions, Industrial or Shopping Centers. Approved February 24, 2009

36. **AMD-2009-002 – "Home Occupations."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and create Section 616. Home Occupations. Approved June 25, 2009

37. **AMD-2009-003 – "Buffer, Landscape and Tree Preservation Ordinance Amendment."** An amendment to the City of Suwanee Zoning Ordinance to update the entire ordinance, specifically the areas regarding buffers regulations, landscape regulations, tree preservation and replacement regulations, compliance and enforcement, violation and appeals. Approved March 24, 2009.

38. **AMD-2009-004 – "Temporary Sign Amendment."** An amendment to the City of Suwanee Zoning Ordinance to redefine the time requirements for temporary advertising devices. Approved March 24, 2009.

39. **AMD-2009-005 – "Planned Mixed Use Development Amendment."** An amendment to the City of Suwanee Zoning Ordinance to amend regulations regarding minimum site area. Approved May 26, 2009.

40. **AMD-2009-006 – "Zoning Districts Land Use Update."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article V Zoning District Development and Use Regulations in order to Modify the Permitted, Special and Conditional Uses in All Zoning Districts and amend Definitions to clarify some uses. Approved November 24, 2009.

44. **AMD-2009-007 – "Support of Comprehensive Planning."** An amendment to create Section 2107. Support of Comprehensive Planning. Approved August 25, 2009.

45. **AMD-2010-001 - "Eliminate Barber Shops and Beauty Salons Special Use Permit Requirement."** An amendment to the City of Suwanee Zoning

Ordinance to modify Article III Definitions and Article V Zoning District Regulations in order to eliminate the requirement for a Special Use Permit for Barber Shops and Beauty Shops in residential districts. Approved April 27, 2010.

46. **AMD-2010-002 – "Shared/Mixed-Use Parking."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XV Parking Regulations, Section 1501 and to create Section 1509 Shared/Mixed-Use Parking to establish procedures for meeting or reducing parking requirements through shared parking arrangements and/or providing a mix of appropriate uses. Approved April 27, 2010.

47. **AMD-2010-003 – "Light Retail Service."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions, Section 508.B and Section 509.B to allow light retail services as a special use in the O-I and M-1 Zoning Districts. Approved November 23, 2010.

48. **AMD-2012-001** – **"Violations and Penalties."** An amendment to the City of Suwanee Zoning Ordinance to modify Article XVI Signs, Section 1606 Remedies, Article XVII Tree Preservation, Section 1706.2 Violation and Penalty and Article XVIII Administration, Enforcement, Penalties and Remedies, Section 1805, Penalties for Violation. Approved April 25, 2012.

49. **AMD-2012-002 – "Annual Amendment."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III. Definitions, Article IV. Zoning District Development and Zoning Maps Established, Article V. Zoning District Development and Use Regulations, Article XVII. Tree Preservation, Article XVIII. Administration, Enforcement, Penalties and Remedies, Article XX. Application of Regulations and Article XXI. Amendments, to eliminate internal inconsistencies, clarify language throughout the ordinance and to clarify the interpretation of zoning districts as they relate to railroad right-of-ways. Approved December 18, 2012

50. **AMD-2013-001 – "LED Light Strips."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article XVI Signs to address the use of lighting in or as signage. Approved April 23, 2013.

51. **AMD-2013-002 – "Home Occupations."** An amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Section 616 Home Occupations to include business like activities in residential areas. Approved May 28, 2013.