

**CITY OF SUWANEE
APPEAL OF ADMINISTRATIVE DECISION**

LOCATION: 3423 MORNING TOP PLACE
DISTRICT/LAND LOT: 7-193
ZONING: GC-A (R-75)
DEVELOPMENT: SINGLE FAMILY RESIDENTIAL

APPLICANT: WEBB, TANNER, POWELL, MERTZ &
WILSON, LLP
P.O. BOX 1390
LAWRENCEVILLE, GA 30046

OWNER: ERIK THEISEN
3423 MORNING TOP PLACE
SUWANEE, GA 30024

CONTACT: JAMES CARLSON PHONE: 770-962-0100

CASE HISTORY:

The applicant is appealing an administrative decision made by City staff to allow for the keeping of bees in the GC-A Zoning District. According to the City's 1998 Zoning Ordinance, an appeal of an administrative decision is "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." Section 2007 of the Zoning Ordinance grants the Zoning Board of Appeals the authority to hear appeals of administrative decisions as follows:

"Section 2007 Appeals of Administrative Decision.

Appeals of Administrative Decision to the Board may be taken by any person aggrieved by any officer, department, board or bureau of the City affected by a 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."

Background

In July, the City of Suwanee received a complaint from a citizen concerning bee keeping in a residential subdivision. The bee keeping is located on the property immediately adjacent to the complainant. Codes Enforcement visited the site at 3423 Morning Top Place and determined that bee keeping was occurring on the site and that constituted a zoning violation. There are currently two bee hive boxes on the property. The City issued a notice of violation letter on August 28, 2008 ordering that all bee keeping activities cease on the subject property. The applicant was annexed into the City in May of 2006 as part of a larger annexation. At that time the property was rezoned from R-75 (Single Family Residential District – Unincorporated Gwinnett) to GC-A (Gwinnett County Annexed – City of Suwanee).

The property owner, Erik Theisen, has appealed the notice of violation stating that the Zoning Ordinance does not expressly prohibit bee keeping and therefore he is not in violation of the Zoning Ordinance. However, the subject property is zoned GC-A (Gwinnett County-Annexed). This permits the property to be used as allowed by Gwinnett County zoning districts, specifically in this case, R-75. The City of Suwanee Zoning Ordinance states that “any property zoned Gwinnett County-Annexed, unless otherwise specifically approved by 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...immediately prior to annexation.” The GC-A district is intended to ensure that areas within the district are treated in the same manner they were treated in unincorporated Gwinnett County. Therefore, in this case the City looked to Gwinnett County’s interpretation of bee keeping.

Gwinnett County has addressed the issue of bee keeping in residential subdivisions. In 1982, Gwinnett County received a complaint concerning bee keeping within a subdivision zoned R-100. Since the Gwinnett County Zoning Ordinance did not specifically address bee keeping in the R-100 zoning district, the matter was referred to the Gwinnett County Zoning Board of Appeals, which made the interpretation that bee keeping was an agricultural use and therefore limited to the RA-200 zoning district. In 1992 and again in 1993, Gwinnett County reaffirmed the position that bee keeping is not an approved use in R-100 and R-TH zoning districts and is only allowed in the RA-200 zoning district. In the 1992 case the subject property only had two hives similar to the subject property in this case. Presently, this interpretation is still being used by Gwinnett County.

Therefore, Gwinnett County has not allowed bee keeping in any zoning district except RA-200 since 1982. The subject property was zoned R-75 in Gwinnett County prior to annexation into the City. Upon annexation the property was zoned GC-A and is therefore subject to Gwinnett County R-75 Zoning District requirements and interpretations at the time of annexation.

The applicant disagrees with this interpretation and has appealed the decision of the Planning Department. The applicant further argues that Georgia Code 2-14-41.1 (Bee Keeping) makes it unlawful for municipalities to restrict the establishment and maintenance of honey bees and hives. Staff notes that this same code section specifically states that it does not restrict the

zoning authority of county or municipal governments. Therefore, the City of Suwanee can limit bee keeping to appropriate zoning districts as determined by the City.

It is ultimately the responsibility of the board to offer a final interpretation of the City of Suwanee Zoning Ordinance. Attached is a copy of the applicants "Appeal of Decision of Planning and Community Development Department", a letter from the City of Suwanee Building Official to the applicant notifying him of the violation, a letter from the applicant stating the basis for his appeal, an email from the Planning Department to the applicant, Gwinnett Counties files related to beekeeping administrative appeals and a copy of Georgia Code 2-14-41.1..

**APPLICATION FOR AN APPEAL OF AN ADMINISTRATIVE DECISION
FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Appeal of an Administrative Decision Information Form (please type or print)

ATTORNEY APPLICANT INFORMATION

Name: Webb, Tanner, Powell, Mertz & Wilson LLP
Address: P.O. Box 1390
City: Lawrenceville
State: Georgia
Phone: (770) 962-0100

OWNER INFORMATION

Name: Erik Theisen
Address: 3423 Morning Top Place
City: Suwanee
State: Georgia
Phone: _____

CONTACT PERSON: James E. Carlson

PHONE: (770) 962-0100

ADDRESS OF PROPERTY 3423 Morning Top Place, Suwanee, Georgia

LAND DISTRICT 7th LAND LOT 193 PARCEL _____ LOT 73

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING GC - A

APPLICABLE CODE SECTION O.C.G.A. § 2-14-41.1

APPLICANT INTERPRETATION See attached.

*****The property owner, applicant and /or a 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 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 or application for amendment.**

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of Appeal of an Appeal of an Administrative Decision affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.



[Signature] Par No. 076201 October 17, 2008
Signature of Applicant Date

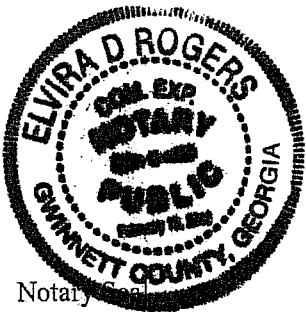
James E. Carlson, Attorney for Applicant/Owner
Typed or Printed Name and Title

[Signature] October 17, 2008
Signature of Notary Public Date

Notary Seal

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Appeal of an Appeal of an Administrative Decision affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.



[Signature] 10/27/08
Signature of Applicant Date

Erik Theisen, Applicant/Owner
Typed or Printed Name and Title

Elvira D. Rogers 10/27/2008
Signature of Notary Public Date

Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2008-016 Variance _____ Administrative _____
Date Rec'd _____ Rec'd By _____ Hearing Date _____
Amount Rec'd _____ Receipt _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____



September 16, 2008

373 Highway 23 • Suwanee, Georgia 30024
(770) 945-8996 • Fax (770) 945-2792
www.suwanee.com • Email: info@suwanee.com

Mr. Erik Theisen
3423 Morning Top
Suwanee, GA 30024

Dear Mr. Theisen:

In response to a notice sent to you previously, a follow-up inspection revealed that a zoning violation still exists on your property, as follows:

- 1) Beekeeping is not an allowed use in an R-75 zoning district.

Please be advised that steps must be taken within 7 days of this notice to bring your property into compliance or file an appeal to this decision. Failure to comply will result in a summons to appear in court.

Your prompt attention to this matter is appreciated. You may contact me at 770-945-8996 if you require any additional information.

Sincerely,

David Maddox
Building Official

DM/src

**WEBB, TANNER,
POWELL, MERTZ & WILSON LLP**
ATTORNEYS AT LAW

10 LUMPKIN STREET
LAWRENCEVILLE, GA 30045
MAILING ADDRESS:
POST OFFICE BOX 1390
LAWRENCEVILLE, GA 30046

TELEPHONE: (770) 962-0100
FACSIMILE: (770) 963-3424
EMAIL: WTP@WTPLLP.COM
WEBSITE: WWW.WTPLLP.COM

JONES WEBB
WILLIAM G. TANNER
ANTHONY O. L. POWELL, P.C.
ANDREW R. MERTZ, P.C.
ROBERT JACKSON WILSON, P.C.
LOUISE TANNER GRACEY, P.C.
WILLIAM T. WATTS, JR.

JODY C. CAMPBELL
JAMES E. CARLSON
BRIAN EDWARDS
MATTHEW R. GIRARDOT
MELODY A. GLOUTON
J. DAVID GUSSIO

October 17, 2008

Joshua D. Campbell, Planning Director
City of Suwanee
Department of Planning & Inspections
373 Highway 23
Suwanee, Georgia 30024

RE: Appeal of Administrative Decision, Applicant Interpretation Statement
Erik Theisen, 3423 Morning Top Place, Suwanee, Georgia

Dear Mr. Campbell:

The City of Suwanee has issued a cease and desist instruction arising out of homeowner Erik Theisen's two small bee hives maintained on his private property. The zoning regulations enclosed with the letter do not expressly prohibit beekeeping within the referenced zoning classification, and thus the City's position with regard to authority relied upon is unclear. Moreover, unless a municipality specifically prohibits it, beekeeping is a protected activity under Georgia law. O.C.G.A. § 2-14-41.1. Here, the applicable zoning classification makes no mention of beekeeping whatsoever, thereby demonstrating that no action has been taken by the City to exclude beekeeping otherwise permitted by statute. Accordingly, Mr. Theisen expressly denies any alleged violation of applicable zoning regulations or city ordinances.

The City has not yet offered an explanation of how Mr. Theisen's maintenance of two small bee hives actually results in such an adverse impact that city zoning ordinances would be implicated. In addition to this absence of a cause and effect relationship, the City's stated interpretation of this issue is inconsistent with the zoning regulations upon which it relies. Specifically, the City has asserted two positions from the zoning ordinances. The first is to assert that the practice of beekeeping constitutes farming as defined in city ordinance. Second, reference is made to Gwinnett County R-75, which was the previous zoning before the area was annexed into the City of Suwanee and the zoning changed to GC-A, with the position that beekeeping was not permitted when under Gwinnett County zoning. Although prior and current Gwinnett County zoning is limited to an advisory role and not formally applicable to this issue, the actual zoning classification is a matter secondary to the factual circumstances from which the issue arises. Review of the City's asserted position on this matter offers the clearest justification for rejection of its position.

V-2008-016

The City has asserted that beekeeping and cultivation of honey constitutes farming, a stance necessary to shoehorn this situation into a farming-in-a-residential-area claim. However, the facts do not adequately fit any reasonable definition of farming under the City ordinance. The definition provided by and relied upon by the City offers a broad range of activities. These include not only the traditional raising of livestock and crop farming, but also "fruits of all kinds...vegetables...or floral, ornamental and greenhouse products." This definition is relied upon by the City to support the contention that Mr. Theisen is engaged in farming in violation of his zoning classification.

Unfortunately, for this definition to be applied consistently, the activities listed must be of a nature that either could not be reasonably expected in a residential subdivision, such as the backyard raising of dairy cattle, or of such significant degree that it would demonstrate commercial viability or become a primary use of the property. For example, if all cultivation of fruit, vegetables, or floral products constituted farming as identified by the City, a homeowner in a residential subdivision under R-75 or GC-A zoning would be precluded from maintaining a common garden with a few tomato or strawberry plants for personal consumption. Equally, the planting of annually and perennially flowering plants in the course of traditional residential landscaping would also be prohibited, as roses, azaleas, and a multitude of other flowering plants are plainly "floral" as identified in the ordinance definition. It appears highly doubtful that the current zoning is intended to prohibit these uses as farming.

The only reasonable basis by which the farming uses identified in the ordinance can be distinguished from traditional personal, household, or residential application is the nature or extent of the use. Maintaining a large greenhouse for commercial production of fruit and fruit-bearing plants may well constitute farming, whereas the maintenance of the same kinds of plants on a small scale in a personal fruit or vegetable garden does not. Similarly, propagating hundreds of ornamental plants for commercial sale may require agriculture-zoned property, but maintaining a rose garden or floral landscaping does not. Mr. Theisen's use of his property is no different. He maintains two small bee hives, each a cube shape approximately two feet in each dimension. His purpose is a personal hobby interest in bees, their nature, and their far-reaching and positive impact on the environment. While the bees by nature produce honey that can be harvested, Mr. Theisen's focus for the hives is not on production of honey, and the small amounts produced are either retained for household use or given away to friends or neighbors. Given the minimal scale of the activity, it cannot be deemed intended for any kind of commercial application, nor can it be shown to be commercially viable as would constitute a farming operation in a residential area. The City's use of the farming definition appears to presume that Mr. Theisen's beekeeping is a substantial operation constituting a dominant use of the property for commercial honey production. To the contrary, it is nothing more than two small passive structures which naturally-occurring bees use as a habitat during their seasonal role in pollination of various plants. There is little difference between this activity and placing a birdhouse and feeder in one's yard in the hope that it will become occupied by wild birds.

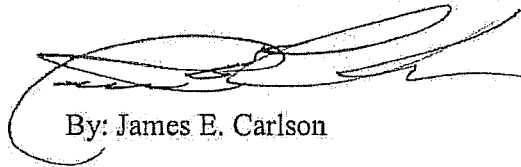
V.2008 016

WEBB, TANNER, POWELL, MERTZ & WILSON, LLP
Appeal of Administrative Decision, Applicant Interpretation Statement
October 17, 2008
Page 3

The City has offered no position on the extent of any passive or active use that is required to meet the definition of farming, leaving the applicant to presume that its position is that *any* of the listed uses is prohibited under this zoning classification. As shown above, this would demand exclusion of many common personal uses of residential property, a result clearly not intended by the ordinance. By this standard, prohibition of Mr. Theisen's hobby use would have to be followed by prohibition of all uses falling under the definition, with code enforcement officers demanding the removal of flower gardens, ornamental plantings, vegetable patches, fruit trees, and a multitude of other common residential features as in violation of applicable zoning. If these uses are permitted, but Mr. Theisen's equally personal-scale use is denied, it would constitute an individualized application of zoning ordinances, which is expressly prohibited by the United States and Georgia Constitutions.

Very truly yours,

WEBB, TANNER,
POWELL, MERTZ & WILSON, LLP



By: James E. Carlson

cc: Mr. Theisen

U-2008-016

From: Matthew Dickison
To: Wes Rogers
Date: 10/27/2008 11:06 AM
Subject: Fwd: Appeal of an Administrative Decision Application
Attachments: Administrative Decision Appeal.doc

Matthew J. Dickison
Planning Division Director
City of Suwanee
373 Highway 23
Suwanee, GA 30024
p: 770.945.8996 f: 770.945.2792
(mailto:mdickison@suwanee.com)

>>> Josh Campbell 9/19/2008 9:37 AM >>>
James,

Attached is a copy of the Appeal of an Administrative Decision Application. Please review and complete by October 17, so we can make sure that you will be on the November Zoning Board of Appeals agenda. If you have any questions about the application please let me know.

Regarding the City's interpretation: We determined that bee keeping and the cultivation of honey constitutes farming. The City defines farming as, "the production, keeping or maintenance of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fruits of all kinds, including grapes, nuts, and berries, vegetables; or floral, ornamental and greenhouse products." Therefore, bee keeping is a general farming or horticulture use. Farming is allowed as a special use in the R-140 Zoning District.

Your clients property is zoned Gwinnett County Annexed (GC-A). This allows the property to be used as allowed by Gwinnett County zoning specifically in this case the R-75 district. The R-75 district in Gwinnett County does not allow for bee keeping. As I mentioned on the phone, we contacted Gwinnett County to determine if that is a use that they would have allowed in the R-75 district. They indicated that they would consider bee keeping as the keeping of livestock and therefore would only allow that type of use for parcels larger than 3 acres provided that no animal quarters would be allowed within 100 feet of any property line. As I mentioned, if Gwinnett County had allowed the use, we would have allowed for the use to continue.

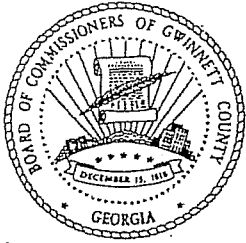
If you have any other questions or need any clarification please let me know.

Thanks,

Josh

Joshua D. Campbell
Planning Director
City of Suwanee
373 Highway 23
Suwanee, GA 30024
p:(770) 945-8996 f:(770) 945-2792
(mailto:campbell@suwanee.com)

V-2008-016



GWINNETT COUNTY
Department of Planning and Development
Planning Division
(404) 822-7600

M E M O R A N D U M

DATE: November 25, 1992

TO: Sam Brownlee,
County Manager

FROM: Gary Cornell, AICP *GC*
Director, Planning Division

SUBJECT: Beekeeping

This issue was addressed in 1982 by the Gwinnett County Board of Appeals. At that time, someone placed a bee hive within a subdivision zoned R-100. A complaint was filed and because beekeeping was not specifically addressed in the R-100 zoning district, this matter was referred to the Zoning Board of Appeals. The Board of Appeals made the interpretation that beekeeping was an agricultural use and limited to the RA-200 zoning district. This has been the interpretation since 1982.

The reason the issue has been brought up again is because the Department recently received a complaint regarding bee hives within a subdivision zoned R-TH (Single Family Residence Townhouse District). Based on the previous decision by the Board, the owner of the property was told he could not continue to maintain bee hives in this zoning district. He has appealed this decision which will be heard by the Zoning Board of Appeals at the December 8, 1992 meeting. The owner also wants our regulations to be amended to permit beekeeping in residential subdivisions/zoning districts. This is probably why you received the correspondence from Ms. Stephens.

It is the Department's opinion that beekeeping should be limited to the RA-200 zoning district. If the regulations were amended, we would recommend beekeeping be restricted to lots of three acres or more with a minimum setback of 100 feet for hives. This would be similar to the standards for keeping livestock within the R-100 district. If we attempted to add the detailed standards suggested by Ms. Stephens, it could have significant impacts on personnel and budget for enforcement.

S. Brownlee

Page 2

I have included a copy of his application and related correspondence for your review. If you have any other questions or need additional information, feel free to contact me.

MW/pp

c: Don McFarland, Director, Planning and Development
Sam Glass, Chief Development Planner
CORRMW92.11 - Reading File
RES1.7.6 - Zoning Interpretation (R-TH)

MEMORANDUM

TO: Jon Weintraub
Law Department

FROM: Sam Glass
Development Services

DATE: October 30, 1992

SUBJ: Appeal to the Zoning Board of Appeals (A-06-92)

Michael Williams made an Administrative Decision in reference the keeping of bees in a RTH zoning classification.

The property owner, John Upchurch, has filed an Appeal of this decision. This will be heard by the Zoning Board of Appeals at their December 8, 1992 meeting.

Don Jascomb wanted you to be aware of this Appeal. I am attaching to this memo a copy of everything submitted by the applicant.

If you need any additional information, please let me know.

SLG/jo
attachments

cc: Don Jascomb
Michael Williams
✓ Appeal A-06-92 File

APPLICATION FOR APPEAL OF AN ADMINISTRATIVE DECISION
OF THE GWINNETT COUNTY ZONING BOARD OF APPEALS

Please complete this application and submit with all necessary attachments as outlined on the Appeal Information Form. (Please type or print using BLACK ink).

FAILURE TO COMPLETE ALL SECTIONS OF THIS APPLICATION FORM WILL RESULT IN NON-ACCEPTANCE.

APPLICANT John Upchurch OWNER John Upchurch

ADDRESS 4670 Broadwater Tr. ADDRESS 4670 Broadwater Tr.

Duluth ZIP 30136 Duluth ZIP 30136

PHONE 242-7672 DATE 10-27 PHONE 242-7672 DATE 10-27

SIGNATURE J. Upchurch SIGNATURE J. Upchurch

ADDRESS OF PROPERTY 4670 Broadwater Tr. Duluth, Georgia

LAND DISTRICT 6 LAND LOT 239-357 ZONING DISTRICT RTM

SUBDIVISION NAME Simpson Commons LOT/BLOCK 37A

Please attach a TYPED legal description unless located in a recorded subdivision.

Describe the specific decision that is under appeal. (State applicable Article, Section, and Paragraph of the Zoning Ordinance) interpretation made on March 11, 1982
recorded in minutes (last item)

It is understood by the undersigned that this application is to be heard before the Zoning Board of Appeals under the provisions of the Gwinnett County Zoning Regulations, Article XVI- Section 1606, and that it is the responsibility of the Applicant to present sufficient evidence to justify an over-ruling of the Director of the Department of Development's decision.

ACTION OF ZONING BOARD OF APPEALS

APPROVED _____

DISAPPROVED _____

DATE OF ACTION _____

A-06-92

Gwinnett County Board Of Appeals

RE: BEEKEEPING

October 27, 1992

Dear Sirs,

This letter is to explain why I disagree with the clarification rendered by the Zoning Board of Appeals on March 11, 1982, in regards to the keeping of honey bees on properties zoned other than RA200. Many people think of beekeeping as a form of agriculture, this is not totally accurate. Though it is common to see beehives near farms and orchards, most beekeepers are hobbyists. They keep bees for fun not to make a living off them. Restricting them to RA200, a zoning classification that is quickly vanishing in our county, is a violation of our rights to enjoy a variety of hobbies within the bounds of our own property. I feel that keeping bees may need to be regulated but not restricted.

It is my understanding that the county's concerns are for the general public, and are two fold in nature.

- 1) public safety
- 2) property value

I feel that the public interest will be better served and our rights as citizens better protected by providing guidelines for the responsible keeping of bees rather than their banning by zoning ordinances.

Regarding public safety, on the surface banning beekeeping from populated areas seems to make sense. The problem is, all this really does is to eliminate the management of bees. Bees occur in our county naturally. If you make all the beekeepers leave you will still have bees. Most beekeepers keep Italian bees, which have been used for hundreds of

A 11 00

years, partly because they are much less aggressive than other breeds. Our native bee is smaller and more aggressive than their Italian counterparts. So there will still be bees, they will just be the more more aggressive ones.

Bees that occur naturally live where ever they can find a home. This may not be in the most convenient of locations. Bees keep by beekeepers are managed and unwanted contact with the general public is keep to a minimum.

In truth, encounters with bees by people will happen whether they are managed or not. But the chances of bad encounters will be reduced by having managed colonies in an area. One last note on this subject, many people think of any insect that flies and stings as a bee. The likelihood of being stung by a wasp, hornet or yellow jacket are much greater than by any honey bee natural or domestic.

In regards to property values it is hard to say what some people may take offense to. But surely a 2X2X3 foot box in someones yard can not be as offensive as any of these items which I see on a regularly bases in neighborhoods throughout our county:

- 1) cars half assembled in the front yard
 - 2) satilite dishes
 - 3) unkept yards and homes
 - 4) strangly painted houses
 - 5) smelly uncleaned dog runs
 - 6) sloppy plywood treeforts
- just to name a few.

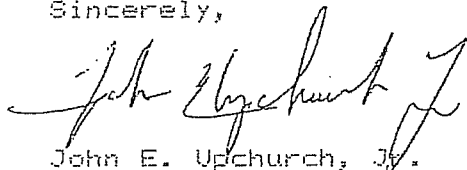
I feel that to single out beekeeping is to unjustly discriminate against anyone who chooses to keep honey bees.

There is no other county in the metro Atlanta area restricting the keeping of bees (including the city of Atlanta itself). Beekeeping is not totaly with out the need of regulation. There are some people who

will not give proper consideration to those around them. The Metro Beekeepers Association indorses guildlines for bee keeping. Model bee keeping progams have been successful in other areas and are beeing looked at by state legislatures. Swinnett County should be a leader in this area and get behind this effort and act intelligently. Rather than living in the past, callously discriminating against thing which it does not understand.

I do have a copy of the model bee plan that has been indorsed by the Metro Beekeepers Association, which I will bring to our meeting. I would have no problem subjecting myself to this plan. I thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Upchurch, Jr.", written in dark ink.

John E. Upchurch, Jr.

4670 Broadwater Trail, Duluth
Home # 242-7672
Work # 992-9696.

A-06-92



GWINNETT COUNTY

Department of Planning and Development
Planning Division
(404) 822-7600

October 13, 1992

Mr. John Upchurch
4670 Broadwater Trail
Duluth, GA 30136

RE: Bee Keeping Within the R-TH Zoning District

Dear Mr. Upchurch:

I have reviewed the 1985 Zoning Resolution of Gwinnett County regarding the R-TH zoning district. Although not specifically addressed, bee keeping, in my opinion, would not be a permitted use within the R-TH district. The R-TH District is a medium density zoning classification intended for rowhouse or townhouse attached or detached single family dwelling units. This opinion is supported by the Zoning Board of Appeals who made a determination that bee keeping be restricted to the RA-200 agricultural zoning district. I have attached a copy of the Minutes regarding their decision for your review.

Sincerely,

Michael C. Williams, Manager
Current Planning Section

er

Attachment

c: Don McFarland, Director, Planning and Development Department
Gary A. Cornell, AICP, Director, Planning Division
Sam Glass, Manager, Development Services
Files: CORRMW92.10 and ZONINT92

A-06-92

Meeting of March 11, 1982...continued

A-7-82 -- SHELL OIL COMPANY, TWO SHELL PLAZA, RM 12189, HOUSTON, TX 77001, requested an Appeal of Administrative Decision of flood plain error located off GA 141/Spalding Drive/Peachtree Corners Circle in Land Lots 301 and 302 of the 6th District, Gwinnett County, GA. George Finion was present representing the applicant. A letter from Phillip Serrian of the County Engineering Department states in part "Based on the information provided, we recommend that this Appeal be approved."

Ross Still motioned to approve the Appeal. Motion seconded by Sol Maloney and carried unanimously.

A-8-82 -- GLENN D. ROBERTSON, 4210 CLUB DRIVE, NE, ATLANTA, GA, requested an Appeal of Administrative Decision off GA Hwy. 20 near Rock Springs Road, Land Lot 132, 7th District, Gwinnett County, GA. Mr. Robertson was present. A letter from Mr. Serrian of the County Engineering Department states in part "Based on the information provided, we recommend that this appeal be approved." *Scott Finion*

Forrest Puckett motioned to approve Appeal. Motion seconded by Sol Maloney and carried unanimously.

A-9-82 -- RON KIRBY AND DENIS GRIFFITHS, P. O. BOX 886, NORCROSS, GA 30091, requested an Appeal of Administrative Decision to clarify zoning at 3001 Langford Road (office condominiums). Sam Glass explained that a complete legal description was not advertised for this particular property prior to the Board of Commissioners hearing. Only a partial description was advertised. After the hearing, the complete legal description was advertised. The Planning Staff recommends approval to confirm that property involved is entirely zoned O-1.

Ross Still motioned to clarify that the zoning is O-1 on the property involved. Motion seconded by Sol Maloney and carried unanimously.

REQUEST FOR INTERPRETATION

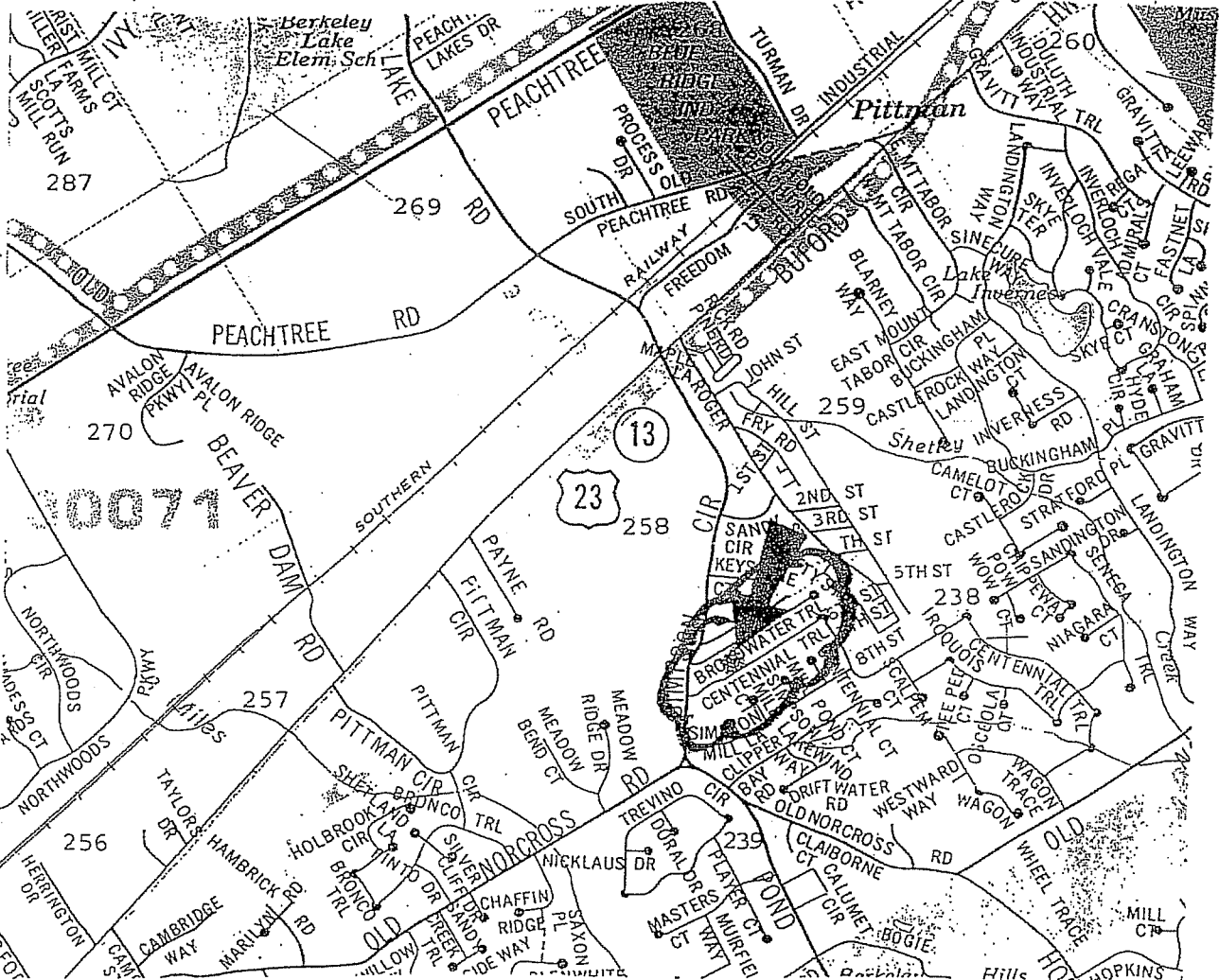
The Planning Staff requested the Board make an interpretation as to what zoning classification(s) would be necessary for the keeping of bees and beehives. This question has come up several times recently and there exists an uncertainty as to whether this use be allowed only in RA-200 zoning or if it can be allowed in any residential zoning. After some discussion by the Board, the following action was taken.

Forrest Puckett motioned to restrict the keeping of bees and beehives to the RA-200 zoning classification. Motion seconded by Sol Maloney and carried unanimously.

There being no further business to be heard at this time, the meeting was adjourned until the next scheduled meeting of April 8, 1982.

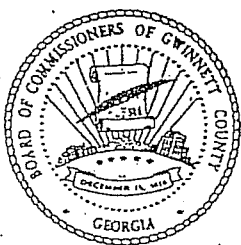
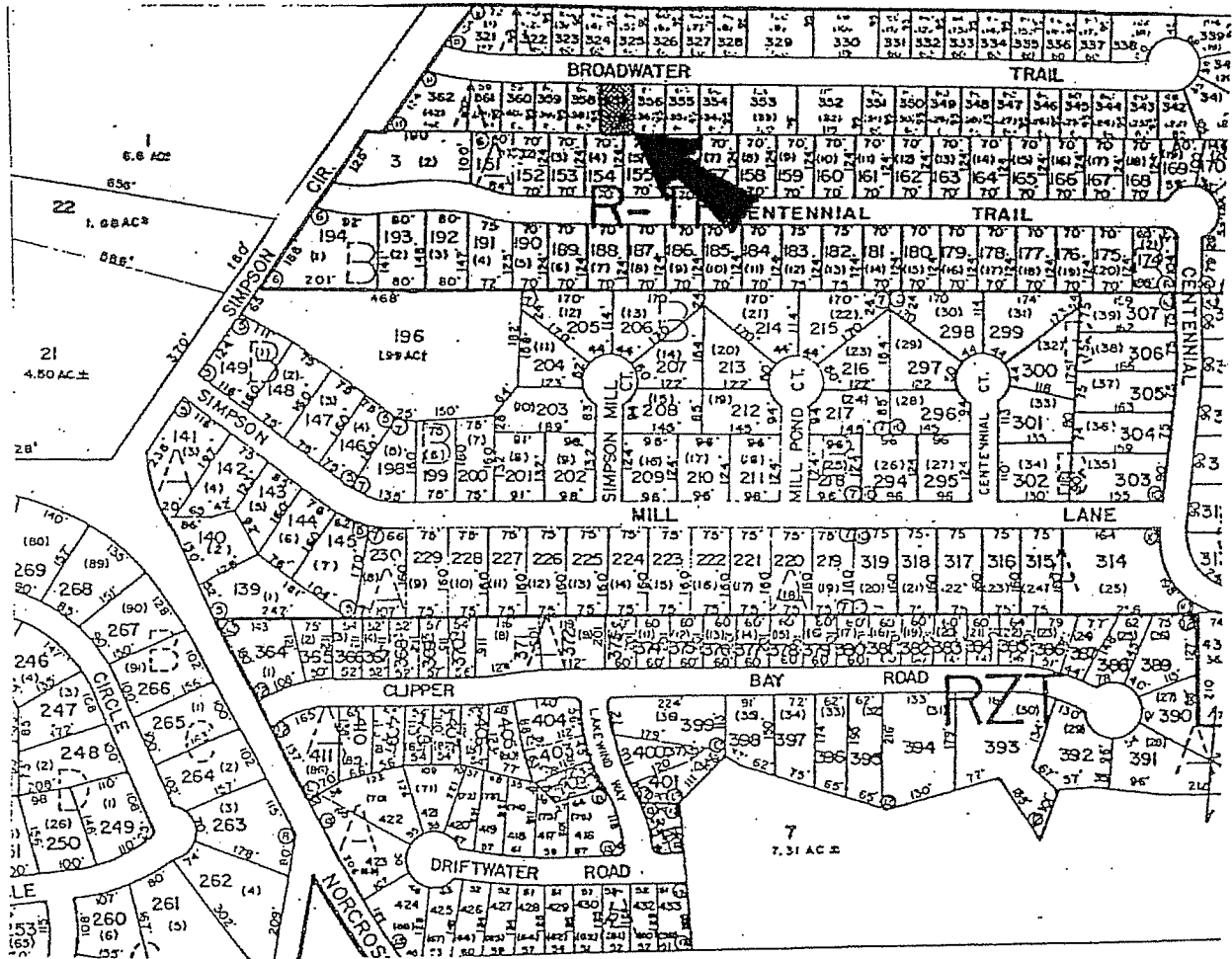
E. E. Hogan
CHAIRMAN
Phillip Serrian
SECRETARY

A-06-92



A-06-92

GWINNETT COUNTY
 Department of Planning and Development

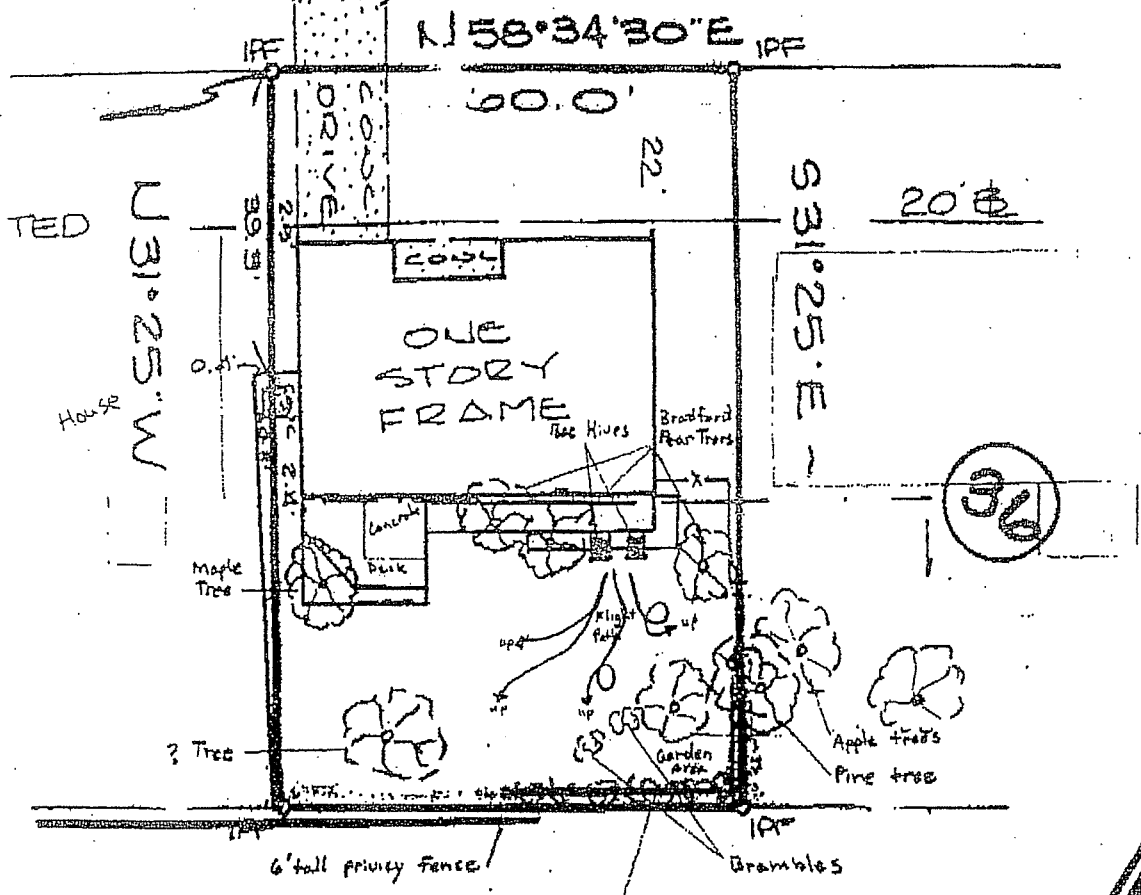


A-06-92

GWINNETT COUNTY
 Department of Planning and Development

IV

ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SPECIFIED.
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ALBIO BROADWATER
JOHN DIA

A-06-92

Meeting of March 11, 1982...continued

A-7-82 -- SHELL OIL COMPANY, TWO SHELL PLAZA, RM 12189, HOUSTON, TX 77001, requested an Appeal of Administrative Decision of flood plain error located off GA 141/Spalding Drive/Peachtree Corners Circle in Land Lots 301 and 302 of the 6th District, Gwinnett County, GA. George Pinion was present representing the applicant. A letter from Phillip Serrian of the County Engineering Department states in part "Based on the information provided, we recommend that this Appeal be approved."

Ross Still motioned to approve the Appeal. Motion seconded by Sol Maloney and carried unanimously.

A-8-82 -- GLENN D. ROBERTSON, 4210 CLUB DRIVE, NE, ATLANTA, GA, requested an Appeal of Administrative Decision off GA Hwy. 20 near Rock Springs Road, Land Lot 132, 7th District, Gwinnett County, GA Mr. Robertson was present. A letter from Mr. Serrian of the County Engineering Department states in part "Based on the information provided, we recommend that this appeal be approved." *Flood Plain*

Forrest Puckett motioned to approve Appeal. Motion seconded by Sol Maloney and carried unanimously.

A-9-82 -- RON KIRBY AND DENIS GRIFFITHS, P. O. BOX 886, NORCROSS, GA 30091, requested an Appeal of Administrative Decision to clarify zoning at 3001 Langford Road (office condominiums). Sam Glass explained that a complete legal description was not advertised for this particular property prior to the Board of Commissioners hearing. Only a partial description was advertised. After the hearing, the complete legal description was advertised. The Planning Staff recommends approval to confirm that property involved is entirely zoned O-I.

Ross Still motioned to clarify that the zoning is O-I on the property involved. Motion seconded by Sol Maloney and carried unanimously.

REQUEST FOR INTERPRETATION

The Planning Staff requested the Board make an interpretation as to what zoning classification(s) would be necessary for the keeping of bees and beehives. This question has come up several times recently and there exists an uncertainty as to whether this use be allowed only in RA-200 zoning or if it can be allowed in any residential zoning. After some discussion by the Board, the following action was taken.

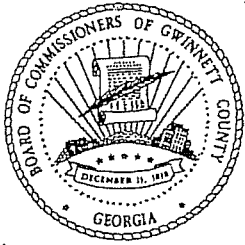
Forrest Puckett motioned to restrict the keeping of bees and beehives to the RA-200 zoning classification. Motion seconded by Sol Maloney and carried unanimously.

* * * * *

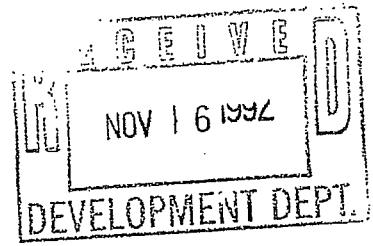
There being no further business to be heard at this time, the meeting was adjourned until the next scheduled meeting of April 8, 1982.

E. E. Hogan
CHAIRMAN
Phillip Serrian
SECRETARY

11/16 copy GC/MSB



GWINNETT COUNTY
Office of the County Manager
(404) 822-7020



MEMORANDUM

DATE: November 12, 1992
TO: Don McFarland, Director
Department of Planning and Development
FROM: Sam Brownlee
County Manager
SUBJECT: Zoning Restrictions for Beekeeping

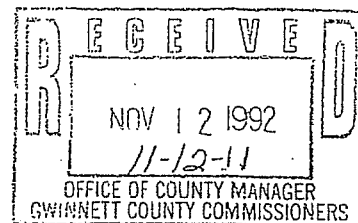
Attached is a letter from Virginia Stephens of the Metro Atlanta Beekeepers Association. Please review and give me your comments.

SB:sh

Attachment

November 6, 1992

Mr. Sam Brownlee
75 Langley Drive
Lawrenceville, GA 30245



Dear Commissioner Brownlee:

I am writing on the concerns of the apiarist in Gwinnett County regarding zoning restrictions for beekeeping..

Honey bees provide an invaluable service to not only agriculture but to small home gardens, orchards, scrubs and trees and even our grasses. This hard working honeybee preforms an indispensable service for agriculture. Over 90 crops in the United States alone depend on honeybees for pollination. This service is estimated at more than \$10 billion. While ensuring the continued health of agriculture and the beekeeper plays a vital role in this process.

Bee and beekeepers have lived harmoniously in cities and country sides for hundreds of years. And with todays concerns regarding the migration of the Africanized honey bee, it is now known that well managed colonies of a European honeybees help control the spread of the Africanized honey bees in our area.

The Metro Atlanta Beekeepers Association have prepared for your review and adoptions, to Gwinnett County zoning ordinance, a model bee plan for all apiarist in Gwinnett county to follow. This document was unanimously passed by our association.

If you have any question or concerns regarding this document or any questions regarding beekeeping in Gwinett County please contact me at your continance. For I am

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Virginia Stephens".

Virginia Stephens
Metro Atlanta Beekeepers Association
430 Lindburgh Dr. NE
#F-5
Atlanta, GA 30305
(404)264-9991

Encl.

CC: Commissioner of Agriculture
Metro Atlanta Beekeepers Association
Georgia Beekeepers Association

GWINETT COUNTY BEEKEEPING ORDINANCE

WHEREAS, the State of Georgia has proclaimed the Honey Bee as its official state insect and the honey bee is the most significant pollinator of all insects, and

WHEREAS, honey bees are of benefit to mankind by providing agriculture, fruit and garden pollination services and by furnishing honey, wax, and other useful products and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including gentleness, honey production, and tendency not to swarm; and

WHEREAS, gentle strains of honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF GWINETT:

Section 1. That the findings contained in the preamble of this ordinance are hereby adopted as a part of this ordinance.

DEFINITIONS

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Apiary means a place where bee colonies are kept.

Bee means any stage of the common domestic honey bee, *Apis Mellifera* species.

Colony means a hive and its equipment and appurtenances including bees, comb, honey, pollen, and brood.

Hive means a structure intended for the housing of a bee colony.

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

HIVES

All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and usable condition.

Fencing of Flyways

In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least 25 feet from the property line of the apiary tract.

Water

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, birdbaths, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

General Maintenance

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure.

Queens

Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

Colony Densities

It shall be unlawful to keep more than the following number of colonies on any tract within the County, based upon the size of configuration of the tract on which the apiary is situated:

1. one-quarter acre or less tract size - 2 colonies,
2. more than one-quarter acre but less than one-half acre tract size - 4 colonies,
3. more than one half acre but less than one acre tract size - 6 colonies,
4. one acre or larger tract size - 8 colonies,
5. regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies,
6. regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive remains undeveloped property there shall be no limit to the number of colonies.

Marking Hives, Presumption of Beekeeping

In apiaries the name or telephone number shall be branded, painted, or otherwise clearly marked upon the structure of at least two hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

Inspection

Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives. The beekeeper shall comply with Georgia apiculture codes. Rules of Georgia Department of Agriculture Entomology and Pesticides Chapter 40-4-1-0.41 -.01 through -.08 (see Rules attached).

Compliance

(a) Upon receipt of information that any colony situated within the County is not being kept in compliance with this article, the direction shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeeper,

(b) The notice of hearing shall set forth:

1. the date, time and place at which the hearing will be conducted,
2. the violation(s) alleged,
3. that the beekeeper may appear in person or through counsel, present evidence, cross examine witnesses, and request a court reporter and,
4. that the bees may be ordered destroyed or removed from the County if the hearing officer finds that they have been kept in violation of this article.

Notices shall be given by certified United States mail or personal delivery. However, if the health officer is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five (5) days prior to the date of the hearing.

(c) The hearing shall be conducted by the director or a health officer that he may designate. The burden shall be on the County to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have kept in violation of this article, then he may order that the bees be destroyed or removed from the County, not to exceed 20 days, and that bees not thereafter be kept upon that tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the health officer may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

Section 2. This ordinance shall become effective at hour _____ on date _____.

Section 3. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing; therefore, this ordinance shall be passed finally on such date and shall take effect as provided in Section 2, above.

Passed and approved this _____ day of _____, 19____.

Chairperson,
Gwinnett County Commissioners

Witness

Witness

RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
ENTOMOLOGY AND PESTICIDES

CHAPTER 40-4-1-0.41

BEEKEEPING

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40-4-1-0.41-.01 Licensing of Queen and Package Producers.

(1) No person shall engage in the business of selling package bees, queens, or nuclei in the State of Georgia without a license issued by the Commissioner. Such license shall be issued when:

(a) The applicant has submitted a license application containing information required by the Commissioner, and

(b) The Commissioner has inspected all colonies to be used in producing package bees and queens and has found them to be apparently free of American and European Foulbrood, other diseases, and the parasitic mite, Varroa jacobsoni.

(2) Honey bees on comb or in hives may enter Georgia from any other state for the sole purpose of passage through Georgia, subject to the following conditions:

(a) All shipments shall be securely netted or contained in refrigerated vessels to prevent escape.

(b) Movement through Georgia will be made without interruption, except for necessary fueling, meals, or emergency service.

(3) Resident Georgia beekeepers may move honey bees on comb or in hives, freely, and without restriction, within Georgia, provided such honey bees have not entered Georgia in violation of any provision of this chapter, or are not moved from any area in violation of a quarantine.

(4) Any Georgia resident beekeeper may, upon request, obtain certification from the Georgia Department of Agriculture that his honey bees are apparently free of the tracheal mite, Acarapis woodi, when such certification is required by another state as a condition for shipment. Request for sampling and certification shall be made to the Department of Agriculture at least sixty (60) days prior to the scheduled time of shipment.

Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.05 Certificates Issued by Other States. If the Commissioner should find American or European Foulbrood, other diseases, or the parasitic mite, Varroa jacobsoni, in shipments from another state under official certificates of inspection, the Commissioner may refuse to recognize any certificate from that state until such time as the Commissioner is able to determine that the inspection program of said state is adequate to support the issuance of valid certificates.

Authority O.C.G.A. 2-14-41.

(c) The applicant has submitted the required twenty-five (25) dollar license fee.

(2) Licenses shall be permanent, unless, after any inspection by the Commissioner, he suspends the license due to the presence in the apiary(ies) of any of the organisms specified in (1)(b) above, or unless the Commissioner revokes or cancels the license for other violation(s) of this Chapter.

Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.02 Queen and Package Certificates.

(1) No licensee shall ship any package bees or queens unless they are accompanied by a valid certificate issued by the Commissioner, certifying that the bees have been produced in an apiary which has been found apparently free of American and European Foulbrood, other diseases, and the parasitic mite, Varroa jacobsoni.

(2) Certificates will be issued for a period not to exceed twelve (12) months from the date of inspection by the Commissioner.

(3) Certificates will be issued by the Commissioner upon payment of a five (5) dollar per order fee plus two (2) dollars per 100 Certificates. Fees shall be separate for queen and package bee certificates.

(4) The Commissioner may cancel and recall certificates issued to any apiary:

(a) In which he finds American or European Foulbrood, other diseases, or the parasitic mite, Varroa jacobsoni.

(b) Which he finds has used certificates on shipments of uncertified bees.

(5) Fees for certificates cancelled and recalled by the Commissioner shall not be refundable.

Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.03 Queens and Package Bees Produced Outside the State of Georgia. Queens and Package Bees produced outside the State of Georgia may be shipped into Georgia when accompanied by a certificate issued by the apiary official in the state where the bees were produced, certifying that the apiaries of the producer have been inspected within one (1) year of the date of shipment and that such apiaries have been found apparently free of American and European Foulbrood, other diseases, and the parasitic mite, Varroa jacobsoni.

Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.04 Interstate and Intrastate Movement of Honey Bees.

(1) No honey bees on comb or in hives shall be moved from any other state into and located in Georgia unless:

(a) The apiary official in the state of origin certifies to the Commissioner that the honey bees have been inspected within ninety (90) days of the date of shipment and have been found to be apparently free of American and European Foulbrood, other diseases, and Varroa jacobsoni.

(b) The certification includes the exact yard location in the state of origin from which the bees were shipped and the exact yard location in Georgia to which the bees are destined.

(c) The apiary official in the state of origin also certifies that all honey bees were actively rearing brood at the time of inspection.

40-4-1-0.41-.06 Quarantines.

(1) Any apiary in any county in Georgia, found by the Commissioner to be infected with American or European Foulbrood, other diseases, the parasitic mite, Varroa jacobsoni, or found to contain honey bees determined to be Africanized by methods prescribed by the Commissioner, shall be placed under quarantine and enforcement actions shall be taken as follows:

(a) Any apiary found to be infected with American Foulbrood shall be placed under quarantine and all infected hives shall be immediately destroyed by burning under the supervision of the Commissioner. Any such apiary may be released by the Commissioner from quarantine any time after sixty days from the finding of the infection, when the Commissioner determines that the apiary is free of American Foulbrood.

(b) In the case of Varroa jacobsoni, the quarantine shall apply to all other apiaries within a two (2) mile radius of the quarantined apiary(ies). The quarantine shall be extended for a two mile radius from any new finding of Varroa jacobsoni. All apiaries found to be infested with Varroa jacobsoni, shall be immediately treated by the beekeeper under the direct supervision of the Commissioner with an EPA approved pesticide, if the Commissioner determines that such pesticide will control or eliminate the infestation of Varroa jacobsoni. Any such apiary(ies) quarantined under this paragraph may be released from quarantine at any time the Commissioner determines that the apiary(ies) is apparently free of Varroa jacobsoni.

(c) In the case of the presence of Africanized honey bees, the quarantine shall apply to all other apiaries within a two (2) mile radius of the quarantined apiary(ies).

The quarantine shall be extended for a two mile radius from any new finding of Africanized honey bees. All apiaries found to contain Africanized honey bees shall be immediately depopulated by or under the direct supervision of the Commissioner. Any such apiary(ies) quarantined under this paragraph may be released from quarantine at any time the Commissioner determines that the apiary(ies) is free of Africanized honey bees.

(d) Any apiary quarantined due to infection with European Foulbrood may be released by the Commissioner from quarantine any time after thirty (30) days from the finding of the infestation, when the Commissioner determines that the apiary is free of the disease.
Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.07 Indemnification. Any Georgia resident beekeeper whose bees and/or hives are destroyed in accordance with Rule 40-4-1-0.41-.06(1)(a) or (c), shall be eligible for indemnification in an amount established by the Commissioner as provided in O.C.G.A. 2-14-45, subject to the provision of 40-4-1-0.41-.08.
Authority O.C.G.A. 2-14-41.

40-4-1-0.41-.08 Enforcement.

(1) Any bees or hives found by the Commissioner to have been shipped into or brought into Georgia in violation of any provision of this Chapter shall be subject to:

(a) Immediate depopulation or hive destruction under the direct supervision of the Commissioner, and shall not be eligible for indemnification, or

(b) Such other procedures prescribed by the Commissioner which, in his opinion, are adequate to protect the beekeeping industry in the State of Georgia.

Authority O.C.G.A. 2-14-41.

and any animal quarters are located in the rear yard and set back at least 30 feet from all property lines.

9. Public, semi-public and private golf and country clubs.

Section 1301. R-100 Single Family Residence District.

This zoning district is intended primarily for one family residences and related uses.

Within the R-100 Single Family Residence District, the following uses are permitted:

1. Single Family Dwellings, except Manufactured Homes.
2. Customary accessory buildings and uses.
3. Customary Home Occupations.
4. Existing Cemeteries.
5. Public buildings and land uses.
6. Electric substations or gas regulator stations, if essential for service to this zoning district, provided:
 - a. The structures are placed not less than 50 feet from any property line.
 - b. The structures are enclosed by a woven wire fence at least eight (8) feet high.
 - c. The lot is suitably landscaped, including a buffer strip at least 25 feet wide along the side and rear property lines but not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.
 - d. No vehicles or equipment are stored on the premises.
7. The raising and keeping of livestock for personal pleasure or utility on a lot which contains the dwelling of the owner of the livestock, provided that the lot is at least three (3) acres in area and that no animal quarters are located closer than 100 feet to any property line.
8. Lots located on cul-de-sacs or half cul-de-sacs shall have a minimum of eighty-five (85) feet at the building line.

9. The raising and keeping of household pets. A purebred Vietnamese pot-bellied pig is allowed provided that the lot is at least one-half acre in size, no hobby breeding, and only one pig shall be allowed per lot. The raising and keeping of rabbits shall be allowed provided that the number of rabbits does not exceed eight and any animal quarters are located in the rear yard and set back at least 30 feet from all property lines.
10. Churches, temples and synagogues provided:
 - a. They are located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway on a site of not less than five acres with 250 feet of road frontage.
 - b. The buildings are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
 - c. Parking is not provided in the front yard setback area.
 - d. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.
 - e. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three years.

Within the R-100 Single Family Residence District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations from the Director of Planning and Development and Planning Commission and after a public hearing:

1. Churches, temples and synagogues not meeting the minimum requirements for a permitted church, temple or synagogue within the district and provided:
 - a. They are located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street, Minor Collector Street, or State Highway on a site of not less than three (3) acres.

- b. The buildings are located not less than 50 feet from any street or 30 feet from any side property line.
 - c. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning; provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.
2. Residential or community shelters as an accessory use to a church meeting the minimum requirements for a permitted church. All shelters must meet the provisions of Rules for Shelters in Gwinnett County.
 3. Private schools offering general education courses.
 4. A beauty parlor or barber shop in a one family residence.
 5. Single family dwellings with a floor area of 1,000 square feet or greater but less than 1,400 square feet.
 6. Group day care homes.
 7. Day care facilities located in a church.
 8. Private not-for-profit recreation facilities; provided, however, that a Special Use Permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
 9. The development of equestrian-oriented subdivisions on tracts of 15 acres or more, provided that no lot is less than one acre and that all provisions for community and/or individual lot animal quarters shall be established as part of the approval of granting a Special Use Permit. Such provisions as approved and a restriction prohibiting the further subdivision of any lots shall be recorded as Protective Covenants for the subdivision.
 10. Metal buildings in excess of 550 square feet in size.
 11. Group Homes.

Section 1302. R-75 Single Family Residence District.

This zoning district is intended primarily for moderate-cost, one family residences and related uses on land served by a central sewerage system. The development of lots in this district is

permitted with septic tanks, provided lot sizes correspond to the area in square feet in the R-100 district. All septic tank installations are subject to the approval of the Gwinnett County Health Department.

Within the R-75 Single Family Residence District, the following uses are permitted:

1. All uses permitted in the R-100 Single Family Residence District, including special uses, provided, however, that only those single family dwellings with a floor area of 1,000 square feet or greater but less than 1,200 square feet shall be required to have obtained a Special Use Permit prior to being permitted. Single family dwellings with less than 1,000 square feet in floor area shall not be permitted.

Section 1302A. R-60 Single Family Residence District.

This zoning district is intended primarily for single family detached residences and accessory uses on land served by a central sewerage system.

Within the R-60 Single Family Detached Residence District, the following uses are permitted:

1. All uses permitted in the R-75 Single Family Residence District, including special uses, except Group Day Care Homes, Family Group or Congregate Personal Care Homes.
2. Subdivision development provided the following guidelines are met:
 - a. Maximum density shall not exceed four (4) units per acre.
 - b. The subdivision development shall have a minimum land area of at least five (5) contiguous acres.
 - c. Dwellings shall include double-car garages and where garages are front entry, driveways shall be sixteen (16) feet in width. On cul-de-sac lots driveways may taper from 16 feet at the right-of-way line to the street pavement, but a minimum 16' X 35' paved parking pad must be provided.
 - d. Provide sidewalks adjacent to interior streets, excluding cul-de-sac turnarounds.
 - e. Provide a minimum 40-foot building setback adjacent to exterior streets. The setback may be reduced to 30 feet if a berm, landscaping, fence or wall is provided

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O.C.G.A. § 2-14-41.1 ([Copy w/ Cite](#))

O.C.G.A. § 2-14-41.1

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*** Current through the 2008 Regular Session ***

TITLE 2. AGRICULTURE
CHAPTER 14. SALE OF AGRICULTURAL AND FOREST PRODUCTS
ARTICLE 3. HONEYBEES

O.C.G.A. § 2-14-41.1 (2008)

§ 2-14-41.1. Prohibition against restriction of honeybee production or maintenance

No county, municipal corporation, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution prohibiting, impeding, or restricting the establishment or maintenance of honeybees in hives. This Code section shall not be construed to restrict the zoning authority of county or municipal governments.

HISTORY: Code 1981, § 2-14-41.1, enacted by Ga. L. 1994, p. 1716, § 1; Ga. L. 1995, p. 10, § 2.

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City of Suwanee

CROSSINGS of PAST and FUTURE




CITY OF
Suwanee
G E O R G I A

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Location Map

Legend

— Streets

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