



## PLANNING COMMISSION AGENDA

October 10, 2017  
7:00 PM  
CITY HALL

### A. Roll Call

### B. Approval of August 8, 2017 Minutes

### C. Old Business:

### D. New Business:

1. **PH2017-007. Cinebistro at Town Center Elevations.** Request to approve building elevations for the movie theater building located at the Town Center in the 5200 Block of Peachtree Parkway, Dist. 6, Land Lot 301, Peachtree Corners, GA.

### E. City Business Items:

1. **PH2017-008 Accessory Structures.** Consideration of an amendment to the zoning code to regulate the maximum size and height of residential accessory structures.
2. **PH2017-009 Administrative Variances.** Consideration of an amendment to the zoning code to permit administrative variances for residential fence height and nonresidential building height.
3. **PH2017-010 Vehicle Rental Establishments.** Consideration of an amendment to the zoning code to permit vehicle rental establishments as a special use in the C-2 General Business District.
4. **PH2017-011 Livestock and Fowl.** Consideration of an amendment to the zoning code to further define the regulations for the keeping of livestock or fowl on residential property.
5. **PH2017-012 Ground Signs.** Consideration of an amendment to the sign ordinance to increase the number of permitted ground signs on nonresidential properties meeting certain criteria.

### F. Comments by Staff and Planning Commissioners.

### G. Adjournment.



**CITY OF PEACHTREE CORNERS**  
**PLANNING COMMISSION MINUTES**  
**August 8, 2017**  
**7:00 PM**

The City of Peachtree Corners held a Planning Commission meeting on Tuesday, August 8, 2017. The meeting was held at City Hall, 147 Technology Parkway, Suite 200, Peachtree Corners, GA, 30092. The following were in attendance:

Planning Commission: Matt Houser, Chairman, Post D - Absent  
Alan Kaplan, Post A  
Mark Middleton, Post B  
Mark Willis, Post C  
Italia Metts, Post E

Staff: Diana Wheeler, Community Development Director  
Rocio Monterrosa, Deputy City Clerk  
Jeff Conkle, Planning and Zoning Administrator

**MINUTES:**

**MOTION TO APPROVE THE AMMENDED MINUTES FROM THE JUNE 13, 2017 PLANNING COMMISSION MEETING.**

**By: Alan Kaplan**

**Seconded by: Mark Willis**

**Vote: Passed 4-0 (Kaplan, Willis, Middleton, Metts)**

**OLD BUSINESS:**

None

**NEW BUSINESS**

1. **CIC2017-003. Passion Fur Pups.** Request to remove a condition of Gwinnett County rezoning case RZ1996-134 that prohibited pet shops and grooming establishments at the Jones Bridge Square shopping center at 5075 Peachtree Pkwy., Dist. 6, Land Lot 318, Peachtree Corners, GA

Diana Wheeler, Community Development Director, gave a brief overview of the application. The proposal for pet grooming is consistent with standard C-2 zoning and would be located in a shopping center that is already home to numerous neighborhood-serving commercial establishments, including a grocery store, numerous restaurants, a pharmacy, a tutoring center, a dentist office, a music shop, and a dry cleaner amongst others.

Additionally, the location of the grooming establishment is approximately 250 feet from the nearest residential rear property line across Jones Bridge Road (these homes are on Wild Ginger Cove). It is also approximately 325 feet from the nearest residential property line on Avala Park Lane (behind the Ingles grocery store). The residential neighborhood on Coventry Park Lane across Peachtree Parkway from the grooming establishment is 650 feet away at its nearest point. This neighborhood is located behind an existing stand of tall evergreen trees.

Staff confirmed that the applicant's business is licensed by the state Department of Agriculture. The Health Department does not regulate grooming shops nor requires any distance between grooming shops and other uses such as the nearby restaurants and grocery store.

After review of the applicant's proposal and other relevant information, it was recommended that CIC2017-003 be approved subject to the following conditions:

1. Gwinnett County case RZ1996-134 condition 'A' shall be amended to remove "pet shops or grooming establishments" as a prohibited use.
2. The applicant shall ensure that the parking lot, sidewalks, and landscaped areas within 100 feet of the business in all directions shall be maintained free of dog waste.
3. No overnight stays or kennel-type business is permitted.
4. Signage shall be in conformance with Chapter 54 of the City Code and the Activity Center/Corridor Overlay District standards.

The applicant, Allysa Peterson, gave a brief presentation stating that she has over twelve years of experience of pet grooming and that maintaining sanitary conditions is no issue. Ms. Peterson had also stated that she has already been approved by the State Department of Agriculture and they see no issue with her current animal conditions and waste receptacles. Ms. Peterson mentioned that the property manager will not allow the applicant to change the lease in any way. It is a six-year lease and applicant would be liable for the term of the lease.

Commissioners asked applicant several questions related to how she would maintain area outside the store in a waste-free manner and how soon after she opened she learned she was not in compliance. Ms. Peterson stated that she's

## DRAFT COPY

been working with the landlord to provide options inside and on the back side of the store for pets to use, but is waiting on the rezoning approval before moving forward and that pets are only there no more than 2-3 hours at a time by appointment and that no overnight stay is allowed. She also learned about the zoning conditions after calling City Hall enquiring about her business license and from a neighbor complaint.

Alan Kaplan opened the floor for public comment. There was 1 person who spoke in favor and three that spoke in opposition stating that dog waste, safety for pet owners and their pets in a busy parking lot is very concerning as well as stating that the zoning conditions that were in place from 1996 were there for a reason and they feel if approved, it would set a precedent for future requests.

Alan Kaplan asked staff about the effect, if approved, changes in zoning conditions would have on future requests. Diana Wheeler, Community Development Director, stated that each case is review separate on its own merits and that one case would not set a precedent for other cases as they are all looked at separately. Mark Willis asked if staff has been in contact with landlord regarding current zoning conditions. Mrs. Wheeler stated that they have talked with the new landlord and he was unaware of Gwinnett County 1996 zoning conditions on the property. The property manager was given a list of the conditions that will be used moving forward for future tenants.

**MOTION TO DENY THE REMOVAL OF A CONDITION OF GWINNETT COUNTY REZONING CASE RZ1996-134 THAT PROHIBITED PET SHOPS AND GROOMING ESTABLISHMENTS AT THE JONES BRIDGE SQUARE SHOPPING CENTER AT 5075 PEACHTREE PKWY., DIST. 6, LAND LOT 318, PEACHTREE CORNERS, GA**

**By: Mark Willis**

**Seconded: Italia Metts**

**Vote: (3-1) (Willis, Metts, Middleton) (Kaplan – opposed)**

### **CITY BUSINESS ITEMS:**

Diana Wheeler, Community Development Director, spoke about several key issues in the Zoning Ordinance which continue to be problematic and need to be addressed through appropriate code amendments. The following list of issues contains those which are the most important:

1. Additional standards for residential accessory structures
2. Administrative variances for residential fence height
3. Additional permissions for car rental facilities.

Commissioners agreed on these issues and thanked Mrs. Wheeler for bringing them up. Staff will bring proposed regulations for these three issues to the next Planning Commission meeting.

### **COMMENTS BY STAFF AND PLANNING COMMISSION:**

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Diana Wheeler, Community Development Director, informed the Commission that there would be no meeting for the month of September.

The Planning Commission meeting concluded at 8:34 PM.

Approved,

Attest:

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Alan Kaplan, Commissioner

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Rocio Monterrosa, Deputy City Clerk

**PH2017-007**  
**Cinebistro at Town Center**

**CITY OF PEACHTREE CORNERS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**PUBLIC HEARING ANALYSIS**

PLANNING COMMISSION DATE: OCTOBER 10, 2017

CITY COUNCIL DATE: NOVEMBER 21, 2017

CASE NAME: **CINEBISTRO BUILDING ELEVATIONS**

CASE NUMBER: **PH2017-007**

CURRENT ZONING: MUD (MIXED USE DEVELOPMENT)

LOCATION: 5200 BLOCK OF PEACHTREE PARKWAY

MAP NUMBERS: 6<sup>th</sup> DISTRICT, LAND LOT 301

ACREAGE: 5.1 ACRES

PROPOSED DEVELOPMENT: NEW THEATER AT TOWN CENTER

APPLICANT: FUQUA BCDC PEACHTREE CORNERS  
3575 PIEDMONT RD.  
ATLANTA, GA 30305

CONTACT: KEVIN FLOYD  
404-907-1709

OWNER: FUQUA BCDC PEACHTREE CORNERS  
3575 PIEDMONT RD.  
ATLANTA, GA 30305

**RECOMMENDATION: APPROVE**

**PROJECT BACKGROUND:**

The concept plans for the Town Center were approved July 21, 2015 with the adoption of Ordinance 2015-06-49. This Ordinance identifies specific appearance standards for all the buildings in the Town Center. Criteria for building elevations listed in the ordinance address items such as building walls, roof lines, parapets, building materials, and landscaping. In addition to this ordinance, Table 'B', the development regulations for the Town Center, also includes building requirements.

Cinebistro, a movie theater and restaurant, would like to occupy the southeasternmost area of the property, adjacent to the Town Green. The entrance to the building is located on the

northwestern building elevation. This side of the building would be visible to vehicles traveling into the Town Center property from Peachtree Parkway. The opposite side of the building is the rear of the building, abutting a pedestrian walkway that connects the Town Green to the future Botanical Garden. There is another elevation that faces the Town Green and the remaining elevation faces a small parking area adjacent to the existing creek.

The submitted elevations include red brick as the primary material along with stone as an accent at the base of the front and Town Green side of the building. Additionally, awnings are provided over the movie artwork display areas, a generous marquee is provided over the main entrances, and a varied roofline with taller decorative elements is included on the front elevation. Finally, the windows at the front of the building wrap the east façade, providing an attractive look facing the Town Green.

Since the plans are not yet fully detailed, two of the requirements could not be evaluated but would still need to be incorporated into the final plans:

1. Requirement to screen rooftop mechanical equipment
2. Requirement to include landscape materials on or adjacent to the building

**RECOMMENDATION:**

**After review of the applicant's proposal and other relevant information, it is recommended that PH2017-007 be approved based on the drawings prepared by Rodney L. Sartain, Architect, dated 8-15-17, subject to the following conditions:**

- 1. Rooftop mechanical equipment shall be screened from ground view**
- 2. Landscaping shall be incorporated on or immediately adjacent to the entire rear elevation of the building.**
- 3. The placement of doors and windows on the building elevation facing the Town Green shall be modified, if necessary, to prevent conflicts with the Town Green stage and stage area.**

Fuqua Development, LP

Wells Fargo Bank, N.A. of Georgia

14395

Fifteen Piedmont Center  
3575 Piedmont Rd., NE, Suite 800  
Atlanta, GA 30305

Atlanta, GA 30339

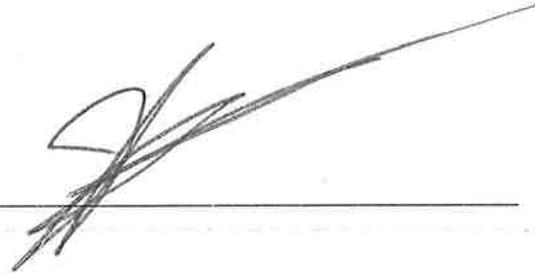
1000227 /

Check Date      Check #  
8/21/2017      14395      \*\*\*\*\*\$1,293.60\*\*

Pay      **\*\*One Thousand\*\***  
         **\*\*Two Hundred Ninety-Three Dollars And 60 Cents\*\***

To The  
Order  
Of

CITY OF PEACHTREE CORNERS  
147 TECHNOLOGY PKWY  
SUITE 200  
PEACHTREE CORNERS GA 30092



⑈014395⑈ ⑆061000227⑆ 9349057746⑈

Vendor:	CIPECORN CITY OF PEACHTREE C	Fuqua Development, LP	Check Date:	8/21/2017	Check #:	14395
				8/21/2017	Check #:	
Invoice #	Invoice Date	Reference	Invoice Amt	Discount	Retention	Net
20170818	08/18/2017	public hearing application	1,293.60	0.00	0.00	1,293.60
CIPECORN	CITY OF PEACHTREE CORNERS		<b>Totals:</b>	<b>1,293.60</b>	<b>0.00</b>	<b>0.00</b>
				<b>0.00</b>	<b>0.00</b>	<b>1,293.60</b>



## PUBLIC HEARING APPLICATION

### REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application.

REQUIRED ITEMS	NUMBER OF COPIES	CHECK
Completed Application Form	• 10 Copies	<input checked="" type="checkbox"/>
Boundary Survey with Legal Description	• 10 Copies	<input type="checkbox"/> N/A
Site Plan	• 2 full size Copies • 10- 8-1/2" x 11" or 11" x 17" reductions	<input checked="" type="checkbox"/>
Letter of Intent	• 10 Copies	<input type="checkbox"/> N/A
Applicant Certification with Notarized Signature	• 10 Copies	<input checked="" type="checkbox"/>
Property Owner Certification with Notarized Signature	• 10 Copies	<input checked="" type="checkbox"/>
Standards Governing Exercise of the Zoning Power	• 10 Copies	<input type="checkbox"/> N/A
Disclosure Report Form (Conflict of Interest Certification/Campaign Contributions)	• 10 Copies	<input checked="" type="checkbox"/>
Verification of Paid Property Taxes (most recent year)	• One (1) Copy (for each tax parcel included)	<input type="checkbox"/> N/A
Electronic copy of all of the above	• One (1) copy	<input checked="" type="checkbox"/>
Application Fee	• Make checks payable to the City of Peachtree Corners	<input checked="" type="checkbox"/>
<b>ADDITIONAL EXHIBITS (IF REQUIRED)</b>		
Additional site plan requirements for R-TH, R-ZT, Modified, CSO, OBP, HRR, R-SR, MUD or MUO rezoning requests	• 10 Copies	<input type="checkbox"/> N/A
Traffic Study	• 10 Copies	<input type="checkbox"/> N/A
Development of Regional Impact Review Form	• 2 Copies	<input type="checkbox"/> N/A
Building Compliance Inspection	• 2 Copies	<input type="checkbox"/> N/A

**REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Fuqua BCDC Peachtree Corners Project Owner, LLC</u>	NAME: <u>Fuqua BCDC Peachtree Corners Project Owner, LLC</u>
ADDRESS: <u>3575 Piedmont Road, NE</u>	ADDRESS: <u>3575 Piedmont Road, NE</u>
CITY: <u>Atlanta</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30305</u>	STATE: <u>Georgia</u> ZIP: <u>30305</u>
PHONE: <u>(404) 907-1709</u>	PHONE: <u>(404) 907-1709</u>
E-MAIL: <u>jeff.fuqua@fuquadev.com</u>	E-MAIL: <u>jeff.fuqua@fuquadev.com</u>
CONTACT PERSON: <u>Kevin Floyd</u> PHONE: <u>(404) 907-1709</u>	
CONTACT'S E-MAIL: <u>kevin.floyd@fuquadev.com</u>	

**APPLICANT IS THE:**

- OWNER'S AGENT       PROPERTY OWNER       CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): MUD REQUESTED ZONING DISTRICT: N/A

LAND DISTRICT(S): 6TH LAND LOT(S): 301 ACREAGE: 1.248

ADDRESS OF PROPERTY: 5200 Medlock Bridge Road, Peachtree Corners, GA 30092

PROPOSED DEVELOPMENT: Peachtree Corners Town Center

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*Staff Use Only This Section*

Case Number: \_\_\_\_\_ Hearing Date: P/C \_\_\_\_\_ C/C \_\_\_\_\_ Received Date: \_\_\_\_\_

Fees Paid: \_\_\_\_\_ By: \_\_\_\_\_

Related Cases & Applicable Conditions:

\_\_\_\_\_

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RESIDENTIAL DEVELOPMENT**

No. of Lots/Dwelling Units N/A

Dwelling Unit Size (Sq. Ft.): N/A

**NON-RESIDENTIAL DEVELOPMENT**

No. of Buildings/Lots: 6

Total Bldg. Sq. Ft.: 41,000

Gross Density: N/A

**FEE SCHEDULE**

**1. Rezoning, Change-in-Conditions and Special Use Permit Fees – Residential Zoning Districts**

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

A. For the following single-family residential zoning districts: RA-200, R-140, R-LL, R-100, R-75, RL, MHS.

- 0 - 5 Acres = \$ 500
- > 5 - 10 Acres = \$ 1,000
- > 10 - 20 Acres = \$ 1,500
- > 20 - 100 Acres = \$ 2,000
- > 100 - Acres = \$ 2,500 plus \$40 for each additional acre over 100
- Maximum Fee: \$10,000

B. For the following single and multifamily residential zoning districts: R-TH, RMD, RM-6, RM-8, RM-10, RM-13, R-SR, MH, R-60, R-ZT, R-75 MODIFIED or CSO, and R-100 MODIFIED or CSO.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$40 for each additional acre over 100

**2. Rezoning, Change-in-Conditions and Special Use Permit Fees - Non-Residential Zoning Districts**

(note: a Special Use Permit related to a rezoning case shall not incur an additional fee)

For the following office, commercial and industrial zoning districts: C-1, C-2, C-3, O-1, OBP, M-1, M-2, HS, NS.

- 0 - 5 Acres = \$ 850
- > 5 - 10 Acres = \$1,600
- > 10 - 20 Acres = \$2,100
- > 20 - 100 Acres = \$2,600
- > 100 - Acres = \$3,200 plus \$50 for each additional acre over 100

**3. Mixed-Use (MUD and MUO) or High Rise Residential (HRR)**  $1.248 \text{ ACRES} \times 75 \text{ \$/ACRE} + \$1,200 = \$1,293.60$

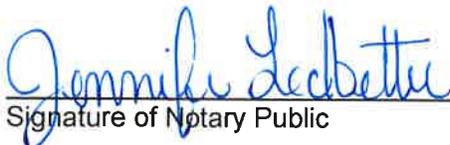
Application Fee – \$1,200 plus \$75 per acre (maximum fee - \$10,000)

- 4. Chattahoochee Corridor Review (involving a public hearing) - \$150.
- 5. Buffer Reduction (Greater than 50%) Application Fee - \$500.
- 6. Zoning Certification Letter - \$100 (per non-contiguous parcel).

**APPLICANT'S CERTIFICATION**

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

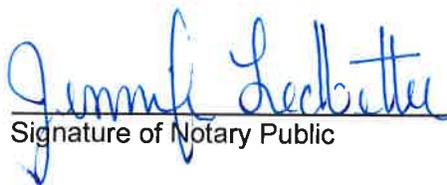
  
\_\_\_\_\_  
Signature of Applicant  
Date 8/17/17  
**Jeffrey S. Fuqua / Managing Member**  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public  
Date 8/17/17  
Notary Seal  


**PROPERTY OWNER'S CERTIFICATION**

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council. As the property owner, I authorize the above noted applicant to act on my behalf with regard to this application.

  
\_\_\_\_\_  
Signature of Property Owner  
Date 8/17/17  
**Jeffrey S. Fuqua / Managing Member**  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public  
Date 8/17/17  
Notary Seal  


**DISCLOSURE REPORT FORM**  
**CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE:       YES       NO  
 (If **yes**, please complete the "Campaign Contributions" section below)

Jeffrey S. Fuqua  
 Print Name

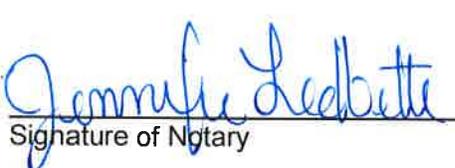
1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

      8/17/17      Jeffrey S. Fuqua  
 Signature of Applicant      Date      Type or Print Name and Title

\_\_\_\_\_  
 Signature of Applicant's Attorney or Representative      Date      Type or Print Name and Title

      8/17/17        
 Signature of Notary      Date      Notary Seal

CINÉBISTRO  
MOVIES WITH TASTE™



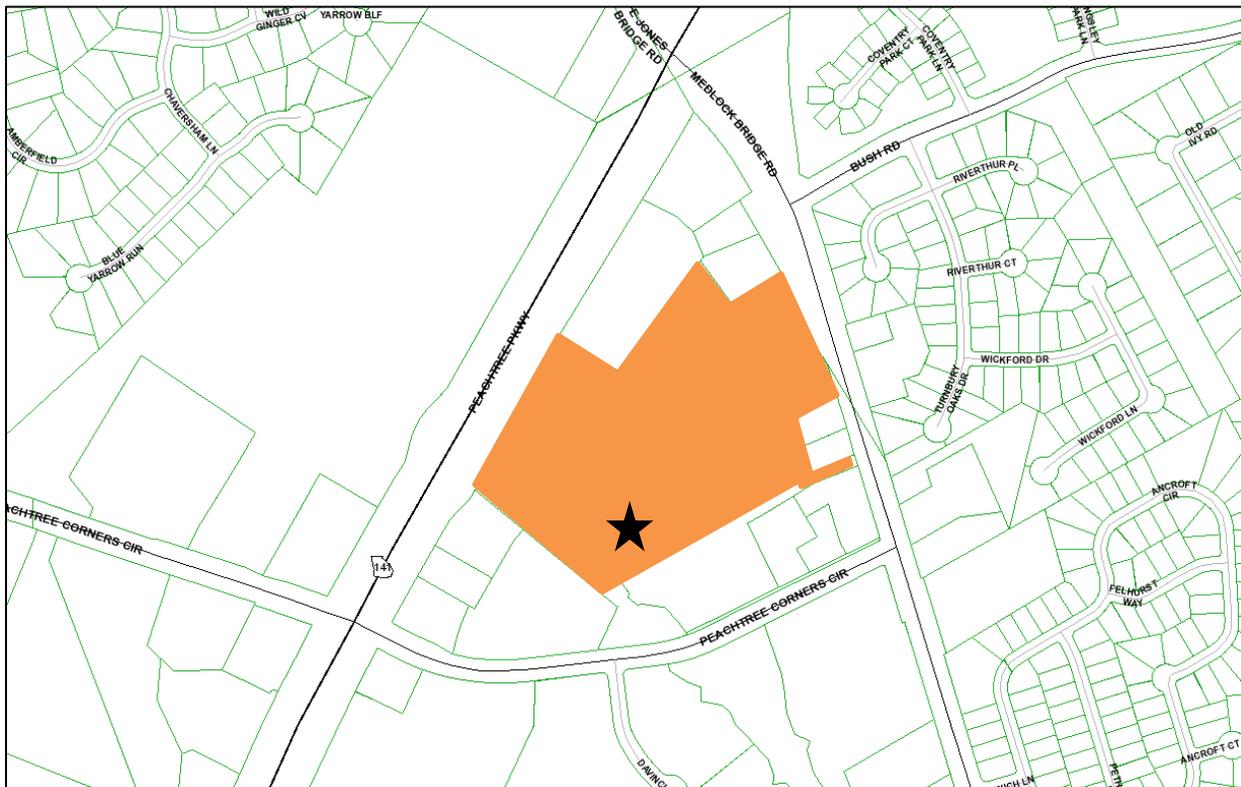
PEACHTREE CORNERS  
ATLANTA, GA 15 - 1719 8-15-17

RODNEY L. SARTAIN, ARCHITECT



## PROPERTY LOCATION MAP

### Cinebistro at Town Center



**CASE NUMBER:**

**PH2017-007**

**PLANNING  
COMMISSION**

**CITY COUNCIL  
1<sup>ST</sup> READING**

**CITY COUNCIL  
2<sup>ND</sup> READING**

**HEARING DATES:**

**Oct. 10, 2017**

**Oct. 17, 2017**

**Nov. 21, 2017**

**PROPERTY ADDRESS:**

**5200 Block of Peachtree Pkwy.**

# **Proposed Ordinance Amendments**



# Memo

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TO: Planning Commission

FROM: Diana Wheeler, Community Development Director

DATE: October 10, 2017

SUBJECT: Code Amendments

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Staff has identified a number of key issues in the Zoning Ordinance which continue to be problematic and need to be addressed through appropriate code amendments. The following list of issues contains those which are the most important:

1. Additional standards for residential accessory structures

Zoning Code Art. VI, Section 600 stipulates the requirements for residential accessory structures as follows:

*Section 600. - Accessory Uses or Structures.*

*Accessory structures shall be permitted only in rear yards, except as otherwise provided in this Resolution. In an R (residence) district, accessory uses customarily located within front or side yards of residences may include but shall not be limited to the following: walls and fences as permitted in Section 700, mailboxes, driveways, walkways, lamp posts, landscaping, vegetable gardens provided they do not exceed 30 percent of the front yard, signs meeting the standards of the City Sign Ordinance and basketball goals adjacent to driveways. No accessory uses or structures, except driveways, mailboxes or landscaping shall be located within a public right-of-way.*

*Accessory uses customarily located within rear yards of residences may include but shall not be limited to the following: storage buildings, patios, swimming pools, dog runs, dog pens and houses, detached garages, tennis courts, playground equipment, fences and walls as permitted in Section 700. Any accessory use or structure, except walls, fences, driveways and landscaping, shall be set back not less than five (5) feet from any lot line, except as otherwise provided within the R-TH and R-ZT zoning districts, and except for permitted encroachments as authorized in Section 705.*

- Concern is that there is currently no maximum size for residential accessory structures which could lead to a detached accessory structure dwarfing the size of the primary structure. A rear yard shed, for example, is currently not prohibited from being larger than the main house on a residential property.

- Research indicates that Gwinnett County limits the size of accessory structures to 50% of the main structure; Duluth limits the size to 20%; Johns Creek limits the size to 33%; and Norcross limits the size to 50%.
- Staff proposes to limit the size and height of accessory structures as detailed in the ordinance proposal.

## 2. Administrative variances for residential fence height

- Residential properties are currently limited to the following fence heights: 4' in the front yard and 8' in the side and rear yards.
- Occasionally, circumstances arise when a property's front yard is directly adjacent to and surrounded by other properties' side and rear yards. In this scenario, the first property's front yard is limited to a 4' high fence which could adjoin fences of up to 8' in height, leading to an inconsistent streetscape along the public right-of-way.
- Staff proposes that an administrative variance option be added to Zoning Code Section 1610, Administrative Variances, to allow Staff the opportunity to facilitate fence height consistency when such requests are made. Currently, no administrative variances for fence heights are allowed.

## 3. Additional permissions for car rental facilities

- Currently car rental facilities are permitted only in the C-3, M-1, and M-2 districts.
- New and used car sales are a special use in the C-2 district.
- Gwinnett County permits car rental businesses in the C-2 district; Duluth permits them in the Highway Commercial district (similar to Peachtree Corners' C-3 district); Johns Creek permits them in C-2; and Norcross does not permit this use.
- There are several long-standing car rental businesses in Peachtree Corners located in C-2 districts. These businesses were authorized by Gwinnett County prior to the city's incorporation.
- Staff proposes that car rental facilities be added as a special use to the C-2 district.

## 4. Regulation of Livestock and Fowl

- Currently the definition of livestock includes fowl.
- The proposed ordinance separates the two.
- The proposed ordinance increases the minimum lot size for the keeping of livestock from 3 acres to 8 acres.
- The proposed ordinance increases the minimum lot size for the keeping of fowl from 3 acres to 5 acres.

## 5. Ground Signs

- Currently each property can have one ground sign unless it's located on a corner lot, in which case it can have 2 ground signs.
- The proposed ordinance provides for a second ground sign if certain criteria are met on non-corner lots:

i. The property has at least 300 feet of linear road frontage

ii. The property has at least two points of access from the road

**PH2017-008**  
**Accessory Structures**  
**Ordinance Amendment**

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE VI OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING SECTION 600 RELATED TO RESIDENTIAL ACCESSORY STRUCTURES AND USES; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE**

**WHEREAS**, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

**WHEREAS**, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

**WHEREAS**, Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

**WHEREAS**, the Mayor and Council desire to amend the current zoning resolution;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia that the Zoning Resolution be amended as follows:

Section 1. (words ~~struck through~~ are deleted and words underlined are added)

**ARTICLE VI, GENERAL PROVISIONS**

**Section 600. Accessory Uses or Structures.**

Accessory structures shall be permitted only in rear yards, except as otherwise provided in this Resolution. In an R (residence) district, accessory uses customarily located within front or side yards of residences may include but shall not be limited to the following: walls and fences as permitted in Section 700, mailboxes, driveways, walkways, lamp posts, landscaping, vegetable gardens provided they do not exceed 30 percent of the front yard, signs meeting the standards of the City Sign Ordinance and basketball goals adjacent to driveways. No accessory uses or structures, except driveways, mailboxes or landscaping shall be located within a public right-of-way.

Accessory uses customarily located within rear yards of residences may include but shall not be limited to the following: storage buildings, patios, swimming pools, dog runs, dog pens and houses, detached garages, tennis courts, playground equipment, fences and walls as permitted in Section 700. Any accessory use or structure, except walls, fences, driveways and landscaping,

shall ~~comply with the following: be set back not less than five (5) feet from any lot line, except as otherwise provided within the R-TH and R-ZT zoning districts, and except for permitted encroachments as authorized in Section 705.~~

1. Properties on which the primary structure is one story shall be permitted an accessory structure in accordance with the following:
  - a. The accessory structure shall not exceed 600 square feet in area.
  - b. The accessory structure shall not exceed one story and/or sixteen (16) feet in height, whichever is less.
  - c. The accessory structure shall be set back at least five (5) feet from any property line, except as otherwise provided within the R-TH and R-ZT zoning districts, and except for permitted encroachments as authorized in Section 705.
2. Properties on which the primary structure is two or more stories shall be permitted an accessory structure in accordance with the following:
  - a. The accessory structure shall not exceed 600 square feet in ground-floor area.
  - b. The accessory structure shall not exceed two stories and/or thirty (30) feet in height, whichever is less.
  - c. One-story accessory structures, not exceeding sixteen (16) feet in height, shall be set back at least five (5) feet from any property line, except as otherwise provided within the R-TH and R-ZT zoning districts, and except for permitted encroachments as authorized in Section 705.
  - d. Two-story accessory structures shall be set back at least fifteen (15) feet from any property line, except as otherwise provided within the R-TH and R-ZT zoning districts, and except for permitted encroachments as authorized in Section 705.

No accessory structure shall be erected on a lot prior to the time of construction of the principal building to which it is accessory a) on the same lot, or b) on an adjoining lot in joint or common ownership.

## **Section 2**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

STATE OF GEORGIA  
COUNTY OF GWINNETT  
CITY OF PEACHTREE CORNERS

ORDINANCE 2017-XX-XXX

ATTEST:

\_\_\_\_\_ (SEAL)  
Kym Chereck, City Clerk

**PH2017-009**  
**Administrative Variances**  
**Ordinance Amendment**

**AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE XVI OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING SECTION 1610 RELATED TO ADMINISTRATIVE VARIANCES; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE**

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS, the Mayor and Council desire to amend the current zoning resolution;

**NOW THEREFORE, IT IS HEREBY ORDAINED** by the governing authority of the City of Peachtree Corners, Georgia that the Zoning Resolution be amended as follows:

Section 1. (words ~~struck through~~ are deleted and words underlined are added)

**ARTICLE XVI, ZONING BOARD OF APPEALS**

...

**Section 1610. Administrative Variances.**

The Director of ~~Planning and~~ Community Development shall have the power to grant variances (except for density and use variances) from the development standards of this ordinance where, in his/her opinion, the intent of the ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:

...

- d. Height ~~—variance up to but not exceeding ten (10) feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.~~
1. Residential: variance up to but not exceeding ten (10) feet, provided that no increase in the height for a sign or fence, except as permitted in Section 1610.i below, may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.

2. Non-residential: variance up to but not exceeding fifteen (15) feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.
- i. Increase in residential fence height in the front yard, not to exceed two (2) feet of increased height provided all of the following conditions are met:
  1. The property requesting the increased height has a front yard directly adjoining the side and/or rear yard(s) of neighboring properties.
  2. The fence complies with all other provisions of Article VII, Section 700.

**Section 2**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**Approved:**

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**PH2017-010**  
**Car Rental Establishments**  
**Ordinance Amendment**

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLE XIII OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING SECTION 1308 RELATED TO USE PROVISIONS CONCERNING VEHICLE RENTAL ESTABLISHMENTS IN THE C-2 DISTRICT; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS, the Mayor and Council desire to amend the current zoning resolution;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that the Zoning Resolution be amended as follows:

Section 1. (words ~~struck through~~ are deleted and words underlined are added)

## ARTICLE XIII, USE PROVISIONS

### Section 1308. C-2 General Business District.

...

*Permitted Uses.* Only the following permitted uses shall be allowed in the C-2 General Business District and no structure shall be erected, structurally altered or enlarged for any use other than a use permitted herein with the exception of a) uses lawfully established prior to the effective date of the amendment; b) special uses as permitted herein; or c) accessory uses defined in Article III, Definitions; or [d)] other uses which are clearly similar to and consistent with the purpose of this District.

...

E. *Special Uses.* Within the C-2 General Business 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 Development and Planning Commission and after a Public Hearing:

...

STATE OF GEORGIA  
COUNTY OF GWINNETT  
CITY OF PEACHTREE CORNERS

ORDINANCE 2017-XX-XXX

21. Vehicle rental establishments.

...

**Section 2**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

**Approved:**

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

**PH2017-011**  
**Livestock and Fowl**  
**Ordinance Amendment**

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND ARTICLES III AND XIII OF THE CITY OF PEACHTREE CORNERS ZONING RESOLUTION BY AMENDING DEFINITIONS AND SECTIONS 1300 AND 1301 RELATED TO THE KEEPING OF LIVESTOCK AND FOWL; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

WHEREAS, the Mayor and Council of the City of Peachtree Corners are charged with the protection of the public health, safety, and welfare of the citizens of Peachtree Corners; and

WHEREAS, pursuant to Section 1.12(a) of the City Charter, the City is charged with exercising the powers of zoning; and

WHEREAS, Notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

WHEREAS, the Mayor and Council desire to amend the current zoning resolution;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that the Zoning Resolution be amended as follows:

Section 1. (words ~~struck through~~ are deleted and words underlined are added)

### ARTICLE III, DEFINITIONS

...

Fowl. The term "fowl" as used herein shall mean and include chickens, turkeys, ducks, geese, pheasants, and other live fowl.

...

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. The term livestock shall not include the purebred Vietnamese pot-bellied pig or rabbits which shall be considered household pets.

...

### ARTICLE XIII, USE PROVISIONS

**Section 1300. RA-200 Agriculture-Residence District.**

This district is comprised of land having a predominantly rural character. It is the intent of the regulations of this zoning district to discourage the subdivision of land for urban development requiring such urban services as a public water supply, sanitary sewers and fire protection.

Within the RA-200 Agriculture-Residence District, the following uses are permitted:

...

4. Customary Agricultural Uses including forestry, commercial greenhouses, plant nurseries and the raising and keeping of livestock and/or fowl, subject to the following: ~~provided that no animal quarters are located closer than 100 feet to any property line.~~
  - a. The raising and keeping of livestock shall be permitted only on a lot of at least eight (8) acres in area and no animal quarters shall be located closer than 100 feet to any property line.
  - b. The raising and keeping of fowl shall be permitted only on a lot of at least five (5) acres in area and no animal quarters shall be located closer than 100 feet to any property line.

...

### **Section 1301. R-100 Single Family Residence District.**

This zoning district is intended primarily for one (1) family residences and related uses.

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

...

7. The raising and keeping of livestock and/or fowl for personal pleasure or utility on a lot which contains the dwelling of the owner of the livestock and/or fowl, subject to the following: 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.
  - a. The raising and keeping of livestock shall be permitted only on a lot of at least eight (8) acres in area and no animal quarters shall be located closer than 100 feet to any property line.
  - b. The raising and keeping of fowl shall be permitted only on a lot of at least five (5) acres in area and no animal quarters shall be located closer than 100 feet to any property line.
  - c. The raising and keeping of livestock and/or fowl shall be for personal use only; there shall be no commercial use of the animals or their products.

...

### **Section 2**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

STATE OF GEORGIA  
COUNTY OF GWINNETT  
CITY OF PEACHTREE CORNERS

ORDINANCE 2017-XX-XXX

SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

VOTE: YNA Sadd / YNA Christ / YNA Wright / YNA Mason / YNA Aulbach / YNA Christopher / YNA Gratwick

**PH2017-012**  
**Ground Signs**  
**Ordinance Amendment**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEACHTREE CORNERS, GEORGIA TO AMEND CHAPTER 54 (SIGNS) OF THE CODE OF THE CITY OF PEACHTREE CORNERS, GEORGIA; TO AMEND REGULATIONS FOR GROUND SIGNS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Peachtree Corners (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Peachtree Corners; and

WHEREAS, the City Council has determined that it is appropriate from time to time to modify the Code of Ordinances of the City of Peachtree Corners (the “Code”) to further protect the public health, safety, and welfare of the citizens of Peachtree Corners.

WHEREAS, notice to the public regarding said public hearing has been duly published in The Gwinnett Daily Post, the Official News Organ of Peachtree Corners; and

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I. (words ~~struck through~~ are deleted and words underlined are added)

CHAPTER 54, SIGNS

...

**Section 54-16. Maximum heights, maximum sizes, setback requirements and quantity of signs permitted.**

Signs incorporated in the city shall be permitted and regulated in accordance with the following sign table, unless otherwise regulated, prohibited or exempted herein:

SIGN TABLE

Type of Sign Purpose or Use	Maximum Height	Setback from Right-of-Way <sup>(1)</sup>	Maximum Size per Sign Allowed	Quantity and Type Permitted

STATE OF GEORGIA  
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1.	Primary signs for an individual establishment on an individual nonresidential lot.	5 Ft. 10 Ft. 20 Ft.	0—5 Ft. > 5 Ft. or < 20 Ft. 20 Ft. or >	Ground Signs Gross Building Space Sign Size	Max.	Ground Signs
				0—10,000	75 Sq. Ft.	One sign structure per road frontage not to exceed maximum allowable square footage.* <u>However, one additional sign that is no greater in area than the first sign shall be permitted for properties having at least 300 feet of linear road frontage and at least two access points.</u>
...	...	...	...	...	...	...

**SECTION II:** It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Peachtree Corners, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

**SECTION III:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**SECTION V:** This Ordinance shall become effective immediately upon adoption.

**VOTE:** YNA **Sadd** / YNA **Christ** / YNA **Wright** / YNA **Mason** / YNA **Aulbach** / YNA **Christopher** / YNA **Gratwick**

STATE OF GEORGIA  
COUNTY OF GWINNETT  
CITY OF PEACHTREE CORNERS

ORDINANCE 2017-XX-XXX

SO ORDAINED AND EFFECTIVE, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved:

\_\_\_\_\_  
Mike Mason, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Kym Chereck, City Clerk

VOTE: YNA Sadd / YNA Christ / YNA Wright / YNA Mason / YNA Aulbach / YNA Christopher / YNA Gratwick