

AGENDA
CITY OF BERKELEY LAKE
PLANNING & ZONING COMMISSION
March 21, 2023 at 7:15 PM
4040 South Berkeley Lake Road
Berkeley Lake, GA 30096

- I. CALL TO ORDER**
- II. APPROVAL OF OR CHANGES TO THE AGENDA**
- III. APPROVAL OF MINUTES**
 - 1. February 14, 2023
- IV. OLD BUSINESS**
 - 1. PZV 23-01 – 586 Lakeshore Drive Variance to expand a non-conforming structure (Sec. 78-141) and encroach 20 feet into the 65-foot front setback (Sec. 78-197(5)) and 2.5 feet into the 12.5-foot north side setback (Sec. 78-197(7)).
- V. NEW BUSINESS**
 - 1. PZTA 23-03 – Amendment to Sec. 78-196, R-100 Permitted Uses, to provide rules regarding the keeping of poultry
 - 2. Administrative Items – Election of Chair, Vice Chair and Appointment of Secretary
- CITIZEN COMMENTS**
- VI. DISCUSSION SESSION**
- VII. ADJOURNMENT**

**CITY OF BERKELEY LAKE
4040 SOUTH BERKELEY LAKE ROAD
BERKELEY LAKE, GEORGIA 30096
PLANNING & ZONING COMMISSION
DRAFT MINUTES
February 14, 2023
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members: Pekka Ignatius, Vice-Chair
George Kaffezakis
Rand Kirkus

City Administrator: Leigh Threadgill

Citizens Present: 5

I. CALL TO ORDER

Ignatius called the meeting to order at 7:17 PM. A quorum of the commission along with City Administrator, Leigh Threadgill, were present at the meeting.

II. APPROVAL OF OR CHANGES TO THE AGENDA

Ignatius asked if there were any suggested changes to the agenda.

Kaffezakis moved to change the agenda to reverse the order of new business. Kirkus seconded and all voted to approve the agenda.

III. MINUTES

1. Minutes of October 25, 2022

Kaffezakis moved to approve the minutes of the October 25th meeting. Kirkus seconded and all voted to approve the minutes.

IV. OLD BUSINESS

There was no old business to discuss.

V. NEW BUSINESS

1. PZV-23-02 – 498 Lakeshore Drive variance to expand a non-conforming structure and encroach 29.5 feet into the 40-foot rear setback and increase the building coverage from 20% to 25.63%.

Ignatius recognized the applicant.

Marty Brinton, 498 Lakeshore Drive, introduced the request and went through the application and noted that there is a plan change for consideration in March. Brinton explained that since submitting his application he had worked with his neighbor to try to address his concerns regarding his view of the lake which changes his request relative to the rear setback.

Brinton explained that he is interested in reducing the overall impervious surface coverage on the lot. He explained that his proposal will increase the building coverage on the lot, but he plans to reduce the lot coverage.

Brinton continued in his presentation by reviewing the need to relocate the septic system resulting in the need for a variance from the 75-foot septic setback.

There was discussion regarding the septic tank relocation approval by environmental health. Brinton confirmed that he did not have environmental health approval yet.

There was discussion regarding the use of pervious materials.

There was further discussion regarding the existing non-conformities and the proposed changes that will increase some of those non-conformities and the need for a final plan for variance consideration.

Kaffeidakis moved to table the request until next month. Kirkus seconded the motion. All were in favor and the motion passed.

2. PZV-23-01 – 586 Lakeshore Drive variance to expand a non-conforming structure and encroach 20 feet into the 65-foot front setback and 2.5 feet into the 12.5-foot north side setback.

Ignatius recognized the applicant.

Carl Lietz, 586 Lakeshore Drive, noted that he recently bought the subject property. He explained there are a couple of issues that need to be addressed to make it more suitable for his family. The first issue is that the detached garage is built in violation of the front setback.

Lietz acknowledged the architect who prepared the drawings, Clark Tate, and explained they looked at relocating the garage but determined that wasn't feasible. The plan for the garage now is to remove the roof and change the pitch of the garage roof because it is inconsistent with the architecture of the house. The garage isn't in an ideal location, and it is imposing with the tall roof. In addition, they want to expand the house. It is a three-bedroom house, but one of the rooms called a bedroom lacks a closet and is not a true bedroom. The goal is to add on to the right (north) side of the property. The neighbor on the side of the addition has indicated he does not oppose the addition. Most of the addition is tucked behind the existing garage.

Lietz explained that he had considered alternative locations for the expansion that would not require a variance, but those would be toward the rear of the house and may adversely affect the view of the lake from the neighbors on the right. They chose to tuck the expansion behind the garage. 304 square feet of the proposed addition is within the front setback. Of that 304

square feet, 240 square feet is behind the garage and 64 square feet is off to the right coming off the side. The eaves of the house do cross the side lot line and there is a request for a side setback variance to allow for that.

The commission commended the applicant on the plans and application and noted there was a lot of thought that went in to minimizing the non-conformity.

There was further discussion.

Kaffezakis noted that generally he doesn't like making a non-conforming structure more non-conforming, but as it relates to the front setback non-conformity, this plan to change the garage roof enhances the viewshed. He further stated that he has a real issue with creating a new non-conformity relative to the side setback. He asked the applicant if he had considered shortening up the expansion to avoid the need for the side setback variance. The architect, Clark Tate, noted that he considered both a smaller footprint and changing the roof form to eliminate the eave overhang, but in either case there is an impact either architecturally or in terms of square footage.

There was further discussion about the potential modifications that could be made to avoid the need for the side setback variance and the option to table the request to allow the applicant time to consider whether any changes could be made.

There was discussion about the next meeting date and the possibility of changing it to March 21st.

Kaffezakis moved to table the request until the March meeting. Kirkus seconded the motion. All were in favor and the motion passed.

VI. CITIZEN COMMENTS

There were none.

VII. DISCUSSION

There was no further discussion.

VIII. ADJOURNMENT

There being no further business, Kaffezakis moved to adjourn. Kirkus seconded the motion. All voted in favor and Ignatius adjourned the meeting at 8:27 PM.

Respectfully submitted,

Leigh Threadgill
City Administrator

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER:	PZV-23-01, 586 LAKESHORE DR.
RELIEF REQUESTED:	EXPAND NON-CONFORMING STRUCTURE AND ADD LIVING SPACE THAT WILL ENCROACH 20 FEET INTO THE REQUIRED 65-FOOT FRONT SETBACK AND 2.5 FEET INTO THE REQUIRED 12.5-FOOT SIDE SETBACK
EXISTING ZONING:	R-100, RESIDENTIAL
PROPOSED USE:	SINGLE FAMILY RESIDENCE
APPLICANT:	CARL AND ELIZABETH LIETZ 586 LAKESHORE DR BERKELEY LAKE, GA 30096
OWNERS:	SAME
MEETING DATE:	FEBURARY 14, 2023 P&Z COMMISSION

PROPOSED PROJECT:

The applicant proposes to expand the existing non-conforming house located at 586 Lakeshore Drive. Plans submitted with the variance application indicate a 1,260-square-foot addition. Of the 1,260 square feet proposed, 304 square feet encroach into the required 65-foot front setback. Of the 304 square feet that encroach, the majority (240 square feet) of this area is located behind an existing detached garage leaving 64 square feet that will be located off the rear corner of the garage and within the 65-foot front setback. The area that is located behind the garage encroaches about 20 feet into the front yard setback. The area off the rear corner of the garage encroaches into the front setback approximately 3 feet with a setback of 62' – 2 1/8". No part of the addition comes closer to Lakeshore Drive than the existing garage. In addition to the front setback encroachment, the proposed addition will also encroach into the north side setback approximately 2.17 feet to accommodate roof overhangs.

FINDINGS OF FACT:

- 1.) The existing non-conforming house is located at 586 Lakeshore Drive on a 0.50-acre lot, which is about 600 square feet shy of the minimum lot size.
- 2.) According to Gwinnett County property records, the house was built in 1950, the dock/boathouse was built in 1980 and the detached garage was built in 1984.
- 3.) The house and detached garage are both non-conforming with regard to front setback.
- 4.) As proposed, the new addition to the north side of the house will require a 20-foot variance to the front setback and a 2.5-foot variance to the north side setback.
- 5.) The expanded house will meet the 20% building coverage and 30% lot coverage standards with actual coverage percentages of 15.38% and 28.94% respectively.
- 6.) Sec. 78-141 requires a variance to be issued for an extension or enlargement of a non-conforming structure.

- 7.) In addition, the expansion will encroach 20 feet into the 65-foot front setback and 2.5 feet into the 12.5-foot side setback, resulting in the need for variances to Sections 78-197 (5) and (7).
- 8.) Properties to the north and south are zoned R-100 and the location of single-family residences. Lake Berkeley is adjacent to the west and the right-of-way of Lakeshore Drive is adjacent to the east.

STANDARDS FOR APPROVAL:

In considering whether to grant or deny this variance request, the commission must evaluate the application based on the criteria specified in Section 78-366 (a)(1) of the zoning ordinance:

a) *Applications for variances.*

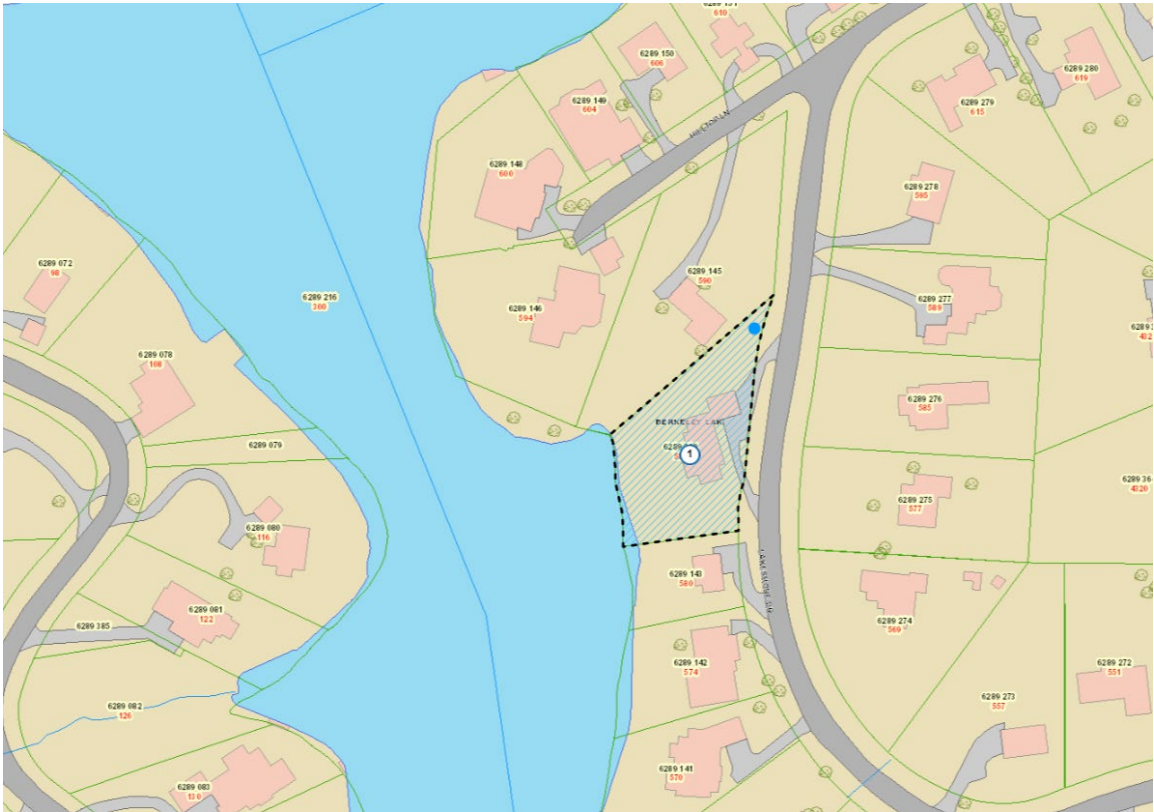
(1) *All applications for variances shall be submitted initially, in writing, to the planning and zoning commission of the city, which shall consider these requests at its next called meeting. The planning and zoning commission may authorize such variance from the terms of this zoning chapter as will not be contrary to the public interest. The spirit of this chapter shall be observed, the public safety, health and welfare secured and substantial justice done. At the hearing, any party may appear in person or have authorized representation. Such variances may be granted in individual cases if the planning and zoning commission finds that:*

- a. *There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and*
- b. *The application of this chapter to this particular piece of property would create an unnecessary hardship; and*
- c. *Such conditions are peculiar to the particular piece of property involved; and*
- d. *Such conditions are not the result of any actions of the property owner; and*
- e. *Relief, if granted, would not cause substantial detriment to the public nor impair the purposes or intent of this chapter; and*
- f. *The variance is granted for a use of land or building or structure that is not prohibited by this chapter.*

SITE PHOTOS



LOCATION MAP



AERIAL PHOTOS





Application for Variance

For Office Use Only	
Application #:	V/AV 23-01
Check #:	3035
Cash:	_____
Date Paid:	1/10/23
P&Z hearing date:	2/14/23
Action:	_____
Appeal filed:	_____
Council hearing date:	_____
Account 100.34.1390.2	
Variance App	\$ 450.00

Part 1: Applicant Information

APPLICANT IS: Owner Agent Attorney

NAME Carl and Elizabeth Lietz DATE January 10, 2023

MAILING ADDRESS 586 Lakeshore Dr.

CITY Berkeley Lake STATE GA ZIP 30096

TELEPHONE 404-788-4442 MOBILE _____ FAX _____

E-MAIL Carl@finchmccranie.com

Part 2: Property Owner Information

NAME(S) Carl and Elizabeth Lietz

MAILING ADDRESS 586 Lakeshore Dr.

CITY Berkeley Lake STATE GA ZIP 30096

TELEPHONE 404-788-4442 MOBILE _____ FAX _____

E-MAIL Carl@finchmccranie.com

Part 3: Property and Use Information

PROPERTY ADDRESS 586 Lakeshore Dr., Berkeley Lake, GA PARCEL ID Lot 71 and part of 72, Plat Book E, Page 250, Land Lot 289, 6th District

PARCEL SIZE 21939 square feet ZONING R-100

EXISTING USE Single Family Residential

I am requesting relief from code section Article VIII, Sec. 78-197, (5)(7) for the purpose of:

Constructing an addition to an existing residential structure. Supplemental documents describe the specific nature of the relief request.

NOTICE: The granting of a Variance does not affect any requirement for a Building Permit for proposed construction.

The following supplemental documentation must be submitted with this application:

- Letter of Intent describing the proposed construction, development or improvements.
- Site Plan showing all existing and proposed improvements on the property.
- Survey of the property

Variance Application: Part 3: Property and Use Information (continued)

Applicant: Please provide written responses to the following items in order to support the request. Attach a separate sheet if necessary:

1) Explain the extraordinary and exceptional conditions pertaining to the size, shape or topography of the subject property; OR if this request is for the expansion of a non-conforming structure, explain whether granting the variance would result in an increase in the non-conforming aspects of the structure.

See attached document for answer

2) Explain how the application of the ordinance to the subject property would create an unnecessary hardship.

See attached document for answer

3) Explain how the conditions are peculiar or unique to the subject property.

See attached document for answer

4) Are the conditions requiring a variance the result of any actions of the property owner? If YES, explain.

See attached document for answer

5) What, if any, detriment to the public or impairment to the purposes of the ordinance would result if the variance were granted.

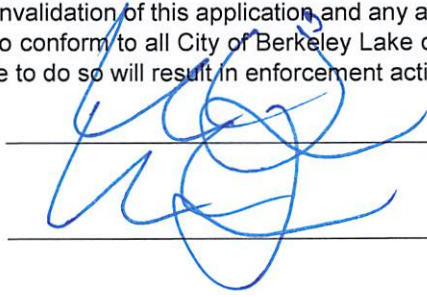
See attached document for answer

6) Is the proposed use of land, building or structure permitted by the zoning ordinance?

See attached document for answer

I hereby make application to the City of Berkeley Lake, Georgia for the above referenced property. I do hereby affirm that the information provided here, above and contained in all material I submit for the purposes of supporting my request for a Variance, to the best of my knowledge is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken as a result of this application. I understand that it is my/our responsibility to conform to all City of Berkeley Lake ordinances in full and obtain any additional permits as may be required and that failure to do so will result in enforcement action taken by the City.

Applicant's Signature _____



Date _____

1/18/23

Owner's Signature _____

Date _____

1/18/23

Answers to Questions 1-6

Question 1

This request is for the modification of a non-conforming structure. With respect to one aspect of this project, we are proposing to remove the gable roof off of the existing, non-conforming garage and replace it with a shed roof to match the pitch and style of the main house roof, substantially improving the contextual appropriateness of the garage and diminishing it's visual impact at the street. Doing so will actually reduce the non-conforming nature of the structure and have an overall positive impact on the view shed of the subject property. In connection with the proposed project, we are also proposing to add additional living space. A large portion of the proposed living space will be built behind the existing garage and only a small portion of the proposed addition will increase the non-conforming nature of the structure. On the whole, however, we believe that all of the work we propose to do will undoubtedly result in a structure that is more visually appealing to the Berkeley Lake community, less non-conforming than the current structure (at least from a visual standpoint) and have far less of an impact than potential alternatives that we believe could be built without obtaining a variance.

Question 2

The application of the ordinance would create an unnecessary hardship because it would prevent us from reducing the non-conforming nature of an existing structure (the garage) and not allow us to add additional living space behind the garage and adjacent to the garage. The current garage sits in front of the house, well within the current set back requirement of 65 feet. Presumably, the garage was built well before any front set back limitations were enacted. If the ordinance were strictly applied, it would prevent us from lowering the pitch of the roof (which makes the structure less non-conforming) and from building an addition behind the existing garage. Not allowing both of these things to occur creates an unnecessary hardship.

Question 3

As noted above, the current garage was built in front of the house, presumably before the City of Berkeley Lake enacted a 65 foot front set back requirement. Moreover, the current gable roof on the garage has a very high pitch and stylistically does not match the character of the main house. Accordingly, the placement of the garage and the pitch of the roof create a peculiar condition that is far from ideal. Reducing the pitch of the roof, while at the same time building an addition (most of which will be behind the existing garage) will reduce the peculiar nature of the current situation.

Question 4

We purchased this property in September 2022 and have not undertaken any exterior improvements on the property. The structures on the property are as they were when we purchased it so we are not responsible for any of the non-conforming conditions on the property.

Question 5

Granting the variance would not result in any detriment to the public or impairment to the purposes of the ordinance. In fact, just the opposite is true. In other words, if the variance is granted, the resulting structure would be more visually appealing to the Berkeley Lake community, less non-conforming than the current structure (at least from a visual standpoint) and have far less of an impact than potential alternatives that we believe could be built without obtaining a variance. (See question enclosed letter of intent and question 1 above).

Question 6

With this variance application, we are primarily seeking relief from the front yard setback in order to reduce the negative visual impact of the non-conforming existing garage, and to build an addition, the overwhelming majority of which will be behind the existing garage and compliant with the front yard setback requirement. Secondly, and if the front yard setback relief is approved, we are seeking side yard setback relief for minor encroachment of roof eaves only. Aside from these relief requests, the proposed structure is permitted by the zoning ordinance.

January 10, 2023

City Administrator
City of Berkeley Lake
4040 S. Berkeley Lake Road
Berkeley Lake, GA 30096

Re: Letter of Intent, Application for Variance, 586 Lakeshore Drive

Dear Ms. Threadgill:

Please consider this as our letter of intent in connection with our application for variance.

My wife, Elizabeth, and I purchased the home at 586 Lakeshore Drive in the fall of 2022. We have two boys and a dog. Before purchasing the home, we rented the home at 510 Lakeshore Drive for approximately 18 months. After living on the lake for a few months, we fell in love with the Berkeley Lake community and we were determined to find a home of our own. We really love our new home and plan on staying there indefinitely. And we appreciate all of the hard work that the previous homeowners made to make our new home so nice. However, we believe there are two problems with the home that we would like to address.

First, the garage was built in front of the home, well within the 65 foot front setback requirement. Presumably, the garage was built before the enactment of the 65 foot front set back ordinance. In addition, the pitch on the garage roof is very high, and somewhat imposing and peculiar given the location of the garage. After purchasing the home, we hired an architect to explore the possibility of moving the garage, perhaps to a location that would make the garage a conforming structure. Moving the garage to another location is just not feasible. However, through the design process we continued to look at ways to reduce the impact of the non-conforming garage and we believe that we have identified a very good alternative. Under the current proposal, we would remove the roof of the garage and build a new roof with a substantially reduced pitch. As you will see from reviewing photos of the current garage and comparing those photos to the proposed design, the new design will result in a structure that is more visually appealing to the Berkeley Lake community, less non-conforming than the current structure (at least from a visual standpoint) and have far less of an impact than potential alternatives that we believe could be built without obtaining a variance.


The second problem that we would like to address with our new home relates to the number of bedrooms and bathrooms in the home. As I mentioned above, we are a family of four. Although the home is listed as a three bedroom two bathroom home, one of the three bedrooms is not what one would consider a traditional bedroom. In fact, that particular room has very little closet space and in order to get to one of the other bedrooms, one must walk through this room. Therefore, we are proposing to add an additional bedroom and an additional bathroom. We previously obtained approval from the Gwinnett County Environmental Health Department to redesignate the current walk through "bedroom" and to build an addition with a new bedroom. Importantly, as you all will see from reviewing the materials we enclosed with our application, the proposed addition is mostly conforming and tucked behind the existing garage. However, under our proposal,

City Administrator
January 10, 2023
Page 2

approximately 304 square feet of the new structure would be built within the front set back. However, of this 304 square feet of new space, 240 square feet of that new space would be built directly behind the existing garage and therefore will be less visible. Aside from the requested relief outlined above our proposed project is compliant with all of the other limitations imposed by the various ordinances, such as lot coverage, building coverage, etc.

Thank you for considering our application for a variance. To the extent you have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Lietz', with a long horizontal line extending to the right from the end of the signature.

Carl Lietz

**LIETZ RESIDENCE
586 LAKESHORE DR.
BERKELEY LAKE, GA 30096**

**APPLICATION FOR VARIANCE -
SUPPLEMENTAL DOCUMENTATION**

2023.01.10



EXISTING CONDITION

APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION

LIETZ RESIDENCE; 586 LAKESHORE DR.

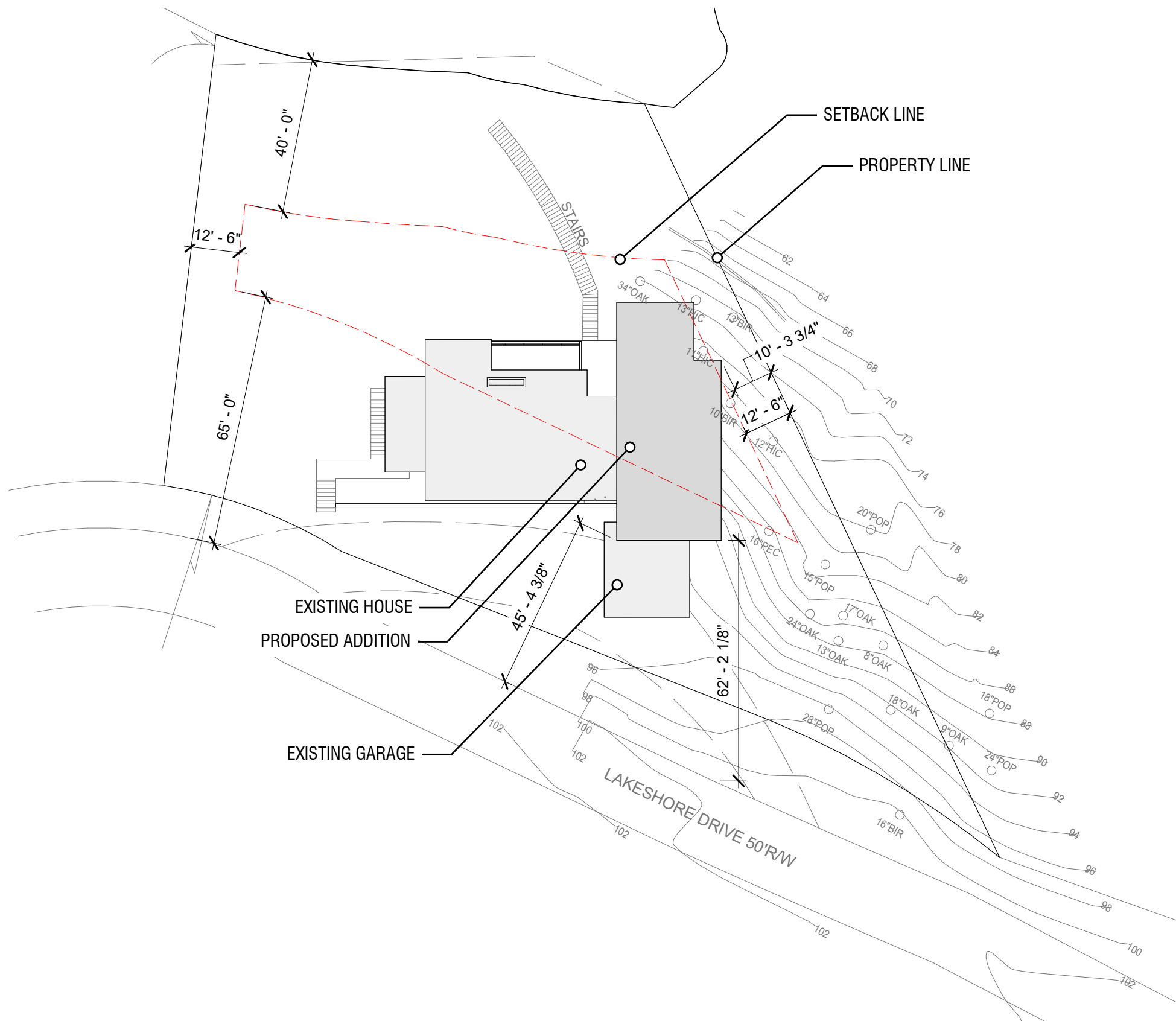
LOT: 21938 SF
 LOT COVERAGE MAX: 30% (6581 SF)
 BUILDING COVERAGE MAX: 20% (4388 SF)*

EXISTING LOT COVERAGE 5003 SF (22.80%)
 EXISTING BUILDING COVERAGE 2115 SF (9.64%)

SCHEME ADD. LOT SF: 1345 SF (6.13%)
 SCHEME ADD. BUILDING COV. SF: 1260 SF (5.74%)

TOTAL PROPOSED LOT COVERAGE: 6348 SF (28.94%)
 TOTAL PROPOSED BLDG. COVERAGE: 3375 SF (15.38%)

*15% Except when no structure on the lot exceeds 25 feet in height on a level lot, 25 feet in height at the front and 35 feet in height at the rear on a downward sloping lot, or 35 feet in height at the front and 25 feet in height at the rear on an upward sloping lot, the maximum lot coverage shall be permitted to be 20 percent (20%)



SITE PLAN (1" = 30')

APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION

LIETZ RESIDENCE; 586 LAKESHORE DR.

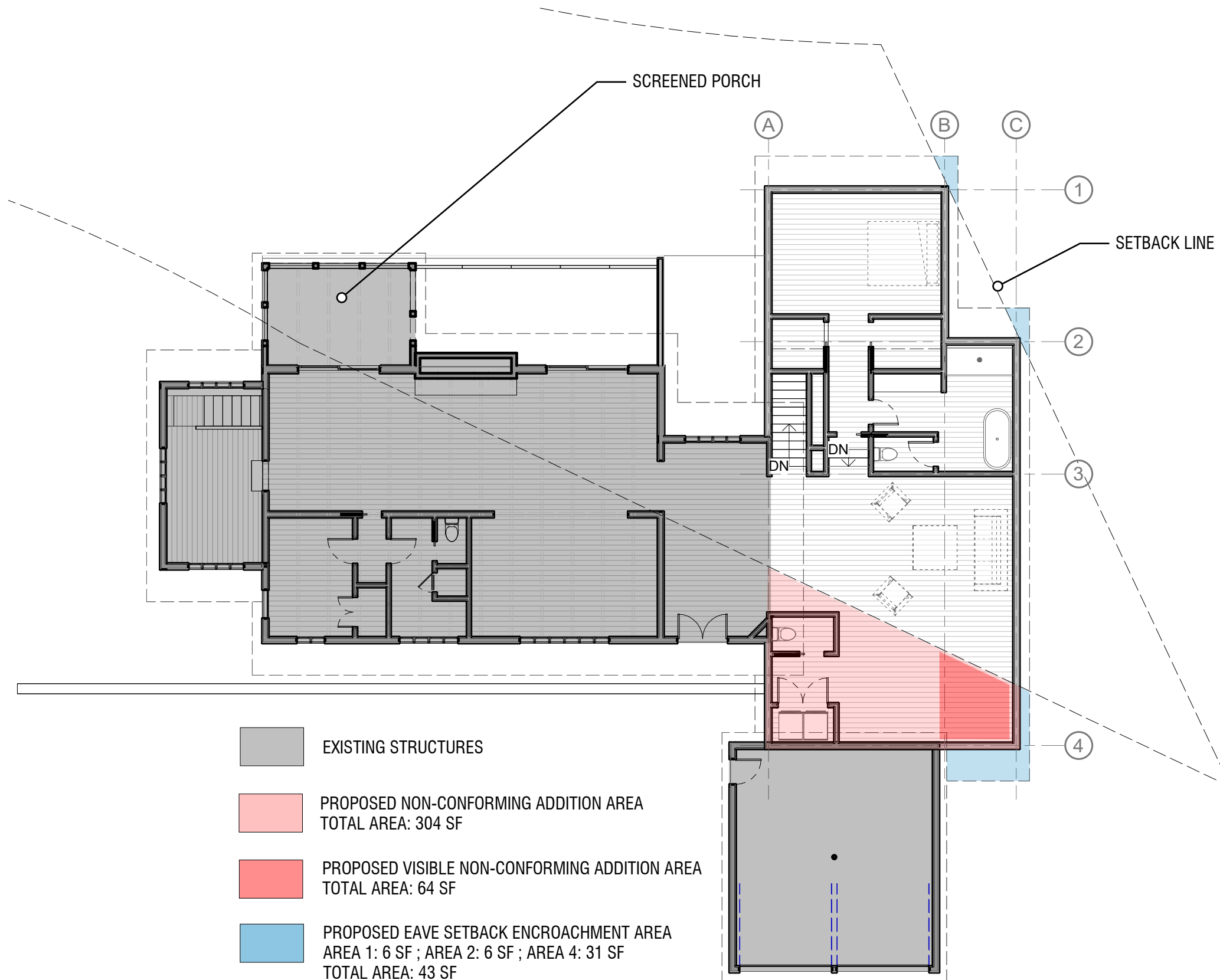
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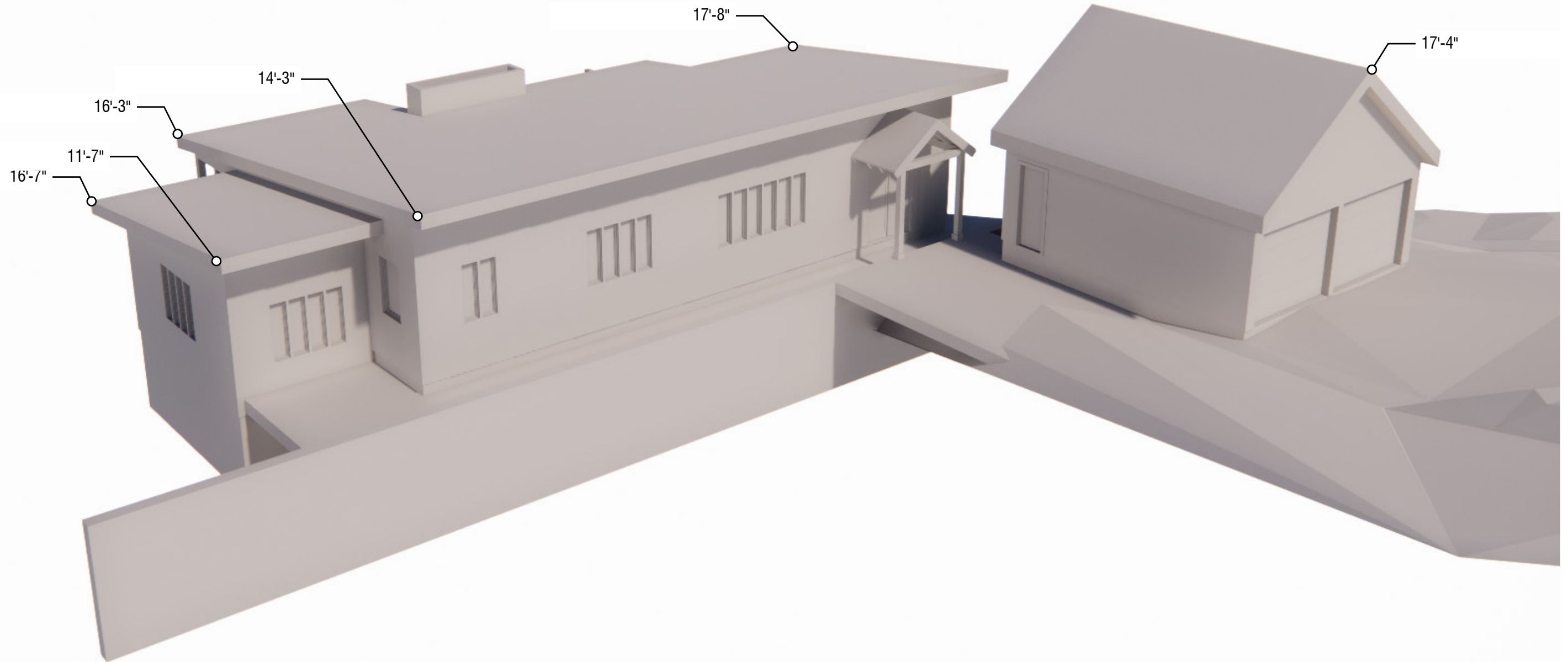


FLOOR PLAN (3/32" = 1'-0")

APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION

LIETZ RESIDENCE; 586 LAKESHORE DR.

ALL BUILDING HEIGHTS ARE MEASURED TO FINISHED OR UNFINISHED GRADE DIRECTLY BELOW MEASURED POINT

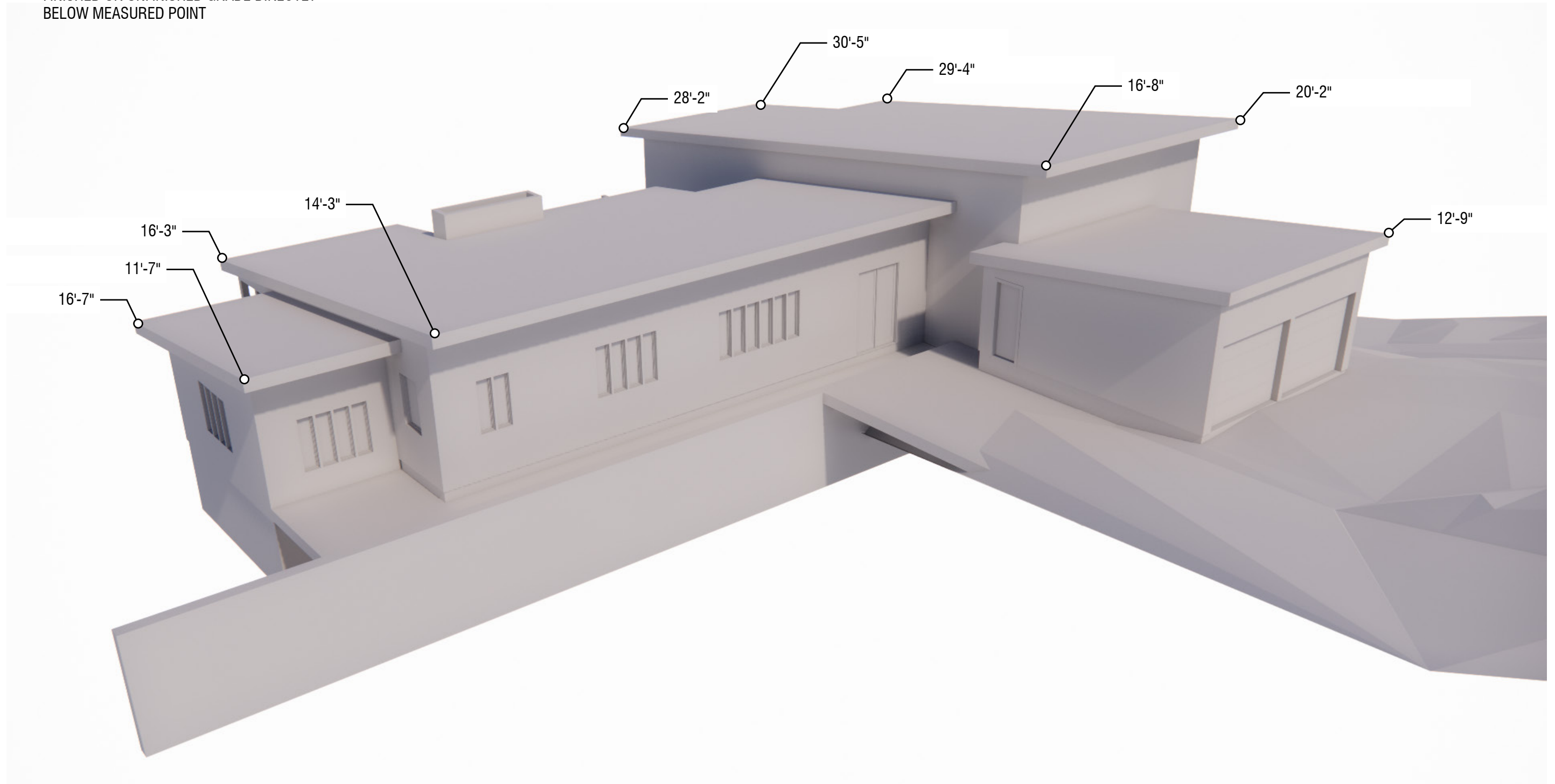


EXISTING CONDITION

APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION

LIETZ RESIDENCE; 586 LAKESHORE DR.

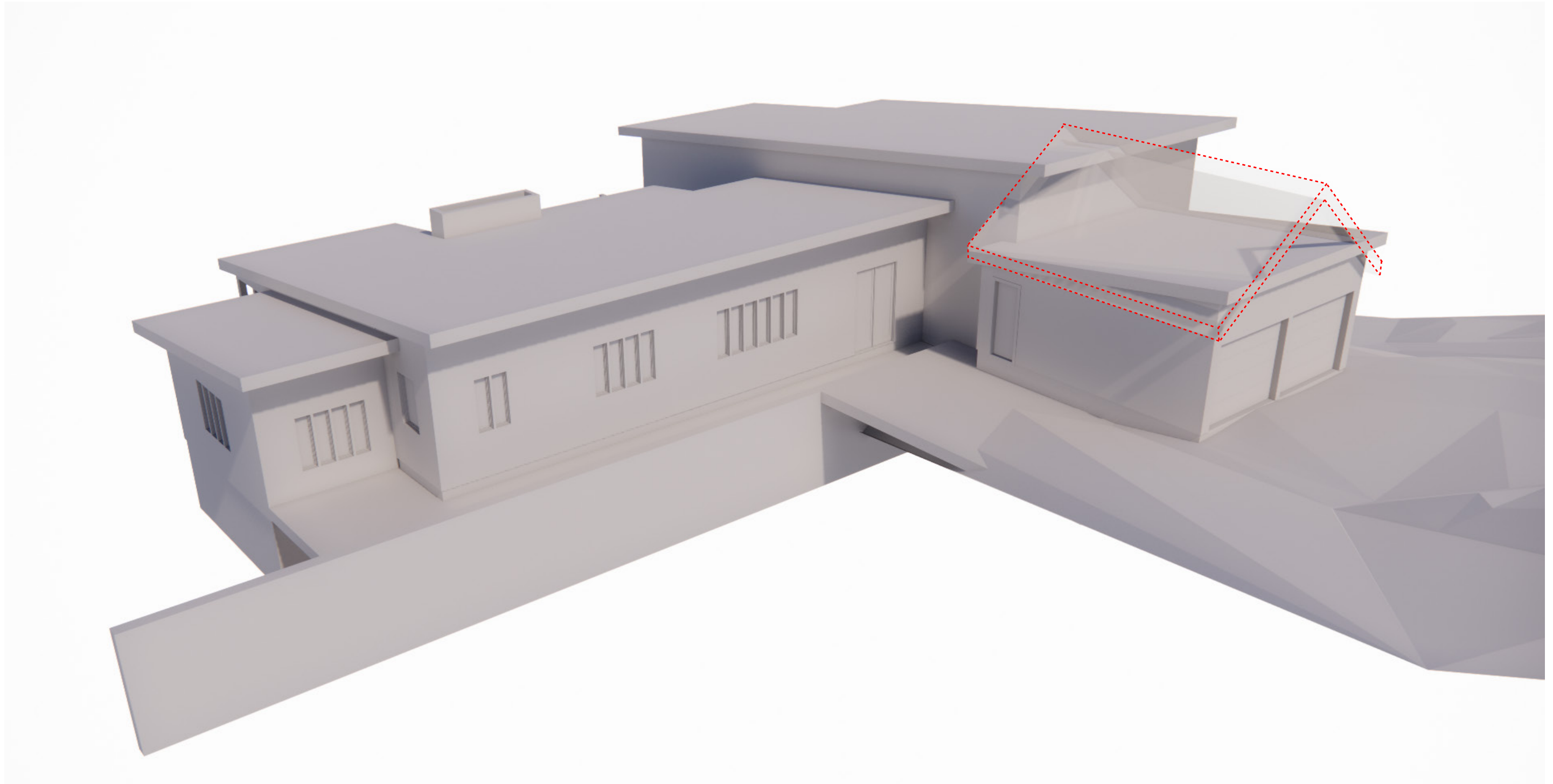
ALL BUILDING HEIGHTS ARE MEASURED TO FINISHED OR UNFINISHED GRADE DIRECTLY BELOW MEASURED POINT



PROPOSED CONDITION

APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION

LIETZ RESIDENCE; 586 LAKESHORE DR.



PROPOSED CONDITION - WITH EXISTING GARAGE ROOF OVERLAY
APPLICATION FOR VARIANCE - SUPPLEMENTAL DOCUMENTATION
LIETZ RESIDENCE; 586 LAKESHORE DR.

**City of Berkeley Lake
Staff Analysis**

CASE NUMBER:	PZTA-23-03, O-23-247
CODE SECTIONS:	78-196
PURPOSE:	AMENDMENT TO SEC. 78-196, PERMITTED USES, IN THE R-100 DISTRICT TO ALLOW THE RAISING OF POULTRY UNDER CERTAIN CONDITIONS
MEETING DATE:	MARCH 21, 2023 P&Z COMMISSION

BACKGROUND:

The City of Berkeley Lake adopted O-188-15, an amendment to Chapter 10, *Animals*, on September 17, 2015. This amendment repealed many city code sections and adopted by reference the Gwinnett County Animal Control Ordinance, which does not provide specific regulations governing the keeping of poultry. Gwinnett County animal control regulations pertaining to livestock (which expressly includes fowl) are attached.

Gwinnett County regulates livestock further in the Unified Development Code by zoning district. Specifically, livestock (which includes fowl) for personal use is allowed in the four single-family residential zoning districts according to the following supplemental use standards. *In non-agricultural zoning districts: the raising and keeping of livestock for personal pleasure or utility on a parcel which contains the dwelling of the owner of the livestock is permitted, provided that the parcel is at least 3 acres in area and all animal quarters are located no closer than 100 feet to any property line.* While the city's Animal Ordinance references the Gwinnett County Animal Ordinance, it does not extend to the supplemental use standards found in the Gwinnett County Unified Development Ordinance. Therefore, the requirements above do not pertain to Berkeley Lake.

Interest in raising chickens has come up from time to time among citizens of Berkeley Lake. Prior to 2015, there was a prohibition on keeping chickens that was instituted in 2006 following a code enforcement issue with roosters causing a public nuisance in River Mansions. The code change in 2015 inadvertently and unintentionally removed the prior 2006 prohibition. With the increase in citizen interest, staff recommends adopting specific standards that will govern raising poultry.

PROPOSAL:

Staff surveyed codes from around the county and metro Atlanta area to ascertain how other local governments regulate the raising/keeping of poultry. The following cities/counties were reviewed: Alpharetta, Auburn, Brookhaven, Dacula, Duluth, Gwinnett County, Johns Creek, Norcross and Peachtree Corners. Regulations varied across the cities/counties that were examined, but there are common themes which deal with minimum lot size, setbacks, enclosures, number of animals, prohibition of roosters, prohibition of slaughter and sanitation/drainage considerations. The proposed regulations are intended to provide for situations where poultry may be allowed while mitigating the impact on surrounding areas.

Sec. 10-10. Livestock.

- (a) All livestock shall be properly housed with adequate food and adequate water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. Owners of such livestock shall be liable for any damage, accidents or injuries. Such maintenance shall include, but not be limited to, repair or replacement of anchor post assemblies whenever they show signs of weakness, refastening loose wires to posts, splicing broken wires when necessary, and keeping the fence wires properly stretched. Those who provide boarding/pasturing space and/or services for hire shall have the responsibility for enclosure maintenance as described in this subsection.
- (b) No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- (c) Owners or possessors of livestock impounded for violation of this chapter or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- (d) Impounded livestock shall be held for a period of ten days. If such impounded animals are not claimed by the owner during that period of time, the animals may be given to persons willing to accept them, in the discretion of the department of community services. Section 10-46(a) pertaining to profit shall not apply to any person(s) accepting livestock from the county. Person(s) accepting livestock from the county are allowed to sell the animal or harvest the animal for consumption. Any livestock that was captured by the use of tranquilizers or darting drugs are not allowed to be harvested for consumption.

(Ord. No. AW-2020(GCID: 2020-1254) , Exh. B, 12-15-2020)

Sec. 78-196. Permitted uses.

In residence district R-100, the following uses are permitted:

- (1) Single-family detached dwellings, except mobile homes and modular homes.
- (2) Customary accessory buildings and uses. See section 78-89.
- (3) Boathouses, docks and boat landings on lots adjoining Lake Berkeley proper, subject to the provisions of section 78-89(g).
- (4) Public outdoor recreation.
- (5) Religious institution.
 - a. Located on a major or connecting street or a state highway on a site of not less than three acres.
 - b. The buildings are located not less than 100 feet from any street or any side property lines.
 - c. A buffer strip at least 25 feet wide is provided along the side and rear property lines but not extending into the required front yard, planted to meet the requirements of Chapter 42 - Natural Resources, Article VII - Buffers, Landscape and Trees, Division 2 - Buffer Regulations.
- (6) Public buildings and land uses.
 - a. Such use shall be located on a major collector street or state highway on a site of not less than one acre.
 - b. Buildings shall be located at least 50 feet from all property lines.
 - c. Where abutting property that is zoned residential, a buffer at least 25 feet wide shall be provided. Buffers shall be planted to meet the requirements of Chapter 42 - Natural Resources, Article VII - Buffers, Landscape and Trees, Division 2 - Buffer Regulations.
 - d. Such uses shall require city council approval.
- (7) Open air market, subject to city council approval.
 - a. Such use must be located in conjunction with an existing religious institution.
 - b. Such use shall be located on and have access from a major collector street or state highway on a site of not less than one acre.
 - c. At least two off-street parking spaces per vendor booth shall be provided on site.
 - d. Vendor booths shall be set back at least 50 feet from all property lines.
 - e. A site plan, drawn to scale, shall be submitted indicating the location of vendor booths and off-street parking.
 - f. The market shall not operate more than 120 hours a year.
 - g. Operating hours, including set-up, break-down and clean-up, shall be limited to not more than five hours a day once a week and shall occur between the hours of 7:00 a.m. and 9:00 p.m.
 - h. Such use shall follow Georgia Department of Agriculture guidelines, rules and regulations.
 - i. Vendor booths shall be set up and taken down on the day that the market operates.
 - j. The market manager/organizer shall obtain a city business license/occupation tax certificate prior to beginning market operation.

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- k. Such use shall require a permit to be granted by city council. Requests for permits shall be made on applications available in the office of the city clerk. Permits shall expire on December 31 of the year in which they were issued.

(Ord. No. O-118-10, § 1, 10-21-2010; Ord. No. O-143-12, 4-26-2012)

- (8) Poultry. The raising and keeping of poultry for egg-laying or as a pet subject to the following:
 - a. The lot contains at least 0.75 acres (32,670 square feet).
 - b. The lot contains the dwelling of the owner of the poultry.
 - c. The poultry is located in the rear yard in a fenced enclosure or coop no closer than 25 feet to any side or rear property line and 40 feet from the shoreline of Lake Berkeley.
 - d. All places wherein poultry are kept shall maintain drainage or detention sufficient to prevent standing water in yards or pens and to prevent waste products from entering storm drains, lakes, rivers or streams, sewer lines or neighboring property.
 - e. The number of poultry or other fowl shall not exceed five per lot.
 - f. Roosters are prohibited.
 - g. Slaughtering is prohibited.

Editor's note(s)—Ord. No. O-118-10, § 1, adopted Oct. 21, 2010, repealed § 78-196 in its entirety and enacted new provisions to read as herein set out. Prior to amendment § 78-196 pertained to similar subject matter. See Code Comparative Table for derivation.