

**AGENDA**  
**CITY OF BERKELEY LAKE**  
**PLANNING & ZONING COMMISSION**  
**DECEMBER 10, 2024 at 7:15 PM**  
4040 South Berkeley Lake Road  
Berkeley Lake, GA 30096

**I. CALL TO ORDER**

**II. APPROVAL OR CHANGES TO THE AGENDA**

**III. APPROVAL OF MINUTES**

a) September 10, 2024

**IV. OLD BUSINESS**

**V. NEW BUSINESS**

a) PZTA-24-09 – Amendment to Sections 78-3, 78-300 and 78-301 of the Zoning Ordinance to Clarify GC-A requirements.

**VI. CITIZEN COMMENTS**

**VII. DISCUSSION SESSION**

**VIII. ADJOURNMENT**

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
DRAFT MINUTES  
SEPTEMBER 10, 2024  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:                    Barbara Geier  
    Dan Huntington  
    George Kaffezakis  
    Rand Kirkus

City Officials:                             Leigh Threadgill - City Administrator

Citizens Present:                         1

**I. CALL TO ORDER**

Huntington called the meeting to order at 7:15 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**

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

**Kaffezakis moved to approve the agenda as submitted. Geier seconded and all voted to approve the agenda.**

**III. MINUTES**

1. Minutes of August 13, 2024

**Kirkus moved to approve the minutes of the August 13<sup>th</sup> meeting. Kaffezakis seconded and all voted to approve the minutes.**

**IV. OLD BUSINESS**

There was no old business to discuss.

**V. NEW BUSINESS**

a) PZV 24-07, 266 Lakeshore Drive – Variance to Sec. 78-197(6), elimination of 40-foot rear yard setback to build a ramp/walkway from the house to the boathouse rooftop deck

Huntington recognized the application and invited him to provide any additional information he wanted to be considered in the evaluation of this variance request.

Jeff Glynn, 266 Lakeshore Drive, indicated he was expecting elderly parents to be moving in with them over the next couple of years. They enjoy the lake and would have an accessibility issue without the proposed ramp. There are existing grandfathered stairs that are proposed for removal and replacement with the proposed ramp. He asked for the ramp/walkway to be considered like stairs to access the top of the dock.

Kaffezakis asked if the prior variances that were approved created a situation where this variance was needed. Glynn responded that that is true because one of the prior variances made the dock possible.

Kaffezakis asked how the elderly parents would access the house given that there are steps to get up into the house. Glynn indicated he would need to build ramps for entry into the house.

Geier asked how high the rails are on the ramp. Glynn responded they are 36 inches high, which is required by the building code.

There was discussion about ADA requirements and the slope of the ramp. Kaffezakis noted that ADA doesn't apply because this is residential, but the ADA standard for slope of a ramp/walkway is 1:12.

Huntington noted that he visited the site by boat and understands why the ramp is desirable. He noted it is a big ask because no request like this has ever been granted before in his time on the commission. There might be other homes that would want to do something similar.

There was discussion about the supporting structure under the ramp.

Kaffezakis discussed the usability of the property without granting this variance and the variance history on the lot that created the situation resulting in the need for this variance request. It is difficult to justify this given the variance criteria and the possibility of setting a precedence for this type of request.

Huntington explained that the need for this variance request is due to the design of the boathouse that the applicant recently built. If the dock had been constructed differently, this variance wouldn't be necessary. One of the standards for variances is that the need not be caused by the actions of the property owner, and in this case, it was the action of the property owner that created the need for the variance.

There was further discussion.

**Kaffezakis moved to deny the request as submitted. Kirkus seconded the motion. All were in favor and the motion passed.**

#### **VI. CITIZEN COMMENTS**

There were no comments.

#### **VII. DISCUSSION**

There was no discussion.

#### **VIII. ADJOURNMENT**

**There being no further business, Kaffezakis moved to adjourn. Kirkus seconded the motion. All were in favor. Huntington adjourned the meeting at 7:41 PM.**

Respectfully submitted,

---

Leigh Threadgill  
City Administrator

**City of Berkeley Lake  
Staff Analysis**

|                |                                   |
|----------------|-----------------------------------|
| CASE NUMBER:   | PZTA-24-09, O-24-255              |
| CODE SECTIONS: | 78-3, 78-300 and 78-301           |
| PURPOSE:       | GC-A USE REGULATION CLARIFICATION |
| MEETING DATE:  | DECEMBER 10, 2024 P&Z COMMISSION  |

**PURPOSE:**

---

To clarify certain use provisions in the GC-A zoning district.

**BACKGROUND:**

---

In 2011, the intent upon annexation of the commercial areas, which were zoned to the Gwinnett County-Annexed category, was to bring forward the zoning regulations governing the annexed properties in existence immediately prior to annexation so that commercial property owners would experience little to no difference in zoning regulations governing their property as a result of annexation. However, over time, the county has revised and updated zoning standards so that the zoning standards in place at the time of annexation are now obsolete. The proposed amendment PZTA-24-09 is intended to address some of those uses that did not exist at the time of annexation or were permitted by Gwinnett County differently then than they are now.

Staff along with TSW, the consultant team working to update the city's zoning and development regulations, are evaluating alternatives to relying on outdated regulations and ultimately intend to propose a Unified Development Code to regulate land use and development in both the residential and commercial areas.

ORDINANCE NO. 24-25~~53~~

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO AMEND CHAPTER 78. “ZONING,” SECTIONS 78-3, DEFINITIONS, SECTIONS 78-300, REGULATION OF LANDS IN THE GC-A ZONING DISTRICT, AND 78-301, DEVELOPMENT OF PROPERTIES IN THE GC-A ZONING DISTRICT, TO CLARIFY UNDERLYING ZONING STANDARDS APPLICABLE TO PROPERTIES WITHIN THE GWINNETT COUNTY – ANNEXED ZONING DISTRICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

SECTION I.

IT IS HEREBY ORDAINED, by the governing authority of the City of Berkeley Lake that Chapter 78 of the Code of Ordinances, entitled “Zoning,” shall be amended as follows:

a. Subsection 78-3 shall be amended by adding the following definitions:

*Convenience store with or without fuel pumps*, A facility that offers for sale, prepackaged food items and tangible consumer goods, primarily for self-service by the customer. This facility may be associated with the sale of gasoline products but does not include automotive service stations or vehicle repair shops.

*Hookah Bar or Lounge*, An establishment wherein a single or multi-stemmed water pipe and/or any associated products, devices, and equipment are used to produce fumes, smoke, and/or vapors intended to be inhaled or exhaled, from the burning of any organic or synthetic material including, but not limited to plants, herbs, tobacco related objects, alternative nicotine products, vapor products, or shisha. The term applies to any establishment where such activity is a principal or accessory use.

*Noxious manufacturing or industrial uses*, (1) A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process: caustic or corrosive acids, chlorine or other noxious gases, explosives, fertilizer or glue, products involving hair or fur; or (2) A manufacturing or industrial activity that involves any of the following: tanning or finishing of leather or other hides, except taxidermy, petroleum refining, rendering or refining of fats and oils, and wood preservation.

*Vape/CBD Shop*, A commercial establishment which, as one of its principal business activities, offers for sale or rental of any alternative nicotine product, vapor product items, and/or hemp product items. A “principal business activity” exists where the commercial establishment meets any one ore more of the following criteria:

- (a) The establishment regularly offers for sale or rental of 1,000 said items; or
- (b) At least 25 percent of the establishment's revenues derive from the sale or rental of said items; or
- (c) The establishment maintains at least 25 percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- (d) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor space" maintained for the display, sale, or rental of said items); or
- (e) The establishment regularly makes said items available for sale or rental and holds itself out, in any medium, as an establishment that caters to customer interest in alternative nicotine products or vapor products.

- b. Subsection 78-300 shall be amended by deleting the title and text thereof in its entirety and inserting in lieu thereof the following:

78-300 Regulation of lands in the GC-A zoning district.

Any properties zoned Gwinnett County-Annexed (GC-A) as shown on the official zoning map, unless otherwise specifically approved by the Berkeley Lake mayor and city council, shall be subject to the property-specific conditions of zoning or special use permit approval, or both, adopted by the Gwinnett County Board of Commissioners by resolution which applied to said properties at the time they were zoned, or the special use was permitted, in unincorporated Gwinnett County immediately prior to annexation. The official Gwinnett County zoning and special use permit files of properties so annexed shall become official files of the City of Berkeley Lake and shall be maintained by the city clerk, and said conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners as adopted and applied by the City of Berkeley Lake, shall constitute the zoning regulations governing said properties. Further, ~~any~~ properties zoned Gwinnett County – Annexed (GC-A) as shown on the official zoning map shall be subject to those provisions of the zoning district of Gwinnett County's Zoning Resolution which applied to the property immediately prior to annexation, except as otherwise noted in subsection 78-301 below.

- c. Section 78-301 shall be amended by deleting the title and text thereof in its entirety and inserting the in lieu thereof the following:

78-301. Development of properties in the GC-A zoning district.

(a) Properties in the GC-A district shall be developed and used consistent with those uses permitted in the Gwinnett County zoning district classification which applied to the property immediately prior to annexation, except as follows:

(1) Hookah/Vapor Bars or Lounges shall be prohibited.

(2) Vape/CBD Shops shall be prohibited.

(3) - Convenience Stores with or without fuel pumps shall be prohibited.

(4) Noxious manufacturing and industrial uses shall be prohibited.

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

- (1) The property-specific conditions of zoning adopted by the Gwinnett County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (2) The property-specific conditions of special use approval adopted by the Gwinnett County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated Gwinnett County immediately prior to annexation.
- (3) Any modification of zoning or special use permit conditions granted by the Gwinnett County Board of Commissioners by official action which are part of the official Gwinnett County files for said property on record with the city clerk.
- (4) Any property-specific variances granted by the Gwinnett County Board of Zoning Appeals and which are a part of the official Gwinnett County files for said property on record with the city clerk.
- (5) Any property-specific modification of zoning or special use permit conditions approved by the Berkeley Lake mayor and city council through formal action at a regular meeting prior to the effective date of this Zoning Ordinance, on record with the city clerk.
- (6) In reviewing a development proposal for compliance with the zoning regulations of the GC-A zoning district, questions may arise as to what other additional dimensional requirements or use regulations apply. In certain cases, the city clerk may not be able to resolve such questions by relying on the zoning or special use permit conditions and any applicable variances or modification of said conditions alone. For example, a building on a site plan approved as a condition of zoning or special use permit



approval may not be shown with enough specificity to determine the maximum building height or setbacks that apply to the proposed building. As another example, questions may arise as to whether the use provisions allow for an accessory building, structure, or use on the subject property that is not shown on the site plan approved as a condition. In such instances where questions about development permissions cannot be resolved by applying the above provisions (1) through (5) of this section, the city clerk shall apply regulations of the Berkeley Lake zoning district established in this Zoning Ordinance which most closely resembles the zoning district of Gwinnett County's Zoning Resolution which applied to the property immediately prior to annexation, as more particularly shown below:

| Gwinnett County Zoning District | Berkeley Lake Zoning District Which Shall Apply When Questions Arise Under Terms of this Section as They Relate to Dimensional Requirements and Accessory Buildings, Structures, and Uses |
|---------------------------------|---|
| M-1, Light Industry             | M-1, Light Industrial   |
| M-2, Heavy Industry             | M-1, Light Industrial   |
| C-1, Neighborhood Business      | C-1, Neighborhood Business  |
| C-2, General Business           | C-1, Neighborhood Business  |
| O-I, Office – Institutional     | O-I, Office - Institutional   |
| R-ZT, Single-Family Residence   | R-100, Single-Family Residence  |
| R-100, Single-Family Residence  | R-100, Single-Family Residence  |

(7) *Exceptions.*

- (a) Notwithstanding any provision of the Peachtree Corners Overlay District, as established by the Gwinnett County Zoning Resolution, to the contrary, inflatable and temporary signage in conformance with Chapter 62 of this Code shall be allowed.

SECTION 2:

Should any article, section, subsection, paragraph, clause, phrase or provision of this ordinance be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

SECTION 3:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall be effective upon adoption.

Passed and adopted by the Mayor and Council on this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
LOIS D. SALTER  
Mayor

ATTEST:

\_\_\_\_\_  
LEIGH THREADGILL  
City Clerk

Planning Commission

Consideration: ~~August 13~~ December 10, 2024

1<sup>st</sup> Reading: ~~August 22~~ December 11, 2024

2<sup>nd</sup> Reading: ~~September 19~~ January 16, 2024

Council Adoption: ~~September 19~~ January 16, 2024