

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PLANNING AND ZONING COMMISSION  
APRIL 15, 2009**

**PLANNING AND ZONING MEMBERS:** Present: Pete Charpentier, Earl Mitchell, Anthony Manners, Joy Mitchell and Jodi Nevels. Staff members present: Josh Campbell, Matthew Dickison and MaryAnn Jackson..

**CALL TO ORDER**

Chairman Pete Charpentier called the meeting to order at 6:43 pm.

**ADOPTION OF THE AGENDA**

*Earl Mitchell moved to adopt the agenda as presented, second by Jodi Nevels. Motion carried 5-0.*

**ADOPTION OF THE MINUTES: February 3, 2009 and March 3, 2009**

*Joy Mitchell moved to approve February 3, 2009 minutes as presented, second by Jodi Nevels. Motion carried 5-0.*

*Jodi Nevels moved to approve March 3, 2009 minutes as presented, second by Earl Mitchell. Motion carried 3-0-2(Joy Mitchell and Anthony Manners abstained).*

**PROCEDURES FOR PUBLIC MEETING**

Pete Charpentier read the procedures for the Public Meeting for the record.

**OLD BUSINESS**

**NEW BUSINESS**

**AMD-2009-002** – A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article III Definitions and Article VI General Development Regulations to create Section 616. Home Occupations. This section will regulate home base businesses located within the city.

Josh Campbell presented the amendment as attached (see attached).

Joy Mitchell asked Josh Campbell what brought about the proposed change. Josh Campbell explained that clearer standards are needed to provide more guidance. The City of Suwanee would like to cultivate home businesses so they can grow into an office suite without as much risk.

Pete Charpentier asked how many home occupations exist in the city limits. Josh Campbell indicated there are approximately 374 home occupations that are current. Pete Charpentier asked how many complaints the City of Suwanee receives related to home occupations. Josh Campbell stated there are about 2 per year.

Anthony Manners asked if subdivision covenants cover some of the home occupation issues. Josh Campbell stated this was not put together with subdivision covenants in mind. It is the home owner's obligation to understand the subdivision covenants.

Discussion ensued amongst the Planning Commission and staff regarding number of employees, visitors, accessory buildings, neighborhood covenants, business vehicles and signage.

Earl Mitchell called for recess at 7:58 pm. Meeting reconvened at 8:02 pm.

*Anthony Manners moved to approve AMD 2009-002 with following changes, second by Earl Mitchell. Motion carried 5-0 ((additions = bold, deletions = strikethrough).*

## Exhibit 'A'

### ARTICLE III. DEFINITIONS

Home Occupation. An occupation customarily carried on within a dwelling **or accessory building** unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit, using equipment customarily used for household purposes and involving no display of articles or products. ~~A customary home occupation includes no more than two business related visitors at a time.~~ **The residential character of the building is to be maintained and the occupation is to be conducted in such a manner as not to give an outward appearance of a business.**

### SECTION 616. Home Occupations.

- A. Intent and Purpose. It is the intent and purpose of this article to provide for certain types of restricted occupational uses within residences. Only such uses will be allowed which:
1. Are incidental to the use of the premises as a residence;
  2. Display little or no outward signs of a business other than those which would commonly be found in a residential district.
  3. **The business cannot infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.**
- B. Application Procedures. Home occupations that operate under the standards set forth in this section may not commence until receipt of a Home Occupation License as approved by the Finance Department and Planning and Inspections Department **and shall be renewed on an annual basis.**

- C. Home Occupation Standards. Home Occupations shall be permitted in all residential zoning districts, as well as residences in PMUD and OTCD districts. In addition to the limitations imposed on “Home Occupations” under “Article III. Definitions”, the following requirements shall be met:
1. No more than 25 percent of the dwelling unit may be used for conducting the home occupation. **If an accessory building, that building shall not occupy more than 5% of the total lot area or 800 square feet, whichever is less.**
  2. **A customary home occupation includes no more than two (2) business related visitors at a time.** The home occupation shall not be open to the public or receive deliveries earlier than 8:00 a.m. or later than 8:00 p.m., excluding routine residential type carriers. **The home occupation shall not generate objectionable traffic. No advertising display or sign on the premises.**
  3. ~~Home occupations shall be limited to a maximum of 2 business related visitors at any time. Business related visitors include but are not limited to employees, business partners, contractors, subcontractors, clients, customers, students, etc.~~
  3. **It is the responsibility of home occupation applicants to be aware of their obligations to understand and comply with all applicable federal, state, and local laws, ordinances, regulations, and/or licensing requirements that may apply to their home occupation.**
  4. **It is the obligation of home occupation applicants to be aware of any neighborhood covenants that may apply to their home occupation. Issuance of a home occupation license by the City does not constitute an endorsement that all other regulations and/or covenants have been met.**
  5. ~~One business vehicle used exclusively by the resident is permissible. This vehicle shall be no larger in size than a pick-up truck, panel truck or van nor have a carrying capacity of more than one and one half tons. Said vehicles shall be parked in compliance with all applicable residential and on-street parking requirements.~~
  5. A home occupation shall produce no offensive noise, vibration, smoke, dust, odors, or heat. No equipment or process shall be used in a home occupation which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in the line voltage off premises.

6. The home occupation shall be clearly incidental and secondary to the use of the dwelling. No additions or alternations to the dwelling unit or lot shall be permitted that change the residential appearance of the premises. No separate building entrance or driveway shall be permitted for a home occupation.
7. **The home occupation shall be constructed entirely from an enclosed structure.** ~~The home occupation shall be conducted entirely within the principal dwelling unit.~~ Neither home occupations nor any storage of goods, materials, or products connected with a home occupation shall be allowed outdoors, ~~in accessory buildings,~~ or in carports. **No visible evidence of the operation.** Window displays shall not be utilized. If materials are stored in an attached garage then the door shall not be left in the open position. Materials may be stored within home occupation vehicles provided the materials are not visible to the general public.
8. Parties for the purpose of selling merchandise or placing orders may be held no more than once per month. These parties shall not be advertised to the general public.
9. Multiple home occupations may be permitted within a single residence; however, the above limitations shall apply to the combined uses.
- ~~10. It is the responsibility of home occupation applicants to be aware of their obligations to understand and comply with all applicable federal, state, and local laws, ordinances, regulations, and/or licensing requirements that may apply to their home occupation. It is the obligation of home occupation applicants to be aware of any neighborhood covenants that may apply to their home occupation. Issuance of a home occupation license by the City does not constitute an endorsement that all other regulations and/or covenants have been met.~~
- 10. One business vehicle used exclusively by the resident is permissible. This vehicle shall be no larger in size than a pick-up truck, panel truck or van nor have a carrying capacity of more than one and one-half tons. Said vehicles shall be parked in compliance with all applicable residential and on-street parking requirements.**

D. Garage Sales. Garage, yard, estate, etc. sales do not require a permit. However, they are required to meet the following standards:

1. Sales may not last longer than three (3) days.
2. Sales are held no more than four (4) times yearly.

3. Sales are conducted entirely on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
  4. No goods purchased for resale may be offered for sale.
  5. No consignment goods may be offered for sale.
  6. Any signs advertising sales shall be erected in accordance with Article XVI.
- E. Family Day Cares. A customary home occupation which provides, for no more than 6 persons who are not residents of the premises, care and supervision by a State of Georgia registered resident adult for less than twenty-four hours per day on a regular basis for compensation. Family Day cares are exempt from Section 616.C paragraphs 1, 2 **and** 3.
- F. Special Use Permits. Some Special Uses may be allowed as home occupations. Such requests are reviewed on a case by case basis in order to ensure a minimal impact to surrounding residences. Special Uses authorized as a home occupation are subject to the requirements of Section 616 except as otherwise authorized by City Council
- G. Appeals of Administrative Decisions. Any appeal of Section 616 to the Zoning Board of Appeals shall be subject to the requirements of Section 2010.

### **Discussion of the Planned Mixed Use Development (PMUD) Zoning District**

Josh Campbell stated that the City Council wants to evaluate the Planned Mixed Use Development against each of the guidelines in the Comprehensive Plan. There is a proposed mechanism for reviewing the requests against the guidelines for consistency.

Matt Dickison indicated the only change anticipated at this time is minimum lot size from 5 acres to 2 acres.

Earl Mitchell asked how this change compares to other cities. Matt Dickison stated that most cities have a lot size of 2 to 5 acres.

### **OTHER BUSINESS**

### **ANNOUNCEMENTS**

Downtown Master Plan formal hearing is scheduled for June.

Training for Planning Commission and Zoning Board of Appeals will be held May 16<sup>th</sup> at 8:30 am in City of Suwanee Council Chambers.

**ADJOURNMENT**

*Earl Mitchell moved to adjourn at 8:40 pm.*