

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton-Griggs, District 1	<u>ABSTAIN</u>
Patti Muise, District 2	<u>AYE</u>
John Dunn, District 3	<u>ABSENT</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMMISSIONER MUISE, which carried 3-0,

following resolution was adopted:

AN AMENDMENT TO THE 1985 ZONING RESOLUTION OF GWINNETT COUNTY TO ARTICLE XIII, Section 1316. CSO Conservation Subdivision Overlay District, TO PROVIDE A NEW SUBSECTION ENTITLED 1316.6.g. Conservation Surety DESIGNED TO FURTHER PERMANENTLY PROTECT OPEN SPACE WITHIN CONSERVATION SUBDIVISION OVERLAY DISTRICTS;

WHEREAS, the 1985 Zoning Resolution of Gwinnett County was adopted by the Gwinnett County Board of Commissioners on December 30, 1985; and

WHEREAS, the Board of Commissioners finds that adoption of measures to further the protection of open space areas within Conservation Subdivision Overlay Districts will promote the preservation of environmental resources and provide for permanently protected open/green spaces; and

WHEREAS, the 1985 Zoning Resolution of Gwinnett County provides that the text and maps thereof may be amended from time to time by the Board of Commissioners following submission to the Municipal-Gwinnett County Planning Commission for review and recommendation; and

WHEREAS, the Board of Commissioners finds that the following amendment to the 1985 Zoning Resolution promotes the health, safety, morals, convenience, order, prosperity and the general welfare of the present and future inhabitants of Gwinnett County;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 25<sup>TH</sup> day of SEPTMEBER, 2001, and effective the 1<sup>ST</sup> day of OCTOBER, 2001 that Article XIII, Section 1316, be amended as follows:

Article XIII, Section 1316. CSO Conservation Subdivision Overlay District is hereby amended by inserting the following subsection:

**Section 1316.6.g. Conservation Surety.**

Open space delineated in the concept plan shall be permanently protected by the developer's conveyance of an undivided fee simple interest in the open space to both the mandatory property owner's association referenced in Section 1316.6.d and to each of the individual lot owners of the new subdivision. The conveyance to the individual lot owners in the subdivision shall be accomplished within the deed which also conveys an undivided interest in the open space to the mandatory property owner's association referenced in Section 1316.6.d. The deed conveying the open space pursuant to this paragraph shall be recorded and delivered to the property owner's association and to the individual lot owners within the subdivision prior to the approval of the final plat for the first phase of the subdivision. In addition, the final plat for each phase of the Subdivision shall contain the following statement:

"Open space delineated on this plat is permanently protected and shall remain undeveloped and natural subject to certain exceptions contained in Gwinnett County's Conservation Subdivision Overlay District regulations."

In addition, the deed conveying the open space shall contain the following language:

"The land conveyed herein shall remain permanently protected open space and shall not be cleared or developed except in accordance with Section 1316.6.b of the 1985 Zoning Resolution of Gwinnett County.

The developer's deed to the mandatory property owner's association and each individual lot owner within the subdivision shall contain a statement that the undivided interest conveyed in the deed runs with the land and benefits all future lot owners within the subdivision."

BE IT FURTHER RESOLVED that all regulations or parts of same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY: *F. Wayne Hill*  
F. Wayne Hill, (Chairman)

Date Signed: October 3, 2001

APPROVED:

*Van Stephens*  
Van Stephens  
Chief Asst. County Attorney

ATTEST:

*Brenda Maddy*  
Clerk (Seal)