

GWINNETT COUNTY
BOARD OF COMMISSIONERS

AN ORDINANCE TO AMEND THE 1985 ZONING RESOLUTION OF GWINNETT COUNTY TO REDEFINE THE TERM “FAMILY” AND TO REVISE PROVISIONS CONCERNING VARIANCES FROM THE DEFINITION OF THE TERM “FAMILY”

WHEREAS, Gwinnett County receives approximately 300 complaints each year based upon occupancy limit violations in single family residential areas; and

WHEREAS, overcrowding in single family residences leads to a deterioration of the quality of life in Gwinnett County’s residential areas; and

WHEREAS, in recent years, the Gwinnett County Board of Commissioners has committed to adopt ordinances that preserve and improve the quality of life of its residents; and

WHEREAS, groups of related persons typically live together in a more permanent status and remain in one place for a longer period of time; and

WHEREAS, groups of unrelated persons tend to be more transient; and

WHEREAS, through adoption of this Ordinance, the Gwinnett County Board of Commissioners intends to promote a sense of community, preserve the sanctity of the family, facilitate quiet and peaceful neighborhoods, limit congestion of motor vehicles in single family residential areas, and control transiency in such areas; and

WHEREAS, the Board of Commissioners has a legitimate interest in preserving quiet neighborhoods with a stable population and lower traffic congestion; and

WHEREAS, the recent establishment of Gwinnett State College increases the need to regulate occupancy limits within single family residential areas; and

WHEREAS, the Gwinnett County Board of Commissioners intends, by the adoption of this Ordinance, to exercise its police powers to promote the health, safety, morals, and general welfare of the community;

NOW THEREFORE BE IT ORDAINED that the definition of the term "Family" contained in Article 3 of the 1985 Zoning Resolution of Gwinnett County is hereby deleted in its entirety and the following language is inserted in lieu thereof:

FAMILY. One or more persons related by blood, marriage, adoption, or guardianship; or not more than three persons not so related who live together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability; or not more than two unrelated persons and any minor children related to either of them.

BE IT FURTHER ORDAINED that Section 1605(A) of the 1985 Zoning Resolution of Gwinnett County is hereby deleted in its entirety and the following language is inserted in lieu thereof:

Section 1605(A). Variances from the definition of the term "Family"

The Board of Commissioners shall have the power to hear and decide requests for variances from the definition of the term "Family" by Special Use Permit when such requests are submitted by groups of more than three persons who are not all related by blood or marriage. Such

variances may be granted in cases of unnecessary hardship upon a finding by the Board of Commissioners that:

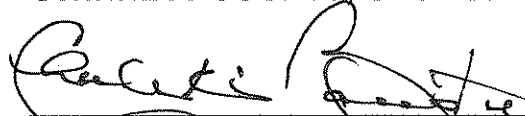
- a. There are extraordinary or exceptional conditions pertaining to the group in question, and relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Resolution; and
- b. The group consists of between four and eight persons who live together as a single housekeeping unit and who would otherwise find it economically prohibitive to live in a group of three or fewer persons in a single family residential district; and
- c. The residential dwelling which forms the subject of the variance request contains at least eighty square feet of bedroom space per occupant; and
- d. The residential dwelling which forms the subject of the variance request is served by public water and sewer service; and
- e. The residential dwelling which forms the subject of the variance request is located on a lot having an area of at least one-half acre; and
- f. The residential dwelling lot which forms the subject of the variance request contains a paved parking area of no less than 1,200 square feet.

Any and all provisions of the Code of Ordinances of Gwinnett County in conflict with the provisions of this Ordinance are hereby repealed.

THIS ORDINANCE IS ADOPTED by the Board of Commissioners of Gwinnett County, Georgia this the 26th day of May, 2009, and this Ordinance shall become effective upon signature by the Chairman.

**BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA**

BY:



CHARLES E. BANNISTER, Chairman

ATTEST:



DIANE KEMP, County Clerk



DATE: June 3, 2009

APPROVED AS TO FORM:



VAN STEPHENS
Chief Assistant County Attorney