

**GWINNETT COUNTY**

**BOARD OF COMMISSIONERS**

**AN ORDINANCE TO AMEND THE 1985 ZONING RESOLUTION OF GWINNETT  
COUNTY 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 Georgia Gwinnett 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 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

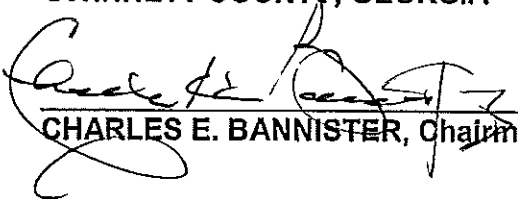
- c. The residential dwelling which forms the subject of the variance request contains at least eighty square feet of bedroom space per occupant; and
- d. The residential dwelling which forms the subject of the variance request is served by public water and sewer service or public water and a septic system approved by the Gwinnett County Board of Health for the proposed number of occupants; 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 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.

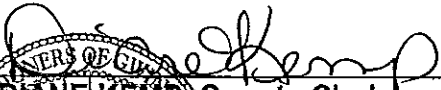

**THIS ORDINANCE IS ADOPTED** by the Board of Commissioners of Gwinnett County, Georgia this the 23rd day of March, 2010, and this Ordinance shall become effective upon signature by the Chairman.

(Signatures on following page.)

BOARD OF COMMISSIONERS  
GWINNETT COUNTY, GEORGIA

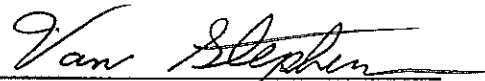
BY:   
CHARLES E. BANNISTER, Chairman

ATTEST:

  
  
DIANE KEMP, County Clerk

DATE: 3/31/10

APPROVED AS TO FORM:

  
VAN STEPHENS  
Chief Asslstant County Attorney