

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>
Charles Bannister, Chairman	<u>Aye</u>
Lorraine Green, District 1	<u>Aye</u>
Bert Nasuti, District 2	<u>Absent</u>
Mike Beaudreau, District 3	<u>Aye</u>
Kevin Kenerly, District	<u>Aye</u>

On motion of Commissioner Green, which carried 4-0, the following resolution was adopted:

AN AMENDMENT TO THE 1985 ZONING RESOLUTION OF GWINNETT COUNTY TO ARTICLE III DEFINITIONS, TO PROVIDE A MORE ACCURATE DEFINITION FOR DWELLING UNITS AND TOWNHOMES; ARTICLE IV ZONING DISTRICTS TO RENAME THE R-ZT ZONING DISTRICT; ARTICLE V APPLICATION OF REGULATIONS TO EXEMPT R-TH ZONING FROM STREET FRONTAGE REQUIREMENTS; ARTICLE X OFF-STREET AUTOMOBILE PARKING AND LOADING AND UNLOADING SPACES TO PROVIDE NEW STANDARD FOR OFF-STREET PARKING IN ATTACHED RESIDENTIAL DISTRICTS; ARTICLE XIII USE PROVISIONS; SECTION 1302B. R-TH SINGLE FAMILY RESIDENCE TOWHOUSE DISTRICT; SECTION 1302C. R-ZT SINGLE FAMILY RESIDENCE ZERO LOT LINE/TOWNHOUSE DISTRICT; SECTION 1303 RM MULTIFAMILY RESIDENCE DISTRICT; AND SECTION 1312. FLOODPLAIN

GENERAL PROVISIONS TO REDEFINE PERMITTED USES WITHIN THE R-TH, R-ZT, AND RM ZONING DISTRICTS; ARTICLE XIV MINIMUM AREA, YARD AND HEIGHT REQUIREMENTS TO REVISE THE REQUIREMENTS OF THE R-TH, R-ZT AND RM ZONING DISTRICTS; AND TO CREATE ARTICLE XIX APPENDIX OF INACTIVE ZONING DISTRICTS TO PROVIDE A REFERENCE OF INACTIVE ZONING DISTRICTS; AND ARTICLE XVI ZONING BOARD OF APPEALS TO ADD VILLA UNIT WIDTH IN R-TH AS AN ADDITIONAL ADMINISTRATIVE VARIANCE.

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 establish zoning districts exclusively for townhomes, multi-family residences or single-family detached uses would provide clarity for the zoning districts and alleviate confusion regarding permitted uses and design standards; 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 18th day of JANUARY 2005, and effective the 18th day of JANUARY, 2005 that the following amendments to the Gwinnett County 1985 Zoning Resolution be enacted:

ARTICLE III
DEFINITIONS

That the following terms be deleted:

Condominium.

Dwelling, Multiple.

That the following defined terms be deleted in their entirety and the following inserted in lieu thereof:

Dwelling, Attached. See "Townhouse" and "Dwelling, Multifamily."

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintained household.

Townhouse. A one-family dwelling in a row of at least three attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. A townhouse shall have at least two stories.

That the following defined terms be inserted:

Dwelling, Multifamily. A dwelling containing three or more dwelling units, including units that are located one over the other. This definition does not include a townhouse.

Villa. A one-family dwelling with at least three but no more than four attached units in which each unit has at least two exterior walls and each unit is separated from any other unit by one or more vertical common walls. Villas are exclusively single-story.

That the following subsections be deleted in their entirety, and the following inserted in lieu thereof:

ARTICLE IV
ZONING DISTRICTS

Section 400. Establishment of Zoning Districts.

For the purposes of this Resolution, the unincorporated area of Gwinnett County, Georgia, is divided into Zoning Districts designated as follows:

- RA-200 Agriculture-Residence District
- R-140 Single Family Residence District
- R-100 Single Family Residence District
- R-75 Single Family Residence District
- R-60 Single Family Residence District
- R-TH Single Family Residence Townhouse District
- RM Multi-Family Residence District
- RM-13 Multi-Family Residence District
- RM-10 Multi-Family Residence District
- RM-8 Multi-Family Residence District
- RM-6 Multi-Family Residence District
- RMD Multi-Family Residence District (Duplexes)
- RL Lakeside Residence District
- R-ZT Single Family Residence District
- MH Mobile Home Park District
- MHS Manufactured Housing Subdivision District
- HS Hospital Service District
- NS Neighborhood Shopping District
- C-1 Neighborhood Business District
- C-2 General Business District
- C-3 Highway Business District
- O-I Office-Institutional District
- OBP Office-Business Park District
- M-1 Light Industry District
- M-2 Heavy Industry District

INACTIVE ZONING DISTRICTS - see Article XIX

- R-TH Single-Family Residence Townhouse District
(Prior to January 2005)
- R-ZT Single Family Residence Zero Lot Line/Townhouse
District (Prior to January 2005)
- Big Haynes Creek Conservation Subdivision Option

ARTICLE V

APPLICATION OF REGULATIONS

Section 505. Street Frontage Requirement.

No lot shall be created that does not abut for at least forty (40) feet, except as provided in Section 1302B, upon an open street which shall be either a public street, a publicly approved street or a publicly maintained street, and except for stormwater facility lots which shall abut for a minimum of thirty (30) feet.

ARTICLE X

OFF-STREET AUTOMOBILE PARKING
AND LOADING AND UNLOADING SPACES

SECTION 1001. Plan and Design Standards for Off-Street Parking.
The following are required plan and design standards for off-street parking.

6. Location and Surface of Parking Areas. In any district, the parking of any vehicle on other than a surface treated and hardened to accommodate the vehicle is prohibited. In any residential district, the parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a hard-surfaced driveway or in a carport or garage.

Maximum allowable paved parking or hard surface area in front yards. (Excluding walkways and required sidewalks):

R-ZT District - Not more than 45%

All other residential districts, excluding R-TH district
- Not more than 35%

In the R-TH zoning district, driveways for adjoining units shall be separated by at least a 4-foot wide grassed strip.

ARTICLE XIIIUSE PROVISIONSSection 1302B. R-TH Single Family Residence Townhouse District.

This zoning district is intended exclusively for townhouse dwelling units, villas and customary accessory uses and structures for development after January 2005.

For developments prior to January 2005, refer to Article XIX: Appendix of Inactive Zoning Districts.

- A. Within the R-TH Single Family Residence Townhouse District, the following requirements shall be met:
1. Maximum density: eight (8) units per acre.
 2. Lot Area - No Minimum.
 3. Lot Width - No Minimum.
 4. Internal Road Frontage - No Minimum.
 5. External Road Frontage For Overall Development - 50 Feet
 6. Minimum unit width:
 - Twenty-two (22) feet for double-car garage townhomes.
 - Eighteen (18) feet for single-car garage townhomes.
 - Forty (40) feet for villas.
 7. Maximum height: 35 feet.
 8. Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.
 9. External yard requirements:
 - Front yard: 50-feet
 - Side yard: 40-feet
 - Rear yard: 40-feet
 10. Provide three or more off-street parking spaces per dwelling unit. At least 80 percent of required parking areas for the overall development must be located directly in the front or rear of the dwelling units. The balance of the parking spaces may be located in a parking facility separated from the units. All units shall require at least single-car garages.

11. All grassed areas shall be sodded.
12. Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.
13. A minimum of three and maximum of eight dwelling units shall be allowed in each row of townhouses. Villas shall have a minimum of three units and a maximum of four units per building.
14. A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. The four-hour firewall may be reduced to a two-hour firewall if approved residential sprinkler systems or similar fire prevention measures as approved by the Fire Marshal are installed in each unit. Firewalls shall be constructed in accordance with applicable building codes of Gwinnett County.
15. All utilities shall be placed underground.
16. A 50-foot wide landscaped setback shall be provided along all exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30-feet on-center).

B. Concept Plan Review. The purpose of the concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Director of Planning and Development shall review plans for compliance with concept plan review criteria. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Board of Commissioners. Through the rezoning process, the Board of Commissioners may condition approval of an R-TH request to a specific concept plan or require a future site plan review by the Planning Commission.

The following exhibits shall be prepared by design professionals, such as planners, engineers, architects or landscape architects, and submitted to the Department of Planning and Development. No application for an R-TH district shall be accepted for processing without these required exhibits.

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than one inch equals 100 feet, including the following information:
 - a. Lot lines and setbacks;
 - b. Topography with contour intervals no greater than 20 feet;
 - c. Lakes, ponds and floodplains and the sources of floodplain data;
 - d. Stormwater detention areas;
 - e. Recreation facilities (if applicable);
 - f. Location of typical off-street parking.
3. Color elevations of front, sides and rear of all typical units, including proposed building material, and any other structures such as recreation buildings.
4. Information indicating the following:
 - a. Gross and net acreage (see definition of net density);
 - b. Lot sizes (typical dimensions and square footage);
 - c. Amount of common open space in square feet (if applicable);
 - d. Such other architectural and engineering data as may be required to evaluate the project.

Section 1302C. R-ZT Single Family Residence District.

This district is intended for single-family detached residences and accessory uses of a medium density on land served by a sanitary sewerage system.

- A. Within the R-ZT Single Family Residence District, the following uses are permitted:
 1. Single family detached dwellings.
- B. Within the R-ZT Single Family Residence District, the following requirements shall be met:

1. Maximum density shall not exceed six (6) units per acre.
2. Minimum lot area shall be 4,000 square feet.
3. Minimum lot width - 40 feet.
4. Minimum front yard depth shall be 20 feet.
5. Minimum side yard five (5) foot side yard on each side.
6. Minimum rear yard depth - When abutting an R-75 or less intense district, the rear yard shall be equal to the required buffer plus an additional five feet. However, the rear yard setback shall not be less than 25 feet.
7. Provide a minimum 40-foot landscaped building setback adjacent to exterior street(s). The landscaped setback may incorporate natural vegetation and may be reduced to 30 feet if a berm and landscaping, fence or wall is provided adjacent to the exterior street(s).

Section 1302C.1. Concept Plan Review. The purpose of the concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Director of Planning and Development shall review plans for compliance with concept plan review criteria. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Board of Commissioners. Through the rezoning process, the Board of Commissioners may condition approval of an R-ZT request to a specific concept plan or require a future site plan review by the Planning Commission.

A. Required Exhibits

The following exhibits shall be prepared by design professionals, such as planners, engineers, architects or landscape architects, and submitted to the Department of Planning and Development. No application for an R-ZT district shall be accepted for processing without these required exhibits.

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than one inch equals 100 feet, including the following information:

- a. Lot lines and setbacks;
 - b. Topography with contour intervals no greater than 20 feet;
 - c. Lakes, ponds and floodplains and the sources of floodplain data;
 - d. Stormwater detention areas;
 - e. Recreation facilities (if applicable);
 - f. Location of typical off-street parking.
3. Elevations of all typical units and any other structures such as recreation buildings.
 4. Information indicating the following:
 - a. Gross and net acreage (see definition of net density);
 - b. Lot sizes (typical dimensions and square footage);
 - c. Amount of common open space in square feet (if applicable);
 - d. Such other architectural and engineering data as may be required to evaluate the project.

Section 1303. RM Multifamily Residence District. The following districts are intended for duplex and multifamily dwellings. These zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways. The purpose of the following zoning districts is to promote better utilization of land and freedom of architectural and engineering design without maximizing density. On any tract of land zoned for RMD, RM-6, RM-8, RM-10, RM-13 or RM the entire tract must be developed as the same type of use. No combinations of allowed uses are permitted on any one tract of land. Townhomes are not permitted in these districts.

RM-6 Multifamily Residence District (Maximum Density Six (6) Units Per Acre). This zoning district is intended primarily for multifamily dwellings with a maximum density of six (6) units per acre. Within the RM-6 Multifamily Residence District (maximum density six (6) units per acre) the following uses are permitted:

1. All uses permitted in the RMD Multifamily Residence District (Duplexes).
2. Multifamily dwellings.
3. A quadraplex apartment development on individual subdivision lots (four units per lot) provided the following conditions are met:
 - a. Served by a waste water treatment facility.
 - b. The minimum side yard setback shall be 15 feet on each side; all other setbacks shall apply as required in Article XIV.

Within the RM-6 Multi-Family Residence District, the following uses may be permitted provided the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations for the Director of Planning and Development and Planning Commission and after a public hearing:

1. Residential or Community Shelters, subject to the provisions of Rules for Shelters in Gwinnett County.

RM-8 Multifamily Residence District (Maximum Density Eight (8) Units Per Acre). This zoning district is intended primarily for two-family and multi-family dwellings.

1. All uses permitted in the RM-6 Multi-Family Residence District, including special uses.

RM-10 Multifamily Residence District (Maximum Density Ten (10) Units Per Acre). This zoning district is intended primarily for two-family and multi-family dwellings.

Within the RM-10 Multi-Family Residence District (maximum density ten (10) units per acre), the following uses are permitted:

1. All uses permitted within the RM-8 Multi-Family Residence District, including special uses.
2. Residential and community shelters subject to the provisions of Rules for Shelter in Gwinnett County. If previously developed as a single-family residence detached development, a special Use Permit shall be required.

RM-13 Multifamily Residence District (Maximum Density 13 Units Per Acre). This zoning district is intended primarily for two-family and multi-family dwellings. This zoning district includes all old RM districts which have no density designated. Within the RM-13 Multi-Family Residence District (maximum density 13 units per acre), the following uses are permitted:

1. All uses permitted within the RM-10 Multi-Family Residence District.
2. Boarding and rooming houses.
3. Fraternal organizations and clubs not operated for profit.
4. Retirement communities, which may include a nursing home, cafeteria and care facilities and accessory uses.
5. Residential and community shelters subject to the provisions of Rules for Shelters in Gwinnett County. If previously developed as a single-family residence detached development, a Special Use Permit shall be required.

Within the RM-13 Multi-Family Residence District, the following uses may be permitted provided that the applicant for such a development is granted a Special Use Permit by the Board of Commissioners after receiving recommendations for the Director of Planning and Development and the Planning Commission and after a public hearing:

1. Day Care Facilities

Section 1312. Floodplain General Provisions.

These regulations pertain only to the use of lands contained within a floodplain as defined by the Floodplain Management Amendment to the Gwinnett County Code (Part 6, Planning and Development, Article F, Chapter 1). For the purposes of this Section, all terms shall be as defined in ARTICLE F, FLOODPLAIN MANAGEMENT and as may be defined in the Development Regulations of Gwinnett County, whichever definition is more restrictive.

Section 1312.1 Use Provisions.

The intent of the regulations within this Section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land shall hereafter be used or occupied other than as herein provided, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved

or altered except in conformity with the requirements of this regulation when such lands fall within or are affected by a floodplain.

2. Lot Area Restrictions. All concept plans, site plans, preliminary plats, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, shall comply with the following requirements, as applicable:
 - a. In all residential zoning districts, up to 50 percent of the area located at or below the base flood elevation may be used in computations for meeting the density requirements in accordance with the provisions of this Resolution.
 - b. In the RA-200, R-140, R-100 and R-75 zoning districts, no lot shall contain less than 8,000 square feet of land area above the base flood elevation. In the R-60 zoning district, no lot shall contain less than 7,000 square feet of land area above the base flood elevation. Subdivisions zoned R-ZT shall comply with all the requirements of this Resolution; however, each lot within this zoning classification shall have a minimum of 4,000 square feet above the base flood elevation
 - c. No subdivision lot shall be approved which has less than 50 percent of the minimum lot area required by the applicable zoning district located above the base flood elevation.
 - d. Each plat or site plan submitted for rezoning, Special Use Permit or Move-In-House permit shall contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line shall be clearly labeled and the base flood elevation above mean sea level stated. The plat or site plan shall indicate where the base flood elevation has been established by the Federal Emergency Management Agency or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

**ARTICLE XIV
MINIMUM AREA, YARD AND HEIGHT REQUIREMENTS
SECTION 1400. MINIMUM AREA REQUIREMENTS**

ZONING DISTRICT	AREA (SQUARE FEET)/ DENSITY	LOT SIZE	
		SQUARE FT. PER FAMILY	LOT WIDTH ₃
RA-200	40,000	40,000	200 FEET
R-140	SEE SECTION 1300A	SEE SECTION 1300A	140 FEET
R-100, MHS	15,000 SEWER 25,500 SEPTIC ₂	15,000	100 FEET
R-75	12,000 SEWER 25,500 SEPTIC ₂	12,000	75 FEET
R-60	7,200 SEWER	7,200	60 FEET
RMD	16,000 SEWER 25,500 SEPTIC ₂	8,000	100 FEET
RL	15,000 SEWER 25,500 SEPTIC ₂	15,000	75 FEET
RM	18,000	12,000 FIRST FAMILY PLUS 2,500 EACH ADDITIONAL FAMILY - NOT TO EXCEED 13 UNITS PER ACRE	100 FEET
RM-6	6 UNITS PER ACRE	N/A	100 FEET
RM-8	8 UNITS PER ACRE	N/A	100 FEET
R-TH	8 UNITS PER ACRE	N/A	See Section 1302B
R-ZT	6 UNITS PER ACRE	4,000	40 FEET
RM-10	10 UNITS PER ACRE	N/A	100 FEET
RM-13	13 UNITS PER ACRE	N/A	100 FEET
O-I, OBP	NO MINIMUM	N/A	N/A
C-1, C-2, C-3, NS	NO MINIMUM	N/A	N/A
M-1, M-2	1 ACRE	N/A	100 FEET
HS	NO MINIMUM	N/A	100 FEET FOR RESIDENTIAL USE

1 - When developing 3-plex, 4-plex subdivision under RM category, lot size is determined as follows: 18,000 square feet plus 550 square feet per unit.

2 - The Gwinnett County Health Department may require larger lots for septic tanks. Approximately 75% of Gwinnett County's soils will require a lot size of at least 25,500 square feet.

3 - In all districts, stormwater facility lots shall maintain a minimum lot width of 30 feet at the minimum building setback line.

Section 1401. Minimum Yard And Height Requirements

ZONING DISTRICT	FRONT YARD		SIDE YARD ₁	REAR YARD ₁	MAXIMUM HEIGHT OR STORIES
	LOCAL STREET	MAJOR THOROUGHFARE			
RA-200	35 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	1 YARD 15 FEET 2 YARDS 35 FEET	40 FEET	35 FEET
R-140	35 FEET FROM RIGHT-OF-WAY	65 FEET FROM RIGHT-OF-WAY	1 YARD 25 FEET 2 YARDS 50 FEET	100 FEET	35 FEET
R-100, MHS	35 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	1 YARD 10 FEET 2 YARDS 25 FEET	40 FEET	35 FEET
R-75	35 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	1 YARD 10 FEET 2 YARDS 20 FEET	40 FEET	35 FEET
R-60	25 FEET FROM RIGHT-OF-WAY	SEE SECTION 1302A.2(e)	1 YARD 5 FEET 2 YARDS 15 FEET	30 FEET OR SEE SECTION 1302A.2(e)	35 FEET
R-ZT	20 FEET FROM RIGHT-OF-WAY	SEE SECTION 1302C(7)	1 YARD 5 FEET 2 YARDS 10 FEET	25 FEET OR SEE SECTION 1302C(6)	35 FEET
R-TH	See Section 1302B	See Section 1302B	See Section 1302B	See Section 1302B	See Section 1302B
RMD	35 FT. FROM R/W SEWER 50 FT. FROM R/W SEPTIC	50 FEET FROM RIGHT-OF-WAY	1 YARD 15 FEET 2 YARDS 30 FEET	40 FEET	35 FEET
RL	35 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	1 YARD 10 FEET 2 YARDS 20 FEET	40 FEET	40 FEET
RM, RM-6, RM-8, RM-10, RM-13	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	20' FIRST TWO STORIES PLUS 4' PER EACH ADDITIONAL STORY	40 FEET	40 FEET
O-I, OBP	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	10 FEET	15' BUT 40' IF ABUTS RESIDENTIAL DISTRICT ₁	3 STORIES NOT TO EXCEED 35 FEET
NS	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	10' BUT 20' IF ABUTS RESIDENTIAL DISTRICT	15' BUT 40' IF ABUTS RESIDENTIAL DISTRICT	1 STORY NOT TO EXCEED 20 FEET
C-1, C-2, C-3	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	10' BUT 20' IF ABUTS RESIDENTIAL DISTRICT ₁	15' BUT 40' IF ABUTS RESIDENTIAL DISTRICT ₁	3 STORIES NOT TO EXCEED 35 FEET
M-1, M-2	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	20' BUT 50' IF ABUTS RESIDENTIAL DISTRICT ₁	15' BUT 40' IF ABUTS RESIDENTIAL DISTRICT ₁	40 FEET
HS	50 FEET FROM RIGHT-OF-WAY	50 FEET FROM RIGHT-OF-WAY	1 YARD 10 FEET 2 YARDS 25 FEET	40 FEET	3 STORIES NOT TO EXCEED 35 FEET

1 - Also see Section 606. Buffer Between Dissimilar Districts.

ARTICLE XVI

ZONING BOARD OF APPEALS

Section 1610. Administrative Variances.

- H. Reduction in unit width for villas in R-TH Zoning District,
not to exceed 10 feet.

ARTICLE XIX
APPENDIX OF INACTIVE ZONING DISTRICTS

SECTION 1900. Purpose. This appendix is provided as a reference for projects developed under requirements of this Zoning Resolution prior to adoption of current regulations. No new rezoning applications will be accepted for the following zoning districts.

SECTION 1901. R-TH Single Family Residence Townhouse District (Prior to January 2005). This zoning district is intended primarily for rowhouse or townhouse attached or detached single-family dwelling units. Such dwelling units may be held in the condominium form of ownership, or in fee simple. It is not the intention of Gwinnett County or of this ordinance to determine or dictate which form of ownership is most desirable.

Within the R-TH Single Family Residence Townhouse District, the following requirements shall be met:

1. All dedicated street rights-of-way shall be a minimum of fifty (50) feet.
2. Front and rear yard setbacks shall total a minimum of 75 feet with a minimum of 20 feet for a yard which faces on an interior street. If the subject property abuts property zoned R-60, R-75, R-100, or property developed as same, the rear yard setback shall be 40 feet at the point of abutment.
3. Side yards shall be a minimum of 20 feet to any exterior property line. Side yards between individual units, groups of units or rows of units shall be determined based upon individual site plan review.
4. Densities shall not exceed eight (8) units per gross acre.
5. A minimum of two (2) off-street parking spaces per unit shall be provided.
6. A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. Firewalls shall be constructed in accordance with applicable building codes of Gwinnett County.

7. The specific requirements set forth above are not necessarily exhaustive of all requirements or conditions which the Board of Commissioners may require prior to approval of any rezoning application under this district. This enactment specifically reserves, in the favor of the Board of Commissioners, the discretion to deny any individual rezoning application submitted hereunder, if after review of the site plan and other materials submitted therewith and a careful consideration of all of the facts and circumstances relating to the proposed development, the Board of Commissioners deems the proposed development not to be in the best interest of the health, safety and welfare of the present and future citizens of Gwinnett County.

8. All roads, both interior and exterior, including roads dedicated and not dedicated to the County, must meet the minimum County standards as established by the County Engineer.

Section 1902. R-ZT Single Family Residence Zero Lot Line/Townhouse District (Prior to January 2005). This district is intended to provide areas for the development of moderate density residential uses and structures in moderately spacious surroundings. It is intended that these districts be located in the urban and suburban portions of Gwinnett County where a protected environment suitable for moderate-density residential use can be provided, as well as in established moderate-density residential areas as a means to ensure their continuance. The use of this district is also appropriate on a smaller scale in the suburban portions of the County as a transitional zone between low-density residential districts and commercial districts, industrial districts, or major transportation arteries, or other uses that are not compatible with a low-density residential environment. In fulfilling the intent of this district, the townhouse or rowhouse concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units and which units may or may not be structurally connected. The intent of this district may also be fulfilled by the use of the Zero Lot Line concept, which permits the construction of detached single-family dwellings on lots without a side yard requirement on one side of the lot. This concept permits better use of the entire lot by compacting the usual front, rear and side yards into one or more internal gardens which may be completely walled in or screened.

A. Within the R-ZT Single Family Residence Zero Lot

Line/Townhouse District, the following uses are permitted:

1. Zero Lot Line Single Family Detached Dwellings.
2. Townhouses.
3. Single family detached dwellings.

B. Within the R-ZT Single Family Residence Zero Lot Line/Townhouse District, the following requirements shall be met:

1. Maximum density shall not exceed eight (8) units per acre for attached dwelling units and six (6) units per acre for detached dwelling units.
2. Minimum lot width for Zero lot Line or single family detached units - 40 feet. Minimum lot width for townhouse attached units - 22 feet. Zero Lot Line or single family detached lots shall maintain a minimum road frontage of 20 feet. Townhouse lots shall maintain a minimum road frontage of 15 feet.
3. Minimum front yard depth shall be 20 feet.
4. Minimum side yard depth - None for townhouses except that on corner lots the minimum side yard of the corner side shall be 20 feet. Zero lot line lots shall have a zero (0) foot side yard on one side and a minimum of ten feet on the opposite side. Single family detached units shall have a minimum five (5) foot side yard on each side.
5. Minimum rear yard depth - When abutting an R-75 or R-100 district, the rear yard shall be equal to the required buffer plus an additional five feet. However, the rear yard setback shall not be less than 25 feet.
6. Maximum height - 35 feet or two and one-half stories.
7. Provide two (2) or more off-street parking spaces per dwelling unit.

8. Provide sidewalks adjacent to interior streets, excluding cul-de-sac turnarounds.
9. Provide a minimum 40-foot building setback adjacent to exterior streets. The setback may be reduced to 30 feet if a berm, landscaping, fence or wall is provided adjacent to the exterior street(s).
10. A maximum of eight dwelling units shall be allowed in each row of townhouses. When an end unit of a townhouse row does not side on a street, an open space or court of at least 20 (twenty) feet in width shall be provided between it and the adjacent row of townhouses, and this open space shall be divided between the two immediately adjacent townhouse lots as to property or lot lines.
11. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a street, this open court shall be a minimum of 40 (forty) feet in width and said court shall not include vehicular drives or parking areas.
12. Townhouses shall be constructed up to side lot lines without side yards, and no windows, doors, or other opening shall face a side lot line except that the outside wall of end units may contain such openings.
13. Zero Lot Line dwellings shall be constructed against the lot line on one side of a lot, and no windows, doors, or other openings shall be permitted on this side. The access for exterior maintenance shall be assured through a perpetual wall maintenance easement of five feet in width as necessary.
14. A minimum of a two-hour rated firewall shall be required between each attached dwelling unit. A four-hour rated firewall shall be required between every fourth attached dwelling unit. Firewalls shall be constructed in accordance with applicable building codes of Gwinnett County.

Section 1902.1. All R-ZT Amendments to be Conditional Zoning Amendments.

All R-ZT Single Family Residence Zero Lot Line/Townhouse amendments to the Official Zoning Map shall be conditional amendments. In addition to any other conditions that may be imposed by the Board of Commissioners pursuant to the provisions for conditional zoning in this Zoning Resolution, a concept plan showing the approximate location of all buildings, walls, fences, property lines, landscaping, parking areas and uses and any other features deemed appropriate by the Board of Commissioners as a result of the above concept plan review and public hearing shall be included as part of the amendment, and the use of the property for its zoned purposes shall be conditioned on said concept plan.

Section 1902.2. Concept Plan Review.

The purpose of the concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Director of Planning and Development shall review plans for compliance with concept plan review criteria. The recommendations of both the Director of Planning and Development and the Planning Commission shall be transmitted to the Board of Commissioners.

A. Required Exhibits

The following exhibits shall be prepared by design professionals, such as planners, engineers, architects or landscape architects, and submitted to the Department of Planning and Development. No application for an R-ZT district shall be accepted for processing without these required exhibits.

1. A location map indicating existing zoning on the site and the adjacent areas.
2. A concept plan drawn no smaller than one inch equals 100 feet, including the following information:
 - a. Lot lines and setbacks;
 - b. Location, shape, size and height of existing and proposed buildings, decorative walls and elements and entrance features;
 - c. Topography with contour intervals no greater than 20 feet;
 - d. Lakes, ponds and floodplains and the sources of floodplain data;
 - e. Stormwater detention areas;
 - f. Existing and proposed landscaping;
 - g. Recreation facilities (if applicable);
 - h. Stages of development, if any;

- i. Location of off-street parking.
3. Floor plans and elevations of all typical units and any other structures such as recreation buildings.
4. Information indicating the following:
 - a. Gross and net acreage (see definition of net density);
 - b. Lot sizes (dimensions and square footage);
 - c. Building heights and stories;
 - d. Building coverage for each lot;
 - e. Amount of common open space in square feet (if applicable);
 - f. All tree areas to be retained or added;
 - g. Parking facilities;
 - h. Such other architectural and engineering data as may be required to evaluate the project.

Section 1903 Big Haynes Creek Conservation Subdivision Option.

Development proposals for the Big Haynes Creek Conservation Subdivision Option will no longer be accepted. The following regulations listed in Section 1314.6 are retained for instruction with regard to existing Conservation Subdivisions.

Section 1903.1. Purpose.

The purpose of the Big Haynes Creek Conservation Subdivision Option is to provide for residential development within the Big Haynes Creek Drainage Basin which will promote more economic subdivision development, provide a mechanism for the preservation of water quality within the watershed through the dedication of open space areas, and achieve other water quality preservation purposes related thereto. To achieve these goals:

1. Variations in lot area, width and setback are permitted.
2. Open space areas shall be established for the preservation of water quality and the benefit of subdivision residents.

Section 1903.2. Permitted Uses.

The provisions of this Article shall apply to all lands of unincorporated Gwinnett County located within the Big Haynes Creek Watershed, and zoned R-100 or R-75. Single-family residential subdivision lots may be altered as provided herein. Except as provided in this Section, all other standards of the R-100 or R-75 zoning district shall be observed.

Section 1903.3. Design Requirements.

Within the Big Haynes Creek Watershed, R-100 and R-75 subdivisions may comply with criteria for provision or participation in wet detention facilities established by the Big Haynes Creek Watershed Protection Agreement; or,

Comply with the following subdivision design requirements:

1. The subdivision development shall contain a minimum land area of five (5) contiguous acres.
2. Set aside a minimum of 60% of the gross land area of the development as permanent, undisturbed open space. Concurrent with the recording of the final subdivision plat, the subdivider shall execute and record a deed which restricts the use of the set aside as permanent natural undisturbed open space. Required open space shall be deeded with the first phase of development to a mandatory property owner's association.
3. Maximum net density shall not exceed three (3) units per acre for detached dwelling units.
4. Provide a minimum lot width of 65 feet, and a minimum lot area of 7,800 square feet.
5. Front yards shall have a minimum depth of 20 feet. Rear yards shall have a minimum depth of 20 feet. Side yards shall have a minimum depth of 5 feet.

6. Provide a minimum 40 foot building setback adjacent to exterior streets.
7. Dwellings shall include double car garages, and where garages are front entry, driveways shall be a minimum of 16 feet in width.
8. Provide sidewalks adjacent to interior streets, excluding cul-de-sac turnarounds.

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

Gwinnett County Board of Commissioners

By: _____
Charles Bannister, Chairman

Date Signed: _____

Approved:

Chief Asst. County Attorney

Attest:

County Clerk