

**CITY OF SNELLVILLE**

**STATE OF GEORGIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND PORTIONS OF ARTICLES VI, VII & IX OF THE ZONING ORDINANCE OF THE CITY OF SNELLVILLE, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES**

WHEREAS the Mayor and the Council of the City of Snellville, Georgia, the governing body of the City of Snellville, Georgia, desire to amend Articles VI, VII & IX of the Zoning Ordinance of the City of Snellville;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council of the City of Snellville, Georgia deem such amendment to be for the betterment and general welfare of the City of Snellville and its inhabitants;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** Article VI of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

**Section 6.2 Definitions, is hereby amended by adding the following language:**

**CONSUMER FIREWORKS**: Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standards 87-1, and additionally shall mean Roman candles.

**CONSUMER FIREWORKS RETAIL SALES FACILITY**: Shall have the same meaning as provided for by NFPA 1124, as ‘a permanent or temporary building or structure that is used primarily for the retail display and sale of consumer fireworks’; provided, however, that such term shall not include a tent, canopy, or membrane structure.

CONSUMER FIREWORKS RETAIL SALES STAND: Shall have the same meaning as provided for by NFPA 1124, as ‘a temporary or permanent building or structure that has a floor area not greater than 800 sq. ft., other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks’.

DISTRIBUTOR (FIREWORKS): Any person, firm, corporation, association, or partnership which sells fireworks.

STORE, FIREWORKS: Shall have the same meaning as provided for in NFPA 1124, as ‘a building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks’; provided, however, that such term shall only include such buildings with at least 4,000 sq. ft. of retail display space and wherefrom;

- a) No more than 25% of such retail display space is used for consumer fireworks and wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snappers, and drop pops each consisting of 0.25 grams or less of explosive mixture; and

- b) Other items or products which are not consumer fireworks or items or products as described in subsection (a) above are sold;

and provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known to the public by the same name or share a central management.

TEMPORARY USE PERMIT: Written authorization by the Director of the Department of Planning and Development, or his/her designee, for the applicant to engage in a temporary use at a specified, fixed location meeting all requirements for the temporary use permit.

**Section 2.** Article VII of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

**Section 7.1 Accessory Uses or Structures, is hereby amended by deleting the following language:**

Portable Accessory Structures: Portable accessory structures shall be defined as any structure or building designed to be moveable from one location to another and which are not designed to be permanently attached or anchored to the ground.

Portable accessory structures must meet the following requirements:

**and replacing the deleted language with the following:**

Portable Accessory Structures: Portable accessory structures shall be defined as any structure or building designed to be moveable from one location to another and which are not designed to be permanently attached or anchored to the ground, except consumer fireworks retail sales stands licensed in accordance with O.C.G.A. title 25, which are exempt under this Article.

Portable accessory structures must meet the following requirements:

**Section 3.** Article IX of the Zoning Ordinance of the City of Snellville is hereby amended as follows:

**Section 9.2 Uses Common to all Residential Districts,** is hereby amended by deleting the following language:

(5)(a)(5). Carnival event (defined as an amusement show or civic fair usually including rides, games, sideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed 20 days provided no structure or equipment is located within 500 feet of any residential property line; and

**and replacing the deleted language with the following:**

(5)(a)(5). Carnival event (defined as an amusement show or civic fair usually including rides, games, sideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed 20 days provided no structure or equipment is located within 500 feet of any residential property line;

**Section 9.2 Uses Common to all Residential Districts,** is further amended by deleting the following language:

(5)(a)(6). Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July).

**and replacing the deleted language with the following:**

(5)(a)(6). Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July); and,

**Section 9.2 Uses Common to all Residential Districts,** is further amended by adding the following language:

(5)(a)(7). Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. Title 25 for the New Years' Holiday and/or July 4th Holiday (one stand per property or institution).

**Section 9.2 Uses Common to all Residential Districts,** is further amended by deleting the following language:

(5)(b). A temporary use permit is applied for and must be approved by the Director of Planning and Development, or his/her designee. All other permits and regulations of Gwinnett County and City of Snellville shall be met. A permit for any temporary use may be applied for up to six (6) times per year per property. Violation of any of the following requirements may result in revocation of the permit or denial of future permits.

**and replacing the deleted language with the following:**

(5)(b). Applicant shall submit a completed Temporary Use Permit application, along with fees as provided for on the City's Fee Schedule, unless exempt under Sec. 9.2(5)(c), for review and approval by the Director of Planning and Development, or his/her designee. Applicant shall comply with all other applicable Federal, State, County and City ordinances and regulations. A permit for any temporary use may be applied for up to six (6) times per year per property. Violation of any of the following requirements may result in revocation of the permit or denial of future permits.

**Section 9.7 CI, Civic/Institutional District, is hereby amended by deleting the following language:**

(6)(10) A Temporary Use Permit is applied for and approved by the Director of Planning and Development, or his/her designee. All other permits and regulations of Gwinnett County and the City of Snellville shall be met. A Temporary Use Permit may be applied for up to six (6) times per year per property. Violation of any of these requirements may result in revocation of the permit or denial of future permits.

**and replacing the deleted language with the following:**

(6)(10) Applicant shall submit a completed Temporary Use Permit application, along with fees as provided for on the City's Fee Schedule, unless exempt under Sec. 9.7(6)(11), for review and approval by the Director of Planning and Development, or his/her designee. Applicant shall comply with all other applicable Federal, State, County and City ordinances and regulations. A Temporary Use Permit may be applied for up to six (6) times per year per property. Violation of any of these requirements may result in revocation of the permit or denial of future permits.

**Section 9.7 CI, Civic/Institutional District, is further amended by deleting the following language:**

(6)(10)(f). Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July).

**and replacing the deleted language with the following:**

(6)(10)(f). Fireworks show between December 26 and January 1 (for New Years) and June 30 and July 6 (for 4th of July); and

**Section 9.7 CI, Civic/Institutional District, is further amended by adding the following language:**

(6)(10)(g). Consumer fireworks retail sales stand, licensed under O.C.G.A. Title 25 for the New Years' Holiday and/or July 4th Holiday (one stand per property or institution).

**Section 9.9 BN Neighborhood Business District, is hereby amended by adding the following language:**

(1)(D)(1)(b)(1)(a) Exception: Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. Title 25 for the New Years' Holiday and/or July 4th Holiday.

**Section 9.9 BN Neighborhood Business District, is further amended by deleting the following language:**

(1)(D)(1)(b)(23) Reserved.

**and replacing the deleted language with the following:**

(1)(D)(1)(b)(23) Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. Title 25 for the New Years' Holiday and/or July 4th Holiday (one stand per property or institution).

**Section 9.10 BG General Business District, is hereby amended by deleting the following language:**

(1)(A). Retail and service establishments of the following types:

1. Any use permitted in the BN, Neighborhood Business district; and
2. Automotive car wash (full service or self service);
3. Bicycle shops;
4. Bottle shops;
5. Bus terminals;
6. Business college or business schools;
7. Clothing sales or rental stores;
8. Contractor's offices (provided no equipment or materials are stored outdoors);
9. Department stores;
10. Electronic sales and service establishments;
11. Equipment rental (excluding heavy equipment, bulldozers, backhoes, forklifts, cranes, etc.), and provided there is no outdoor storage associated with the use;
12. Feed and seed stores;
13. Finance company;
14. Food catering establishments;
15. Frame shops;
16. Furniture rental and sales establishments;
17. Garden supply centers and greenhouses, including accessory outdoor storage;
18. Health clubs or spas and tanning salons;

19. Internet based businesses, including call center, internet café, trading center, virtual office, and other internet related businesses as determined by the Director;
20. Kennels;
21. Laundries and dry cleaning establishments, including self-service;
22. Loan offices (GILA regulated), provided:
  - (a) Not to exceed more than one (1) location per company within City limits;
  - (b) No loan office establishment shall be licensed or operated within one thousand (1,000) feet of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, tattoo studio, pawnshop, title pawnshop, GILA regulated loan office, check cashing or adult entertainment establishment. For purposes of this requirement, distance shall be measured by the most direct route of travel on ground and shall be measured in the following manner:
    - i. From the main entrance of the proposed loan office establishment;
    - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
    - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
    - iv. To the main entrance of the existing establishment identified above, or zoning line for properties in a residential zoning district.
  - (c) No onsite display or storage of pledged goods or vehicles.
23. Locksmith shops;
24. Log splitting and storage lots, provided the lot is vacant and splitting and storage area are screened by a six-foot (6') high opaque fence;
25. Motels/Hotels:
  - (a) Each motel/hotel shall be accessed through main or central lobby. The lobby size shall be a minimum of seven-hundred (700) square feet;
  - (b) Each motel/hotel shall have a minimum of sixty (60) rooms;
  - (c) Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby or as otherwise determined by fire codes);
  - (d) Each motel/hotel site shall be a minimum of two (2) acres;
  - (e) Each motel/hotel must provide staff or management on duty twenty-four (24) hours a day;
  - (f) Each guest room shall have a minimum of three-hundred (300) square feet;
  - (g) Each motel/hotel building shall have a minimum roof pitch of four (4) in twelve (12);
  - (h) Each motel/hotel shall provide an enclosed heated and air conditioned laundry space with a minimum of three (3) washers and three (3) dryers;
  - (i) Any outdoor recreational areas provided shall be located to the rear of the site; and
  - (j) Provide a seventy-five-foot (75') natural buffer, enhanced with an additional twenty-five-foot (25') landscaped buffer (total one-hundred-feet (100') adjacent to residentially zoned property.
26. Office/Showroom facilities;

27. Office supply sales establishments;
28. Parking lots and structures;
29. Pest control businesses;
30. Pet shops and grooming establishments;
31. Photocopying, printing and reproduction service;
32. Plant nursery sales facilities;
33. Plumbing, electrical, pool and home building supply showrooms and sales centers provided there is no outdoor storage associated with the use);
34. Radio, recording and television studios and broadcasting stations;
35. Record/video sales and rental stores;
36. Restaurant delivery services;
37. Restaurants and eating places, including fast-food establishments;
38. Shopping centers, neighborhood, community and regional;
39. Sporting goods store;
40. Taxidermists;
41. Theaters;
42. Travel agencies;
43. Trophy shops;
44. Upholstery shops.

**and replacing the deleted language with the following:**

- (1)(A). Retail and service establishments of the following types:
  1. Any use permitted in the BN, Neighborhood Business district; and
  2. Automotive car wash (full service or self-service);
  3. Bicycle shops;
  4. Bottle shops;
  5. Bus terminals;
  6. Business college or business schools;
  7. Clothing sales or rental stores;
  8. Consumer fireworks retail sales facility (located in a single-tenant/user standalone building), provided:
    - (a) Property is located within the Corridor Overlay District boundary;
    - (b) Not to exceed more than one (1) location per State licensed distributor within the City; and
    - (c) No consumer fireworks retail sales facility (located in a single-tenant/user standalone building) shall be permitted or operated within 1,500 feet of any standalone consumer fireworks retail sales facility or consumer fireworks retail sales facility located in a multi-tenant building/shopping center. For purposes of this requirement, distance shall be measured by the most direct route of travel on ground and shall be measured in the following manner:
      1. From the main entrance of the proposed consumer fireworks retail sales facility (located in a single-tenant/user standalone building);
      2. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

3. Along such public sidewalk, walkway, street, road or highway by the nearest route;
4. To the main entrance of the existing establishment identified in 8(c) above.
9. Consumer fireworks retail sales facility (located in a multi-tenant building/shopping center containing at least three (3) or more tenant spaces), provided:
  - (a) Property is located within the Corridor Overlay District boundary;
  - (b) Leased tenant space does not exceed 5,000 sq. ft.;
  - (c) No consumer fireworks retail sales facility (located in a multi-tenant building/shopping center) shall be permitted or operated within 1,500 feet of any standalone consumer fireworks retail sales facility or consumer fireworks retail sales facility located in a multi-tenant building/shopping center. For purposes of this requirement, distance shall be measured by the most direct route of travel on ground and shall be measured in the following manner:
    - i. From the main entrance of the proposed consumer fireworks retail sales facility (located in a single-tenant/user standalone building);
    - ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
    - iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
    - iv. To the main entrance of the existing establishment identified in 9(c) above.
  - (d) Property shall meet the City's off-street parking requirements for all existing and new uses; and
  - (e) Applicant must permit conforming non-temporary wall signage for the building storefront for the duration of the lease period.
10. Contractor's offices (provided no equipment or materials are stored outdoors);
11. Department stores;
12. Electronic sales and service establishments;
13. Equipment rental (excluding heavy equipment, bulldozers, backhoes, forklifts, cranes, etc.), and provided there is no outdoor storage associated with the use;
14. Feed and seed stores;
15. Finance company;
16. Food catering establishments;
17. Frame shops;
18. Furniture rental and sales establishments;
19. Garden supply centers and greenhouses, including accessory outdoor storage;
20. Health clubs or spas and tanning salons;
21. Internet based businesses, including call center, internet café, trading center, virtual office, and other internet related businesses as determined by the Director;
22. Kennels;
23. Laundries and dry cleaning establishments, including self-service;
24. Loan offices (GILA regulated), provided:
  - (a) Not to exceed more than one (1) location per company within City limits;
  - (b) No loan office establishment shall be licensed or operated within one thousand (1,000) feet of any residential zoning district, public or private school or

college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, tattoo studio, pawnshop, title pawnshop, GILA regulated loan office, check cashing or adult entertainment establishment. For purposes of this requirement, distance shall be measured by the most direct route of travel on ground and shall be measured in the following manner:

- i. From the main entrance of the proposed loan office establishment;
- ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
- iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
- iv. To the main entrance of the existing establishment identified above, or zoning line for properties in a residential zoning district.

(c) No onsite display or storage of pledged goods or vehicles.

25. Locksmith shops;

26. Log splitting and storage lots, provided the lot is vacant and splitting and storage area are screened by a six-foot (6') high opaque fence;

27. Motels/Hotels:

(a) Each motel/hotel shall be accessed through main or central lobby. The lobby size shall be a minimum of seven-hundred (700) square feet;

(b) Each motel/hotel shall have a minimum of sixty (60) rooms;

(c) Each guest room shall be accessed through an interior hallway and shall not have access to the exterior of the building (except through the central lobby or as otherwise determined by fire codes);

(d) Each motel/hotel site shall be a minimum of two (2) acres;

(e) Each motel/hotel must provide staff or management on duty twenty-four (24) hours a day;

(f) Each guest room shall have a minimum of three-hundred (300) square feet;

(g) Each motel/hotel building shall have a minimum roof pitch of four (4) in twelve (12);

(h) Each motel/hotel shall provide an enclosed heated and air conditioned laundry space with a minimum of three (3) washers and three (3) dryers;

(i) Any outdoor recreational areas provided shall be located to the rear of the site; and

(j) Provide a seventy-five-foot (75') natural buffer, enhanced with an additional twenty-five-foot (25') landscaped buffer (total one-hundred-feet (100') adjacent to residentially zoned property.

28. Office/Showroom facilities;

29. Office supply sales establishments;

30. Parking lots and structures;

31. Pest control businesses;

32. Pet shops and grooming establishments;

33. Photocopying, printing and reproduction service;

34. Plant nursery sales facilities;

35. Plumbing, electrical, pool and home building supply showrooms and sales centers provided there is no outdoor storage associated with the use);

36. Radio, recording and television studios and broadcasting stations;
37. Record/video sales and rental stores;
38. Restaurant delivery services;
39. Restaurants and eating places, including fast-food establishments;
40. Shopping centers, neighborhood, community and regional;
41. Sporting goods store;
42. Taxidermists;
43. Theaters;
44. Travel agencies;
45. Trophy shops
46. Upholstery shops.

**Section 9.10 BG General Business District, is further amended by adding the following language:**

(2) Permitted Accessory Uses:

2. Fireworks Store, as defined in Section 6.2 Definitions.

**Section 9.14 TC, Town Center Overlay District, is hereby amended by deleting the following language:**

(2)(A). Any use permitted in the BG, General Business district;

**and replacing the deleted language with the following:**

(2)(A). Any use permitted in the BG, General Business district; except consumer fireworks retail sales facilities are prohibited;

**Section 9.14 TC, Town Center Overlay District, is further amended by deleting the following language:**

(H)(2)(b)(5) Special administrative permits:

- a. Outdoor displays of merchandise or sales areas associated with existing business within the supplemental zone during business hours.

**and replacing the deleted language with the following:**

(H)(2)(b)(5) Temporary use permits:

- a. Outdoor displays of merchandise or sales areas associated with existing business within the supplemental zone during business hours.
- b. Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. Title 25 for the New Years' Holiday and/or July 4th Holiday.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted May 23, 2016. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**ORDAINED** this 23<sup>rd</sup> day of May, 2016.

\_\_\_\_\_  
Tom Witts, Mayor

\_\_\_\_\_  
Barbara Bender, Council Member

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Bobby Howard, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Anthony O. L. Powell, City Attorney

\_\_\_\_\_  
Roger Marmol, Council Member